

## A 360-DEGREE, KALEIDOSCOPIIC VIEW OF DIVERSITY AND INCLUSION (OR THE LACK THEREOF) IN INTERNATIONAL ARBITRATION

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Diversity is being invited to the party. Inclusion is being asked to dance.  
—Verna Myers

### I. INTRODUCTION

It is said that beauty is in the eye of the beholder, but in the field of international arbitration, the beauty of many forms of diversity is frequently out of sight and, regrettably, out of mind. Over recent decades, international arbitration’s reputation as “pale, male, and stale”<sup>1</sup> has led to growing calls for greater diversity and inclusion. Perhaps the starkest reminder of the lack of diversity in the field is the repeated appointment of arbitrators from a limited pool dominated by one gender, a certain region, a particular age group, and little ethnic variation.<sup>2</sup>

Diversity must be kaleidoscopic. Any commitment to address the lack of diversity in the field must go hand in hand with a commitment by stakeholders to address structural issues present at every level of the profession.

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<sup>1</sup> Joseph Mamounas, *ICCA 2014. Does “Male, Pale, and Stale” Threaten the Legitimacy of International Arbitration? Perhaps, but There’s No Clear Path to Change*, KLUWER ARB. BLOG (Apr. 10, 2014), <http://arbitrationblog.kluwerarbitration.com/2014/04/10/icca-2014-does-male-pale-and-stale-threaten-the-legitimacy-of-international-arbitration-perhaps-but-theres-no-clear-path-to-change/> (“On Monday, 7 April, at the 2014 ICCA Miami Conference, the international-arbitration community gathered to address the question, ‘Who are the arbitrators?’ The answer, panel attendees were told, was ‘male, pale, and stale’ – that is, a large majority of the individuals chosen to serve as international arbitrators are male, from North America or Western Europe, and generally quite senior.”). The authors note that while this term is frequently used in international arbitration, the reference to older arbitrators as “stale” is itself a pejorative term.

<sup>2</sup> Andrea K. Bjorklund, et al., *The Diversity Deficit in International Investment Arbitration*, 21 J. WORLD INV. & TRADE 410, 410–40 (2020), <https://doi.org/10.1163/22119000-12340177> (discussing the lack of diversity in ISDS).

This article provides a 360-degree overview of the main issues regarding diversity and inclusion in international arbitration.<sup>3</sup> We begin by explaining why diversity is needed in international arbitration and exploring existing barriers that hamper progress in the field (Section I). We will contextualize such barriers by addressing the intersectional nature of diversity<sup>4</sup> and its implications for international arbitration (Section II).

We will then explore the status quo surrounding specific diversity issues, including: (1) gender; (2) race; (3) age; (4) disability; (5) sexual orientation; and (6) socio-economic factors in Sections III to VIII. We hope to explore other forms of diversity, such as professional background, in the future. We will discuss possible solutions in Section IX, before concluding our overview in Section X.

#### A. *Why Do We Need Diversity?*

The arbitration community is united in calling for greater diversity. Commentators have noted that the need for adjudicative diversity is rooted in the need for legitimacy.<sup>5</sup> This is true for any form of adjudication. For example, while arguing for female representation in the judiciary, Sally Kenney concludes that “[a]ll-male juries, just like all-white juries, are illegitimate. The same is true for the judiciary.”<sup>6</sup> The same holds true for arbitral tribunals.

Professor Nienke Grossman posits that “sex unrepresentativeness can still harm perceptions of legitimacy”<sup>7</sup> because “those affected by decision-making should play some role in the making of those decisions,” and such representation is an important democratic value that justifies the “exercise of that authority.”<sup>8</sup>

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<sup>3</sup> See Spark Team, *Diversity and Inclusion: What’s the Difference, and How Can We Ensure Both?*, ADP (2019), <https://www.adp.com/spark/articles/2019/03/diversity-and-inclusion-whats-the-difference-and-how-can-we-ensure-both.aspx> (“Diversity is the ‘what’; inclusion is the ‘how.’ Diversity focuses on the makeup of your workforce—demographics such as gender, race/ethnicity, age, sexual orientation, veteran status, just to name a few, and inclusion is a measure of culture that enables diversity to thrive.”).

<sup>4</sup> Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 140 (1989) (Crenshaw used this term to describe overlapping social injustice regarding race and gender; she drew attention to the double discrimination faced by black women—race and gender—and the lack of measures being adopted to address this issue. For instance, we have anti-racist laws protecting black men, anti-sexism laws protecting women, but no laws protecting black women in a different category.).

<sup>5</sup> See generally Susan D. Franck, et al., *The Diversity Challenge: Exploring the “Invisible College” of International Arbitration*, 53 COLUM. J. TRANSNAT’L L. 429 (2015) (explaining that diversity is an important factor for the legitimacy of international arbitral bodies).

<sup>6</sup> SALLY J. KENNEY, *GENDER AND JUSTICE: WHY WOMEN IN THE JUDICIARY REALLY MATTER* (Routledge, 1st ed. 2013), p. 21.

<sup>7</sup> Nienke Grossman, *Shattering the Glass Ceiling in International Adjudication*, 56 VA. J. INT’L L. 213, 219 (2016).

<sup>8</sup> *Id.* at 279.

This therefore raises the question: how “international” is “international arbitration” if the majority of tribunals are composed of Caucasian men from the Western world?

These legitimacy issues are of particular relevance in international commercial arbitration because parties are expected to comply with awards issued by tribunals.<sup>9</sup> Such deference to tribunal decision making is directly related to the parties’ trust and faith in both the arbitrators and the arbitral process itself. Enforcement of awards by State courts reflects their recognition of the utility of arbitration—any perceived lack of legitimacy may weigh heavily on the award itself.<sup>10</sup>

Professor Andrea K. Bjorklund notes that legitimacy concerns in international arbitration are primarily “normative or sociological. The normative critique focuses on whether arbitral tribunals are justified in exercising the authority they do. The sociological critique focuses on perceptions about the exercise of that authority.” Diversity—or the lack thereof—is accordingly an important sociological critique.

Professor Bjorklund along with other scholars further posits that “perceptions about fairness and bias [are] most evidently weakened by a lack of diversity and inclusiveness in the pool of Investor-State Dispute Settlement (‘ISDS’) arbitrators.”<sup>11</sup> On this point, they note that “[t]here has been a great deal of concern that ISDS tribunals are biased against developing States, and even though some empirical work casts doubt on those perceptions, or at least shows that the perceptions are not very nuanced, they nonetheless persist and are exacerbated by the extent to which arbitrators are perceived as outsiders.”<sup>12</sup>

The authors further observe that parties in International Centre for Settlement of Investment Disputes (“ICSID”) cases are less likely to seek an annulment if the presiding arbitrator is from a developing State and the respondent State is a developing State. In other words, “if the presiding arbitrator is from a developing country, the decision of the ICSID tribunal is more likely to be accepted by both investors and host States.”<sup>13</sup>

Diversity is therefore key for the symbolic legitimacy of the arbitration process since there is a perception that the “pale, male and stale” profile may be

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<sup>9</sup> Alexander J.S. Colvin, *The growing use of mandatory arbitration*, EPI (Apr. 6, 2018), <https://www.epi.org/publication/the-growing-use-of-mandatory-arbitration-access-to-the-courts-is-now-barred-for-more-than-60-million-american-workers/>.

<sup>10</sup> Susan D. Franck, et al., *International Arbitration: Demographics, Precision and Justice*, in LEGITIMACY: MYTHS, REALITIES, CHALLENGES 33, 96 (Albert J. van den Berg ed. 2015) (“Some jurisdictions have historically expressed a ‘judicial hostility’ to arbitration, and others have perceived arbitration as an unwarranted intrusion into state authority. States permit and honor arbitration proceedings, in part, because of their perceived utility; and should those actors believe that ICA is illegitimate or problematic, courts retain the capacity to re-absorb those cases into judicial dockets.”).

<sup>11</sup> Andrea K. Bjorklund, et al., *The Diversity Deficit in International Investment Arbitration*, 21 J. WORLD INV. & TRADE 410, 420 (2020),

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

encouraging a certain world view of disputes. Diverse tribunals would accordingly promote public trust in the arbitration process. As important as it is for justice to be done, we are reminded of the aphorism that “justice must also be manifestly seen to be done.”

A 2013 study led by economist Sylvia Ann Hewlett concluded that diversity also ensures innovation.<sup>14</sup> Diverse panels benefit from different perspectives and experiences. While speculative, greater representation during the deliberation process may produce better awards as diverse perspectives may better equip the tribunal to obtain a comprehensive understanding of parties’ positions and related evidence.<sup>15</sup>

Despite clear reasons to support diversity, progress towards parity and true representation on multiple diversity fronts remains regrettably slow (even though there is incremental improvement). The “male, pale, stale” appointment status quo persists. Further, diversity raises inclusion issues. While these terms are often used interchangeably, it is important to note their differences. As Andrés Tapia puts it, “[d]iversity is the mix, inclusion is making the mix work.”<sup>16</sup> The question in international arbitration is not just permitting underrepresented groups to enter the system but creating opportunities for them to thrive.

#### B. *Reasons for Lack of Diversity*

The current diversity crisis is attributable to myriad structural and social/institutional bias. The ability of parties to choose arbitrators is one of the cornerstones of arbitration. However, historical party reluctance to appoint diverse arbitrators persists. There are many reasons for this, including: (1) the supposed lack of exposure and/or the availability of insufficient information about diverse arbitrators; (2) the impact of unconscious bias; and (3) the confidentiality of many arbitrations.

Arbitral proceedings, including awards, remain overwhelmingly confidential. Parties are left to choose arbitrators on the basis of background, experience and word of mouth—perhaps not the fairest basis for appointment.<sup>17</sup> Practitioners often emphasize the importance of experience on the basis that an experienced

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<sup>14</sup> See Sylvia Ann Hewlett et al., *How Diversity Can Drive Innovation*, HARVARD BUS. REV. (Dec. 2013), <https://hbr.org/2013/12/how-diversity-can-drive-innovation> (defining diversity as including at least three inherent diversity traits—e.g., race, ethnicity, gender, and sexual orientation—and at least three acquired diversity trait or traits acquired through experience with diverse individuals).

<sup>15</sup> Franck, *supra* note 5, at 498 (“Having greater representation of different perspectives during deliberation could aid a more comprehensive appreciation of parties’ positions and underlying evidence.”).

<sup>16</sup> ANDRÉS TAPIA, *THE INCLUSION PARADOX: THE OBAMA ERA AND THE TRANSFORMATION OF GLOBAL DIVERSITY* 12 (Hewitt Associates ed. 2009).

<sup>17</sup> See generally *Diversity on Arbitral Tribunals Background Note*, BCLP LAW, [https://www.bclplaw.com/images/content/1/5/v1/150202/Diversity\\_on\\_arbitral\\_tribunals\\_-\\_background\\_note.pdf](https://www.bclplaw.com/images/content/1/5/v1/150202/Diversity_on_arbitral_tribunals_-_background_note.pdf).

arbitrator is likely to be better prepared to conduct proceedings and produce a satisfactory award.<sup>18</sup> This emphasis on experience makes it challenging for new entrants to gain traction in the market.

Specialized subject knowledge and the benefits associated with having diverse viewpoints are given less weight by parties, counsel, and arbitral institutions. Increased focus on the value of acquiring or possessing specialist knowledge may, for example, allow aspiring arbitrators to increase their chances of receiving appointments by specializing. New market entrants would offer fresh perspectives. It is not, however, easy for arbitrators to break into the market. Structural and institutional issues directly impact and influence the composition of arbitral tribunals. Becoming an arbitrator itself is a difficult process. Consequently, arbitral tribunals are usually composed of senior professionals (an issue that we discuss further below), with age equated with experience.

The profile of a “typical” arbitrator is accordingly closely linked to that of a “typical” senior professional in academia, industry, or law firms. Lack of diversity at senior levels—a legacy of historical inequality—is reflected in the arbitrator pool. Until we see greater representation of women and other underrepresented groups in senior roles, this is unlikely to change.

Taking gender representation as an example, in most legal systems, women are not yet sufficiently represented in the upper echelons of the legal profession. A 2016 survey found that while women occupy over 50% of junior roles when starting their legal careers, only 14% of lead partners are female.<sup>19</sup>

Nominated arbitrators are often partners at renowned international firms or professors at prestigious schools, often in the global north. Fewer women than men hold such senior roles in international arbitration teams across the globe because women face greater obstacles when seeking to advance. The pool of potential male nominees is larger.

The issue here is, therefore, not just a lack of diversity, but law firm cultures and systemic practices that exclude women or make it more difficult for them to enter the potential pool. Until women occupy leadership roles in greater numbers, the “pool” will remain the same. Only by making lasting and effective changes that promote diversity and inclusion at all levels of career progression can we hope to positively influence the makeup of arbitral tribunals in the medium to longer term.

In a 2008 study, Volpe stated that:

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<sup>18</sup> Ricardo Dalmaso Marques, *To Diversify or Not to Diversify. Report on the Session Who Are the Arbitrators*, in LEGITIMACY: MYTHS, REALITIES, CHALLENGES 579, 582 (Albert J. van den Berg ed. 2015) (“Professor Seraglini himself pointed out that experience is and should remain a crucial element of the threshold in the selection of arbitrators. An experienced and knowledgeable arbitrator would most likely be better prepared to conduct the proceedings appropriately and to render a satisfactory arbitral award (as to its enforceability and qualitative content).”).

<sup>19</sup> ACRTAS DIVERSITY REPORT, UNCOVERING THE POSITIVE IMPACTS OF A FULLY DIVERSE LEGAL TEAM 10 (2016), [https://cdn.ymaws.com/www.albanycountybar.org/resource/resmgr/events/cle/acritas\\_diversity\\_report\\_may.pdf](https://cdn.ymaws.com/www.albanycountybar.org/resource/resmgr/events/cle/acritas_diversity_report_may.pdf).

ADR is perceived as a “gated” community. The field seems closed to outsiders since many ADR activities occur behind closed doors, and it is hard to see what is going on inside. Because of the barriers related to career paths and access to information about the field, the walls around the field seem impenetrable for all, and especially for young individuals in underrepresented racial and ethnic groups who might be interested in pursuing a career in the field.<sup>20</sup>

Business in international arbitration happens behind closed doors, with limited access available to new participants.<sup>21</sup> Preventing aspiring arbitrators from entering the market benefits only those who seek to preserve the *status quo*. Mentoring programs, the growth of communities that support the next generation of arbitrators, and shadowing schemes have the potential to have a positive impact, but the market must evolve to allow the next generation to rise.

The diversity-and-inclusion dilemma is thus a complex one. Addressing the social and institutional problems that underpin the present diversity paradigm requires conscious rethinking.

## II. DIVERSITY: AN INTERSECTIONAL PROBLEM

International arbitration has long faced diversity issues: the lack of female representation, the predominance of the “white westernized senior man,” an absence of transparency in relation to LGBTQ+ identities, the impact of economic barriers on those seeking to enter the field, and so on. It may even be suggested that discrimination against specific marginalized classes exists within the arbitration field.

However, we cannot look at issues of discrimination through a single categorical lens. There are protected classes within marginalized classes, whose experiences are not limited to sexism or racism. In other words, debates about diversity in the field must center on the issue of “intersectionality.”

Intersectionality acknowledges that our social system is complicated, and multiple prejudices may be present at the same time.<sup>22</sup> In other words, intersectional theory asserts that people are often disadvantaged by multiple

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<sup>20</sup> Maria R. Volpe et al., *Barriers to Participation: Challenges Faced by Members of Underrepresented Racial and Ethnic Groups in Entering, Remaining, and Advancing in the ADR Field*, 35 FORDHAM URB. L.J. 119, 139 (2008).

<sup>21</sup> *Id.*

<sup>22</sup> *What is intersectionality, and what does it have to do with me?*, YW BOS. BLOG (Mar. 29, 2017), <https://www.ywboston.org/2017/03/what-is-intersectionality-and-what-does-it-have-to-do-with-me/> (YW Boston is an organization that helps individuals and organizations change policies, practices, attitudes, and behaviors with the goal of creating more inclusive environments where women, people of color, and especially women of color can succeed).

sources of oppression: their race, class, gender identity, sexual orientation, religion, and other identity markers.<sup>23</sup>

Professor Kimberly Crenshaw, defining intersectionality and illustrating its impact on Black women, stated that “[b]ecause the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.”<sup>24</sup> Only by acknowledging the multifaceted nature of diversity can we fully appreciate and hope to address the barriers.

A case in point, as discussed below, the number of women receiving arbitrator appointments has been increasing slowly. However, such an increase in opportunities has not been noted for women of color and LGBTQ+ persons.

Intersectionality explores diversity holistically, fostering the understanding that while a member of an underrepresented group may face specific disadvantages, the same person may be subject to multiple forms of prejudice if they are a member of multiple underrepresented groups.<sup>25</sup> For example, black women, Asian women, and female lawyers from developing states will face different struggles to enter the field.<sup>26</sup>

Further, it would be remiss of the international arbitration community to ignore the impact that living and working with such struggles has on those who face adversity on multiple fronts. The International Bar Association’s 2021 Report, “Mental Wellbeing in the Legal Profession,” specifically noted the importance of recognizing intersectionality and the deep-rooted issues that arise out of it.<sup>27</sup>

To date, the arbitration community has largely focused on finding solutions to address one “disadvantage” at a time: conferences on gender inequality, networks to support specific underrepresented communities, the publication of statistics on arbitrator nationality, diversity committees to promote inclusion within law firms and so on. While this is important, it is time for the international community to better recognize the multifaceted nature of diversity. While the topic of intersectionality requires its own separate paper, no discussion of diversity is complete without acknowledging the limitations of adopting simplistic

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<sup>23</sup> *Id.*

<sup>24</sup> Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 140 (1989).

<sup>25</sup> Bridie Taylor, *Intersectionality 101: what is it and why is it important?*, WOMANKIND WORLDWIDE (Nov. 24, 2019), <https://www.womankind.org.uk/intersectionality-101-what-is-it-and-why-is-it-important/> (explaining the concept of intersectionality and its importance).

<sup>26</sup> Joshua Karton & Ksenia Polonskaya, *True Diversity is Intersectional: Escaping the One-Dimensional Discourse on Arbitrator Diversity*, KLUWER ARB. BLOG (July 10, 2018), <http://arbitrationblog.kluwerarbitration.com/2018/07/10/true-diversity-is-intersectional-escaping-the-one-dimensional-discourse-on-arbitrator-diversity/> (on gender issues and its correlation with intersectionality under ICSID cases).

<sup>27</sup> *Mental Wellbeing in the Legal Profession: A Global Study*, INTERNATIONAL BAR ASSOCIATION (IBA) (Oct. 2021), <https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>.

categorizations. We must work towards a more nuanced and complex understanding of what diversity is if we are to develop a more systematic understanding of why representation is lacking.

### III. GENDER REPRESENTATION: A MAN'S WORLD?

The lack of gender parity in international arbitration is appalling. Nevertheless, the need to address gender representation has given rise to several key initiatives. Nearly thirty years have passed since ArbitralWomen was founded.<sup>28</sup> More than five (5) years have passed since the launch of the Equal Representation in Arbitration Pledge (the “Pledge”) gave the arbitral community the opportunity to promise to act to address the underrepresentation of women in international arbitration.<sup>29</sup> In 2016, the Court of Arbitration of the International Chamber of Commerce (“ICC”) began to release statistics on gender appointments,<sup>30</sup> leading other arbitral institutions to do the same. In this section, we will explore the status quo. Regrettably the goal of gender parity is still a distant dream even though women’s participation in law schools has equalled that of men for at least two decades in the United States.<sup>31</sup>

*The Lack of Female Arbitrators and Practitioners in International Arbitration: A Problem That Is Evolving Slowly*

As noted above, gender parity is still a distant dream in international arbitration. In research undertaken in 2016, Lucy Greenwood, a leading arbitrator, analyzed the appointment practices of leading arbitral institutions—the ICC, the International Center for Dispute Resolution (“ICDR”), the London Court of International Arbitration (“LCIA”), the German Arbitration Institute (“DIS”) and the Hong Kong International Arbitration Centre (“HKIAC”)—and concluded that less than 20% of arbitrators appointed that year, whether by an institution, the parties, or co-arbitrators, were female.<sup>32</sup>

The ICC first released its data on gender diversity among arbitrators in 2016, which demonstrated that parties were less inclined to appoint women arbitrators than the institution itself.<sup>33</sup> In 2017, the LCIA published its numbers: 24% of

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<sup>28</sup> See ARBITRAL WOMEN, <https://www.arbitralwomen.org/>.

<sup>29</sup> See EQUAL REPRESENTATION IN ARBITRATION, <http://www.arbitrationpledge.com/>.

<sup>30</sup> See, e.g., INTERNATIONAL CHAMBER OF COMMERCE, *Full 2016 ICC Dispute Resolution statistics published in Court Bulletin* (Aug. 31, 2017), <https://iccwbo.org/media-wall/news-speeches/full-2016-icc-dispute-resolution-statistics-published-court-bulletin> [hereinafter *ICC Dispute Resolution Statistics 2016*].

<sup>31</sup> See Women in the Legal Profession, American Bar Association, <https://www.abalegalprofile.com/women/> (“A majority of law school students in the United States are women: 54.1% in 2020. That’s up from 48.4% in 2000.”).

<sup>32</sup> See generally Lucy Greenwood, *Tipping the balance—diversity and inclusion in international arbitration*, 33 ARB. INT’L. 99 (2017).

<sup>33</sup> *ICC Dispute Resolution Statistics 2016*, *supra* note 30.



nominations (97 out of 412) were of women, a 3% increase compared to 2016.<sup>34</sup> Data released by the Swiss Chambers' Arbitration Institution in 2016 revealed that while 47% of institutional nominees were female, only 5% of party-appointed arbitrators were.<sup>35</sup>

In 2019, the International Council for Commercial Arbitration (“ICCA”) published the “Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings.” The Report noted an increase in the number of appointments of female arbitrators in the period 2015 to 2019, with the average percentage of appointments of female arbitrators rising from 12.2% in 2015 to 21.3% in 2019.<sup>36</sup> Although these statistics are limited to ten institutions and present an incomplete geographical picture, we can conclude that slow but steady progress is being made.<sup>37</sup>

*Table 1. Women as a percentage of total arbitral appointments, 2015-2019<sup>45</sup>*

<b>Institution</b>	<b>2015 (%)</b>	<b>2016 (%)</b>	<b>2017 (%)</b>	<b>2018 (%)</b>	<b>2019 (%)</b>
CAS	13 (3.7)	43 (8.7)	7 (1.9)	8 (5.4)	2 (25.0) <sup>46</sup>
DIS	40 (13.4)	33 (12.4)	50 (15.2)	29 (12.4)	33 (17.5)
HKIAC	16 (9.7)	19 (12.1)	27 (14.4)	32 (12.7)	51 (18.0)
ICC	136 (10.4)	209 (14.8)	249 (16.7)	273 (18.4)	312 (21.1)
ICDR	140 (17)	180 (16)	246 (22)	229 (22)	213 (24)
ICSID	21 (11.4)	21 (13.2)	37 (18.9)	55 (23.8)	37 (19.3)
LCIA	71 (15.8)	102 (20.5)	97 (24)	102 (23)	163 (29)
PCA	6 (12.5)	4 (10.5)	5 (15.2)	9 (19.6)	5 (20)
SCC	39 (14)	41 (16)	46 (18)	69 (27)	52 (23)
VIAC	8 (14.3)	12 (17.1)	7 (16.7)	15 (24.6)	11 (16.4)
<i>Average %</i>	<i>12.2</i>	<i>14.1</i>	<i>16.3</i>	<i>18.9</i>	<i>21.3</i>

Despite the reasons for the lack of diversity noted above, the marked rate of acceleration in the appointment of female arbitrators is grounds for cautious optimism. This is, in no small part, attributable to the spotlight on the issue of gender diversity shone by organizations such as ArbitralWomen and the impact of community initiatives such as the Equal Representation in Arbitration Pledge. Thirty years ago, diversity was barely a part of the arbitration dialogue—the

<sup>34</sup> THE LONDON COURT OF INTERNATIONAL ARBITRATION, FACTS AND FIGURES, 2017 CASEWORK REPORT (2017).

<sup>35</sup> See *Arbitral Institutions Respond to Parties' Needs*, White & Case Press Release (Apr. 10, 2017), <https://www.whitecase.com/news/press-release/arbitral-institutions-respond-parties-needs>.

<sup>36</sup> ICCA, ICCA REPORTS NO. 8: REPORT OF THE CROSS-INSTITUTIONAL TASK FORCE ON GENDER DIVERSITY IN ARBITRAL APPOINTMENTS AND PROCEEDINGS 117–19 (2020), <https://www.arbitration-icca.org/icca-reports-no-8-report-cross-institutional-task-force-gender-diversity-arbitral-appointments-and>.

<sup>37</sup> Table provided by the ICCA Task Force on Gender Diversity in Arbitral Appointments and Proceedings, *id.* at 17.

ongoing conversation at conferences, in law firms, at arbitral institutions and in scholarship, is a testament to how far we have come as a community.

Further, a multitude of networks now exist that embrace some of the intersectional nuances of gender representation. For example, Woman Way in Arbitration LatAm<sup>38</sup> was founded by a group of Latin American women in international arbitration. The HKIAC's Women in Arbitration, launched in 2018, is an example of a gender diversity initiative led by an arbitral institution.<sup>39</sup>

It is also noteworthy that aspiring female arbitrators have a plethora of high-profile role models to emulate. Women hold leadership roles at the highest levels of the field, with Claudia Salomon's appointment as the first female President of the ICC Court,<sup>40</sup> Lucy Reed's appointment as the first female President of the Singapore International Arbitration Centre (SIAC) Court of Arbitration,<sup>41</sup> and Gabrielle Kaufmann-Kohler's appointment as the first female ICCA President, as but three examples.<sup>42</sup> Similarly, Jacomijn van Haersolte-van Hof has been the Director General of the LCIA since 2014.<sup>43</sup>

However, change on the ground remains slow, with notable difficulties including the challenges presented by the so-called "leaky pipeline," the limited number of party-appointed female arbitrators and the lack of women in senior roles at law firms. There remains significant room for improvement. There is also a greater need to include more women of color, LGBTQ+ women, and other underrepresented women.

#### IV. RACIAL AND ETHNIC REPRESENTATION: A WESTERN WORLD?

International arbitration has a reputation as a "dense white, male club."<sup>44</sup> In this section, we explore why the field is overpopulated by white Europeans and North Americans, who receive repeat arbitrator appointments as members of a limited pool.<sup>45</sup>

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<sup>38</sup> See WOMAN WAY IN ARBITRATION LATAM, <https://wwarb.org/mision.php>. (last visited Oct. 28, 2021).

<sup>39</sup> WOMEN IN ARBITRATION, HKIAC <https://www.hkiac.org/women-arbitration-wia> (last visited Oct. 28, 2021).

<sup>40</sup> See *Claudia Salomon becomes President of ICC Court*, ICC, <https://iccwbo.org/media-wall/news-speeches/claudia-salomon-becomes-president-of-icc-court/> (last visited Oct. 29, 2021).

<sup>41</sup> See *Lucy Reed Appointed as President of the SIAC Court*, ARBITRALWOMEN, <https://www.arbitralwomen.org/lucy-reed-appointed-as-president-of-the-siac-court/> (last visited Oct. 29, 2021).

<sup>42</sup> See *Gabrielle Kaufmann-Kohler Takes Office as ICCA President*, Lévy Kaufmann-Kohler, <https://lk-k.com/developments/gabrielle-kaufmann-kohler-takes-office-as-icca-president/> (last visited Oct. 29, 2021).

<sup>43</sup> See Professor Jacomijn van Haersolte-van Hof's Biography, LCIA, <https://www.lcia.org/jvh> (last visited Oct. 29, 2021).

<sup>44</sup> Sergio Puig, *Social Capital in the Arbitration Market*, 25 EUR. J. OF INT'L L. 387, 387 (2014), <http://www.ejil.org/pdfs/25/2/2495.pdf> ("[S]ome characterizing this group as a dense 'white, male' group.").

<sup>45</sup> See *generally Diversity on Arbitral Tribunals Background Note*, BLP LAW, [https://www.bclplaw.com/images/content/1/5/v1/150202/Diversity\\_on\\_arbitral\\_tribunals\\_-\\_background\\_note.pdf](https://www.bclplaw.com/images/content/1/5/v1/150202/Diversity_on_arbitral_tribunals_-_background_note.pdf)

Critics have argued against considering the rise of international arbitration solely in commercial and investment terms.<sup>46</sup> Anne Charlotte Martineau examined the development of international arbitration through the dispute resolution system set up by the Spanish crown and its concessionaries pertaining to the transatlantic slave trade in the 16th to the early 18th century.<sup>47</sup>

Other scholars, like Kate Miles, theorize that international investment arbitration has roots in colonialism and imperialism. She states that the:

. . . emergence of international investment law is not, in fact, a separate story from that of international law more generally. Rather, the current international law framework and its constituents have a shared history in evolving out of the creation, and then practice, of modern states, the theorizing of scholars in the 16th to 19th centuries, the language of international law, and the commercial and political expansionism embodied in formal colonial acquisition of territory and the more informal approach of imperialism.<sup>48</sup>

This suggests that there has always been an implicit racial differential in how arbitration developed. Moreover, the lack of diverse racial representation in international arbitration became widely publicized in recent years when Jay-Z, a North American recording artist, complained about the lack of African American arbitrators proposed on a shortlist provided by the American Arbitration Association (AAA). He ultimately refused to arbitrate until the list of arbitrators included a significant number of African Americans from which to select.<sup>49</sup>

Unfortunately, this issue is not unique to arbitration and is pervasive across markets in various fields.<sup>50</sup> With the increase in cross-border business, we see

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<sup>46</sup> Anne-Charlotte Martineau, *A Forgotten Chapter in the History of International Commercial Arbitration: The Slave Trade's Dispute Settlement System*, 31 LEIDEN J. OF INT'L L. 219, 221 (2018) (“In this article, I want to add to the ongoing efforts to write the history of international arbitration in commercial and investment matters by including this missing dimension of entanglement (sovereignty/property).”).

<sup>47</sup> *Id.* at 221 (“What is much less known is the dispute settlement mechanism that pertained to the slave trade. I will show that the transformation of *asientos de negros* from limited royal contracts to large-scale monopolies awarded to foreign chartered companies during the course of the sixteenth, seventeenth and early eighteenth centuries was accompanied by the creation of an international commercial arbitration system.”).

<sup>48</sup> Kate Miles, *History and international law: Method and mechanism—empire and 'usual' rupture*, in INTERNATIONAL INVESTMENT LAW AND HISTORY, FRANKFURT INVESTMENT AND ECONOMIC LAW SERIES 136, 143 (Stephan W. Schill et al. eds. 2018).

<sup>49</sup> Jonathan Stempel, *Jay-Z wins fight for African-American arbitrators in trademark case*, REUTERS (Jan. 30, 2019, 5:22 PM), <https://www.reuters.com/article/us-people-jayz-lawsuit/jay-z-wins-fight-for-african-american-arbitrators-in-trademark-case-idUSKCN1P032T>.

<sup>50</sup> OXFORD ECONOMICS, THE GLOBAL DIVERSITY REPORT: AN ANNUAL GUIDE TO MEASURE GLOBAL EMPLOYEE DIVERSITY (2011) (presenting a study that provides an

increased participation from stakeholders across regions. International arbitration has diversified. It is thus puzzling that slow strides are being made to shine a spotlight on talented arbitrators based in emerging jurisdictions.

In a recent 2021 survey undertaken by White & Case, respondents noted their frustration about the lack of progress in achieving ethnic diversity in the field. Respondents suggested that unless and until there is a level playing field providing better opportunities and visibility, there is limited scope for growth.<sup>51</sup> There is accordingly much to be done at the grassroots level to create an environment in which non-white counsel and arbitrators can develop their skills and thrive.

*Inadequate Data: Focus on Geographical Representation Rather than Targeted Research on Ethnic and Racial Representation*

There is a dearth of reliable empirical data that tracks ethnic and racial representation in international arbitration. Some statistics are, however, available to show a lack of diversity in this regard.

In 289 closed ICSID cases from January 1972 to May 2015, tribunals that were entirely composed of Anglo-European arbitrators formed nearly half of the cases (45%).<sup>52</sup> Further, in 84% of cases, the tribunal consisted of either an Anglo-European sole arbitrator or tribunals composed of two or more Anglo-European arbitrators. Only 11 cases (4%) were arbitrated by entirely non-Anglo-European tribunals.<sup>53</sup>

Taking arbitrators from Africa as an example, only 16 arbitrators from Sub-Saharan Africa were appointed by parties, and only 20 by ICSID. Contrasting this situation with the 565 party-appointed and 220 ICSID-appointed arbitrators from Western Europe, and the 304 party-appointed and 55 ICSID-appointed arbitrators from North America, there is stark lack of regional representation in ICSID arbitrations.<sup>54</sup>

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international benchmarking system to rank employee diversity across 50 global economies, 14 industrial sectors, and 9 occupational categories).

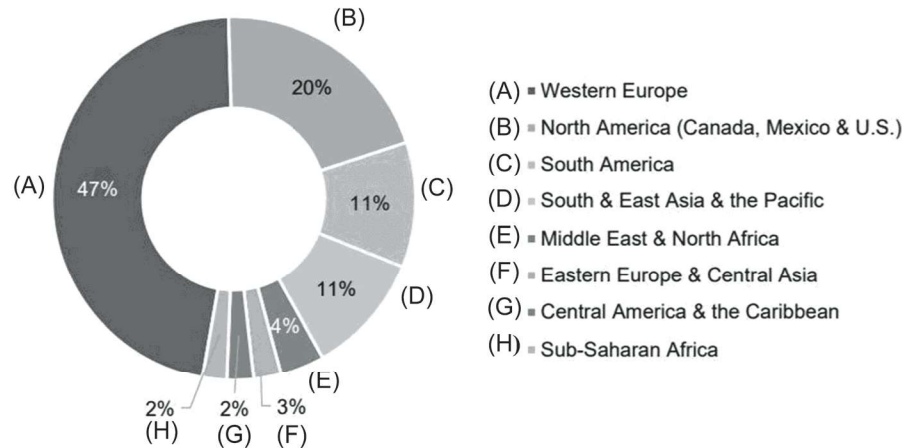
<sup>51</sup> *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, WHITE & CASE LLP 16 (2021), <https://www.whitecase.com/sites/default/files/2021-06/qmul-international-arbitration-survey-2021-web-single-final-v2.pdf> [hereinafter *White & Case 2021 International Arbitration Survey*] (“Ethnic diversity, in particular, continues to be an area where respondents feel there is a distinct need for improvement. As in our 2018 survey, the statement that recent progress has been made in relation to ethnic diversity had the least agreement among the five listed aspects of diversity, with only 31% of respondents agreeing. Some interviewees expressed their frustration and dismay at the lack of progress in this area. One perception was that, unless there is a level playing field in terms of opportunities for engagement and visibility within the arbitration community, it is difficult to see how greater diversity can be achieved in arbitral appointments.”)

<sup>52</sup> *Diversity On Arbitral Tribunals Background Note*, BRYAN CAVE LEIGHTON PAISNER LLP 3 (Oct. 18, 2016), [https://www.bclplaw.com/images/content/1/5/v1/150202/Diversity\\_on\\_arbitral\\_tribunals\\_-\\_background\\_note.pdf](https://www.bclplaw.com/images/content/1/5/v1/150202/Diversity_on_arbitral_tribunals_-_background_note.pdf).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

The most recent ICSID statistics for 2020 show limited progress, with most arbitrators hailing from Western Europe (47%). A complete breakdown of appointments per region appears below:<sup>55</sup>



For further context, 1,277 arbitrators from Western Europe and 557 arbitrators from North America received appointments. A mere 59 arbitrators from Sub-Saharan Africa received appointments.<sup>56</sup>

The ICC's 2020 statistics similarly show that both counsel and arbitrators were primarily from developed states. A mere 0.4% of arbitrators were from Africa and 10% from Asia.<sup>57</sup> In the latest report released in 2020, the ICC noted that the most represented nationalities among arbitrators appointed were the UK (14.5%), USA (10%) and Switzerland (8.9%).<sup>58</sup>

This data highlights the receipt by arbitrators from the Western world of the greatest number of ICC appointments. The ICC statistics for 2016 to 2019 record significant consistency in the top six nationalities of appointed arbitrators. Data released by other leading arbitral institutions as discussed below is likewise notably consistent. Unless and until we see a greater number of appointments from emerging jurisdictions, there will be no true geographical representation.

As discussed in Section I.B, party appointments play a key role. The LCIA's 2020 statistics recorded an increase in the number of UK arbitrators appointed, from 51% in 2019 to 63% in 2020. The majority of arbitrators (65%) were party-appointees or appointed by co-arbitrators. Arbitrators from 40 different countries

<sup>55</sup> Diagram provided by *The ICSID Caseload – Statistics, 2020* INT'L CTR. FOR SETTLEMENT OF INV. DISPS. 17 (Aug. 13, 2020), <https://icsid.worldbank.org/sites/default/files/publications/The%20ICSID%20Caseload%20Statistics%20%282020-2%20Edition%29%20ENG.pdf>.

<sup>56</sup> *Id.*

<sup>57</sup> Susan D. Franck, et al., *International Arbitration: Demographics, Precision and Justice*, 18 ICCA CONG. SERIES 33, 50 (2015).

<sup>58</sup> INTERNATIONAL CHAMBER OF COMMERCE, ICC DISPUTE RESOLUTION 2020 STATISTICS (2020).

received the balance of appointments, with the highest numbers being from Canada, the United States, Ireland, Germany, and Mexico.<sup>59</sup>

While statistics record a marginal increase in geographical representation, most arbitrators continue to hail from the West. Regrettably, the data available does not distinguish between geography and race. Many countries have complex racial make-ups and as such, it is impossible to measure racial representation on the basis of region alone. More targeted data is required to identify the full extent of the problem. Until such time, minority ethnic and racial representation will remain fragmented, and progress unquantifiable.

The international arbitration community is, however, attempting to address the historical underrepresentation of racially diverse arbitrators and counsel. Steps in the right direction include initiatives like Racial Equality for Arbitration Lawyers (“REAL”)—“a group of global lawyers working in international arbitration striving to achieve racial diversity for underrepresented groups,”<sup>60</sup> the American Bar Association (ABA)’s Racial Equity in the Justice System” website<sup>61</sup>—a central repository of resources and information focusing on racial justice, and Diversity Labs’ “Mansfield Rule”<sup>62</sup>—a partnership with leading law firms across the United States measuring whether law firms affirmatively consider women and lawyers of color for leadership roles.

The “African Promise,” a pledge that aims to tackle the underrepresentation of African arbitrators, especially in Africa-related arbitrations,<sup>63</sup> was also much needed to highlight the extent of the problem. Lists have also been published, including the *African Arbitration Atlas*, which includes a ‘Directory of African International Arbitrators,’<sup>64</sup> and the “List of Arbitrators of African Descent with a US Nexus.”<sup>65</sup> Indeed, we need more data and more proactive steps to address the lack of non-white representation at all levels of international arbitration.

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<sup>59</sup> THE LONDON COURT OF INTERNATIONAL ARBITRATION, 2020 ANNUAL CASEWORK REPORT (2017).

<sup>60</sup> See REAL, <https://letsgetrealarbitration.org/#>.

<sup>61</sup> ABA launches new racial justice resources website, ABA (June 15, 2020), <https://www.americanbar.org/news/abanews/aba-news-archives/2020/06/racial-equity-in-the-justice-system/>.

<sup>62</sup> 64 Law Firms Announced as Mansfield Rule 2.0 Certified, DIVERSITY LAB, <https://www.diversitylab.com/pilot-projects/mansfield-rule-2-0/>.

<sup>63</sup> Jack Ballantyne, *African Promise aims to promote diversity on tribunals*, GAR (Oct. 8, 2019), <https://globalarbitrationreview.com/diversity/african-promise-aims-promote-diversity-tribunals> (“The ‘African Promise’, which was launched last month, asks signatories to commit to improving the profile and representation of African arbitrators, especially in arbitrations connected to Africa. Its authors believe Africans should be appointed as arbitrators on an equal opportunity basis.”).

<sup>64</sup> AFRICAN ARBITRATION ATLAS, <https://africanarbitrationatlas.org/arbitrator-directory/> (last visited Oct. 28, 2021).

<sup>65</sup> Nancy M. Thevenin & Katherine Simpson, *Arbitrators of African Descent*, USCIB (Aug. 2020), <https://www.uscib.org/uscib-content/uploads/2021/06/Arbitrators-of-African-Descent-August-2020-Final.pdf>.

## V. AGE AND ARBITRATION: IS EXPERIENCE ONLY MEASURED THROUGH AGE?

We define life by age. Many things can only be accomplished after a certain age: getting a driver's license, voting, getting married, and the like. In the international arbitration context, age acquires particular significance.<sup>66</sup> Acting as an arbitrator is perceived by many to be a second career of sorts. As such, many "young" practitioner groups welcome those aged 40 or under 40, with a few outliers considering those aged 45 and under to be young.

Nonetheless, the scope of age inequity is broad; people of all ages are subjected to age inequity. Aspiring arbitrators find it difficult to enter the market, while some older arbitrators are written off. As noted by Lee elsewhere, "[o]f the 27 arbitrators classified as 'Band 1' by Chambers & Partners in its annual list of 'Most in Demand Arbitrators' in the Global Market rankings, approximately 70% are over 70 and 18% are over 80."<sup>67</sup>

Further, age diversity issues attract less attention because absent the disclosure of, as a minimum, year of birth, it is difficult to measure the age of arbitrators.<sup>68</sup> Despite this difficulty, the available statistics are noteworthy, and in this section, we will discuss both the available data on age and issues faced by arbitrators across the age spectrum.

### *The Importance of Age for Arbitrators*

Recent research on age diversity in international arbitration shows that the "gray hair factor" remains valid.<sup>69</sup> It is an inevitable fact that age plays an important role in the selection of arbitrators.<sup>70</sup> However, age and experience are often linked, because one requires time to acquire experience. The average international arbitrator will have significant experience, usually as counsel and thus, is traditionally older.<sup>71</sup>

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<sup>66</sup> *White & Case 2021 International Arbitration Survey*, *supra* note 50, at 16 ("[H]ow age diversity can be statistically measured in the absence of agreement as to how to define it in the first place.")

<sup>67</sup> Amanda J. Lee, *Outrunning the Shadows: The Arbitrator Shadowing Proposal*, 33 *Am. Rev. Int'l Arb.* \_\_ (forthcoming).

<sup>68</sup> *Id.*

<sup>69</sup> Ingrid A. Müller, *Diversity and Lack Thereof Amongst International Arbitrators—Between Discrimination, Political Correctness and Representativeness*, TDM 4 (2015), <https://www.transnational-dispute-management.com/article.asp?key=2238#citation> ("It also addresses the 'gray hair factor', i.e., the fact that age (and not just experience) plays an important part in the choice of arbitrators.")

<sup>70</sup> *Id.*

<sup>71</sup> Joseph Mamounas, *ICCA 2014. Does "Male, Pale, and Stale" Threaten the Legitimacy of International Arbitration? Perhaps, but There's No Clear Path to Change*, KLUWER ARB. BLOG (Apr. 10, 2014), <http://arbitrationblog.kluwerarbitration.com/2014/04/10/icca-2014-does-male-pale-and-stale-threaten-the-legitimacy-of-international-arbitration-perhaps-but-theres-no-clear-path-to-change/> ("[a]n international arbitrator is senior in age and experience.").

Although the need for experience is not surprising, Professor Franck’s survey of ICCA Congress participants found that the median international arbitrator was fifty-three years old, even though the median counsel was forty-six.<sup>72</sup>

The ICC’s statistics indicate that the average age of arbitrators sitting in ICC arbitrations in 2019 was 56.7—only 34% of arbitrators were under the age of fifty.<sup>73</sup> In specialized fields such as maritime arbitration, the average age may be even higher and the perception in investor-state arbitration is that arbitrators are much older. In short, available data would suggest that there is a lack of age diversity in international arbitration.

Sitting as an arbitrator requires experience, but mindful that arbitrations come in a range of sizes, with different levels of complexity, it should not be necessary

**Descriptive Statistics of Gender and Age for All ICCA Subjects, the Subset of those Working as Arbitrators, and the Subset of those Working as Counsel**

Variables	All	Arbitrators	Counsel
<b>Subject Gender:</b>			
Percentage (Frequency)			
Women	25.5% (n=134)	17.6% (n=46)	24.0% (n=99)
Men	74.5% (n=392)	82.4% (n=216)	76.0% (n=314)
<i>Total number of subjects</i>	<i>100% (n=526)</i>	<i>100% (n=262)</i>	<i>100% (n=413)</i>
<b>Subject Age:</b>			
Mean	48.5	54.4	48.0
Median	47.0	53.0	46.0
Minimum	24.0	29.0	24.0
Maximum	85.0	85.0	85.0
Standard deviation	12.7	11.7	12.3
<i>Total number of subjects</i>	<i>514</i>	<i>253</i>	<i>406</i>

to reach the age of fifty to gain sufficient experience to be capable of sitting. Most aspiring arbitrators are well placed to acquire adequate experience through professional practice, supplemented by practical training such as that offered by the Chartered Institute of Arbitrators (“CI Arb”), before the age of forty. As a result, we should re-evaluate the relationship between age and experience, recognizing them as distinct concepts.

<sup>72</sup> Franck, *supra* note 5, at 430 (“The median international arbitrator was a fifty-three-year-old man who was a national of a developed state reporting ten arbitral appointments; and the median counsel was a forty-six year old man who was a national of a developed state and had served as counsel in fifteen arbitrations.”).

<sup>73</sup> Table provided by the INTERNATIONAL CHAMBER OF COMMERCE, ICC DISPUTE RESOLUTION 2019 STATISTICS 14 (2019), <https://globalarbitrationnews.com/wp-content/uploads/2020/07/ICC-DR-2019-statistics.pdf>.



Although arbitrators over the age of fifty receive the lion's share of appointments, they, too, face forms of age discrimination, such as parties seeking their disqualification based on perceived notions of physical or mental ability. This issue became the focus of much commentary when one of the parties tried to disqualify Swedish arbitrator Sigvard Jarvin as president of the arbitral tribunal in an ICC case in 2018.<sup>74</sup> The respondent argued that Mr. Jarvin, who was seventy-six years old at the time of the dispute, was incompatible with the proper conduct of a complex arbitration.<sup>75</sup> We must be mindful of the risk of ageism as we consider diversity and inclusion.

Consequently, age inequality in international arbitration is a multifaceted problem and as such requires a multi-pronged solution. Historically, arbitral institutions have taken the lead in addressing this issue. There are myriad young practitioner organizations affiliated with institutions that support and seek to develop the next generation of counsel and arbitrators. By way of example, the ICC's Young Arbitrators Forum ("YAF"), a global network with over 10,000 members, hosts more than 100 educational and social events every year.<sup>76</sup> Young ICCA, as well as other groups, offers both mentoring and educational programming.<sup>77</sup>

Practitioners have also become increasingly proactive. The Rising Arbitrators Initiative was founded in 2020 with a view to supporting arbitrators and aspiring arbitrators under the age of 45 who have either had their first appointment or have a minimum of seven years of experience in practice.<sup>78</sup> Regional initiatives include the Association of Young Arbitrators, which brings together young African arbitration practitioners under the age of 40 and runs the successful African Arbitration Academy.<sup>79</sup>

Arbitral institutions have also a role to play. For example, the International Institute for Conflict Prevention and Resolution ("CPR") has incorporated a "Young Lawyer Rule" into its arbitration rules, giving tribunals the discretion to permit junior lawyers to examine witnesses and present arguments if lead counsel and the client agree.<sup>80</sup> This provides junior practitioners with valuable

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<sup>74</sup> Matteo M. Winkler & Mikael Schinazi, *No Longer "Pale, Male, and Stale"? Approaching Diversity and Inclusiveness in International Arbitration*, SSRN, 9 (2021), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3776738](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3776738).

<sup>75</sup> *Id.*

<sup>76</sup> See Young Arbitrators Forum, ICC, <https://iccwbo.org/dispute-resolution-services/professional-development/young-arbitrators-forum-yaf/> (last visited Oct. 29, 2021).

<sup>77</sup> See Young International Council for Commercial Arbitration, <https://www.youngicca.org/> (last visited Oct. 28, 2021).

<sup>78</sup> See *About Rising Arbitrators Initiative (RAI)*, RISING ARBITRATORS INITIATIVE, <https://risingarbitratorsinitiative.com/page/about-us.htm> (last visited Oct. 28, 2021).

<sup>79</sup> See Association of Young Arbitrators, <https://youngarbitratorsng.org> (last visited Oct. 28, 2021).

<sup>80</sup> CPR, *2018 CPR Non-Administered Arbitration Rules*, Rule 12.5 (2018) ("In order to support the development of the next generation of lawyers, the Tribunal, in its discretion, may encourage lead counsel to permit more junior lawyers with significantly less arbitration experience than lead counsel to examine witnesses at the hearing and present argument. The Tribunal, in its discretion, may permit experienced counsel to

opportunities to make their mark. Lee has proposed elsewhere that individual arbitrators may provide similar encouragement.<sup>81</sup>

Unfortunately, despite all these efforts and initiatives, less than a third of respondents to the Queen Mary University 2021 International Arbitration Survey agreed that there has been progress in recent years in terms of age.<sup>82</sup>

## VI. LGBTQ+ REPRESENTATION: AN INVISIBLE REALITY?<sup>83</sup>

Unlike gender, race, and age, there is limited data available on the sexual orientation of members of the international arbitration community. No leading arbitral institution has released any data on the sexual orientation of those sitting as arbitrators. Due to the sensitivities surrounding disclosure of sexual orientation, it is difficult to gain an accurate picture about LGBTQ+ representation in the field. However, strong LGBTQ+ role models in the field are just as welcome as female, ethnically diverse, and young role models for those seeking to progress. This section will explore the *status quo* and the potential for progress in achieving greater representation.

### *Is the Discussion Still in the Closet in International Arbitration?*

As Justin D'Agostino MH recognized when commenting on the ICC's plans to create a LGBTQIA network, the ICC, like international arbitration itself, "operates in jurisdictions where the legal, social or cultural context can be hostile towards LGBTQIA people."<sup>84</sup> In light of the real risk that might exist to members of the LGBTQ+ community, the community has perhaps not even attempted to delve deeply into these issues, even when it comes to scholarly research.

One of the few sources of statistical data available is a survey conducted by Professor Benjamin G. Davis, which focused on, among other diverse categories, LGBTQ American lawyers. Of the 34 arbitration practitioners who responded, only five reported having "experience with LGBTQ American lawyers in

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provide assistance or support, where appropriate, to a lawyer with significantly less experience during the examination of witnesses or argument. Notwithstanding the contents of this Rule 12.5, the ultimate decision of who speaks on behalf of the client in an arbitration is for the parties and their counsel, not the Tribunal.").

<sup>81</sup> Amanda Lee, *Championing the Junior Arbitration Advocate: What Can Arbitration Learn from Domestic Courts?*, AM. REV. OF INT'L ARB. BLOG (Feb. 10, 2022) <http://blogs2.law.columbia.edu/aria/championing-the-junior-arbitration-advocate-what-can-arbitration-learn-from-domestic-courts/>

<sup>82</sup> *White & Case 2021 International Arbitration Survey*, *supra* note 50, at 15 (2021).

<sup>83</sup> We have chosen to use the acronym LGBTQ+ rather than one of the available alternative acronyms as the use of + is intended to be inclusive of all underrepresented sexual orientation minorities. The acronym LGBTQIA, which we use herein with reference to an ICC initiative, is used to refer collectively to those who are lesbian, gay, bisexual, transgender, queer (or questioning their sexual identity), intersex, and asexual/aromantic/agender (or allies). This abbreviation is used for ease and is intended to include people of all sexual identities and preferences.

<sup>84</sup> International Chamber of Commerce, *ICC Court to Build LGBTQIA Network* (July 30, 2021), <https://iccwbo.org/media-wall/news-speeches/icc-court-to-build-lgbtqia-network/>.

international arbitration.” Respondents had knowledge of three LGBTQ American lawyers who had been appointed as arbitrators, one who had served as lead counsel and three others who had been team members.<sup>85</sup>

Initiatives to support LGBTQ+ practitioners are limited but beginning to become more visible. In 2020, the CPR released a “Diversity & Inclusion Model Clause” that allows parties to pre-commit to the selection of a diverse neutral in a three-person tribunal, including not only women and people of color, but also members of the LGBTQ+ community.<sup>86</sup> In 2021 the ICC announced its intention to establish an LGBTQIA network for ICC Court members.<sup>87</sup> Its objectives include “supporting members’ personal and professional development, sharing best practice and building understanding” of the LGBTQ+ community.

In the private sector, many law firms have taken steps to promote diversity by establishing diversity committees that focus on ensuring respect and promoting an inclusive work environment.<sup>88</sup> Such committees are a step towards inclusion. However, mindful of the sensitivities surrounding the disclosure of sexual orientation in an international field, where such disclosure may be dangerous in some jurisdictions, finding LGBTQ+ role models in arbitration can be difficult.

We noted above that various studies have concluded that diversity is essential for a myriad of reasons: legitimacy, innovation, better decision making, and more. Indeed, when delivering the CIARB’s Alexander Lecture in 2018, Ambassador Huebner noted that his views on diversity and inclusion had been shaped by the vantage point provided by aspects of his life, including his “neutral practice as a matter-of-factly out gay man in an interracial marriage.”<sup>89</sup>

Data on the sexuality of arbitrators is not presently published by arbitral institutions. However, by collecting such information, which arbitrators may be asked to provide on a voluntary and strictly confidential basis, arbitral institutions can play an important role in measuring representation. This would give the arbitral LGBTQ+ community a means to quantify representation achieved to date, foster community awareness of LGBTQ+ practitioners, and provide insights into

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<sup>85</sup> Benjamin G. Davis, *American Diversity in International Arbitration 2003-2013*, 25 AM. REV. INT’L ARB. 255, 262 (2014).

<sup>86</sup> See International Institute for Conflict Prevention & Resolution, Diversity Commitment Clause, <https://www.cpradr.org/resource-center/model-clauses/arbitration-model-clauses/diversity-focus>.

<sup>87</sup> Alison Ross, *ICC Court to build LGBTQIA network*, GAR (July 30, 2021), <https://globalarbitrationreview.com/icc-court-build-lgbtqia-network> (talking about ICC’s new network launch that comes with Claudia Salomon’s first month as president of said Court).

<sup>88</sup> In 2016, the Mexican but international firm Von Wobeser y Sierra, S.C created a Diversity Committee to directly attack the issue of diversity. In December 2019 and 2020, the firm obtained the recognition of LGBT Best Place to Work, a certification of the *Human Rights Campaign Foundation* (Fundación Campaña de Derechos Humanos) of Mexico. See <https://www.vonwobeser.com/index.php/our-firm/diversity> Many offices had followed the same steps.

<sup>89</sup> Lucy Greenwood, *Alexander Lecture 2018*, CIARB NEWS (Nov. 20, 2018), <https://www.ciarb.org/news/alexander-lecture-2018/>.

the success of initiatives such as the Diversity & Inclusion Model Clause, discussed above. Voluntary confidential disclosure is a worthwhile place to start.

## VII. DISABILITY AND MENTAL HEALTH: STILL TABOO?

In July 2021, the ICC announced that it was creating a new task force on disability inclusion in international arbitration and welcomed expressions of interest from members of the arbitration community who wished to participate.<sup>90</sup> This is an important first step by a leading arbitral institution to make a meaningful commitment towards the inclusion of members of the arbitration community with disabilities and mental health issues in the wider diversity debate.

Practitioners have criticized the historical silence of the arbitral community on the representation of disabled practitioners.<sup>91</sup> Following the ICC Task Force announcement, arbitration practitioner Simon Maynard shared his personal experience with issues of disability in international arbitration.<sup>92</sup> Maynard noted that the ICC task force is the first time that lawyers with disabilities have been recognized in the diversity debate. He makes a number of recommendations to facilitate the inclusion of disabled practitioners in international arbitration, such as making reasonable adjustments for lawyers with disabilities in model procedural rules, relaxing dress codes, and the like. Maynard was subsequently appointed as one of the co-chairs of the ICC Task Force. It is to be hoped that the ICC Task Force will adopt many, if not all, of these recommendations in due course. We must also be mindful of mental disability and other forms of disability that might not be visible to the naked eye.

### *Need for More Reliable Data for Us to Appreciate the Full Extent of the Issue*

There is very limited data presently available on the participation of people with disabilities, both physical and mental, in international arbitration. As noted above, it is important to recognize the stigma that still surrounds many “invisible disabilities,” particularly those relating to mental health, and the potential impact of such stigma on willingness to disclose disabilities.<sup>93</sup> The extent of this perceived stigma is exposed by the IBA in its recent report.<sup>94</sup>

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<sup>90</sup> See *ICC Court issues call for disability task force candidates*, ICC (July 7, 2021), <https://iccwbo.org/media-wall/news-speeches/icc-issues-call-for-disability-task-force-candidates/>.

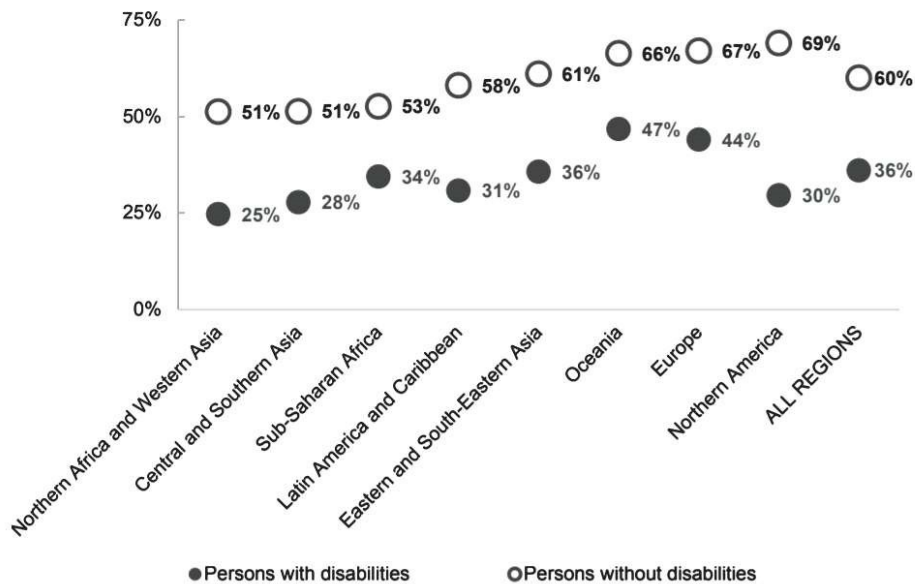
<sup>91</sup> *Don't leave us out of the conversation: a personal perspective on disability inclusion*, GAR (Aug. 20, 2021), <https://globalarbitrationreview.com/diversity/dont-leave-us-out-of-the-conversation-personal-perspective-disability-inclusion> (“In the international arbitration community we are talking more and more about the importance of diversity, and rightly so. But, from my standpoint at least, there is often a vital perspective missing from those conversations – that of lawyers with disabilities.”).

<sup>92</sup> *Id.*

<sup>93</sup> INVISIBLE DISABILITY PROJECT, <https://www.invisibledisabilityproject.org> (last visited Oct. 28, 2021) (Invisible disabilities are defined by the Invisible Disability Project as “any physical, mental, or emotional impairment that goes largely unnoticed. An invisible disability can include but is not limited to: cognitive impairment and brain injury;

Professor Davis's study, discussed above, notes that only one respondent reported having experience with a disabled American international arbitration lawyer.<sup>95</sup>

We can however learn from other studies that have addressed disability. For example, a 2019 United Nations study concluded that people with disabilities have fewer employment opportunities than people without disabilities.<sup>96</sup> The study found that the employment-to-population ratio for persons without disabilities aged 15 years and older across eight geographical regions is 60%. In contrast, the ratio for persons with disabilities is 36%. This figure is broken down in the below diagram from the study:



The above figures are based on data from 91 countries and regions, for the period 2006-2016.<sup>97</sup> The study notes that people with mental health issues are denied access to education, employment, and other opportunities.<sup>98</sup>

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the autism spectrum; chronic illnesses like multiple sclerosis, chronic fatigue, chronic pain, and fibromyalgia; d/Deaf and/or hard of hearing; blindness and/or low vision; anxiety, depression, PTSD, and many more. We understand the body as always changing, so disability and chronic illness may be unstable or periodic throughout one's life.”)

<sup>94</sup> IBA, *Mental Wellbeing in the Legal Profession*, *supra* note 27 (“A stigma around mental wellbeing remains. Nearly half of all legal professionals surveyed indicated that a fear of the impact on their career would put them off discussing their mental wellbeing with their firm or organisation.”).

<sup>95</sup> Davis, *supra* note 83.

<sup>96</sup> UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, *DISABILITY AND DEVELOPMENT REPORT, REALIZING THE SUSTAINABLE DEVELOPMENT GOALS BY, FOR AND WITH PERSONS WITH DISABILITIES* 152 (2018).

<sup>97</sup> Table provided by the United Nations, *id.* at 153.

<sup>98</sup> *Id.* at 211.

Moreover, the private sector, which underpins the international arbitration community, must address this issue collectively. One such initiative which has seen successful participation is the Global Business and Disability Network set up by the International Labour Organization, which provides a network for both local and global businesses to exchange ideas and practices on inclusion of people with disabilities.<sup>99</sup> This initiative is based on the principle of business-to-business support and peer-to-peer learning on disability issues. It also aims to highlight the business benefits of employing people with disabilities and their contribution towards the business.

The arbitration community may seek to develop similar networks, alongside identifying and implementing reasonable adjustments and collecting valuable data on representation, to address the issue of diversity and inclusion of people with physical and mental disabilities.

ARBalance, a new initiative that will produce programming and resources to promote wellbeing and support arbitration practitioners, aims to reduce stigma, and promote understanding and inclusion.

#### VIII. SOCIO-ECONOMIC FACTORS: A PRIVILEGED WORLD?

Socio-economic factors underpin a multitude of diversity deficits.<sup>100</sup> International arbitration is fiercely competitive, and many obstacles must be overcome if one is to both enter and succeed in this field. Those who do not come from wealthy or privileged backgrounds, those based in emerging jurisdictions, and those based outside leading arbitral seats face additional challenges that may be invisible and are difficult to measure.

Scholars have noted that the limited number of arbitrators from emerging jurisdictions who have made a name for themselves on the international stage have profiles that are very similar to those of the “grand old men” of arbitration: prestigious professional experience and appointments; academic accolades from Western institutions; well-received publications; international status and reputation.<sup>101</sup> The sole difference: the need for arbitrators from emerging jurisdictions to “find access to and credibility with the center,” namely the center of the arbitration world, which focuses on major Western arbitral seats.<sup>102</sup>

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<sup>99</sup> See UNITED NATIONS, INTERNATIONAL LABOUR ORGANIZATION GLOBAL BUSINESS AND DISABILITY NETWORK 2020 ANNUAL REPORT (2020), <http://gbdn2020annualreport.altervista.org/ar-english-version.html>.

<sup>100</sup> Amanda J. Lee, *Children of the Revolution: Boldly Going Towards New Gender Diversity Frontiers in International Arbitration*, 87 *ARB.: THE INT’L J. OF ARB., MEDIATION AND DISP. MGMT.* 404, 418 (2021) (“Socioeconomic factors underpin every aspect of diversity, and compound historical inequalities.”).

<sup>101</sup> YVES DEZALEY AND BRYANT G. GARTH, *DEALING IN VIRTUE: INTERNATIONAL COMMERCIAL ARBITRATION AND THE CONSTRUCTION OF A TRANSNATIONAL LEGAL ORDER* 25 (1998).

<sup>102</sup> *Id.*

In this section, we will assess the current situation and discuss the challenges that aspiring arbitrators and counsel from different socio-economic backgrounds face.

*Marble Ceiling in International Arbitration?*

No empirical studies on socio-economic diversity in international arbitration are available for comparative analysis. The impact of socio-economic factors often differs by jurisdiction. For example, pursuing a poorly paid internship in a jurisdiction where higher education is free or heavily subsidized may be economically viable; moving abroad to do so while servicing significant education-related debt may be unmanageable.

The true impact of socio-economic factors is difficult to measure. Those who have succeeded in entering the field may carefully conceal having faced such challenges in the first place. Data about the income and profession of this elite group is of limited assistance; information about education, opportunities, nationality, language, jurisdiction and much more is required to paint a complete picture.

Today's practicing and aspiring practitioners are the counsel and arbitrators of tomorrow. For many, particularly aspirants based in emerging jurisdictions, absent a wealthy background, their options may be severely limited. Economic disadvantages may render even the strongest and brightest aspirants unable to pursue further academic study or accept positions that they have been offered. Even entry-level positions in the field are competitive. To distinguish between applicants, firms and organizations often focus on those who have undertaken specific qualifications, such as a Master of Law ("LL.M.") degree or participated in an international mooted competition.

Internships are often seen as a first step to practice. Aspiring counsel may intern at law firms, arbitral institutions, or non-governmental organizations ("NGOs") to gain practical experience. However, many internships are unpaid or badly paid.<sup>103</sup> Absent the means to finance living expenses and accommodation, aspirants must choose between debts and their professional dreams.

Simply put, socio-economic factors limit access. We cannot achieve true diversity until we address the socio-economic entry barriers that have been erected.<sup>104</sup>

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<sup>103</sup> See myArbitration, Amanda Lee on Arbitration Careers and Socio-Economic Diversity | Victoria Pernt, YOUTUBE (Mar. 12, 2021), <https://www.youtube.com/watch?v=VjnYFEBgr5I&t=100s>. See also Amanda J. Lee, *Children of the Revolution: Boldly Going Towards New Gender Diversity Frontiers in International Arbitration*, 87 ARB.: THE INT'L J. OF ARB., MEDIATION AND DISP. MGMT. 404, 415 (2021) ("Many internships are unpaid. Many more are badly paid.").

<sup>104</sup> See myArbitration, Amanda Lee on Arbitration Careers and Socio-Economic Diversity | Victoria Pernt, YOUTUBE (Mar. 12, 2021), <https://www.youtube.com/watch?v=VjnYFEBgr5I&t=100s>.

## IX. RECOMMENDATIONS AND SOLUTIONS

To promote diversity and inclusion, we must focus on three (3) areas: (1) accurately measuring the status quo; (2) identifying who is responsible for taking steps towards progress; and (3) determining what steps must be taken. At every stage we also need to acknowledge our implicit and unconscious biases.

From our review of the available data, there is a dearth of available data about certain diversity and inclusion categories. It is helpful for the arbitration community to collect data in all areas of diversity to accurately measure where things stand and enable us to keep track of the impact of initiatives to address different aspects of diversity. Without data, it is difficult to tell how much further progress is needed. The inclusion of some forms of diversity in the annual reports of many arbitral institutions allows us to track progress and heightens the sense of shared responsibility. Data on gender, nationality, language, and age is useful, but the intersectional nature of diversity must not be forgotten.

Arbitral institutions are ideally placed to collect, analyze and release data on a broad range of diversity metrics. It is important to acknowledge the limitations of data collection, mindful that arbitrators may be unwilling or unable to disclose information about their sexual orientation or mental and physical disabilities. However, there may be greater willingness to disclose data about age, ethnicity, language, professional background, and other key demographic information, should details be requested after appointment.

The use of appropriate safeguards, such as confidential data submission and anonymization, may provide sufficient comfort to some arbitrators and permit more sensitive personal data to be collected. The greatest value is to be derived from intersectional datasets, enabling institutions to identify, for example, how many men and women of color under the age of 50 have been appointed in any given year.

As for who is responsible for taking steps to achieve positive change, the answer is both simple and complex—all stakeholders in the arbitration community are responsible. Such stakeholders are both the problem and the solution.<sup>105</sup> We must recognize that significant progress has been made on some diversity fronts—particularly in the promotion of gender diversity awareness—but there is still work to be done. Arbitral institutions, parties, arbitrators, counsel, law schools, special interest groups representing sectors of the community and more can play a part.

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<sup>105</sup> Chiara Giorgetti, *Who Decides in International Investment Arbitration*, 35 U. PA. J. INT'L L. 431, 454 (2014) (“The international investment arbitrator selection system appears straightforward and effective from afar. Certain problematic issues become more apparent on closer scrutiny, however. First, some practitioners and experts have criticized the idea of the party-appointed arbitrator because of the possible built-in biases in favor of the party that appointed him or her. Second, critics have focused on the fact that a very small number of individuals make up the vast majority of arbitrators and that arbitration panels include too many repeat appointments and lack diversity.”).



As to what can be done, one of the challenges lies in empowering parties and institutions to appoint diverse arbitrators in greater numbers. Party autonomy is key in international arbitration. One of the key reasons why parties choose arbitration is because they have a choice in appointing the arbitrator. Efforts to promote diversity that impede on party autonomy are likely to be met with opposition from some quarters.

The first barrier that therefore needs to be broken is that of unconscious bias.<sup>106</sup> We must recognize our tired preconceptions and reformulate our views of what is normal and acceptable. The tendency to “equate the pale, male and stale profile with quality and qualification,”<sup>107</sup> needs to be actively reconsidered. Instead of only aiming to appoint those who have experience, parties should be educated about the benefits of diverse panel decisions making prompted by counsel and by institutional shortlists to consider and choose tribunals that are more diverse and include at least one woman and/ or some minority representation.

Arbitral institutions must continue to promote the value of diversity and educate users on the value of having diverse panels. Panels that continue to be “male, pale and stale” will, over time, come to be seen as defective, as they do not reflect the composition of society in a broad sense.<sup>108</sup> Where appointments are being made by arbitral institutions of prospective arbitrators, they should propose a more diverse list of arbitrators. Co-arbitrators engaged in choosing a presiding arbitrator should likewise broaden the pool of arbitrators that they consider for selection.

It is easy to forget the other stakeholders in this debate that also have a responsibility: law schools, law firms and academics. As gateways to the arbitration field (and law in general), law schools are well-placed to provide tools to diverse applicants to address and raise awareness of the effects of implicit and explicit bias in law. One such tool is mentoring opportunities.<sup>109</sup> Law schools

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<sup>106</sup> *Id.* at 454.

<sup>107</sup> Samaa A. F. Haridi, *Towards Greater Gender and Ethnic Diversity in International Arbitration*, 2 B.A.H.R. CHAMBER FOR DISP. RESOL. INT’L ARB. REV. 305, 315 (2015) (“The problem is recognizing our subconscious tendency to equate the pale, male and stale profile with quality and qualification and to actively fight that tendency.”).

<sup>108</sup> Mirèze Philippe, *Redressing the Balance: The Path Ahead for Gender and Generational Diversity on Arbitral Tribunals*, KLUWER ARB. BLOG (Oct. 31, 2016), <http://arbitrationblog.kluwerarbitration.com/2016/10/31/redressing-the-balance-the-path-ahead-for-gender-and-generational-diversity-on-arbitral-tribunals/> (“‘Pale, male and stale’ does not reflect the composition of society, and there lies the problem. Everyone bears a responsibility in cultivating diversity. Promoting the talents in dispute resolution should be the main objective, and this clearly includes women and young practitioners who are often excluded.”).

<sup>109</sup> Haridi, *supra* note 105, at 315–16 (“As the most common entrance to the arbitrator pipeline, change needs to begin in law schools. While nearly half of law school graduates are women, law school faculty, the source of students’ early mentors who help them determine whether a field like arbitration presents a viable career path, is still heavily male, with limited racial and ethnic diversity. Law schools should make an effort to ensure that diverse students have the same mentoring opportunities that white male students enjoy.”).

should ensure that women, students of color and other diverse students have the same access to mentorship opportunities that white male students have. This would help them to build a support network to support their future careers.

Law firms also have an equal responsibility in this regard and must ensure that diverse lawyers are given the same opportunities as their counterparts including the ability to make mistakes and learn from them. As discussed above, arbitral tribunals are usually composed of senior professionals. If firms are not promoting their lawyers equally, the chances of being in the spotlight and securing partnership will not be equal. Having a good support network is also key to securing one's first arbitration appointment.<sup>110</sup> Law firms are in key positions to provide that support network and other networking opportunities that are usually restricted to the "pale, male and stale" profile.

Diversity cannot be achieved without action to promote inclusivity. For example, increased emphasis has been placed on the need for conference panels to better represent the diversity of the international arbitration community, with pressure being placed on organizers who do not include women to do so. The publication of data allows progress to be tracked and analyzed. The normalization of such practices is an important step forward.

Some stakeholders have gone further. Judicial Arbitration and Mediation Services, Inc ("JAMS") offers a model clause enabling parties to contractually commit to promote diversity in arbitrator appointment.<sup>111</sup> Diversity commitment clauses are also being promoted by organizations like the CPR, allowing parties to demonstrate a commitment to fair representation.<sup>112</sup>

## X. CONCLUSION

Although progress has been and continues to be made, a diversity crisis remains that strikes at the heart of the arbitral process. The available data presents an incomplete picture. Gender diversity continues to dominate the international arbitration diversity dialogue, with hard-won progress towards parity remaining

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<sup>110</sup> *How women thrive in international arbitration*, GAR (Mar. 8, 2016), <https://globalarbitrationreview.com/london-how-women-thrive-in-international-arbitration> ("A good support network is particularly important in gaining your first arbitrator appointment, it was noted.").

<sup>111</sup> *JAMS Introduces Inclusion Rider, Promotes Diversity Initiatives in ADR*, JAMSADR (May 29, 2018), <https://www.jamsadr.com/news/2018/jams-introduces-inclusion-rider-promotes-diversity-initiatives-in-adr#:~:text=JAMS%2C%20the%20first%20major%20ADR,fair%20representation%20as%20soon%20as.> ("[t]he parties agree that, wherever practicable, they will seek to appoint a fair representation of diverse arbitrators (considering gender, ethnicity and sexual orientation) and will request administering institutions to include a fair representation of diverse candidates on their rosters and list of potential arbitrator appointees.").

<sup>112</sup> See International Institute for Conflict Prevention & Resolution, *Diversity Commitment Clause*, <https://www.cpradr.org/resource-center/model-clauses/arbitration-model-clauses/diversity-focus>.

slow. A pressing need for more data about women who are being appointed remains—absent such information, it is difficult to draw conclusions about the success of initiatives promoting intersectional gender diversity across the globe.

For other areas such as race, the available data focuses on the geographic representation of parties and arbitrators. To see through the looking glass, we need to know more about the ethnicity of stakeholders. The situation is similarly opaque with regard to the true extent of age diversity, the influence of socio-economic factors and professional background, and the extent of disabilities.

Absent further reliable data, the view through our diversity kaleidoscope remains frustratingly out of focus. In this regard, it is important to acknowledge that meaningful representation may look different for different types of diversity. In particular, the establishment by Western and international law firms of diversity committees and communities supporting LGBTQ counsel, may provide support to LGBTQ+ members of the international arbitration community seeking to progress in the field, but sexuality remains a topic of significant sensitivity.

We have come a long way. The pre-2016 dearth of data has been replaced with a steady, albeit limited, stream of statistical information on appointments by gender, nationality, language, and sometimes age. However, more data is needed: we cannot tackle the “glass ceilings, sticky floors, and bottlenecks” that remain unless and until we can appreciate their scope.<sup>113</sup>

For parties, inserting diversity commitment clauses in arbitral agreements demonstrates a meaningful commitment to fair representation. For arbitral institutions, greater acknowledgement of the intersectional nature of diversity when collecting and publishing data would be welcome. For law firms, addressing bottlenecks in the counsel and arbitrator pipeline, educating parties on the benefits of diverse tribunals, and providing adequate support for diverse practitioners are worthwhile goals.

Although we have cast the net wide in this article, there remain other important diversity frontiers to be explored, including professional background and language, to name but two. Every member of the international arbitration community has a role to play in addressing the diversity crisis. Only by continuing to work towards positive change can we hope to bring our kaleidoscope into focus.

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<sup>113</sup> Prof. Adam Grant, Speech at the 12th Annual LCLD Membership Meeting (Oct. 19, 2021).







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Carlos is a Partner at the dispute resolution boutique, *Fonseca, Rodríguez, Perchemlian & Martínez* ([www.forpem.com](http://www.forpem.com)) in Mexico City.

With 20 years of professional experience in Mexico City and New York, Carlos focuses his practice on major international arbitrations (commercial and investor-state), cross-border litigation proceedings, domestic litigation, as well as public international law matters.

Carlos handles matters for private and public entities in a wide array of industries including construction, energy (oil and gas, electricity), entertainment, mining and metals, pharmaceutical, telecommunications, automotive, among others, and he specializes in disputes related to mergers & acquisitions, financial services, among other practice areas. His experience includes arbitrations under the ICC, ICDR/AAA, LCIA, PCA, CAM, CANACO and ICSID rules.

Carlos is recognized by various directories, such as Who's Who Legal, Legal 500, Best Lawyers and Leaders League.

According to testimonials given to Legal 500, “*Carlos [...] combines knowledge with ‘carefully crafted litigation and arbitration skills’, and focuses on high-end domestic and international commercial arbitration, investor-State cases, cross-border disputes and international law matters*” adding that “*Carlos [...] is a very skilled arbitration practitioner and advocate. He combines deep knowledge of the underlying transactions with carefully crafted litigation and arbitration skills.*”

The publication Who's Who Legal recognizes him as a Future Leader in Arbitration, mentioning that Carlos “*boasts experience working in both the US and Mexico*” and “*excels in bridging the gaps between the two countries’ legal systems, cultures and styles*” adding that Carlos “*is internationally recognised as a standout figure in the arbitration field and wins praise for his ability to have a “great overview of all the important parts of a case” and concluding that he “draws high praise from market sources” who note he “is a significant player in the arbitration market in Mexico.*”

Carlos is *Licenciado en Derecho* (JD equivalent) from Instituto Tecnológico Autónomo de México (ITAM, ‘03) and holds an LL.M. degree on International Legal Studies from New York University (NYU, ‘08).

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### Credentials

#### Education

PhD, Leiden Law School, 2019,  
Academic Prize by the Belgian  
Centre for Arbitration and  
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LLM, International Legal Studies,  
New York University School of  
Law, 2008, Hauser Global  
Scholar, Transitional Justice  
Fellow

BCL, University of Oxford, 2007,  
Oxford-Cambridge Society of  
India Scholar, DHL-Times of  
India Scholar

Post Graduate Diploma in  
International Humanitarian Law,  
Nalsar University of Law, 2006,  
Gold Medal

Post Graduate Diploma in  
Human Rights Law, University of  
Mumbai, 2005, Gold Medal

LLB, Government Law College,  
University of Mumbai, 2004,  
Gold Medal, 5 awards, and  
Ranganath Rao Trophy

#### Admissions

New York

District of Columbia

England and Wales

India

Kabir Duggal focuses his practice on international investment arbitration, international commercial arbitration and public international law matters, serving as arbitrator, mediator, and counsel. Dr. Duggal's experience includes complex disputes under numerous bilateral/multilateral investment treaties and contracts in South Asia, Latin America, Central Asia, Middle East, Europe, and Africa. His experience flows from his triple training in international law, common law, and civil law traditions. He has served as an arbitrator in over 40 disputes involving parties from all over the world and across several different industries. He is recognized as a "Chartered Arbitrator" (the highest ranking for arbitrators) by both the Chartered Institute of Arbitrators and the Asian Institute of Alternative Dispute Resolution. The total value of the disputes he has been involved in exceeds 80 billion dollars. He has facilitated the mediation and negotiation of complex disputes. He also acts as a consultant for the United Nations Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) on the creation of a novel "Investment Support Program" (which was shortlisted by *Global Arbitration Review* for the category of "Best Developments" for 2018). He also serves on the Steering Committee of the Investment Support Program. Dr. Duggal works closely with the US Department of Commerce's Commercial Law Development Program (CLDP) as an expert and has undertaken capacity-building workshops in Georgia, Kosovo, Bosnia & Herzegovina. He has also conducted training and capacity-building sessions for several Governments including Colombia, Saudi Arabia, Myanmar, India, among others on public international law and dispute resolution matters. He also serves on the Federal Republic of Somalia's New York Convention Task Force as well as the WTO Negotiating Team (International Board). He is elected to the Executive Committee of the Board of Directors of the California International Arbitration Council, Inc. (CIAC) and also serves on its Academic Council. He also serves on the Advisory Board of the Boston International Arbitration Council (BIAC). Dr. Duggal is also a member of the Young Practitioners Subcommittee for the Equal Representation in Arbitration Pledge.

Dr. Duggal has received several accolades for his work in international arbitration and public international law. He was awarded the Hind Rattan ("Jewel of India") award which is the highest diasporic award for people of Indian origin. He has been ranked as the 4th Most Highly Regarded Future Leader in the Americas by *Who's Who Legal* (2019) and was the youngest practitioner to be listed in the Global Listing of Arbitrators by *Who's Who Legal* (2020 and 2021). He received the "40 under 40 Rising Star Award" by *Legal Era—Legal Media Group* in 2018. He has been ranked as a "Rising Star" by *Experts Guides* (2019 and 2020), has been recommended by *Legal 500 US* for "International Arbitration," was listed as a "Super Lawyer" in the New York metro region (2019-2021), and was listed as a "Rising Star" in Commercial Arbitration by *Euromoney Legal Media Group* (2019 and 2021). In 2019, he was also awarded

## Clerkships

Supreme Court of India, The  
Honorable Sujata Manohar

## Activities

ICSID Peer Review Board (since  
2014)

Editor and Head, Advisory Team  
on "Procedure," Oxford  
University Press'

Investmentclaims.com (since  
2014)

Life Member, The Indian Society  
of International Law (since 2014)

Associate Editor, Brill-Nijhoff  
Publishers, International  
Investment Law and Arbitration  
(since 2015)

HK Under45 Regional  
Ambassador for New York, Hong  
Kong International Arbitration  
Center (since 2016)

Co-Chair, Private International  
Law Interest Group, American  
Society of International Law  
(since 2017)

Advisory Committee,  
International Arbitration Cell,  
Government Law College (since  
2017)

Advisory Committee, Harvard  
International Arbitration Law  
Students Association (HIALSA)  
(since 2017)

Global Advisory Board, Oxford  
University Press'  
Investmentclaims.com (since  
2017)

Large and Complex Committee  
(LCC), American Arbitration  
Association (since 2018)

Fellow, Chartered Institute of  
Arbitrator (FCIArb) (since 2018)

Diversity Committee, Royal  
Society of Arts (USA) (since  
2018)

Fellow, Asian Institute of  
Alternative Dispute Resolution  
(AiADR) (FAIADR) (since 2018)

the "Inspiring Citizen Award" by the Institute of Self Reliance. In 2021, Dr. Duggal was awarded "Counsel of the Year" by the largest voluntary organization in India—the Indian National Bar Association, he was previously awarded the "Young Lawyer of the Year" (2019). Dr. Duggal has been ranked as among the "Top Ten Arbitrators" for the Asia Pacific Region by the Bali International Arbitration and Mediation Center (BIAMC) and received the "2019 Equality and Diversity Award in Dispute Resolution" by Prime Dispute in 2020. In 2021, Dr. Duggal was awarded the "2020 Dispute Resolution Practitioner of the Year for the Americas" and in 2022, he received the "2021 Dispute Resolution Award of the Year--Global." The Association for Conflict Resolution for Greater New York (ACR GNY) awarded Dr. Duggal with an award for "Significant Impact in International Arbitration."

Dr. Duggal has considerable experience in various aspects of public international law and dispute resolution. He was a consultant at The World Bank Group in Washington, DC, where he worked with the Development Research Group focusing on socioeconomic rights in the developing world, and for UNICEF on issues of child rights and child protection. He has also worked as a judicial clerk for an Indian Supreme Court Judge.

Dr. Duggal is a Lecturer-in-Law at the Columbia Law School, teaching "International Investment Law and Arbitration." He is also an adjunct professor at Fordham Law School teaching "Transnational Litigation and Arbitration." He is also a course director and faculty member for the Columbia Law School-Chartered Institute of Arbitrators Comprehensive Course on International Arbitration and serves as an academic coordinator for the Chartered Institute of Arbitrators' Diploma Course. He also hosts a leading webinar series entitled "TagTime" which involves conversations with leading arbitrators from all over the world. Additionally, he has taught dispute resolution courses in educational institutions all over the world. Dr. Duggal has published several articles and books and is regularly invited to speak at conferences globally. He is the managing editor for Columbia Law School's "The American Review of International Arbitration." He also serves as an associate editor for "ICSID Review" and also serves on its Peer Review Board and is also an associate editor for Brill-Nijhoff's "Perspectives in International Investment Law and Arbitration." He has co-authored a book entitled "Evidence in Investment Arbitration" published by *Oxford University Press* and has received the Burton "Law360 Distinguish Legal Writing Award" for his scholarly writings. His writings have been cited by arbitral tribunals and by the Supreme Court of Switzerland. He has been awarded the "2018 Academic Prize" by the Belgian Centre for Arbitration and Mediation (CEPANI) and is listed in Leiden University's "2019 Hall of Fame." He is currently pursuing a second doctoral degree from Harvard Law School.

Dr. Duggal also maintains an active practice as both an arbitrator and mediator. He is also admitted as a "Council Member" for the American Arbitration Association (AAA) and the International Centre for Dispute Resolution (ICDR). Dr. Duggal is both a fellow of the Chartered Institute of Arbitrator and a Certified Mediator by the Centre for Effective Dispute Resolution. He is admitted, *inter alia*, with institutions all over the world, including AAA and ICDR: Panel of Arbitrators, International Institute for Conflict Prevention and Resolution (CPR): Panel of Distinguished Neutrals, Singapore International Arbitration Centre (SIAC): Panel of Arbitrators, Hong Kong International Arbitration Centre (HKIAC): List of Arbitrators, and is also listed on the London Court of International Arbitration (LCIA) and the United States Council for International Business (USCIB): Panel of Arbitrators.

## Experience

### Arbitral Appointments

*Co-Arbitrator* deciding a challenge to an arbitrator as part of the CPR Challenge Review in a pharmaceutical dispute

Institution: International Institute for Conflict Prevention & Resolution (CPR)

*Sole Arbitrator* in a "large and complex" dispute between an American party and a Chinese party over alleged breach of intellectual property

Institution: International Centre for Dispute Resolution (ICDR)



<p>Fellow, UK's Royal Society of Arts (FRSA) (since 2018)</p> <p>Member, Council of the American Arbitration Association (AAA) and the International Centre for Dispute Resolution (ICDR) (since 2019)</p> <p>Member, International Bar Association's (IBA) Taskforce for the revision of the IBA Rules on the Taking of Evidence in International Arbitration and the Commentary on the Rules (since 2019)</p> <p>International Liaison Officer, Bali International Arbitration and Mediation Center (BIAMC) (since 2019)</p> <p>Advisory Board, Boston International Arbitration Council (BIAC) (since 2020)</p> <p>Ambassador, International Chamber of Commerce (ICC) Commission on One Belt, One Road (since 2020)</p> <p>Steering Committee, Pledge for Greener Arbitrations (2020)</p> <p>Senior Fellow, Bali International Arbitration and Mediation Center (BIAMC) (SFBiAm) (since 2020)</p> <p>Publications Committee, International Centre for Dispute Resolution (ICDR) (2020)</p> <p>Editor, <i>Jus Mundi</i> (2020)</p> <p>Executive Committee, Rising Arbitrators Initiative (RAI) (2020)</p> <p>Academic Taskforce Co-Chair, International Chamber of Commerce (ICC)'s USCIB (2022)</p> <p>Distinguished Associate Editor, African Journal of International Arbitration (2022)</p> <p>2022's International Arbitration Editorial Board, <i>Law360</i> (2022)</p> <p>Challenge Review Board; Procedures and Challenge Task Force, International Institute for Conflict Prevention &amp; Resolution</p>	<p>Applicable Law: Colorado</p> <p>Status: Ongoing</p> <p>Appointment: Selected by the parties via the rank and strike method</p> <p>Amount: Not fully quantified yet</p> <p><i>Chair</i> in a "large and complex" dispute between an American party and a Colombian party over an alleged breach of a swaps and OTC derivatives account in a commodities dispute</p> <p>Institution: International Centre for Dispute Resolution (ICDR)</p> <p>Applicable law: New York</p> <p>Status: Ongoing</p> <p>Appointment: Selected by the two co-arbitrators</p> <p>Amount: Approx. USD 1.5 million</p> <p><i>Wing Arbitrator</i> in a dispute between a German Non-Profit Foundation and a US Party arising out of an IT dispute and the alleged failure to meet the conditions pursuant to the applicable contract</p> <p>Institution: International Centre for Dispute Resolution (ICDR)</p> <p>Applicable law: New York</p> <p>Status: Ongoing</p> <p>Appointment: Appointed by the Respondent</p> <p>Amount: Not fully quantified yet (just stated that the amount is over USD 1 million)</p> <p><i>Sole Arbitrator</i> in a dispute between an American company and an Australian company arising out of an alleged breach of a professional services agreement in the engineering field</p> <p>Institution: International Centre for Dispute Resolution (ICDR)</p> <p>Applicable law: New York</p> <p>Status: Ongoing since 2021 (in the pleading phase)</p> <p>Appointment: Selected by the parties via the rank and strike method</p> <p>Amount: Not fully quantified yet</p> <p><i>Sole Arbitrator</i> in a dispute for the alleged termination of a Master Agreement between two American Parties in relation to the preparation of accounting software (IT dispute)</p> <p>Institution: International Chamber of Commerce (ICC)</p> <p>Applicable law: New Jersey</p> <p>Status: Ongoing (in the pleadings phase)</p> <p>Appointment: Selected by the parties</p> <p>Amount: Not fully quantified yet (the range appears to be between USD 400,000 to USD 1 million)</p> <p><i>Sole Arbitrator</i> in a "large and complex" dispute between an US company and multiple Chinese individuals for the alleged breach of an Offering Memorandum in the biotech field</p> <p>Institution: American Arbitration Association (AAA) (parties agreed to these rules)</p> <p>Applicable Law: Delaware</p> <p>Status: Completed and award confirmed in New York</p> <p>Appointment: Selected by the parties via the rank and strike method</p> <p>Amount: Approx. USD 15 million</p> <p><i>Chair</i> in a "large and complex" dispute between two American Companies arising out of the alleged failure to honor the "put" option in an LLC agreement in the hospitality and tourism industry</p> <p>Institution: American Arbitration Association (AAA)</p> <p>Applicable Law: New York</p> <p>Status: Final Award Issued</p> <p>Appointment: Selected by the parties via the rank and strike method</p> <p>Amount: Approx. USD 2 million</p> <p><i>Sole arbitrator</i> in a dispute between a US company and a Hong Kong company over a supply dispute</p> <p>Institution: International Centre for Dispute Resolution (ICDR)</p>
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(CPR) (2022)	Applicable law: New York
Chartered Arbitrator, Asian International Arbitration Centre (formerly the Kuala Lumpur Regional Centre for Arbitration (KLRCA)) (2022)	Status: Case settled amicably after the Preliminary Hearing and after a decision on a motion to file counterclaims Appointment: Selected by the parties via the rank and strike method Amount: The claim exceeded USD 2 million; the counterclaim was for approx. USD 1.1 million
Ambassador, American Arbitration Association/International Centre for Dispute Resolution Foundation (2022)	<i>Wing arbitrator</i> in a dispute between a company in the Jersey Islands and a Ghanian company arising out a Rig Share Deed and an Aviation Services Sharing Agreement in the energy sector Institution: London Court of International Arbitration (LCIA) Applicable law: England & Wales Status: Award issued Appointment: Appointed by the LCIA Court Amount: Approx. USD 5 million (excluding interest and costs)
Affiliate Member, International Commercial Disputes Committee, New York City Bar (2022)	<i>Sole arbitrator</i> in an alleged breach of contract dispute between an Australian party and an American Party in an IT dispute Institution: International Centre for Dispute Resolution (ICDR) Applicable law: New York
Academic Council, Institute of Transnational Arbitration (ITA) (2022)	Status: Case settled amicably after the Preliminary Hearing Appointment: Selected by the parties via the rank and strike method Amount: Not quantified (the range appeared to be between USD 400,000 to USD 1 million)
Editorial Board, <i>Law360</i> , International Arbitration (2022)	<i>Sole arbitrator</i> in a dispute in a medical supplies dispute between a Swiss party and a US party Institution: International Centre for Dispute Resolution (ICDR) Applicable law: Delaware
India Conference Co-Chair, American Bar Association, Section of International Law (2022)	Status: Final Award issued Appointment: Selected by the parties via the rank and strike method Amount: Approx. USD 600,000
Associate Editor, Brill Perspective in International Investment Law and Arbitration (2022)	<i>Sole arbitrator</i> in a services dispute between two US companies for breach of a supply agreement in relation to supply of Covid-19 medical equipment Institution: American Arbitration Association Applicable law: New York Status: Final award issued
American Society of International Law (ASIL), Signature Topics Initiative (2022)	Appointment: Selected by the parties via the rank and strike method Amount: Approx. USD 500,000  <i>Chair</i> in an international licensing dispute between two US parties in relation to alleged breach of trademarks and other intellectual property Institution: International Centre for Dispute Resolution (ICDR) (contract provided for ICDR) applicable law: New York Status: Final Award Issued Appointment: Selected by the parties via the rank and strike method Amount: Approx. USD 500,000
	<i>Sole arbitrator</i> in a dispute in a contractual dispute relating to failure to meet conditions as agreed upon contractually in the hospitality industry Institution: Ad hoc arbitration Applicable law: England & Wales Status: Final Award Issued
	<i>Sole arbitrator</i> in a dispute between for a luxury cruise and a customer for alleged breach of contractual provisions in the tourism industry Institution: Ad hoc arbitration pursuant to UK's ABTA Scheme Applicable Law: England & Wales Status: Final award issued
	<i>Sole arbitrator</i> in an international dispute for alleged breach of a supply agreement for a medical device between a Mexican and a US party Institution: International Centre for Dispute Resolution

Applicable law: Utah  
Status: Final Award issued  
Appointment: Selected by the parties via the rank and strike method  
Amount: Approx. USD 300,000

*Sole arbitrator* in a dispute for the alleged failure to make payments under a financing agreement between two US parties

Institution: American Arbitration Association

Applicable law: Utah

Status: Final Award issued

Appointment: Selected by the parties via the rank and strike method

Amount: Approx. USD 100,000

*Sole arbitrator* in a large, international dispute involving breach of a franchise agreement in the food and hospitality industry

Institution: Ad hoc but appointed by ICC

Applicable law: Liechtenstein

Status: Final Award Issued

Appointment: By the International Chamber of Commerce (pursuant to the applicable contract)

*Chair* in a large, complex accounting dispute exceeding a million dollars between two US parties

Institution: American Arbitration Association in accordance with the Accounting and Related Services Rules

Applicable law: New York

Status: Case settled after the parties completed the pleadings and after several motions

*Sole arbitrator* between an Indian party and Chinese party in a shipping dispute

Institution: Singapore International Arbitration Center (SIAC)

Applicable Law: Singapore

Status: Final Award Issued

*Sole arbitrator* between two American parties in an information technology dispute

Institution: American Arbitration Association

Appointment: Selected by the parties via the rank and strike method

Applicable Law: New York

Status: Final Award Issued

*Sole arbitrator* between two English parties over breach of agreement in the hospitality industry

Appointment: Agreement by parties

Applicable Law: England & Wales

Status: Final Award Issued

*Sole arbitrator* between two parties for alleged breach of a financing agreement

Institution: American Arbitration Association

Appointment: Selected by the parties via the rank and strike method

Applicable Law: New York

Status: Final Award Issued

### **Investor-State**

*The Kingdom of Thailand* in a large investor-state arbitration involving the gold mining sector brought by Australian investors (Kingsgate Consolidated Limited and Kingsgate Capital Pty Ltd) (UNCITRAL/PCA).

*Turkish Power Company* in the annulment, revision, and enforcement proceeding initiated by the Islamic Republic of Pakistan (ICSID).

*Hungary* in a large investor-state arbitration in a dispute initiated by a French multinational company (the tribunal rejected the bulk of the investor's claims and awarded a fraction of the amount sought).

*The Republic of India* in several large, complex investor-state disputes (UNCITRAL).

Successful representation of India in a large telecommunications dispute where the tribunal rejected all the investor's claim and awarded India's costs.

*The Republic of Kazakhstan* in a large, complex dispute exceeding multi-billion dollars involving a large oil field initiated by a large oil consortium (UNCITRAL) (the parties were able to settle the dispute to the satisfaction of Kazakhstan).

*The People's Democratic Republic of Algeria* in a large investor-state dispute initiated by a major Danish shipping company (ICSID) (the parties were able to settle the dispute to the satisfaction of Algeria).

*The Bolivarian Republic of Venezuela* in several large, complex investor-state disputes exceeding billion dollars in the oil and gas, cement, and financial industries:

*Mobil et al. v. Bolivarian Republic of Venezuela* (ICSID) (the tribunal awarded a fraction of the amount sought. The award was subsequently annulled at Venezuela's behest).

*OPIC Karinum Corp. v. Bolivarian Republic of Venezuela* (ICSID) (the tribunal dismissed the case for lack of jurisdiction).

*Brandes v. Bolivarian Republic of Venezuela* (ICSID) (the tribunal dismissed the case for lack of jurisdiction).

*CEMEX et al. v. Bolivarian Republic of Venezuela* (ICSID) (the tribunal dismissed a large part of the case for lack of jurisdiction after which the case was settled to the satisfaction of Venezuela).

*Tidewater et al. v. Bolivarian Republic of Venezuela* (ICSID) (the tribunal dismissed a large part of the case for lack of jurisdiction and awarded a fraction of the amount sought).

## **Commercial Arbitration**

*Petróleos de Venezuela, S.A.* in a large, complex, multi-billion dollar dispute initiated by Mobil Corporation. The tribunal dismissed the bulk of the claim and awarded less than 10% of the amount sought (ICC; Applicable Law: New York).

*Petróleos de Venezuela, S.A.* in a dispute against OPIC Karimum Corporation. The tribunal dismissed the bulk of the claims (ICC; Applicable Law: New York).

*Indian Space Entity* in a dispute against a start-up company in the satellite industry. The tribunal awarded less than half of the amounts sought. (ICC; Applicable Law: India).

*Petrobras Netherlands B.V. and Petrobras S.A.* in several disputes and potential disputes with contractors under complex EPC contracts (ICC and UNCITRAL; Applicable Law: New York, Brazil, and the Netherlands).

*Turkish Medical Company* in a multi-million dollar employment dispute with its former CEO. The tribunal dismissed all claims. (JAMS; Applicable Law: New York).

*Patisserie* in a commercial dispute with the former owner in relation to milestone payments to be made and other allegations relating to breach of contract (AAA; Applicable Law: District of Columbia).

Large and complex dispute between a minority hedge fund partner with majority partners under several agreements (under ICDR Rules of Arbitration) (applicable laws: New York, Delaware, Cayman Islands, and Connecticut).

Dispute between a non-profit providing mental health services and a website service provide (under AAA Rules of Arbitration) (applicable laws: Virginia).

## **Recognition**

- [Hind Rattan \("Jewel of India"\) award](#)

Highest diasporic award for people of Indian origin

■ *Best Lawyers*

International Arbitration (2021–2023)

Ones to Watch: Alternative Dispute Resolution (2020–2021)

■ *New York Super Lawyers*

International Law and Alternative Dispute Resolution (2019–2022)

■ International American Council for Research and Development

Universal Outstanding Achievement Award (2022)

■ International Institute for Conflict Prevention and Resolution (CPR)

“Outstanding Contribution to Diversity in ADR” Award (2022)

ADR Rising Star Award (2022)

■ International Achiever’s Award (2022)

Indian Achievers Forum

■ Chambers Diversity and Inclusion Awards (North America)

Top 5 (2022)

■ *Who's Who Legal*

Thought Leader in International Arbitration (2022)

Arbitration (2021–2022)

"Future Leaders"—Arbitration (2017–2020)

"Most Highly Regarded Future Leader in the Americas"—International Arbitration (2019)

■ *The Legal 500 US*

International Arbitration (2019, 2021–2022)

■ *Expert Guides*

"Rising Stars: Commercial Arbitration" Expert Guides (2021)

"Rising Star" (2019)

■ Prime Dispute

"2020 Dispute Resolution Award of the Year—Americas" (2021)

"2019 Equality and Diversity Award in Dispute Resolution" (2020)

■ Indian National Bar Association

Counsel of the Year (US) (2021)

Young Lawyer of the Year (2019)

■ Lawyers of Distinction

Recognized for International Law (2021)

■ *Euromoney Rising Stars Awards Americas 2020*

"Rising Star"—United States

■ Leaders in Law—2020 Global Awards

International Arbitration Lawyer of the Year (USA)

■ India Legal Awards

"Best Arbitration Jurist" (2020)

■ Institute of Self Reliance

"Inspiring Citizen Award" (2019)

■ Bali International Arbitration and Mediation Center (BIAMC)

"Top 10 Arbitrators"—Asia Pacific Region (2019)

■ *Euromoney Legal Media Group Americas Rising Star*

"Best in Commercial Arbitration" (Top 5) (2019)

■ *Legal Era—Legal Media Group*

"40 Under 40 Rising Star Award" (2018)

- The Burton Award

*Law360* Distinguished Legal Writing Awards (2018)

ICCA

INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION



ICCA  
Cross-Institutional Task Force on  
Gender Diversity  
in Arbitral Appointments and Proceedings

# Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings

## 2022 Update

with the assistance of the  
Permanent Court of Arbitration  
Peace Palace, The Hague



The ICCA Reports No. 8

INTERNATIONAL COUNCIL FOR  
COMMERCIAL ARBITRATION

REPORT OF THE CROSS-INSTITUTIONAL  
TASK FORCE ON GENDER DIVERSITY  
IN ARBITRAL APPOINTMENTS  
AND PROCEEDINGS

THE ICCA REPORTS NO. 8

2022 UPDATE



ICCA is pleased to present the ICCA Reports series in the hope that these occasional papers, prepared by ICCA interest groups and project groups, will stimulate discussion and debate.

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[www.arbitration-icca.org](http://www.arbitration-icca.org)

Published by the International Council for Commercial Arbitration  
<[www.arbitration-icca.org](http://www.arbitration-icca.org)>, on behalf of the Cross-Institutional Task Force on  
Gender Diversity in Arbitral Appointments and Proceedings

Revised second edition

ISBN 978-94-92405-29-6

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For further information, please contact us at [bureau@arbitration-icca.org](mailto:bureau@arbitration-icca.org).

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This Report is the result of the collective efforts of the Task Force. Unless otherwise indicated, the views expressed are not attributable to any particular Member or their employer.



## Acknowledgements

The Task Force would like to thank the following individuals who have recently changed roles for their significant contributions to the Task Force and to the Report. They have been involved in compiling prior versions of this Report and their work is reflected in this year's Report:

Alice Fremuth-Wolf

Sarah Grimmer

Anna Kaehlbrandt

This year, a number of additional arbitral institutions contributed their statistics and/or information on diversity initiatives on arbitrator appointments, in order to further enrich and diversify our statistical analysis and research. The Task Force is grateful to those participating institutions for their time and support of our work. Participating institutions include the following:

Centro de Mediación y Arbitraje de la Cámara Nacional de Comercio de la Ciudad de México (Mexico)

Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (Brazil)

Centro de Arbitraje y Mediación Amcham Quito (Ecuador)

Centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago (Chile)

Centro de Arbitraje de la Cámara de Comercio de Medellín para Antioquía (Colombia)

Centro de Arbitraje Nacional e Internacional de la Cámara de Comercio de Lima (Peru)

Centro de Conciliación y Arbitraje de Panamá (Panama)

Centro Empresarial de Conciliación y Arbitraje (Venezuela)

Centro Empresarial de Mediación y Arbitraje (Argentina)

Centro Internacional de Conciliación y Arbitraje (Costa Rica)

Chamber of Conciliation, Arbitration and Mediation (Brazil)

International Arbitration Centre (Kazakhstan)

Madrid International Arbitration Centre (Spain)

Tashkent International Arbitration Centre (Uzbekistan)

## THE ICCA REPORTS

The Task Force also extends its gratitude to the many women arbitrators who provided responses to an interview questionnaire prepared for the Report.<sup>1</sup> These women include:

Cecilia Azar	Lucy Greenwood
Crina Baltag	Sarah Grimmer
Eliana Baraldi	Elena Gutiérrez García de Cortazar
Diana Bayzakova	Hilary Heilbron QC
The Hon. Dr. Annabelle Claire Bennett	Paula Hodges QC
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Beata Gessel-Kalinowska vel Kalisz	Olena Perepelynska
Judith Gill QC	Victoria Pernt
Katherine González Arrocha	Mónica Pinto

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1. The 2021/2022 interview questionnaire is included in [Appendix K](#) herein. This Report also incorporates responses to the interview questionnaire that were received from women arbitrators in advance of the Report published in 2020.

GENDER DIVERSITY IN ARBITRAL APPOINTMENTS AND PROCEEDINGS – 2022 UPDATE

Adriana Pucci

Lucy Reed

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Ana Carolina Weber





## Foreword to the 2022 Update

*Lucy Reed, ICCA President and Independent Arbitrator with Arbitration Chambers*

The International Council for Commercial Arbitration (“ICCA”) is again proud and delighted to publish the updated 2022 Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings (the “2022 Update”).

The inaugural 2020 Task Force Report was groundbreaking. The 2022 Update breaks even more ground. Readers will find more data, more information, more anecdotes, more analysis, and more recommendations. Most important, the 2022 Update demonstrates measurable progress in the representation and inclusion of women in international arbitration—with, of course, much more to be done in the multi-faceted field of diversity.

ICCA has a natural connection to the work of the Task Force. ICCA is committed to improving international arbitration and promoting the diversity of members across our wide community. Within ICCA itself, we have a firm policy of ensuring gender equality within the Executive Body, Governing Board and Young ICCA leadership, and have an active Diversity and Inclusiveness Committee. The Task Force is ably chaired by Carolyn Lamm, a member of ICCA’s Governing Board and Diversity and Inclusiveness Committee.

ICCA extends its appreciation to Carolyn, ArbitralWomen, the Equal Representation in Arbitration Pledge, the other Task Force Members, and all of the contributors for their vision, dedication, and hard work in producing this valuable updated Report. Their commitment to diversity benefits us all.

*Carolyn B. Lamm, ICCA Diversity and Inclusiveness Committee and  
Partner at White & Case*

Building on years of efforts across various industries and within the international arbitration community, the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings (the “Task Force”) was established in 2019 by 17 leading international arbitration institutions, law firms, and diversity initiatives to gather statistics and make recommendations on improving gender diversity in international arbitration.

In July 2020, the Task Force published its first report (the “2020 Report”), which for the first time compiled and analyzed a significant number of statistics on the appointment of women arbitrators, and also identified opportunities and best practices to promote and improve diversity throughout the international arbitration community. Since then, the Task Force has remained committed to reinforcing and strengthening diversity throughout the field and has expanded to include a total of 32 individuals representing 28 prominent arbitration institutions, law firms, organizations, and diversity initiatives.

As Chair of the Task Force, I am delighted to present this second edition of the Task Force's report (the "2022 Update"), which amplifies the work conducted in 2020 in a multitude of ways. Specifically, we have accumulated and analyzed data and other information from 14 arbitration institutions who are members of the Task Force and stalwart partners in advancing diversity: the Australian Centre for International Commercial Arbitration, the Belgian Centre for Arbitration and Mediation, the Cairo Regional Centre for International Commercial Arbitration, the German Arbitration Institute, the Hong Kong International Arbitration Centre, the International Court of Arbitration of the International Chamber of Commerce, the International Centre for Dispute Resolution, the International Centre for Settlement of Investment Disputes, the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry, the London Court of International Arbitration, the Singapore International Arbitration Centre, the Swiss Arbitration Centre, the Stockholm Chamber of Commerce, and the Vienna International Arbitration Centre. We also are grateful to the 15 institutions willing to contribute their data and/or information on their diversity initiatives: Centro de Mediación y Arbitraje de la Cámara Nacional de Comercio de la Ciudad de Mexico; the Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada; Centro de Arbitraje y Mediación Amcham Quito; Centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago; Centro de Arbitraje de la Cámara de Comercio de Medellín para Antioquía; Centro de Arbitraje Nacional e Internacional de la Cámara de Comercio de Lima; Centro de Conciliación y Arbitraje de Panamá; Centro Empresarial de Conciliación y Arbitraje (Venezuela); Centro Empresarial de Mediación y Arbitraje (Argentina); Centro Internacional de Conciliación y Arbitraje (Costa Rica); Chamber of Conciliation, Arbitration and Mediation (Brazil); the International Arbitration Centre (Kazakhstan), the Madrid International Arbitration Centre, and the Tashkent International Arbitration Centre. The data and other information provided by the institutions form a vital aspect of our work to improve and build upon diversity in arbitration, and we are grateful for the institutions' continued support in this project.

The 2022 Update also benefits from the substantial input of other members of the Task Force, representing a wide variety of actors within the international arbitration community: ArbitralWomen, Burford Capital, the Equal Representation in Arbitration Pledge, Freshfields Bruckhaus Deringer LLP, Hanotiau & van den Berg, the International Council for Commercial Arbitration, Skadden, Arps, Slate, Meagher & Flom LLP, the University of Sydney, Three Crowns LLP, White & Case LLP, Twenty Essex Chambers, Women Way in Arbitration Latam, the American Bar Association, and the IBA Arbitration Committee. The support of ICCA, including in particular the efforts of Lisa Bingham and Lise Bosman, has been essential to improving the processes of international arbitration, and its strong support for the work of the Task Force has been invaluable. Significant work was contributed by the sustained analytical and drafting efforts of lawyers at White & Case LLP and Three Crowns LLP, in particular those of Nicola Peart and Jennifer Ivers. We also are grateful to Lucy Greenwood, whose past efforts

to collect data on gender diversity in arbitral appointments are reflected in our analysis. These and other contributions of data, analysis, and related efforts have been invaluable to our project.

In preparing the 2022 Update, we extended a call for women arbitrators to provide responses to our Questionnaire, which requested information on their experience in obtaining their first appointment as an arbitrator and how they approached challenges in obtaining their first and subsequent appointments, as well as their advice to women who wish to become arbitrators, among other things. We were thrilled to receive responses from over 70 women across the globe, who graciously took the time to share their experience and wisdom with us. Their experience and advice have been incorporated throughout this Report.

In addition to its extensive analysis of the newly-compiled data on diversity in arbitral appointments of women, the 2022 Update expands its review of a variety of important issues concerning gender diversity, including new data on repeat and sole arbitrator appointments, tribunal chairs, and all-women tribunals. We address the impact that COVID-19 has had on women in arbitration, and also consider the important role that directories and other organizations play in ensuring women are fairly represented in international rankings.

One of the most extraordinary features of the Report is that it has been produced entirely on a volunteer, “pro bono” basis. It is an important issue that all of us are committed to devoting our efforts to lead for continued progress. I extend my sincerest thanks to the members of the Task Force, as well as to the many individuals, law firms, litigation funders, and arbitral institutions who contributed to the content of the Report, including ICCA, White & Case LLP, and Three Crowns LLP for their substantial work drafting and compiling this Report. Your continued efforts and support are greatly appreciated and will assist in the improvement of our world.



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## PART ONE





## INTRODUCTION AND OVERVIEW

The Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings (the “Task Force”) brings together representatives of many of the leading international arbitration institutions and gender diversity initiatives. Our agreed mandate is to document and publish statistics on the appointment of women arbitrators, as well as identify opportunities and best practices to promote the appointment of women arbitrators. Members of the Task Force represent: arbitral institutions, including the Australian Centre for International Commercial Arbitration (“ACICA”), the Belgian Centre for Arbitration and Mediation (“CEPANI”), the Cairo Regional Centre for International Commercial Arbitration (“CRCICA”), the German Arbitration Institute (“DIS”), the Hong Kong International Arbitration Centre (“HKIAC”), the International Court of Arbitration of the International Chamber of Commerce (“ICC”), the International Centre for Dispute Resolution (“ICDR”), the International Centre for Settlement of Investment Disputes (“ICSID”), the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (“ICAC”), the London Court of International Arbitration (“LCIA”), the Singapore International Arbitration Centre (“SIAC”), the Swiss Arbitration Centre, the Stockholm Chamber of Commerce (“SCC”), and the Vienna International Arbitration Centre (“VIAC”); arbitration organizations including the American Bar Association (“ABA”), the Arbitration Committee of the International Bar Association (“IBA”), and the International Council for Commercial Arbitration (“ICCA”); and other initiatives and actors involved in international arbitration, including Arbitral-Women, the Equal Representation in Arbitration Pledge (“ERA Pledge”), Women Way in Arbitration Latam (“WWA Latam”), Burford Capital, the University of Sydney, White & Case LLP, Freshfields Bruckhaus Deringer LLP, Three Crowns LLP, Hanotiau & van den Berg, E&A Law, and Skadden, Arps, Slate, Meagher & Flom LLP.<sup>2</sup>

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2. Carolyn B. Lamm (Chair of the Task Force) (ICCA Diversity and Inclusiveness Committee; White & Case LLP); Carina Alcoberro (DIS); Louise Barrington (ArbitralWomen); Julie Bédard (Skadden, Arps, Slate, Meagher & Flom LLP); Albert Jan van den Berg (Hanotiau & van den Berg); Emma Van Campenhoudt (CEPANI); María Inés Corrá (WWA Latam; Bomchil); Valeria Galíndez (IBA Arbitration Committee; Galíndez Arb); Jacomijn van Haersolte-van Hof (LCIA); Dalia Hussein (CRCICA); Jennifer Ivers (White & Case LLP); Ashley Jones (ERA Pledge; Freshfields Bruckhaus Deringer LLP); Meg Kinnear (ICSID); Olga Kostyshyna (ICAC Ukraine); Niamh Leinwather (VIAC); Roberta D. Liebenberg (ABA); Noiana Marigo (ERA Pledge; Freshfields Bruckhaus Deringer LLP); Wendy J. Miles QC (Twenty Essex Chambers); Kevin Nash (SIAC); Sylvia Noury QC (ERA Pledge; Freshfields Bruckhaus Deringer LLP); Nicola Peart (Three Crowns LLP); Mirèze Philippe (ICC); Giulia Previti (Burford Capital); Lucy Reed (ICCA President); Miroslava Schierholz (ICDR); Patricia Shaughnessy (SCC); Elizabeth Snodgrass (Three Crowns LLP); Ana Stanič (E & A Law

A lack of diversity, including gender diversity, among international arbitrators has been a persistent feature of international arbitration. A study by Professor Susan D. Franck of 102 investment treaty awards rendered before 2007 found that “[w]omen were a tiny fraction of arbitrators,” identifying “five women (3.5%) in the population of 145 investment treaty arbitrators” and noting further that “there were no tribunals with two or more women.”<sup>3</sup> Professor Franck’s subsequent research of 252 awards dated prior to January 2012 found that only 3.6% of 247 individual arbitrators were women, and that 81.7% of tribunals were comprised of all men.<sup>4</sup> As discussed in further detail in this Report, more recent statistics indicate improvement, with women comprising 22.8% of arbitrators appointed in 2019, 24.8% in 2020 and 26.1% in 2021.<sup>5</sup> The increase in diversity is likely due in part to the impact of increased awareness about gender diversity in international arbitration,<sup>6</sup> thanks to initiatives like the ERA Pledge and ArbitralWomen, as well as the efforts of arbitral institutions, advocates and parties to promote the fair representation of women as arbitrators.

The impact of these collective efforts signals the potential of related initiatives that target other aspects of diversity and inclusion.<sup>7</sup> Support for these initiatives is critical, as the lack of diversity and inclusion in arbitral appointments and proceedings is not limited to gender. The Task Force recognizes that not all in our arbitration community identify with a particular gender and that gender diversity and inclusion cannot be fully addressed

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Limited); S. I. Strong (University of Sydney); Deborah Tomkinson (ACICA); Korinna von Trotha (Swiss Arbitration Centre); Gökçe Uyar (HKIAC). The Task Force notes the significant drafting contributions from Nicola Peart and Jennifer Ivers, and is grateful for the research and editorial support from Meghan Clark-Kevan, Ljubica Kaurin Dragicevic, Molly Engels, Stephen Hogan-Mitchell, Madina Lokova, Serena Luo, Katherine Schroeder, Katherine Shen, and Ruta Sina.

3. Susan D. Franck, *Empirically Evaluating Claims about Investment Treaty Arbitration*, 86 N.C. L. REV. 1, 75-83 (2007).
4. Susan D. Franck, et al., *The Diversity Challenge: Exploring the “Invisible College” of International Arbitration*, 53 COLUM. J. TRANSNAT’L L. 429, p. 439 (2015) (citing Susan D. Franck, INVESTMENT TREATY ARBITRATION: MYTHS, REALITIES AND COSTS (2015)).
5. See [Table 1](#), *infra* Section IIA(i). Readers may note that these figures differ from those published in the 2020 edition of the Task Force Report. This is because a number of additional institutions have been included in this year’s Report, changing the average calculations for 2019.
6. See generally Lucy Greenwood, *Moving Beyond Diversity Toward Inclusion in International Arbitration*, Stockholm Arb. Y.B. 93, pp. 93-94 (2019).
7. A number of initiatives have been set up to raise awareness of the need to increase representation of racial, ethnic, regional, gender, and other minorities in international arbitration. See, e.g., the work of the ICCA Diversity and Inclusiveness Committee, led by Sylvia Noury and the work of R.E.A.L.—Racial Equality for Arbitration Lawyers, focusing on racial equality and representation of other unrepresented groups in international arbitration.

by approaching gender as a binary issue. In the same vein, there is much work to be done to address diversity and inclusion in international arbitration in terms of ethnicity, nationality, geography, race, religion, age, and sexual orientation, among others, as well as how these factors intersect with each other.<sup>8</sup>

While acknowledging the breadth and interconnectedness of issues that are engaged when discussing diversity and inclusion in international arbitration, the Task Force focuses this Report on gender diversity. This is primarily due to the emergence of gender as a routinely recorded metric of diversity in the reports of major arbitral institutions and, in particular, the members of the Task Force. More could be done to improve the recording of other metrics of diversity and inclusion<sup>9</sup> and, with this in mind, the Task Force has in this 2022 Update included a discussion about how the selection of women arbitrators varies across regions and whether women of particular nationalities comprise the majority of women arbitrators appointed in 2021.<sup>10</sup>

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8. See Fernando D. Simões, *Diversity in Investment Arbitration: Balancing Individual and Community Legitimacy*, in *DIVERSITY IN INTERNATIONAL ARBITRATION: WHY IT MATTERS AND HOW TO SUSTAIN IT* (Shahlia F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton, Eds., 2022). See also Kabir A. N. Duggal and Rekha Rangachari, *Gender, Race, or Both? The Need for Greater Consideration of Intersectionality in International Arbitration*, in *DIVERSITY IN INTERNATIONAL ARBITRATION: WHY IT MATTERS AND HOW TO SUSTAIN IT*, p. 68 (Shahlia F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton, Eds., 2022) (“Intersectionality recognizes that there are people within the same minority group who face different barriers (for example within women, women of color or LGBTQ+ women).”); Archismita Raha, Shreya Jain & Juhi Gupta, *Growing Gender Diversity in International Arbitration: A Half Truth?*, *KLUWER ARBITRATION BLOG* (Sept. 28, 2021), <<http://arbitrationblog.kluwerarbitration.com/2021/09/28/growing-gender-diversity-in-international-arbitration-a-half-truth/>> (last accessed Aug. 9, 2022) (“Such intersectional analysis becomes relevant for understanding actual diversity because in many countries with a nascent IA practice, the real opportunities available to women practitioners can only be fully appreciated by accounting for their identities as women from their countries of origin. This is because, more often than not, practitioners from these countries are only appointed as arbitrators in arbitrations where at least one of the parties is from that country.”).
  9. Kabir A. N. Duggal and Rekha Rangachari, *Gender, Race, or Both? The Need for Greater Consideration of Intersectionality in International Arbitration*, in *DIVERSITY IN INTERNATIONAL ARBITRATION: WHY IT MATTERS AND HOW TO SUSTAIN IT*, pp. 70-71 (Shahlia F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton, Eds., 2022) (“Data, critically missing on intersectional diversity in international commercial arbitration, is the main path towards defining the problem, tracking progress, and evolving the system of international disputes.”).
  10. Kabir A. N. Duggal and Rekha Rangachari, *Gender, Race, or Both? The Need for Greater Consideration of Intersectionality in International Arbitration*, in *DIVERSITY IN INTERNATIONAL ARBITRATION: WHY IT MATTERS AND HOW TO SUSTAIN IT*, pp. 70-71 (Shahlia F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton, Eds., 2022).

What follows is a brief overview of the 2022 Update. The Report is divided into three Parts. **Part One** includes this introduction. **Part Two** has three Sections. In **Section I**, we discuss the significance of gender diversity in international arbitral tribunals. Aside from the moral and social imperatives to address gender discrimination, there are multiple practical advantages to doing so. The pool of qualified arbitrator candidates is greatly expanded when women are included, and users of arbitration may find that the person most suited to the role of an arbitrator in a particular case is a woman. Discriminating against women cuts out access to this pool of talent. As detailed below, research also suggests that more diverse tribunals make better decisions and can lead to improved proceedings. In addition, diversity has been identified as important for ensuring the legitimacy of international dispute resolution, particularly in cases where public interest issues arise. Further, international arbitration exists to facilitate investment and economic development around the world and should reflect global commitments to promote sustainable development, including gender equality, and address gender discrimination.

**Section II** examines existing data and tracks appointment trends based on whether an arbitrator is a man or a woman. The statistics show that gender diversity in arbitral tribunals is increasing and the proportion of women appointed as arbitrator has nearly doubled over the past five years, from 12.6% in 2015 to 26.1% in 2021. Institutions have played a significant role in driving this trend. Between 2015 and 2020, at least a quarter of all appointments by arbitral institutions have been women, increasing, from 24.9% in 2015 to 37.9% in 2021. The proportion of women appointed by parties doubled over that same period, from 7.9% in 2015 to 17.9% in 2021. For co-arbitrator appointments, the proportion of women appointed nearly tripled, from 10.1% in 2015, increasing to 27.1% in 2021.

In recent years, certain datapoints stand out. Of the 483 arbitrators appointed in cases administered by ICAC in 2021, 37.9% of arbitrators were women. In the 449 arbitrations administered by the LCIA in 2021, 31.6% of arbitrators were women. Other institutions with large caseloads also recorded above-average proportions of women arbitrators in 2021, including ICDR (26.2%), ICSID (27.2%) and SCC (28.7%). In 2021, nearly half of all arbitrators appointed by the LCIA Court and the SCC were women (47.4% and 49.5%, respectively), well over the average of 37.9%. Approximately a third of co-arbitrator appointments in 2021 were women, in DIS, ICSID, LCIA and SCC arbitrations (32.8%, 33.3%, 32.8% and 31.6%, respectively), well over the average of 27.1%.

The proportion of women appointed as arbitrator in 2021 does not account for the effect of repeat appointments of the same women to multiple tribunals, which can obscure the true extent to which the “pool” of arbitrators is expanding to accommodate more women. Among the institutions that have recorded data on repeat appointments, on average 37.0% of women arbitrator appointments in 2021 were repeat appointments. For the IAC, of the 49 women appointed as arbitrators in 2021, a significant majority (93.9%) were repeat appointments. For ICSID and HKIAC, nearly half of women appointments in 2021 were repeat appointments (49.3% and 42.9%, respectively). Notably, the average

proportion of repeat appointments is similar for men, with an average of 35.2% of repeat appointments among men appointed in 2021.

There is some disparity in the appointments of first-time arbitrators, however, with women comprising one third (34.8%) and men comprising two thirds (65.2%) of first-time arbitral appointments in 2021. These data, combined with the data on repeat appointments, suggest that the pool of experienced arbitrators may be growing more slowly for women than it is for men.

The 2022 Update also discusses a number of other factors relevant to gender diversity of arbitral appointments, including the gender diversity of sole arbitrator appointments, emergency arbitrator appointments, chair appointments and appointments in *ad hoc* arbitrations, and we consider whether men or women arbitrators are more likely to be challenged. We also include data on the nationality of women arbitrators, with a view to beginning to assess intersectional issues in the representation of women in international arbitration. Finally, this year's Report trials a "regional assessment" of the gender diversity of arbitrator appointments in Latin America and the Caribbean, comparing trends in data at this regional level with "global" statistics compiled by institution members of the Task Force.

**Section III** provides an overview of the most widely cited barriers to achieving greater inclusion of women arbitrators on tribunals. Barriers include "leaks in the pipeline" of qualified women candidates, such as lower retention of women in private practice, the promotion of fewer women to senior ranks within an organization, and the lack of availability of opportunities (or the awareness of opportunities) for women to gain relevant experience and promote their visibility and reputation among users of international arbitration. Even amid the pool of qualified candidates, there may be additional barriers to obtaining arbitral appointments. One of the potentially more significant factors is the impact of unconscious bias, including gender stereotyping, and information barriers that mean those in the position of appointing arbitrators are unaware of available talent. This year, we also note the impact of the COVID-19 pandemic on the retention of women in arbitration and discuss in more detail the lack of women listed in arbitrator directories.

Having identified the current status of gender diversity in international arbitral appointments, as well as some of the factors that might contribute to limiting that diversity, **Part Three** sets out the Task Force's recommendations for promoting gender diversity in international arbitration. A key theme of this Report is that there are many ways for all stakeholders in the international arbitration community to take action to address gender diversity. **Section IV** is intended to highlight a selection of available tools and opportunities recommended by Members of the Task Force. We provide specific advice for: those in the position of appointing or otherwise promoting women arbitrator candidates; qualified women candidates seeking to promote their expertise and availability to act as arbitrators; women who have set their sights on one day obtaining arbitral appointments, but who need guidance on how to improve their credentials in the meantime; employers who are in the position to nurture and generate future talent; in-house counsel

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who recognize that it may be in their interests to have more diverse arbitrator panels; and those in the position of organizing events or compiling directories that can help to promote qualified women.

As part of the research conducted for this Report, the Task Force interviewed experienced women arbitrators for their advice on how to advance a career in international arbitration and/or how to obtain arbitral appointments. We received responses from more than 70 women from around the world. In [Section IV](#), we document their advice on how women can succeed in this field and provide useful tips on how all users of international arbitration can promote women as arbitrators.

The conclusions of the Report are described in [Section V](#).

## PART TWO





## I. GENDER DIVERSITY: WHY IT MATTERS

Research suggests that users of international arbitration are unsure why reflecting gender diversity in appointments to arbitral tribunals is important. A 2016 survey by Berwin Leighton Paisner (“2016 BLP Survey”) found that 68% of respondents felt that gender was either “not that important” or “not important at all” when it comes to appointing arbitrators.<sup>11</sup> Another 2018 survey by White & Case LLP and the School of International Arbitration, Queen Mary University of London (“2018 QMUL Survey”) found that users of international arbitration are “unsure” whether the causal connection between gender diversity on arbitral tribunals and the quality of the panel’s decision-making “is a relevant enquiry to make.”<sup>12</sup> More recent surveys indicate increased awareness of the importance of diversity in arbitral appointments. In 2021, the same survey by White & Case LLP and the School of International Arbitration, Queen Mary University of London (the “2021 QMUL Survey”) found that “a significant number of interviewees” believed that “having more diverse pools of arbitrators is the right thing.”<sup>13</sup> In this Section, we provide an overview of some of the reasons why increasing the diversity of arbitrators to include more women matters.<sup>14</sup>

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11. Whereas, 12% of respondents felt it was “very important” or “important.” From the 2017 Report based on the 2016 survey, publishing data and findings *see* Berwin Leighton Paisner, *International Arbitration Survey: Diversity on Arbitral Tribunals. Are We Getting There?*, p. 8 (Jan. 12, 2017), <<https://www.bclplaw.com/images/content/1/5/v2/150194/FINAL-Arbitration-Survey-Report.pdf>> (last accessed Aug. 4, 2022).
  12. White & Case and Queen Mary University of London School of International Arbitration, *2018 International Arbitration Survey: The Evolution of International Arbitration*, p. 16 (2018), <[http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-\(2\).PDF](http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-(2).PDF)> (last accessed Aug. 12, 2022).
  13. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting arbitration to a changing world*, p. 17 (2021), <[https://arbitration.qmul.ac.uk/media/arbitration/docs/LON0320037-QMUL-International-Arbitration-Survey-2021\\_19\\_WEB.pdf](https://arbitration.qmul.ac.uk/media/arbitration/docs/LON0320037-QMUL-International-Arbitration-Survey-2021_19_WEB.pdf)> (last accessed Aug. 12, 2022).
  14. This Report intentionally does not take a position on how *much* diversity is to be desired. For a discussion on this point, *see* Freya Baetens, *Identity and Diversity on the International Bench: Implications for the Legitimacy of International Arbitration*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH*, pp. 24-26 (Freya Baetens, Ed., 2020).

## A. Women may be the best talent

*“In a time when there is a broad pool of talent in international arbitration, and that talent extends across national borders and encompasses both genders, there is untapped value in diversifying the pool of arbitrators.”*<sup>15</sup>

*“[I]nadvertent discrimination based on gender and race damages arbitration, because it assumes, unthinkingly, that a class of persons have always the relevant qualities that another class always do not, thereby wasting the human resources available to arbitration. Such discrimination is also grossly irrational in a process otherwise founded upon rationality.”*<sup>16</sup>

When deciding the best person for the job of an arbitrator, clients and counsel who inadvertently discriminate against women candidates may act against their own interests by cutting out a wealth of talent.

As this Report discusses, there are numerous qualified women candidates bearing specific credentials, skills, temperament, and availability.<sup>17</sup> In light of this pool of available talent, the statistics on the appointment of women arbitrators in 2021 (at 26.1% of all arbitrator appointments) might indicate that counsel and clients are not consistently choosing the most qualified individual for the job. As we discuss later in this Report, there are a number of factors that may underpin the lower proportion of women appointed as arbitrators, such as unconscious bias and gender stereotyping, and lack of awareness of available qualified women arbitrator candidates.<sup>18</sup> Users of arbitration who wish to select the most qualified and best-suited arbitrator may wish to consider the full spectrum of available candidates.

## B. Gender diversity can improve the arbitral process and outcome

Commentators identify gender diversity as leading to improved team performance and productivity. For example, a 2020 report by McKinsey & Company found a statistically significant correlation between a more diverse leadership team and financial

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15. Susan D. Franck, et al., *The Diversity Challenge: Exploring the “Invisible College” of International Arbitration*, 53 COLUM. J. TRANSNAT’L L. 429, p. 504 (2015).

16. V.V. Veeder, *Who Are the Arbitrators?*, in LEGITIMACY: MYTHS, REALITIES, CHALLENGES, ICCA Congress Series No. 18, pp. 652, 660 (Albert Jan van den Berg ed., 2015).

17. See [Section IVA\(iii\)](#) of this Report, discussing the multiple databases listing qualified women arbitrator candidates.

18. See discussion in [Section III.B](#) of this Report.

outperformance.<sup>19</sup> In its study of over 1,000 companies across 15 countries, most recently surveyed in 2019, McKinsey found that companies in the top 25% for gender diversity on executive teams were 25% more likely to experience above-average profitability than peer companies, which is an increase from 21% in 2017 and 15% in 2014.<sup>20</sup> McKinsey further found that the higher the representation of women in such teams, the higher the likelihood of outperformance.<sup>21</sup> Similarly, a 2020 report by Catalyst records that gender-diverse corporate boards outperform non-diverse boards in environmental, social, and governance metrics, and also are associated with more effective risk-management practices, increased engagement among board members, fewer financial reporting mistakes and controversial business practices, and investment in higher-quality audits.<sup>22</sup> Further, a 2021 Report by First Sentier Investors, which analyzed more than 2,500 large firms from over 30 countries, found a positive correlation between companies with more gender diversity on their boards and in senior management with higher returns on assets, returns on equity, and profit margins.<sup>23</sup>

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19. McKinsey & Company, *Diversity Wins: How Inclusion Matters*, p. 3 (2020), <<https://www.mckinsey.com/~media/mckinsey/featured%20insights/diversity%20and%20inclusion/diversity%20wins%20how%20inclusion%20matters/diversity-wins-how-inclusion-matters-vf.pdf>> (last accessed Aug. 12, 2022).
  20. McKinsey & Company, *Diversity Wins: How Inclusion Matters*, p. 8 (2020), <<https://www.mckinsey.com/~media/mckinsey/featured%20insights/diversity%20and%20inclusion/diversity%20wins%20how%20inclusion%20matters/diversity-wins-how-inclusion-matters-vf.pdf>> (last accessed Aug. 12, 2022). A separate survey conducted by the software company Cloverpop found that that “[g]ender diverse teams make better business decisions 25% of the time, and including age and geographic diversity increases that advantage to 50%.” See Cloverpop, *White Paper: Hacking Diversity with Inclusive Decision Making* (2017), <[https://www.cloverpop.com/hubfs/Whitepapers/Cloverpop\\_Hacking\\_Diversity\\_Inclusive\\_Decision\\_Making\\_White\\_Paper.pdf](https://www.cloverpop.com/hubfs/Whitepapers/Cloverpop_Hacking_Diversity_Inclusive_Decision_Making_White_Paper.pdf)> (last accessed Aug. 12, 2022).
  21. McKinsey & Company, *Diversity Wins: How Inclusion Matters*, p. 3 (2020), <<https://www.mckinsey.com/~media/mckinsey/featured%20insights/diversity%20and%20inclusion/diversity%20wins%20how%20inclusion%20matters/diversity-wins-how-inclusion-matters-vf.pdf>> (last accessed Aug. 12, 2022).
  22. Catalyst, *Quick Take: Why Diversity and Inclusion Matter* (June 24, 2020), <<https://www.catalyst.org/research/why-diversity-and-inclusion-matter/>> (last accessed Aug. 12, 2022). For a survey of recent studies on the effect of diversity on the “bottom line,” see Catalyst, *Why Diversity and Inclusion Matter: Financial Performance* (June 24, 2020), <<https://www.catalyst.org/research/why-diversity-and-inclusion-matter-financial-performance/>> (last accessed Aug. 12, 2022).
  23. Dr. Joanna Nash & Dr. Ron Guido, *Beyond Lip Service: Tracking the Impact of the Gender Diversity Gap*, First Sentier Investors pp. 27-30 (2021), <[https://www.firstsentierinvestors.com.au/content/dam/web/australia/realindex/realindex\\_lipservice\\_report.pdf](https://www.firstsentierinvestors.com.au/content/dam/web/australia/realindex/realindex_lipservice_report.pdf)> (last accessed Aug. 9, 2022) (finding that “gender diverse firms (both board and senior management) are

These productivity and performance improvements can translate into equivalent improvements in the context of dispute resolution.<sup>24</sup> International arbitral tribunals may face the risk that their decisions are tainted by cognitive biases and groupthink—a risk that some have argued can be avoided by including more diverse decision-makers whose individual experiences are sufficiently varied to improve the quality of the decisions made.<sup>25</sup> Social science literature shows that diversity can improve the quality of group reasoning and decision-making, because “[w]orking with people who are different from you may challenge your brain to overcome its stale ways of thinking and sharpen its performance.”<sup>26</sup> A study of arbitrator decision-making from the 1950s, for example, found that arbitrators’ decisions were significantly influenced in the course of deliberations with other members of the panel.<sup>27</sup> Similarly, respondents to the 2016 BLP Survey commented that “[o]verall, a diverse tribunal may be better prepared, more task-oriented, and more attentive to the parties’ arguments than a non-diverse tribunal.”<sup>28</sup> More recently, the 2021 QMUL Survey found that over half of the respondents (57%) believed that diversity has either “the most positive effect” (36%) or a “positive effect” (21%) on

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typically higher quality firms, where gender diversity has positive correlation with return on assets, return on equity, and profit margins.”)

24. See generally Anna Spain Bradley, *The Disruptive Neuroscience of Judicial Choice*, 9 U. C. IRVINE L. REV. 1 (2018); Nienke Grossman, *Sex on the Bench: Do Women Judges Matter to the Legitimacy of International Courts?*, 12 CHI. J. INT’L L. 647 (2012); Nienke Grossman, *Shattering the Glass Ceiling in International Adjudication*, 56 VA. J. INT’L L. 339 (2016).
25. See generally Andrea K. Bjorklund, *The Diversity Deficit in Investment Arbitration*, EJIL: TALK!, (Apr. 4, 2019), <<https://www.ejiltalk.org/the-diversity-deficit-in-investment-arbitration/>> (last accessed Aug. 12, 2022). See also Nathalie Allen, Leonor Díaz de Córdova & Natalie L. Hall, *If Everyone Is Thinking Alike, Then No One Is Thinking’: The Importance of Cognitive Diversity in Arbitral Tribunals to Enhance the Quality of Arbitral Decision Making*, 38 J. Int’l Arb. 601 (2021) (arguing that increasing diversity among arbitrators will enhance decision-making and improve the quality of awards).
26. David Rock & Heidi Grant, *Why Diverse Teams are Smarter*, HARV. BUS. REV., Nov. 4, 2016, <<https://hbr.org/2016/11/why-diverse-teams-are-smarter>> (last accessed Aug. 12, 2022) (summarizing a number of behavioral science studies that show, *inter alia*, that “[p]eople from diverse backgrounds might actually alter the behavior of a group’s social majority in ways that lead to improved and more accurate group thinking”). For a discussion about whether this is relevant to decision-making in international arbitration, see also Kathleen Claussen, *Keeping up Appearances: the Diversity Dilemma*, 12 J. TRANSNAT’L DISP. MGMT, pp. 5-6 (2015).
27. Kristina Klykova, *Bias in Arbitral Decision-Making: Rescuing the Mentschikoff Archives from a Half Century of Oblivion*, 31 J. INT’L ARB. 303 (2014).
28. Berwin Leighton Paisner, *International Arbitration Survey: Diversity on Arbitral Tribunals. Are We Getting There?*, p. 3 (Jan. 12, 2017), <<https://www.bclplaw.com/images/content/1/5/v2/150194/FINAL-Arbitration-Survey-Report.pdf>> (last accessed Aug. 4, 2022).

their “perception of the arbitrators’ independence and impartiality.”<sup>29</sup> As a member of the Task Force noted, “diversity is a sword as well as a shield: studies repeatedly show that diverse groups simply perform tasks better than overly specialized groups. Diverse groups bring a variety of perspectives to a task and are better able to cover each other’s blind spots. It is presumptuous and misguided to think that an arbitral tribunal ... should be any different.”<sup>30</sup>

### C. Gender diversity can enhance legitimacy

*“[D]iscrimination is wrong; and, if allowed to continue, it will bring arbitration into disrepute.”*<sup>31</sup>

*“The view was generally shared that the current lack of diversity in decision makers in the field of ISDS contributed to undermine the legitimacy of the ISDS regime.”*<sup>32</sup>

*“[G]reater importance is attached to the identity (and likely the diversity) of the adjudicators where adjudicatory bodies lack a strong (permanent) institutional framework.”*<sup>33</sup>

Aside from being unfair to some arbitrator candidates, and potentially inefficient and ineffective from a procedural perspective, a lack of diversity in the arbitrator pool can be unfair to the parties seeking recourse to arbitration. Commentators have argued that it may undermine party autonomy and erode due process if a party is unable to find an arbitrator that has experience, including life and professional experience, relevant to the matters in dispute.<sup>34</sup>

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29. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: The Evolution of International Arbitration*, p. 16 (2021).

30. Jacomijn van Haersolte-van Hof, quoted in Deutsche Zusammenarbeit & ArbitralWomen, *Women Pioneers in Dispute Resolution*, p. 218 (2d ed., 2018).

31. V.V. Veeder, *Who Are the Arbitrators?*, in *LEGITIMACY: MYTHS, REALITIES, CHALLENGES*, ICCA Congress Series No. 18, pp. 652, 660 (Albert Jan van den Berg ed., 2015).

32. UNCITRAL, *Report of Working Group III (Investor-State Dispute Settlement Reform) on the work of its thirty-sixth session (Vienna, 29 October—2 November 2018)*, A/CN.9/964 para. 92, (Nov. 6, 2018), <<https://undocs.org/en/A/CN.9/964?> (last accessed Aug. 12, 2022).

33. Freya Baetens, *Identity and Diversity on the International Bench: Implications for the Legitimacy of International Arbitration*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH I*, p. 11 (Freya Baetens, Ed., 2020).

34. This issue was brought into sharp relief in the circumstance underlying a petition for a temporary restraining order and preliminary injunction in *Iconix Brand Group Inc. and Icon*

More generally, the inclusion of diverse arbitrators can enhance the legitimacy of arbitration in circumstances where disputes raise issues of broader public interest.<sup>35</sup> This may be the case for investor-state arbitration, given that, in those cases, arbitrators may render decisions that “stabiliz[e] and generat[e] normative expectations in transborder social relations and therefore exercis[e] transnational authority that demands justification in order to be considered as legitimate.”<sup>36</sup> In such cases, there may be a broad range of public stakeholders for whom the gender diversity of the arbitral tribunal is important.<sup>37</sup> As Professor Nienke Grossman explains, “any area of international law concerns both men and women equally, regardless of its subject matter jurisdiction. ... It affects both men and women equally, and both groups should be represented.”<sup>38</sup> Recognizing

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*De Holdings LLC v. Shawn C. Carter, S. Carter Enterprises, Marcy Media Holdings LLC and Marcy Media LLC*, AAA Case No. 01-18-0003-6487, in which the petitioner, Mr Carter (better known as the rapper, Jay-Z), sought to enjoin the arbitration on the grounds that the administering institution had failed to identify an African-American arbitrator with the expertise to decide complex commercial disputes, and that this violated New York’s public policy against racial discrimination. For a discussion of the issues raised by Mr Carter’s petition, see Joshua Karton, *Can I Get A ... Diverse Tribunal?* (Dec. 7, 2018) KLUWER ARBITRATION BLOG, <<http://arbitrationblog.kluwerarbitration.com/2018/12/07/can-i-get-a-diverse-tribunal/>> (last accessed Aug. 12, 2022).

35. See Julia Tétrault-Provencher, *When Equality Can No Longer Wait: From ‘Formidable Women’ to a Gender-Diverse Pool of Investment Arbitrators*, 7 MCGILL J. DISP. RESOL. 70, p. 74 (2021) (“propos[ing] that the homogeneity of the pool of arbitrators could only fuel the current public distrust of investment arbitration,” and commenting that, “[c]onsidering the risk that the current homogeneity adversely affects the public perception of ISDS and knowing that panels which better represent the population are perceived as more legitimate and increase the public trust in the institutions, the lack of diversity is a serious matter that must be adequately addressed”).
36. Stephan W. Schill, *Conceptions of Legitimacy of International Arbitration*, in PRACTICING VIRTUE: INSIDE INTERNATIONAL ARBITRATION, pp. 106, 110 (David D. Caron *et al.* Eds., 2015).
37. Interview with Nienke Grossman, *It’s Not about “Women Issues”. Do We Need Reasons for Claiming Parity on International Court Benches?*, VÖLKERRECHTSBLOG (Apr. 17, 2017), <<https://voelkerrechtsblog.org/its-not-about-women-issues/>> (last accessed Aug. 12, 2022) (noting that “[w]omen should be on the bench because they are qualified to be on the bench and because they make up half of the world’s population”).
38. Interview with Nienke Grossman, *It’s Not about “Women Issues”. Do We Need Reasons for Claiming Parity on International Court Benches?*, VÖLKERRECHTSBLOG (Apr. 17, 2017), <<https://voelkerrechtsblog.org/its-not-about-women-issues/>> (last accessed Aug. 12, 2022). See also Andrea K. Bjorklund, *The Diversity Deficit in Investment Arbitration*, EJIL: TALK! (Apr. 4, 2019), <<https://www.ejiltalk.org/the-diversity-deficit-in-investment-arbitration/>> (last accessed Aug. 12, 2022) (“The decision-making process is likely to be, and to be perceived, as fairer if the decision makers are more diverse. This latter factor in particular is

this, some international courts and tribunals that deal with matters of public interest have gender representation requirements built into their rules of procedure.<sup>39</sup> Commentators have suggested that the public interest nature of investor-state arbitration requires the same commitment to the diversity of decision-makers.<sup>40</sup>

Even where disputes are purely private in nature, there may be reasons why the legitimacy of the process may, at least in some instances, require gender-inclusive arbitral tribunals. As one member of the Task Force noted, “[w]hile arbitration may not be fully public, and not a public function, it does serve to be an alternative to the provision of judicial services.”<sup>41</sup> It might be said that in certain cases arbitrators are stepping into the shoes of judges and ought to be subject to similar legitimacy requirements, including the need to be representative of the range of stakeholders implicated by their decisions, which in some cases may be significant, notwithstanding the private nature of the dispute.

Moreover, there may be specific contexts in which the gender diversity of an arbitral tribunal may have particular importance, or in which women arbitrators may be preferred, including for example, the arbitration of business and human rights disputes, where gendered approaches to deciding cases on sex-based discrimination, inequality and abuses of women’s rights, among other issues, may be important.<sup>42</sup>

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likely to enhance the sociological legitimacy of an adjudicatory regime, and even its normative legitimacy.”).

39. The International Criminal Court, for example, has requirements for gender representation built into its rules of procedure for selecting judges. *See* Procedure for the Nomination and Election of Judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6) Consolidated Version, <[https://asp.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/ICC-ASP-3-Res.6-CONSOLIDATED-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-3-Res.6-CONSOLIDATED-ENG.pdf)> (last accessed Aug. 12, 2022).
40. *See, e.g., UNCITRAL, Report of Working Group III (Investor-State Dispute Settlement Reform) on the Work of Its Thirty-Sixth Session (Vienna, 29 October – 2 November 2018)*, A/CN.9/964 para. 92, (Nov. 6, 2018), <<https://undocs.org/en/A/CN.9/964>> (last accessed Aug. 12, 2022). For a discussion of how this might be achieved, *see* Andrea K. Bjorklund, *The Diversity Deficit in Investment Arbitration*, EJIL: TALK! (Apr. 4, 2019), <<https://www.ejiltalk.org/the-diversity-deficit-in-investment-arbitration/>> (last accessed Aug. 12, 2022); Richard C. Chen, *The Substantive Value of Diversity in Investment Treaty Arbitration*, 61 Va. J. Int’l L. 431, pp. 468-69 (2021) (arguing that diversity is particularly important in investment treaty arbitration because “investment treaty arbitrators more regularly decide issues that affect nonparties and the public interest”).
41. Jacomijn J. van Haersolte-van Hof, *Diversity in Diversity*, in LEGITIMACY: MYTHS, REALITIES, CHALLENGES, ICCA Congress Series No. 18, pp. 638, 646 (Albert Jan van den Berg, Ed., 2015).
42. *See* discussion in Anaïs Tobalagba & Justin Jos, *Arbitrating Business and Human Rights: What’s in It for Women?*, THE LOWY INSTITUTE (Dec. 19, 2019); Douglas Pilawa, *Sifting Through the Arbitrators for the Woman, the Minority, the Newcomer*, 51 CASE W. RES. J. INT’L L. 395, pp. 420-424 (2019). *See also* Won Kidane, *Does Cultural Diversity Improve*



## D. International law requires inclusion of women

Over forty years after the adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”) in 1979,<sup>43</sup> the empowerment and inclusion of women remain critical components of global economic and sustainable development.<sup>44</sup> Gender diversity promotes economic growth and is part of the broader social and cultural context in which international trade, investment, and arbitration function.<sup>45</sup> For example, Goal 5 of the U.N. Sustainable Development

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*or Hinder the Quality of Arbitral Justice?* KLUWER ARBITRATION BLOG (Mar. 31, 2017), <<https://perma.cc/NMG2-ZSJF>> (last accessed Aug. 12, 2022). See also *Mariyam Mohamed v. the AFC*, in which a CAS tribunal found that Ms. Mohamed had suffered gender discrimination in her campaign for election for a position on the Asian Football Confederation’s (“AFC”) executive committee and the FIFA council. See *Global Arbitration Review, An Unequal Playing Field* (Mar. 8, 2021), <<https://globalarbitrationreview.com/diversity/unequal-playing-field>> (last accessed Aug. 12, 2022).

43. *Convention on the Elimination of All Forms of Discrimination Against Women*, Dec. 18, 1979, 1249 U.N.T.S. 13. The Convention had 189 States Parties as of July 24, 2021.
44. See generally United Nations Women, *The World Survey on the Role of Women in Development 2014: Gender Equality and Sustainable Development* (2014). In 2004, for example, in furtherance of the 1948 Universal Declaration of Human Rights, CEDAW, and other international agreements and declarations, the General Conference of the International Labour Organization adopted a Resolution Concerning the Promotion of Gender Equality, Pay Equity and Maternity Protection, which called upon all governments and social partners “to eliminate all forms of gender discrimination in the labour market and to promote gender equality between women and men and to dismantle barriers which prevent women from obtaining economic autonomy through their labour market participation on an equal footing with men,” among other things. See General Conference of the International Labour Organization, Resolution Concerning the Promotion of Gender Equality, Pay Equity and Maternity Protection, adopted at the 92nd Session in June 2004, in ILO Gender Network Handbook, § 2 (ed. 2006).
45. On the relationship between the employment of women and economic growth, see United Nations Women, *Facts and Figures: Economic Empowerment* (last updated July 2018), <<https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>> (last accessed Aug. 12, 2022) (“When more women work, economies grow. Women’s economic empowerment boosts productivity, increases economic diversification and income equality in addition to other positive development outcomes.”). See also World Bank’s Development Impact Evaluation (“DIME”) gender program, analyzing existing gender gaps in developing countries and their impact on economic development, <<https://thedocs.worldbank.org/en/doc/588371555422724870-0050022019/original/DIMEProgramBrief-Gender2WEB.pdf>> (last accessed Aug. 12, 2022) (“Our work is motivated by the realization that closing gender gaps that lead to women’s empowerment is a desirable outcome that has a direct impact on almost every facet of economic development”).

Goals (“SDGs”)<sup>46</sup> is to “achieve gender equality and empower all women and girls,” recognizing that sustainable development requires the full and equal participation and leadership of women in all areas.<sup>47</sup> Some States may also have a legal obligation under the CEDAW to “take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.”<sup>48</sup> In 2015, the Committee on the Elimination of Discrimination against Women under CEDAW adopted a general recommendation on women’s access to justice, calling on States to “[c]onfront and remove barriers to women’s participation as professionals within all bodies and levels of judicial and quasi-judicial systems” and to “[t]ake steps, including temporary special measures, to ensure that women are equally represented in the judiciary.”<sup>49</sup>

Institutions that promote and enable global trade and investment recognize these values. In the 2017 Buenos Aires Declaration on Women and Trade, the 118 members of the World Trade Organization recalled Goal 5 of the SDGs, reaffirmed their commitment to implementing their obligations to eliminate discrimination against women under international law, and committed to “[w]orking together in the WTO to remove barriers for women’s economic empowerment and increase their participation in trade.”<sup>50</sup>

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46. *Transforming Our World: The 2030 Agenda for Sustainable Development*, G.A. Res. 70/1, U.N. GAOR, 70th Sess., 4th plen. mtg. at Agenda Items 15 and 116, U.N. Doc. A/Res/70/1, (Oct. 21, 2015), <<https://sdgs.un.org/2030agenda>> (last accessed Aug. 12, 2022).
47. *Transforming Our World: The 2030 Agenda for Sustainable Development*, G.A. Res. 70/1, U.N. GAOR, 70th Sess., 4th plen. mtg. at para 3, U.N. Doc. A/Res/70/1, (Oct. 21, 2015), <<https://sdgs.un.org/2030agenda>> (last accessed Aug. 12, 2022).
48. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Art. 8, Dec. 18, 1979, 1249 U.N.T.S. 13. *See also* Declaration on the Elimination of Discrimination Against Women, GA Res. 22/2263, U.N. GAOR, 22nd Sess., 1597th plen. mtg. at Agenda Item 53, U.N. Doc. A/RES/22/2263, Arts. 1, 3, Nov. 7, 1967 (in which States declared that “[d]iscrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity” and that “[a]ll appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women”).
49. CEDAW, General Recommendation No. 33, para. 15(f) (23 July 2015), U.N. Doc CEDAW/C/GC/33.
50. *Joint Declaration on Trade and Women’s Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires in December 2017*, Conference on Trade and Gender: Closing the Gender Gaps held in Buenos Aires (Dec. 6-7, 2017) (“Acknowledging that international trade and investment are engines of economic growth for both developing and developed countries, and that improving women’s access to opportunities and removing barriers to their participation in national and international economies contributes to sustainable economic development.”).

Similarly, “gender chapters” and/or references to the U.N. SDGs have appeared in more recently negotiated trade agreements. For example, Canada and Chile amended the *Canada–Chile Free Trade Agreement* by incorporating a trade and gender chapter.<sup>51</sup> In the text of that chapter, Canada and Chile linked their trade commitments to the U.N. SDGs, including Goal 5.<sup>52</sup> Similar provisions are reflected in Chapter 13 of the amended *Canada–Israel Free Trade Agreement*<sup>53</sup> and Chapter 14 of the *Chile–Uruguay Free Trade Agreement*.<sup>54</sup> The *United Kingdom–Japan Comprehensive Economic Partnership Agreement*, signed in October 2020, states in its Preamble the intent to “seek ... to increase women’s access to and ability to benefit from the opportunities created by this Agreement and to support the conditions for women to participate equitably in the domestic and global economy.” It contains a chapter on “Trade and Women’s Economic Empowerment,” which creates a Working Group on Trade and Women’s Economic Empowerment and recommends cooperation between the Parties, including with respect to access to markets, technology, and financing, the development of women’s leadership and business networks, and the identification of best practices related to workplace flexibility.<sup>55</sup> The *Nigeria–Morocco Bilateral Investment Treaty* requires foreign

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51. *Canada–Chile Free Trade Agreement*, signed December 5, 1996, [1997] CTS 50 (entry into force Jul. 5, 1997) ch. N bis, as amended by *Agreement to Amend, in Respect of Investment and Trade and Gender, the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile*, signed June 5, 2017 (entry into force Feb. 5, 2019), App. II Art. 3 (“Canada–Chile Amending Agreement”). Modernized *Canada–Chile Free Trade Agreement* mentions gender equality and/or women in Arts. 15.1–15.6, Appendix II—“Trade and Gender” (stand-alone chapter), Art. N bis-03, “female entrepreneurship,” labor side agreement:—Part I objectives: Art. 11 (m. equality of women and men in the workplace), Art. 44 (h. equal pay for men and women)—Annex 1, Art. 7 (sex and other factors, in relation to elimination of employment discrimination), and Art. 8 (equal pay for women and men). See Alexandre Larouche-Maltais and Barbara MacLaren (2019), *Making Gender-Responsive Free Trade Agreements* (Jan. 2019), THE CONFERENCE BOARD OF CANADA 1, p. 7.
  52. *Canada–Chile Amending Agreement* App. II Art. N bis-01(2). The Canadian Government also endorsed a gender and trade declaration under the World Trade Organization in December 2017. See *Joint Declaration on Trade and Women’s Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires in December 2017* (Dec. 12, 2017).
  53. Modernized *Canada–Israel Free Trade Agreement*, Chapter 13 (entry into force on Sep. 1, 2019). Article 13.3(4) lists as one area of cooperation to “promote gender equality ...”. See *id.*
  54. *Chile–Uruguay Free Trade Agreement*, Chapter 14 (entry into force on Dec. 13, 2018).
  55. *The Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership*, Preamble, Chapter 21 (signed Oct. 23, 2020). See also *Strategic Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Moldova*, Art. 33 (Dec. 2020)

investors to comply with “all applicable laws and regulations of the Host State and the obligations in this Agreement, ... taking into account the development plans and priorities of the Host State and the Sustainable Development Goals of the United Nations.”<sup>56</sup> The 2018 recommendations for the *Canada–European Union Comprehensive Economic and Trade Agreement* (“CETA”) emphasize the importance of cooperation in efforts to support “women’s participation in the economy” and international trade.<sup>57</sup> And the 2019 *Dutch Model Bilateral Investment Treaty* confirms the parties’ “commitment to sustainable development and to enhancing the contribution of international trade and investment to sustainable development.”<sup>58</sup>

Several recent investment treaties identify gender-based discrimination as a potential basis for the breach of the fair and equitable treatment protection.<sup>59</sup> Under CETA, for example, “[a] Party breaches the obligation of fair and equitable treatment ... if a measure or series of measures constitutes: ... targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief.”<sup>60</sup> A number of model investment agreements contain similar provisions.<sup>61</sup>

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(detailing that cooperation under the agreement may include “equal opportunities, aiming at enhancing gender equality and ensuring equal opportunities between women and men...”).

56. *Reciprocal Investment Promotion and Protection Agreement between the Government of the Kingdom of Morocco and the Government of the Federal Republic of Nigeria* (adopted on Dec. 3, 2016), Art. 24.
57. *The Canada–European Union Comprehensive Economic and Trade Agreement* (“CETA”), Joint Committee on Trade and Gender, Recommendation 002/2018 of Sep. 26, 2018, <<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/rec-002.aspx?lang=eng>> (last accessed Aug. 12, 2022).
58. *The Dutch Model Investment Agreement*, Preamble (Mar. 22, 2019), <<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5832/download>> (last accessed Aug. 12, 2022).
59. *The Dutch Model Investment Agreement*, Art. 9(2)(d) (Mar. 22, 2019), <<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5832/download>> (last accessed Aug. 12, 2022).
60. *CETA*, Art. 8.10(2) (Oct. 30, 2016), <[https://trade.ec.europa.eu/doclib/docs/2014/september/tradoc\\_152806.pdf](https://trade.ec.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf)> (last accessed Aug. 12, 2022). *See also Treaty Between the Republic of Belarus and the Republic of India on Investments*, Art. 3.1(iii) (Sep. 24, 2018), <<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5724/download>> (last accessed Aug. 12, 2022); *Investment Cooperation and Facilitation Treaty Between the Federative Republic of Brazil and the Republic of India*, Art. 4.1(c) (Jan. 25, 2020), <<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5912/download>> (last accessed Aug. 12, 2022).
61. *See, e.g., The Colombian Model Investment Agreement* (2017), “The fair and equitable treatment granted to Covered Investors and Investments refers solely to the prohibition against ... targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief” <<https://investmentpolicy.unctad.org/international-investment-agreements/>

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These instruments are an important part of global economic development, and arbitration is a tool that can be used to meet those same goals. In doing so, the practice of arbitration should reflect the norms and standards adhered to by its stakeholders and reflected in international law more generally. This means that if gender discrimination exists in international arbitration, including in the context of arbitral appointments, there is an imperative for the arbitration community to address it.

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treaty-files/6082/download> (last accessed Aug. 12, 2022); *The Slovakian Model Investment Agreement* (2019), Article 5(2)(d): “A breach of the obligation of fair and equitable treatment referenced in paragraph 1 may be found only where a measure or series of measures constitutes: ... targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief” <<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5917/download>> (last accessed Aug. 12, 2022).

## II. CURRENT TRENDS

A key objective of the Task Force is to publish statistics on women arbitrator appointments collected by international arbitral institutions. These statistics are published in the Appendices to this Report. Specifically:

- **Appendix A, Table A.1** contains data provided by 15 arbitral institutions: the Belgian Centre for Arbitration and Mediation (“CEPANI”); the Cairo Regional Centre for International Commercial Arbitration (“CRCICA”); the German Arbitration Institute (“DIS”); the Hong Kong International Arbitration Centre (“HKIAC”); the International Arbitration Centre of the Astana International Financial Centre (Kazakhstan) (“IAC”); the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (“ICAC”); the International Court of Arbitration of the International Chamber of Commerce (“ICC”); the International Centre for Dispute Resolution (“ICDR”); the International Centre of Settlement of Investment Disputes (“ICSID”); the London Court of International Arbitration (“LCIA”); the Madrid International Arbitration Centre (“MIAC”); the Stockholm Chamber of Commerce (“SCC”); the Singapore International Arbitration Centre (“SIAC”); the Swiss Arbitration Centre; and the Vienna International Arbitration Centre (“VIAC”);
- **Appendix A, Table A.2** contains data provided by 11 arbitral institutions from Latin America and the Caribbean, as part of a trial undertaken by the Task Force this year to gather data on arbitrator appointments from a particular region. Those arbitral institutions that provided data include: Centro de Mediación y Arbitraje de la Cámara Nacional de Comercio de la Ciudad de Mexico (“CANACO (Mexico)”); the Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (“CAM-BBCB (Brazil)”); Centro de Arbitraje y Mediación Amcham Quito (“AmCham Quito (Ecuador)”); Centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago (“CAM Santiago (Chile)”); Centro de Arbitraje de la Cámara de Comercio de Medellín para Antioquía (“CCM (Colombia)”); Centro de Arbitraje Nacional e Internacional de la Cámara de Comercio de Lima (“CCL (Peru)”); Centro de Conciliación y Arbitraje de Panamá (“CeCAP (Panamá)”); Centro Empresarial de Conciliación y Arbitraje (“CEDCA (Venezuela)”); Centro Empresarial de Mediación y Arbitraje (“CEMA (Argentina)”); Centro Internacional de Conciliación y Arbitraje (“CICA (Costa Rica)”); Chamber of Conciliation, Arbitration and Mediation (“CIESP/FIESP (Brazil)”);

- **Appendices B, C and D** contain publicly available data about cases registered at the Court of Arbitration for Sport (“CAS”) and the Permanent Court of Arbitration (“PCA”); and
- **Appendix E** contains data on arbitrator appointments prior to 2015, gathered by Lucy Greenwood.<sup>62</sup>

Drawing on these data, this Section describes trends in the appointment of women as arbitrators. Our discussion, below, is divided into a “global assessment” (reflecting data gathered by Task Force members located across the globe and which administer a significant number of international arbitrations) and a “regional assessment” (reflecting data provided by arbitral institutions located in Latin America and the Caribbean and which administer a mix of international, regional and local arbitrations).

## A. Global assessment of arbitral appointments

### (i) Overall trends

*Table 1*, below, shows that since 2015, the proportion of women appointed as arbitrators has more than doubled among institutions participating in this year’s report, from 12.6% in 2015 to 26.1% in 2021. This reflects total recorded appointments of 511 women in 2015 (out of 4,067 recorded appointments that year) and 1,317 women in 2021 (out of 5,049 recorded appointments that year).

This trend of increasing diversity is also reflected in the caseload of most institutions. The ICC, for example, has seen a year-on-year increase in the proportion of women arbitrators, from 10.4% in 2015 (reflecting 136 appointments of women out of a total of 1,313 appointments that year) to 24.3% in 2021 (reflecting 371 appointments out of 1,525 that year). The case loads of certain institutions reflect a proportion of women arbitrators that, year on year, is consistently higher than the global average. For example, while the global average proportion of women arbitrators appointed in 2015 was 12.6%, the proportion of women arbitrators appointed in cases administered by the SCC, LCIA and ICDR was 14.0%, 15.8%, and 17.5%, respectively. While the average proportion of women arbitrators appointed in 2021 was 26.1%, that figure was 26.2%, 28.7% and 31.6% in ICDR-, SCC- and LCIA-administered cases, respectively. The IAC, ICAC and CEPANI had notably high proportions of women arbitrators appointed in 2021. Women comprised 44.1% of arbitrators appointed in IAC cases (reflecting 49 appointments out of 111 that year), 37.9% of women appointed in ICAC cases (reflecting 183 appointments

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62. Lucy Greenwood is an international arbitrator, who has published a number of commentaries on the issue of gender diversity in international arbitration. For more information *see* GREENWOOD ARBITRATION <<http://www.greenwoodarbitration.com>> (last accessed Aug. 15, 2022).

out of 483 that year), and 35.0% of appointments in CEPANI cases (reflecting 21 out of 60 appointments that year).

*Table 1.* Women as a proportion of all arbitral appointments, 2015-2021<sup>63</sup>

<b>Institution</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
CAS	3.9% <sup>64</sup>	8.3%	2.1%	4.5%	11.9%	0.0% <sup>65</sup>	[U/R] <sup>66</sup>
CEPANI	[U/R]	22.0%	9.1%	24.4%	9.3%	13.6%	35.0%
CRCICA	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	5.0%	7.3%
DIS	13.4%	12.5%	15.2%	12.4%	17.5%	20.8%	20.2%
HKIAC	9.7%	12.1%	14.4%	12.7%	18.0%	19.9%	16.9%
IAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	55.6%	44.1%
ICAC	[U/R]	[U/R]	41.7%	37.4%	36.5%	42.4%	37.9%
ICC	10.4%	14.8%	16.7%	18.4%	21.1%	23.4%	24.3%
ICDR	17.5%	15.5%	21.8%	22.4%	23.7%	24.7% <sup>67</sup>	26.2% <sup>68</sup>
ICSID	11.4%	13.2%	19.0%	23.8%	19.3%	22.7%	27.2%

... >

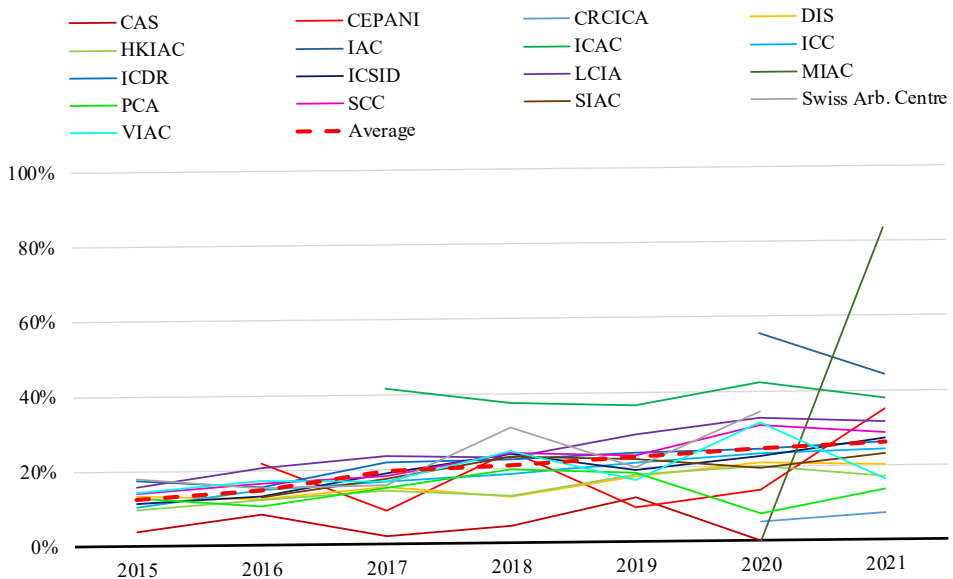
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- 63. Excerpts from Appendix A, *Table A.1*. The data in *Table 1* concerning CAS and PCA cases are incomplete and have not been confirmed by the CAS or the PCA. The data have been compiled from information published on the respective websites of the CAS and the PCA. Accordingly, *Table 1* does not include confidential cases for which no information has been made publicly available.
  - 64. % women appointments = total women appointments / total appointments. This value is calculated separately for each institution listed in this table.
  - 65. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.
  - 66. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards the global average calculation.
  - 67. ICDR data for 2020 include only appointments of the AAA-ICDR arbitrators and unaffiliated arbitrators who self-identified their gender. A total of 877 arbitrators were appointed in 2020, however 86 of those appointments were for arbitrators who selected “Do Not Disclose” when prompted to disclose their gender. Those individuals have not been included in the ICDR data for 2020.
  - 68. ICDR data for 2021 include only appointments of the AAA-ICDR arbitrators and unaffiliated arbitrators who self-identified their gender. A total of 799 arbitrators were appointed in 2021, however 92 of those appointments were for arbitrators who selected “Do Not Disclose” when prompted to disclose their gender. Those individuals have not been included in the ICDR data for 2021.



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Institution	2015	2016	2017	2018	2019	2020	2021
LCIA	15.8%	20.6%	23.5%	22.9%	28.6%	32.8%	31.6% <sup>69</sup>
MIAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%	83.3%
PCA	12.8%	10.5%	15.2%	19.6%	18.5%	7.4%	13.6%
SCC	14.0%	16.4%	18.1%	24.1%	23.0%	31.0%	28.7%
SIAC	[U/R]	12.9%	17.5%	23.1%	22.2%	19.4%	23.2%
Swiss Arb. Centre	18.0%	15.3%	15.8%	31.0%	20.0%	34.6%	[U/R]
VIAC	14.3%	17.1%	16.7%	24.6%	16.4%	31.7%	16.4%
<b>Average<sup>70</sup></b>	<b>12.6%</b>	<b>14.6%</b>	<b>19.7%</b>	<b>20.8%</b>	<b>22.8%</b>	<b>24.8%</b>	<b>26.1%</b>

Figure 1. Women as a proportion of all arbitrator appointments, 2015-2021



69. LCIA data for 2021 includes one appointment made by a third party.

70. The global average figure is calculated by aggregating all data across all institutions included in this table.

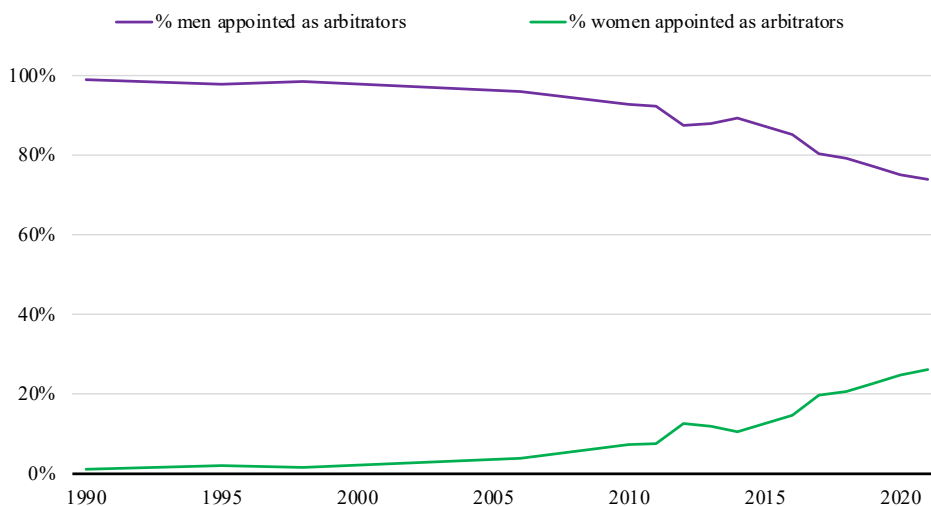
When the data in [Table 1](#), above, are included along with historical data collected by Lucy Greenwood, there is and has been a trend of increasing diversity of arbitrator appointments since the 1990s.

*Table 2. Women as a proportion of total arbitral appointments, 1990-2021*<sup>71</sup>

<b>Year<sup>72</sup></b>	<b>% men appointed as arbitrators</b>	<b>% women appointed as arbitrators</b>	<b>Change in % appointments of women</b>
1990	99.0%	1.0%	n/a
1995	98.0%	2.0%	1.0%
1998	98.5%	1.5%	-0.5%
2006	96.1%	3.9%	2.4%
2010	92.8%	7.2%	3.3%
2011	92.5%	7.5%	0.3%
2012	87.5%	12.5%	5.0%
2013	88.1%	11.9%	-0.6%
2014	89.5%	10.5%	-1.4%
2015	87.4%	12.6%	2.1%
2016	85.4%	14.6%	2.1%
2017	80.3%	19.7%	5.0%
2018	79.2%	20.8%	1.1%
2019	77.2%	22.8%	2.0%
2020	75.2%	24.8%	2.0%
2021	73.9%	26.1%	1.3%

71. Excerpt from Appendix G, [Table G.1](#).

72. Data for years 1990 to 2014 are based on data collected by Lucy Greenwood, as set out in Appendix E, [Table E.1](#). From 2015, the average figure reflects the values included in [Table 1](#).

*Figure 2.* Women as a proportion of total arbitrator appointments, 1990-2021

The data underlying *Figure 2* are incomplete in the years prior to 2015. However, *Table 2* and *Figure 2* suggest that there has been an increase in the gender diversity of arbitral tribunals over the past 30 years and the pace of change has accelerated. For example, analysis by Lucy Greenwood indicates that, for ICC-administered cases in 1990, just 1.0% of appointed arbitrators were women.<sup>73</sup> Twenty years later, records from the ICC show that, in 2010, that number rose to 7.2%. As of 2021, 24.3% of all arbitrator appointments in ICC arbitrations were women.<sup>74</sup>

Historical data from other institutions show a similar trend. ICSID reports that, whereas the total percentage of women arbitrators appointed in ICSID cases in 2006 was 3.9%, ten years later in 2016 it was 13.2%, and five years later in 2021 it reached 27.2%.<sup>75</sup> Similarly, while in 2011, according to Lucy Greenwood's analysis, only 6.5% of appointees in LCIA-administered cases were women,<sup>76</sup> that percentage figure nearly doubled by 2013 to 11.5%, and nearly tripled to 31.6% in 2021.<sup>77</sup> The percentage of

73. See Appendix E, *Table E.1*. The ICC has not confirmed the data on appointment of women arbitrators in 1990.

74. See *Table 1*, above, and Appendix A, *Table A.1*.

75. See Appendix A, *Table A.1*.

76. See Appendix E, *Table E.1*. The LCIA has not confirmed the data on appointment of women arbitrators in 2011.

77. See Appendix A, *Table A.1*.

women appointed to DIS-administered tribunals remained between 11.0-15.2% from 2013 to 2017, but increased to 17.5% in 2019 and to 20.2% in 2021.<sup>78</sup>

*Table 2* shows that the incremental increase in the average proportion of women appointed as arbitrator has been between approximately 1-2% in most years since 2015, with a more significant increase in 2017 (5.0%). The rate of increase reduced in 2021 to 1.3%. It is too early to tell whether this is indicative of any longer-term trend, or whether this change in appointments is due to external factors such as the effect of the global pandemic.

*Table 3* and *Figure 3* use a sub-set of data (based on institutions with data available for both 2015 and 2021), to assess whether the change in percentage of women arbitrators is explained by the total appointments made in a particular year. We compare data from 2015 and 2021, because the total number of appointments is similar in each of those years.

*Table 3. Total appointments vs. total women appointments, 2015 and 2021*<sup>79</sup>

Instit'n	2015			2021			Delta/difference			
	Total appts	Women appts	% <sup>80</sup>	Total appts	Women appts	%	Total appts <sup>81</sup> (% <sup>82</sup> )	Women appts <sup>83</sup> (% <sup>84</sup> )		
DIS	298	40	13.4%	243	49	20.2%	-55	-18%	9	23%
HKIAC	165	16	9.7%	331	56	16.9%	166	101%	40	250%
ICC	1,313	136	10.4%	1,525	371	24.3%	212	16%	235	173%
ICDR	802	140	17.5%	707	185	26.2%	-95	-12%	45	32%
ICSID	184	21	11.4%	246	67	27.2%	62	34%	46	219%

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78. See Appendix A, *Table A.1*.

79. Excerpts from Appendix A, *Table A.1* and Appendix B, *Table B.1*. The data in *Table 2* concerning the PCA cases have not been confirmed by the PCA. The data have been compiled from information published on the website of the PCA and other public sources. Accordingly, *Table 2* does not include confidential cases for which no information has been made publicly available.

80. % Women Appointments = Women Appointments / Total Appointments. This value is calculated separately for 2015 and 2021, and for each institution listed in this table.

81. Delta Total Appointments = Total Appointments in 2021 – Total Appointments in 2015. This value is calculated separately for each institution listed in this table.

82. Delta % Total Appointments = Delta Total Appointments / Total Appointments in 2015. This value is calculated separately for each institution listed in this table.

83. Delta Total Women Appointments = Total Women Appointments in 2021 – Total Women Appointments in 2015. This value is calculated separately for each institution listed in this table.

84. Delta % Total Women Appointments = Delta Total Women Appointments / Total Women Appointments in 2015. This value is calculated separately for each institution listed in this table.

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Instit'n	2015			2021			Delta/difference			
	Total appts	Women appts	% <sup>80</sup>	Total appts	Women appts	%	Total appts <sup>81</sup> (% <sup>82</sup> )		Women appts <sup>83</sup> (% <sup>84</sup> )	
LCIA	449	71	15.8%	449	142	31.6%	0	0%	71	100%
PCA	47	6	12.8%	22	3	13.6%	-25	-53%	-3	-50%
SCC	279	39	14.0%	275	79	28.7%	-4	-1%	40	103%
VIAC	56	8	14.3%	55	9	16.4%	-1	-2%	1	13%
<b>Total</b>	<b>3593</b>	<b>477</b>	<b>13.3%</b>	<b>3853</b>	<b>961</b>	<b>24.9%</b>	<b>260</b>	<b>7%</b>	<b>484</b>	<b>101%</b>

Figure 3. Change in total appointments and total women appointments between 2015 and 2021

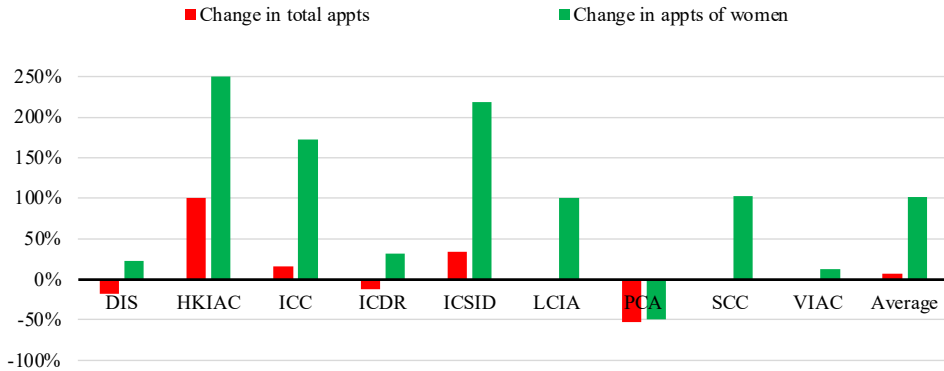


Table 3 and Figure 3 show that, in the data selected, changes in the appointment of women arbitrators between 2015 and 2021 do not appear to be tied directly to changes in the total number of arbitrators appointed over the same period. Overall, there were a similar number of appointments made in 2015 and 2021 (3,593 and 3,853 appointments, respectively). However the number of women appointed over that period was markedly different. In 2015, there were 477 women arbitrator appointments (13.3%), whereas in 2021, there were roughly twice as many women arbitrator appointments, at 961 (reflecting 24.9% of appointments).

This decoupling of case load and numbers of women appointed as arbitrator is also apparent at an institutional level. Notably, the number of women appointed in HKIAC cases has more than tripled from 16 appointments (9.7%) in 2015 to 56 (16.8%) in 2021. The number of women appointed in ICSID cases has also more than tripled from 21 (11.4%) appointments in 2015 to 67 (27.2%) appointments in 2021. Data from the SCC and LCIA show a similar trend. The decoupling of case load and numbers of women

appointed as arbitrator is also apparent in data from DIS and ICDR. For both institutions, while the total number of appointments decreased between 2015 and 2021, the number of women appointed increased over that period. For PCA-administered cases, there does appear to be at least a correlation between the decrease in the institution’s case load and a decrease in the number of women appointed between 2015 and 2021 but, because this dataset is incomplete, it is difficult to draw firm conclusions about trends in women arbitrator appointments in PCA-administered cases.

## (ii) Appointments made by institutions

*Table 4* and *Figure 4* set out appointments of women arbitrators by institutions. Since 2017, at least a third of all institutional appointments have been women. In 2021, out of 1,489 institution-made arbitrator appointments recorded across all institutions listed in *Table 4*, 565 were women, reflecting a proportion of 37.9%.

*Table 4.* Women as a proportion of institutional appointments, 2015-2021<sup>85</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
CEPANI	[U/R] <sup>86</sup>	42.0% <sup>87</sup>	12.5%	47.0%	10.0%	15.0%	36.8%
CRCICA	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	4.3%	11.8%
DIS	34.5%	33.3%	33.3%	35.0%	37.0%	53.3%	36.1%
HKIAC	[U/R]	6.8%	16.2%	19.9%	20.5%	22.8%	21.8%
IAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	100%	43.0%
ICAC	[U/R]	[U/R]	44.7%	36.0%	37.0%	37.9%	33.7%
ICC	19.6%	23.8%	29.7% <sup>88</sup>	27.6%	34.4%	36.9%	39.5%
ICSID	5.9%	18.9%	24.1%	29.2%	25.8%	27.1%	43.5%
LCIA	28.2%	40.6%	33.5%	43.1%	47.7%	44.6%	47.4%

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85. Excerpt from Appendix A, *Table A.1.*

86. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

87. % women appointments by institution = total women appointments by institution / total appointments by institution. This value is calculated separately for each institution listed in this table.

88. ICC data for 2016, 2017 and 2019 includes a small number of appointments made by other appointing authorities and not the ICC in accordance with the parties’ arbitration agreement. These appointments by another appointment authority are as follows: two in 2016 and 2019, and one in 2017.

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Institution	2015	2016	2017	2018	2019	2020	2021
MIAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0% <sup>89</sup>	83.3%
SCC	26.7%	22.5%	37.0%	32.4%	32.4%	46.7%	49.5%
SIAC	[U/R]	22.8%	29.7%	34.3%	36.5%	32.2%	35.8%
Swiss Arb. Centre	43.6%	28.1%	33.3%	42.1%	33.3%	70.8%	77.0% <sup>90</sup>
VIAC	80.0%	62.5%	30.0%	43.8%	40.0%	62.5%	30.8%
<b>Average<sup>91</sup></b>	<b>24.9%</b>	<b>26.2%</b>	<b>32.5%</b>	<b>32.6%</b>	<b>35.1%</b>	<b>37.1%</b>	<b>37.9%</b>

Figure 4. Women as a proportion of institutional appointments, 2015-2021

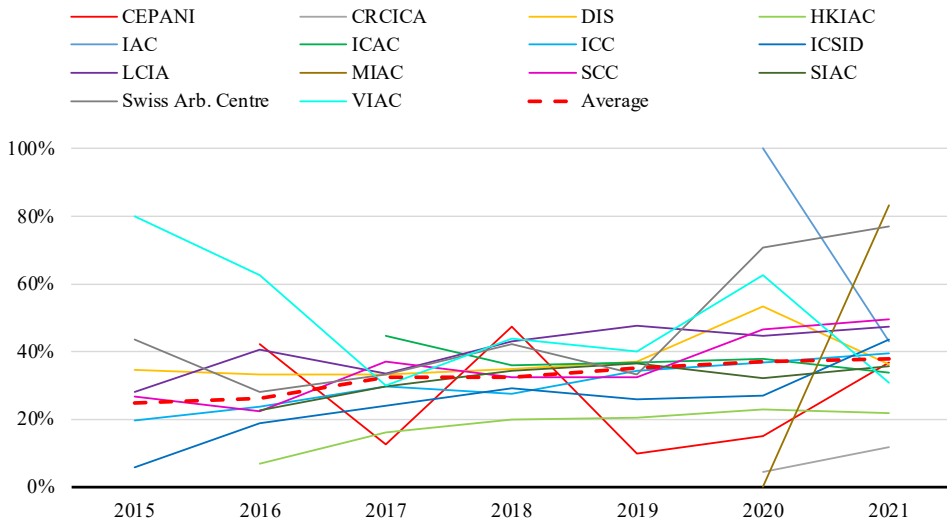


Table 4 and Figure 4 show that for some institutions the trend in the proportion of women appointed each year has been relatively consistent, while for other institutions the data are less predictable year on year. For example, some institutions consistently appoint more women arbitrators than the global average (such as the LCIA, which has appointed more women than the global average number for every year recorded in Table 4; similarly DIS

89. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

90. The Swiss Arbitration Centre has not recorded data underlying this percentage calculation. Accordingly, this statistic has not been counted towards the calculation of the global average.

91. The global average figure is calculated by aggregating all data across all institutions included in this table.

appointed more women than the global average number for every year other than 2021). Other institutions appoint fewer women arbitrators than the average.

Institutions that have a large dataset show a more predictable trend in the proportion of women appointed as arbitrator each year. The ICC, for example, has made more than 100 appointments of women arbitrators each year since 2017 (increasing steadily to 150 appointments in 2021) and the proportion of women appointed by the SCC and LCIA as arbitrator has also shown a steady increase over that time.

Variability tends to correlate with smaller datasets. For example, while women arbitrators constituted 0% of MIAC appointments in 2020 and 83.3% in 2021, this reflected five appointments of women arbitrators in 2021 (out of a total of six appointments made that year). The proportion of women appointed by CEPANI has also fluctuated year on year, possibly due to the relatively small dataset recorded (with between one and nine women arbitrator appointments between 2016 and 2020; that figure increasing to 14 appointments in 2021). The global average calculation in [Table 4](#) tries to account for the influence of these fluctuations, by aggregating all of the appointments recorded by institutions.

### (iii) Appointments made by co-arbitrators

The proportion of women arbitrator appointments made by co-arbitrators has more than doubled since 2015, as illustrated in [Table 5](#) and [Figure 5](#), below, from an average of 10.1% in 2015 to 27.1% in 2021. The number of women arbitrator appointments has increased from 34 in 2015 (out of a total of 338 appointments that year) to 173 women arbitrator appointments in 2021 (out of a total of 638 appointments that year).

*Table 5.* Women as a proportion of appointments by co-arbitrators, 2015-2021<sup>92</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
CEPANI	[U/R] <sup>93</sup>	0.0% <sup>94</sup>	0.0%	5.0% <sup>95</sup>	0.0%	0.0%	0.0%
CRCICA	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	30.0%	5.9%
DIS	18.8%	12.5%	23.0%	7.9%	12.5%	10.8%	32.8%

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92. Excerpt from Appendix A, [Table A.1](#).

93. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

94. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

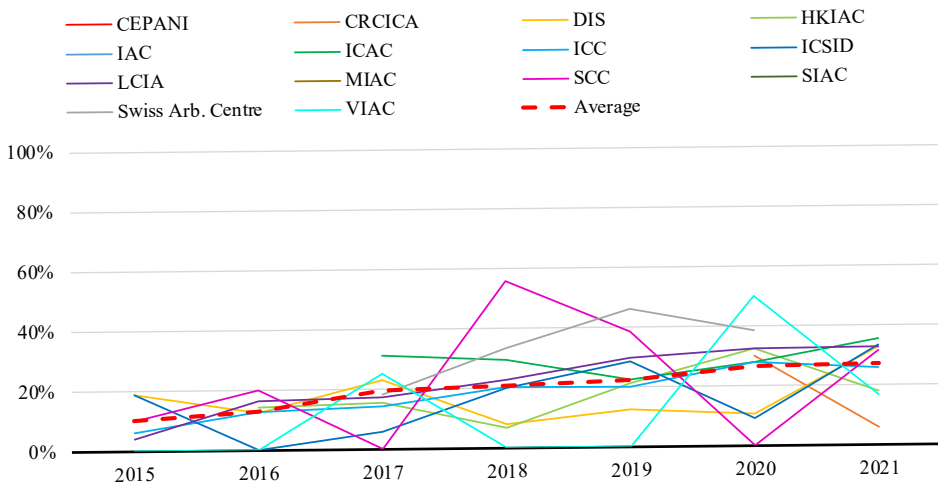
95. % women appointments by co-arbitrator = total women appointments by co-arbitrator / total appointments by co-arbitrator. This value is calculated separately for each institution listed in this table.



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Institution	2015	2016	2017	2018	2019	2020	2021
HKIAC	[U/R]	14.3%	15.4%	6.7%	21.3%	32.5%	18.0%
IAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%	33.3%
ICAC	[U/R]	[U/R]	31.3%	29.5%	22.5%	27.8%	35.5%
ICC	6.1%	12.6%	14.2%	20.4%	20.0%	27.8%	25.8%
ICSID	18.8%	0.0%	5.9%	20.0%	28.6%	9.1%	33.3%
LCIA	4.0%	16.3%	17.0%	23.0%	30.0%	32.0%	32.8%
MIAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%	0.0%
SCC	10.0%	20.0%	0.0%	55.6%	38.4%	0.0%	31.6%
Swiss Arb. Centre	[U/R]	[U/R]	18.2%	33.3%	46.2%	38.5%	23.0% <sup>96</sup>
VIAC	0.0%	0.0%	25.0%	0.0%	0.0%	50.0%	16.7%
<b>Average<sup>97</sup></b>	<b>10.1%</b>	<b>12.9%</b>	<b>19.6%</b>	<b>20.8%</b>	<b>22.1%</b>	<b>26.4%</b>	<b>27.1%</b>

Figure 5. Women as a proportion of appointments by co-arbitrators, 2015-2021



At an institutional level, there is significant variability in the data over the years, particularly for institutions where only a few appointments have been made by co-arbitrators.

96. The Swiss Arbitration Centre has not recorded data underlying this percentage calculation. Accordingly, this statistic has not been counted towards the calculation of the global average.

97. The global average figure is calculated by aggregating all data across all institutions included in this table.

For example, fewer than five appointments by co-arbitrators each year were women, in cases administered by the SCC between 2015 and 2020 (six appointees by co-arbitrators in 2021 were women, out of a total of 19 appointments made by co-arbitrators that year). While 33.3% of appointments by co-arbitrators were women in IAC cases administered in 2021, this reflects one appointment, out of a total of three that year. Again, the global average calculation tries to account for bias created by small datasets, by aggregating all of the appointments reported by institutions in [Table 5](#).

Institutions with larger datasets show a steadier trend. For example, since 2016, more than 200 appointments have been made each year by co-arbitrators in cases administered by the ICC (up to 244 in 2021), with the proportion of women making up those appointments increasing from 6.1% in 2015 (reflecting 10 out of 165 appointments) to 25.8% in 2021 (reflecting 63 out of 244 appointments).

#### (iv) Appointments made by parties

[Table 6](#) and [Figure 6](#), below, show the proportion of party appointments between 2015 and 2021 who were women. This proportion approximately doubled between 2015 and 2020, from an average of 7.9% in 2015 (reflecting 117 out of 1,485 appointments that year) to 19.4% in 2020 (reflecting 374 out of 1,928 appointments that year). That figure decreased in 2021 to 17.9% (reflecting 392 out of 2,195 appointments that year).

*Table 6.* Women as a proportion of party appointments, 2015-2021<sup>98</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
CEPANI	[U/R] <sup>99</sup>	5.0% <sup>100</sup>	8.0%	8.0%	10.0%	12.5%	31.8%
CRCICA	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	3.2%	6.1%
DIS	7.6%	9.8%	9.1%	11.3%	14.9%	15.2%	10.5%
HKIAC	[U/R]	17.7%	11.1%	8.7%	13.9%	11.9%	11.5%
IAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0% <sup>101</sup>	75.0%
ICAC	[U/R]	[U/R]	45.0%	45.8%	45.6%	57.4%	44.4%
ICC	6.9%	10.8%	11.8%	13.5%	15.3%	16.6%	17.5%

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98. Excerpt from Appendix A, [Table A.1](#).

99. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

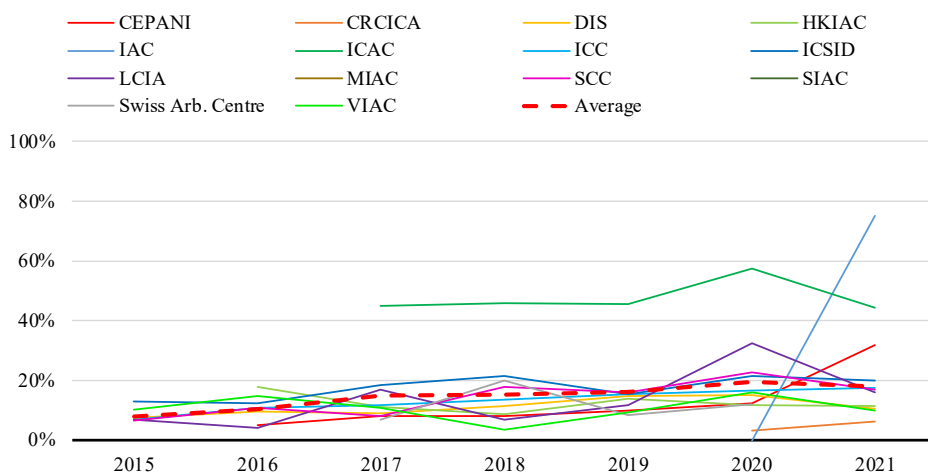
100. % women appointments by parties = total women appointments by parties / total appointments by parties. This value is calculated separately for each institution listed in this table.

101. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

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Institution	2015	2016	2017	2018	2019	2020	2021
ICSID	12.8%	12.3%	18.3%	21.5%	15.4%	21.6%	20.0%
LCIA	6.9%	4.1%	16.8%	6.8%	11.8%	22.0%	15.9%
MIAC	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%	0.0%
SCC	6.5%	11.0%	8.0%	18.0%	16.1%	22.8%	17.0%
Swiss Arb. Centre	[U/R]	[U/R]	6.8%	20.0%	8.5%	12.2%	[U/R]
VIAC	10.3%	14.9%	10.7%	3.6%	9.4%	16.0%	10.0%
<b>Average<sup>102</sup></b>	<b>7.9%</b>	<b>10.2%</b>	<b>14.9%</b>	<b>15.3%</b>	<b>16.1%</b>	<b>19.4%</b>	<b>17.9%</b>

Figure 6. Women as a proportion of party appointments, 2015-2021



The data show that several institutions have seen staggered changes in the appointment of women arbitrators by parties. For example, the LCIA reported that 16.8% of party appointees in 2017 were women. This percentage fell to 6.8% in 2018 but increased to 11.8% in 2019 and 32.5% in 2020, before falling to 15.9% in 2021. Similarly, the percentage of women party appointees in VIAC-administered cases decreased between 2016 and 2018 (from 14.9% to 3.6%, respectively), then increased again in both 2019 and 2020 (9.4% and 16.0%, respectively) before falling to 10.0% in 2021.

102. The global average figure is calculated by aggregating all data across all institutions included in this table.

As with institutional and co-arbitrator appointments, small datasets can influence statistics. For example, while the IAC reported a change in the proportion of women arbitrators appointed by parties from 0% in 2020 to 75.0% in 2021, this reflected the appointment of three women arbitrators (out of a total of four) in 2021. To try to limit the influence of small datasets, the global average figure is an aggregate that reflects the proportion of women appointed by parties as arbitrator across all institutions reflected in *Table 6*.

There are a few notable statistics in the data on party appointments. For example, ICAC reports that at least 45.0% of party appointees were women in 2017, 2018, and 2019, with that number increasing to 57.4% in 2020. While the proportion of women appointed by parties in ICAC cases decreased in 2021 to 44.4%, that is still significantly above the global average of 17.9% for 2021. ICAC records over 100 party appointments each year between 2017 and 2021, with between 47 and 77 women arbitrator appointments each year over that period. According to ICAC, the relatively high number of women arbitrators appointed by parties is representative of the active involvement of women in both social life and the workforce in Ukraine. ICAC explains that women comprise approximately 50% of the total workforce in Ukraine, and women tend to be equally represented in legal professions (such as in the judiciary and private practice).

Another notable statistic is that parties in ICSID-administered cases have consistently appointed more women than the average figure. For example, while the global average proportion of women arbitrator appointments in 2015 was 7.9%, that figure was 12.8% in ICSID cases (reflecting 15 women arbitrator appointments out of a total of 117 that year); in 2018, the global average proportion of women arbitrator appointments was 15.3%, while for ICSID it was 21.5% (reflecting 22 women arbitrator appointments out of a total of 120 that year); and in 2021, the global average proportion of women arbitrator appointments was 17.9%, while for ICSID it was 20.0% (reflecting a total of 33 women arbitrator appointments out of a total of 165 that year).

There are limited data on whether respondent or claimant parties have a greater propensity to nominate women arbitrators. ICSID has started to track this information, as reflected in statistics released for the Centre's Fiscal Year 2019 (i.e., July 2018 to June 2019),<sup>103</sup> Fiscal Year 2020<sup>104</sup> and Fiscal Year 2021 Reports.<sup>105</sup> These data are set out in *Table 7* and *Figure 7*, below. *Table 7* presents the data in two ways: first showing the actual number of appointments, and second showing the proportion of men and women

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103. ICSID, *ICSID Annual Report 2019* (2019), <[https://icsid.worldbank.org/sites/default/files/publications/annual-report/en/ICSID\\_AR19\\_CRA\\_Web\\_Low\\_DD.pdf](https://icsid.worldbank.org/sites/default/files/publications/annual-report/en/ICSID_AR19_CRA_Web_Low_DD.pdf)> (last accessed Aug. 15, 2022).

104. ICSID, *ICSID Annual Report 2020* (2020), <[https://icsid.worldbank.org/sites/default/files/publications/annual-report/en/ICSID\\_AR20\\_CRA\\_Web.pdf](https://icsid.worldbank.org/sites/default/files/publications/annual-report/en/ICSID_AR20_CRA_Web.pdf)> (last accessed Aug. 15, 2022).

105. ICSID, *ICSID Annual Report 2020* (2021), <<https://icsid.worldbank.org/resources/publications/icsid-caseload-statistics>> (last accessed Aug. 15, 2022).

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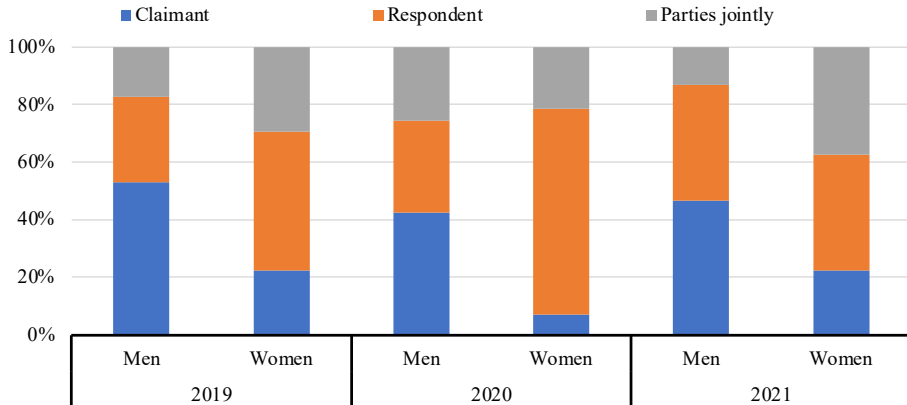
arbitrators appointed by claimants, respondents and the parties jointly in each fiscal year. *Figure 7* presents this as proportionate data.

*Table 7.* Women arbitrator appointments by parties in ICSID-administered cases, FY2019-FY2021

Appointments by:	FY 2019		FY 2020		FY 2021	
	Men	Women	Men	Women	Men	Women
Claimant	52	6	48	1	49	9
Respondent	29	13	36	10	42	16
Parties jointly	17	8	29	3	14	15

Appointments by:	FY 2019		FY 2020		FY 2021	
	Men	Women	Men	Women	Men	Women
Claimant	53.1% <sup>106</sup>	22.2%	42.5%	7.1%	46.7%	22.5%
Respondent	29.6%	48.1%	31.9%	71.4%	40.0%	40.0%
Parties jointly	17.3%	29.6%	25.7%	21.4%	13.3%	37.5%

*Figure 7.* Women arbitrator appointments by parties in ICSID-administered cases, FY2019-FY2021



106. % men appointments = total men appointments by claimant / total men appointments by parties.

[Table 7](#) and [Figure 7](#) indicate that, across all three reporting years, respondent parties have appointed significantly more women arbitrators than claimant parties. In FY2020, only one woman arbitrator was appointed by a claimant party and the significant majority of women arbitrators were appointed by respondent parties that year (71.4%, reflecting 10 out of 14 women arbitrator appointments in FY2020). That trend appears to have changed in FY2021, when claimants appointed more women arbitrators than in previous years (a total of nine women arbitrators in FY2021, reflecting 22.5% of the total that year, compared with six women and one woman arbitrator appointments in FY2019 and FY2020, respectively). FY2021 also saw the largest number of women arbitrators appointed by the parties jointly, increasing to 37.5% of the total women arbitrator appointments in FY2021 (reflecting 15 out of 40 appointments that year).

One limitation of the data in [Table 6](#) is that they do not disaggregate appointments made on the basis of lists of arbitrators prepared by institutions, on the one hand, and appointments made without any intervention by/assistance from the administering institution. The MIAC has tracked these data for appointments made in 2021. The MIAC reports that among the candidates included in lists prepared by the institution and shared with parties, 57% of candidates were women and 43% were men. Where parties selected an arbitrator from those lists, 60% of the arbitrators appointed were women, while 40% were men. Where parties selected an arbitrator without using the MIAC’s list, 100% of arbitrators were men. This suggests that including more women on arbitrator lists can influence the gender diversity of party-appointed arbitrators.

#### (v) Comparing trends

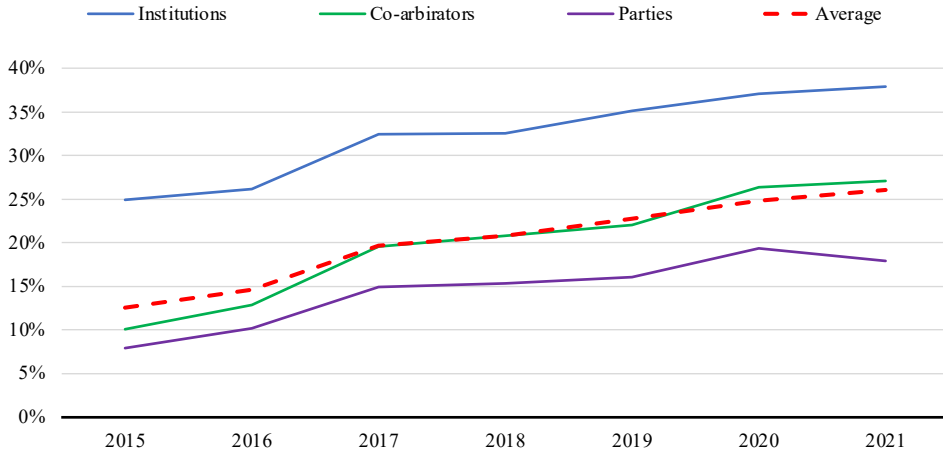
[Table 8](#) and [Figure 8](#) collate the average appointment statistics on appointments made by institutions, co-arbitrators and parties, above, along with the overall average statistics included in [Table 1](#).

*Table 8. Women as a proportion of arbitral appointments by institutions, co-arbitrators and parties, 2015-2021*<sup>107</sup>

	2015	2016	2017	2018	2019	2020	2021
Institutions	24.9%	26.2%	32.5%	32.6%	35.1%	37.1%	37.9%
Co-arbitrators	10.1%	12.9%	19.6%	20.8%	22.1%	26.4%	27.1%
Parties	7.9%	10.2%	14.9%	15.3%	16.1%	19.4%	17.9%
<b>Overall</b>	<b>12.6%</b>	<b>14.6%</b>	<b>19.7%</b>	<b>20.8%</b>	<b>22.8%</b>	<b>24.8%</b>	<b>26.1%</b>

107. [Table 8](#) compiles the global average data contained in [Tables 1, 4, 5](#) and [6](#), above.

Figure 8. Women as a proportion of arbitral appointments by institutions, co-arbitrators and parties, 2015-2021



The average statistics set out in [Table 8](#) and [Figure 8](#) show that, year on year, women as a proportion of arbitral appointments made by institutions consistently exceeds women as a proportion of co-arbitrator appointments and party appointments. The proportion of women appointed by co-arbitrators has largely tracked the overall average, and in recent years has exceeded that overall average. Women continue to represent a lower proportion of party appointed-arbitrators in 2021, as they have done for the past six years.

Notably, while the global average proportion of women arbitrator appointments increased by 1.3 points from 2020 to 2021 (from 24.8% in 2020 to 26.1% in 2021), the proportion of women arbitrators appointed by parties decreased over the same period by 1.5 points (from 19.4% in 2020 to 17.9% in 2021).

[Table 9](#) and [Figure 9](#), below, present these data slightly differently. They show the extent to which appointments by institutions, co-arbitrators and parties contribute to the total number of women being appointed each year. Between 2015 and 2021, arbitral institutions were responsible for appointing approximately half of all women arbitrators. Party appointments accounted for approximately a third of women arbitrator appointments, with co-arbitrator appointments comprising the remainder.

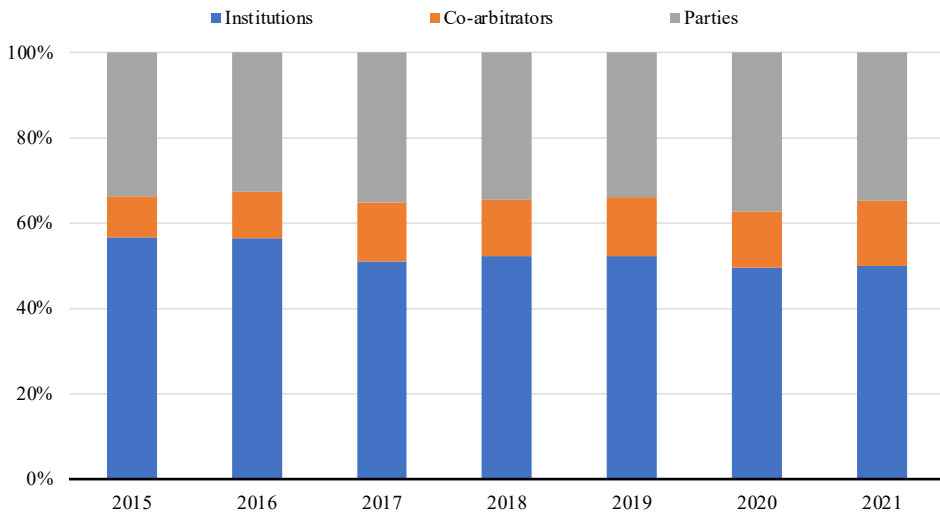
Presented this way, the data show that, although women comprise a relatively lower proportion of arbitrator appointments made by parties (between 7.9% and 17.9% in the years 2015 to 2021, as set out in [Table 6](#), above), the actual numbers of women being appointed by parties are significant enough that party appointments make up a third of all women arbitrator appointments between 2015 and 2021 (as set out in [Table 9](#), below). This shows the potential influence of decisions by parties on the diversity of arbitrator appointments: a small increase in the proportion of women arbitrators appointed

by parties can lead to a substantial change in the total number of women arbitrators appointed in a particular year.

*Table 9.* Appointments of women arbitrators by institutions, co-arbitrators, and parties, 2015-2021<sup>108</sup>

	2015 <sup>109</sup>	2016	2017	2018	2019	2020	2021
Institutions	56.6% <sup>110</sup>	56.4%	51.1%	52.3%	52.3%	49.5%	50.0%
Co-arbitrators	9.8%	11.0%	13.8%	13.2%	13.7%	13.3%	15.3%
Parties	33.6%	32.7%	35.1%	34.5%	34.0%	37.3%	34.7%

*Figure 9.* Appointments of women arbitrators by institutions, co-arbitrators, and parties, 2015-2021



108. Data in this [Table 9](#) reflects an aggregation of data reported by all institutions included in [Tables 4, 5](#) and [6](#), above.

109. Appointments by institutions, co-arbitrators and parties have been calculated by aggregating all respective appointments recorded by the institutions included in [Tables 4, 5](#) and [6](#). Institutions for which we have incomplete records, such as the PCA, CAS, SIAC and ICDR, have not been included in this calculation. Accordingly some of the data in [Table 7](#) will differ from the figures published in [Tables 4, 5](#) and [6](#).

110. % women appointments by institutions in 2015 = total women appointments by institutions in 2015 / total appointments in 2015.



**(vi) Repeat appointments**

Repeat appointments occur where, in the same year, a person is appointed to multiple tribunals or where a person is appointed multiple times in consolidated or parallel proceedings. Repeat appointments may be preferable in some instances, for example where parties wish the same arbitrator(s) to act in parallel or related proceedings to reduce costs, increase efficiency or ensure consistency of outcomes. However, repeat appointments can obscure the extent to which the pool of women acting as arbitrator is expanding. [Tables 10-11](#) and [Figures 10-11](#) show repeat appointments recorded in 2020 and 2021 for institutions that have reported repeat appointments in those years.

*Table 10. Repeat and individual appointments of men and women, 2020<sup>111</sup>*

Institution	Total		Men		Women	
	App'ments	Repeats	App'ments	Repeats	App'ments	Repeats
HKIAC	307	45.3% <sup>112</sup>	246	45.9%	61	42.6%
IAC	9	66.7%	4	50.0%	5	80.0%
ICC	1520	33.7%	1165	33.6%	355	34.1%
ICSID	181	28.2%	140	29.3%	41	24.4%
ICDR	791	19.0%	596	16.9%	195	25.1%
LCIA	533	45.0%	358	37.7%	175	60.0%
MIAC	4	0.0% <sup>113</sup>	4	0.0%	0	0.0%
SCC	255	38.8%	176	35.2%	79	46.8%
VIAC	41	9.8%	28	14.3%	13	0.0%
<b>Average<sup>114</sup></b>	<b>3641</b>	<b>33.0%</b>	<b>2717</b>	<b>31.4%</b>	<b>924</b>	<b>38.1%</b>

111. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

112. % repeat appointments = total repeat appointments / total appointments. This value is calculated separately for total appointments, men and women, and for each institution listed in this table.

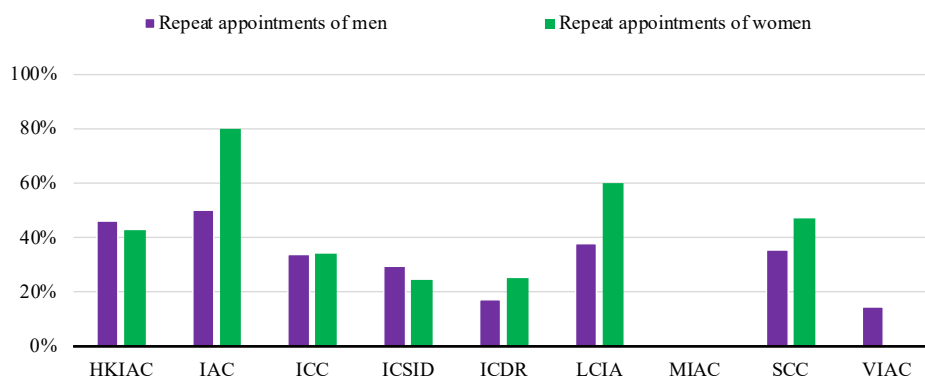
113. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

114. The global average figure is calculated by aggregating all data across all institutions included in this table.

Table 11. Repeat and individual appointments of men and women, 2021<sup>115</sup>

Institution	Total		Men		Women	
	App'ments	Repeats	App'ments	Repeats	App'ments	Repeats
HKIAC	331	44.7% <sup>116</sup>	275	45.1%	56	42.9%
IAC	111	91.9%	61	93.4%	50	94.0%
ICC	1525	30.5%	1154	31.2%	371	28.3%
ICSID	246	42.7%	179	39.7%	67	49.3%
ICDR	707	33.4%	522	32.8%	185	35.1%
LCIA	449	33.6%	307	32.6%	142	35.9%
MIAC	6	0.0% <sup>117</sup>	1	0.0%	5	0.0%
SCC	275	40.0%	196	39.8%	79	40.5%
VIAC	55	3.6%	46	4.3%	9	0.0%
<b>Average<sup>118</sup></b>	<b>3705</b>	<b>35.6%</b>	<b>2742</b>	<b>35.2%</b>	<b>963</b>	<b>37.0%</b>

Figure 10. Repeat and individual appointments of men and women, 2020



115. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

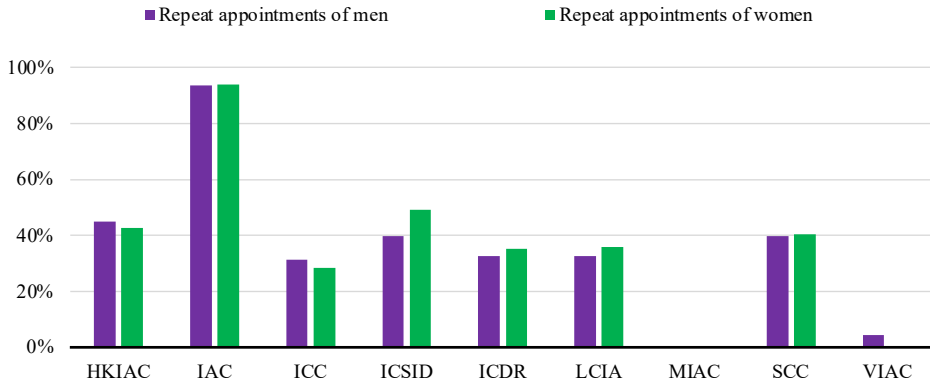
116. % repeat appointments = total repeat appointments / total appointments. This value is calculated separately for total appointments, men and women, and for each institution listed in this table.

117. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

118. The global average figure is calculated by aggregating all data across all institutions included in this table.

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Figure 11. Repeat and individual appointments of men and women, 2021



The total number of repeat appointments (aggregating men and women) has not changed significantly between 2020 and 2021 (from 1,201 to 1,319, respectively). In both years, approximately a third of all appointments were repeat appointments (33.0% and 35.6%, respectively). Broken down by gender, the number of repeat appointments of men and women has also not changed significantly over that time: on average 31.4% of appointments of men as arbitrator in 2020 were repeat appointments (reflecting 852 repeat appointments that year), with that figure increasing to 35.2% in 2021 (reflecting 964 repeat appointments that year); for women, on average 38.1% of women arbitrator appointments in 2020 were repeat appointments (reflecting 352 repeat appointments that year), with that figure decreasing to 37.0% in 2021 (reflecting 356 repeat appointments that year).

At an institutional level, approximately a third (34.1%) of appointments of women in ICC-administered arbitrations in 2020 were repeat appointments, with that figure decreasing well below the global average to 28.3% in 2021. The ICC explains that “[t]o foster diversity, when appointing arbitrators (directly or upon proposal of an ICC National Committee), the ICC Court does not generally appoint the same individual as arbitrator more than once per year” and that the ICC encourages proposals for and/or the appointment of new or young arbitrators.<sup>119</sup> 60.0% of appointments of women in LCIA-administered proceedings in 2020 were repeat appointments, with that figure decreasing significantly to 35.9%, again below average, in 2021. The LCIA explains that the number of repeat appointments of women in 2020 is almost exclusively attributable to related cases and/or party or nominee selection, and that such cases are often consolidated. The

119. International Chamber of Commerce, Dispute Resolution 2020 Statistics, <<https://iccwbo.org/publication/icc-dispute-resolution-statistics-2020/>>, pp. 15-16 (last accessed Aug. 18, 2022).

LCIA notes further that, where the LCIA Court is required to select arbitrators, the LCIA will consider whether potential candidates have already received an appointment in the same calendar year and will propose candidates not previously appointed as often as possible. For HKIAC, the proportion of repeat appointments among women arbitrators has remained roughly consistent between 2020 and 2021, with 42.6% of women arbitrators being repeat appointments in 2020, and 42.9% in 2021.

One limitation of the repeat appointment data collected for 2020 and 2021 is that they do not identify whether an individual man or woman was appointed more than twice (or more) in a year. One institution that has published these data is the LCIA.

- In 2020, 62% of all arbitrators appointed in LCIA arbitrations were appointed only once during the same calendar year, whereas 20% of arbitrators were appointed twice and 9% of arbitrators three times. The remaining 9% of arbitrators were appointed more frequently, which in large part was due to appointments in related cases, where many of the cases were subsequently consolidated. The average number of appointments for all arbitrators was one appointment, for men arbitrators the average was one and for women the average was two.<sup>120</sup>
- In 2021, 58.5% of all arbitrators appointed in LCIA arbitrations were appointed only once during the same calendar year, with 20% of arbitrators appointed twice and 7% of arbitrators appointed three times. The remaining 4.5% of arbitrators were appointed more frequently. The LCIA reports that these appointments are due partly to appointments in related cases and are largely nominated by parties and co-arbitrators. The average number of appointments of all arbitrators in 2021 was one, regardless of gender.<sup>121</sup>

### **(vii) First-time appointees**

Data on first-time appointees indicate the extent to which the pool of arbitrators is expanding. A first-time appointment refers to an arbitrator that has secured their first appointment in a case administered by a particular institution. While this may not be the first time an individual has *ever* been appointed in an arbitration, these data provide a useful proxy for assessing new entrants into the pool of experienced arbitrators.

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120. LCIA, *LCIA Annual Casework Report 2020*, <<https://www.lcia.org/News/lcia-news-annual-casework-report-2020-and-changes-to-the-lcia-c.aspx>> (last accessed Aug. 4, 2021), p. 21.

121. LCIA, *LCIA Annual Casework Report 2021*, <<https://www.lcia.org/News/lcia-news-annual-report-on-2021-lcia-court-updates-and-tylney.aspx>> (last accessed Aug. 13, 2022), p. 20.

Some institutions track first time appointees as a proportion of all appointments made in a particular year. For example:

- ICSID reports that in Fiscal Year 2020 (i.e., from 1 July 2019 to 30 June 2020), there were 31 first-time appointments, of which 19.4% were women;<sup>122</sup>
- the LCIA reports that, in 2020, of 533 appointments, 14% were first-time appointees. The percentage of first-time appointments has decreased compared to 2019, when, of 566 appointments, 19% were first-time appointees; and
- the LCIA also reports a breakdown of first-time appointees according to whether they were appointed by the institution (the LCIA Court), parties or co-arbitrators. In 2019, 51% of all first-time appointments were made by the parties, 31% were made by the co-arbitrators, and 17% were made by the LCIA Court.<sup>123</sup> The LCIA's data are reported slightly differently for 2020 and 2021. The proportion of first-time appointees appointed by the LCIA Court increased from 10% of all Court appointments in 2020 to 17% of appointments in 2021 (76 out of 446 appointments that year). The percentage of first-time appointees nominated by the parties increased slightly from 17% of all party appointments in 2020 to 19% in 2021. The co-arbitrators selected fewer first-time appointees, with only 7% of all co-arbitrator appointments being arbitrators who had not been appointed before (compared with 13% in 2020).<sup>124</sup>

The LCIA notes that the approach to appointing first time arbitrators may differ between the institution and parties or co-arbitrators for good reason. The LCIA Court appoints three to five times as many sole arbitrators and three to five times as many chair arbitrators as the parties, because of the role that it plays as appointing authority. These roles typically require some experience of LCIA arbitration and so tend to exclude the use of first time arbitrators. Similar policies are in place across other institutions, due to the nature of appointments the institutions are in the position to make.

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122. ICISD, *ICSID Annual Report 2020*, <[https://icsid.worldbank.org/sites/default/files/publications/annual-report/en/ICSID\\_AR20\\_CRA\\_Web.pdf](https://icsid.worldbank.org/sites/default/files/publications/annual-report/en/ICSID_AR20_CRA_Web.pdf)> (last accessed Aug. 4, 2021), p. 26.

123. LCIA, *LCIA Annual Casework Report 2019*, <<https://www.lcia.org/News/annual-casework-report-2019-the-lcia-records-its-highest-numbe.aspx>> (last accessed Aug. 4, 2021), p. 16.

124. LCIA, *LCIA Annual Casework Report 2021*, <<https://www.lcia.org/News/lcia-news-annual-report-on-2021-lcia-court-updates-and-tylney.aspx>> (last accessed Aug. 13, 2022), p. 21; LCIA, *LCIA Annual Casework Report 2020*, <<https://www.lcia.org/News/lcia-news-annual-casework-report-2020-and-changes-to-the-lcia-c.aspx>> (last accessed Nov. 4, 2021), p. 20.

The HKIAC explains that it does not keep a record of the arbitrators' first-time appointments. Appointments are generally made using the HKIAC's List and Panel of Arbitrators, and so the HKIAC monitors the extent to which its List of Arbitrators includes individuals who have not acted as arbitrator on HKIAC cases before. The List of Arbitrators comprises members who may have some experience acting as arbitrator, as well as those who may have not yet acted as arbitrator, but who nevertheless have significant experience in international arbitration to the extent that they would be suitable for appointment as arbitrator in a case either of smaller value or lesser complexity.<sup>125</sup> The Panel of Arbitrators is comprised of experienced arbitrators.<sup>126</sup> In 2021, the HKIAC received 59 applications for the HKIAC's List and 26 of those did not have experience sitting as arbitrator. Of those applications, 12 were from female practitioners and 14 were from male practitioners. Eight of the female applicants and nine of the male applicants who had no prior appointment were admitted to the HKIAC's List. The HKIAC explains that it strives to identify candidates who, while having no prior appointments as arbitrator, are otherwise qualified to serve as arbitrator. This helps grow the pool of potential arbitrators and enhances diversity of that pool.

Other institutions have reported data on the extent to which women or men make up first time appointments. The data are set out in [Table 12](#) and [Figure 12](#), below. The data show that, except in cases administered by ICDR, men made up most of the first time arbitral appointments in cases in 2021 that were administered by the institutions in [Table 12](#). This is most pronounced in cases administered by SIAC and VIAC (in which 71.4% and 83.9% of first time appointees in SIAC and VIAC cases, respectively, were men). The balance was different for ICDR, which reports that 54.1% of first time appointments in 2021 (20 out of 37 first time appointees) were women. The data for CEPANI, IAC and ICSID show a similar trend, with between 40.7% and 42.9% of first time appointees being women in cases administered by those arbitral institutions. The dataset for CEPANI and IAC is small, however, so it is difficult to draw firm conclusions on trends in the data on first time appointments for those institutions.

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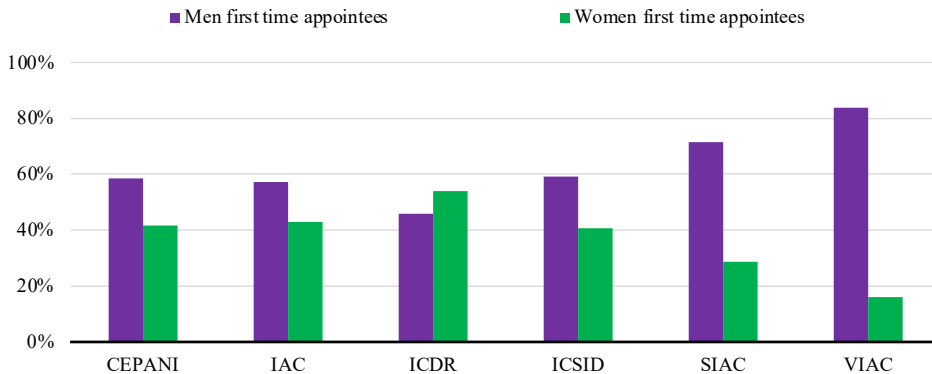
125. HKIAC, *Criteria & Application Procedures*, <<https://www.hkiac.org/arbitration/arbitrators/criteria-application>>, (last accessed Aug. 13, 2022).

126. HKIAC, *Criteria & Application Procedures*, <<https://www.hkiac.org/arbitration/arbitrators/criteria-application>>, (last accessed Aug. 13, 2022).

Table 12. Men and women as a proportion of first time appointees, 2021<sup>127</sup>

Institution	Total	Men	%	Women	%
CEPANI	12	7	58.3% <sup>128</sup>	5	41.7%
IAC	7	4	57.1%	3	42.9%
ICDR	37	17	45.9%	20	54.1%
ICSID	27	16	59.3%	11	40.7%
SIAC	70	50	71.4%	20	28.6%
VIAC	31	26	83.9%	5	16.1%
<b>Average</b>	<b>184</b>	<b>120</b>	<b>65.2%</b>	<b>64</b>	<b>34.8%</b>

Figure 12. Men and women as a proportion of first time appointees, 2021



**(viii) Arbitrator role and type of case**

This section discusses data on the appointment of women into particular roles (such as sole arbitrator, emergency arbitrator and tribunal chair) and on the appointment of women in *ad hoc* arbitrations. It also includes a discussion of data in relation to arbitrator challenges.

127. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

128. % men first time appointments = total men first time appointments / total first time appointments. This value is calculated separately for men and women and for each institution listed in this table.

a. *Sole arbitrator appointments*

*Tables 13-14* and *Figures 13-14* set out data on the appointment of women as sole arbitrators. The data show little change in the average appointments of men and women to sole arbitrator roles: in both 2020 and 2021, approximately two thirds of sole arbitrators were men (65.5% in 2020 and 65.3% in 2021), while approximately a third were women (34.5% in 2020 and 34.7% in 2021).

At an institutional level, in both 2020 and 2021, a number of institutions reported above-average appointments of women arbitrators. The institutions that reported the highest numbers of women sole arbitrators include the ICC (reporting that 107 women sole arbitrators were appointed in 2020, reflecting 35.9% of all sole arbitrator appointments that year; those figures increasing to 116 women sole arbitrator appointments in 2021, reflecting 37.1% of all sole arbitrator appointments that year), ICAC (reporting that 71 women sole arbitrators were appointed in 2020, reflecting 46.1% of all sole arbitrator appointments that year), and SIAC (reporting that 59 women sole arbitrator appointments were made in 2021, reflecting 36.4% of all sole arbitrator appointments that year). Other institutions with smaller numbers of sole arbitrator appointments also reported similar trends, notably DIS (69.6% of sole arbitrator appointments in 2020 were women), IAC, SCC and LCIA (reporting that, among the sole arbitrators appointed in cases administered by each institution in 2021, 44.4%, 42.6% and 42.5%, respectively, were women).

*Table 13.* Appointments of men and women as sole arbitrators, 2020<sup>129</sup>

<b>Institution</b>	<b>Total sole arbitrator appts</b>	<b>Total men as sole arbitrator</b>	<b>% men as sole arbitrator</b>	<b>Total women as sole arbitrator</b>	<b>% women as sole arbitrator</b>
CEPANI	17	14	82.4% <sup>130</sup>	3	17.6%
CRCICA	8	7	87.5%	1	12.5%
DIS	23	7	30.4%	16	69.6%
HKIAC	87	71	81.6%	16	18.4%
IAC	9	4	44.4%	5	55.6%
ICAC	154	83	53.9%	71	46.1%
ICC	298	191	64.1%	107	35.9%

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129. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

130. % men as sole arbitrator = total men appointed as sole arbitrator / total sole arbitrator appointments. This value is calculated separately for men and women and for each institution listed in this table.



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<b>Institution</b>	<b>Total sole arbitrator appts</b>	<b>Total men as sole arbitrator</b>	<b>% men as sole arbitrator</b>	<b>Total women as sole arbitrator</b>	<b>% women as sole arbitrator</b>
ICDR	410	298	72.7%	112	27.3%
LCIA	126	74	58.7%	52	41.3%
MIAC	1	1	100%	0	0.0% <sup>131</sup>
SCC	81	49	60.5%	32	39.5%
SIAC	[U/R] <sup>132</sup>	[U/R]	[U/R]	[U/R]	[U/R]
Swiss Arb. Centre	25	13	52.0%	12	48.0%
VIAC	12	7	58.3%	5	41.7%
<b>Average<sup>133</sup></b>	<b>1251</b>	<b>819</b>	<b>65.5%</b>	<b>432</b>	<b>34.5%</b>

Table 14. Appointments of men and women as sole arbitrators, 2021<sup>134</sup>

<b>Institution</b>	<b>Total sole arbitrator appts</b>	<b>Total men as sole arbitrator</b>	<b>% men as sole arbitrator</b>	<b>Total women as sole arbitrator</b>	<b>% women as sole arbitrator</b>
CEPANI	36	23	63.9% <sup>135</sup>	13	36.1%
CRCICA	7	6	85.7%	1	14.3%
DIS	36	27	75.0%	9	25.0%
HKIAC	104	77	74.0%	27	26.0%
IAC	108	60	55.6%	48	44.4%
ICAC	[U/R] <sup>136</sup>	[U/R]	[U/R]	[U/R]	[U/R]

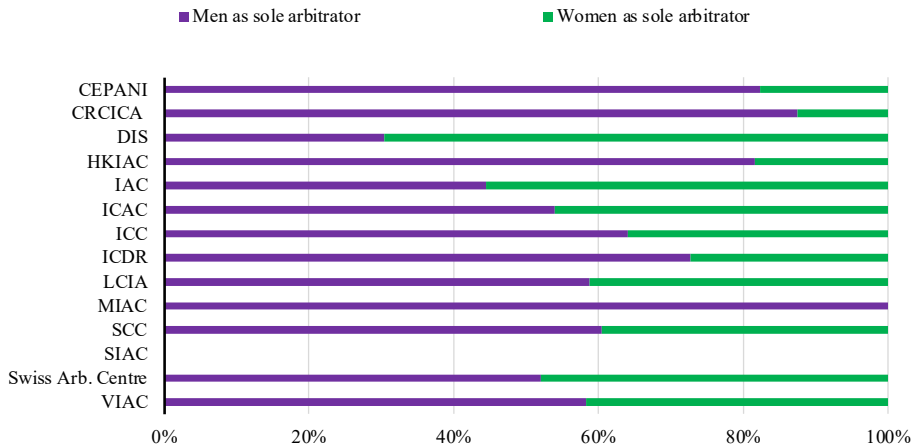
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131. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.
132. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.
133. The global average figure is calculated by aggregating all data across all institutions included in this table.
134. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.
135. % men as sole arbitrator = total men appointed as sole arbitrator / total sole arbitrator appointments. This value is calculated separately for men and women and for each institution listed in this table.
136. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

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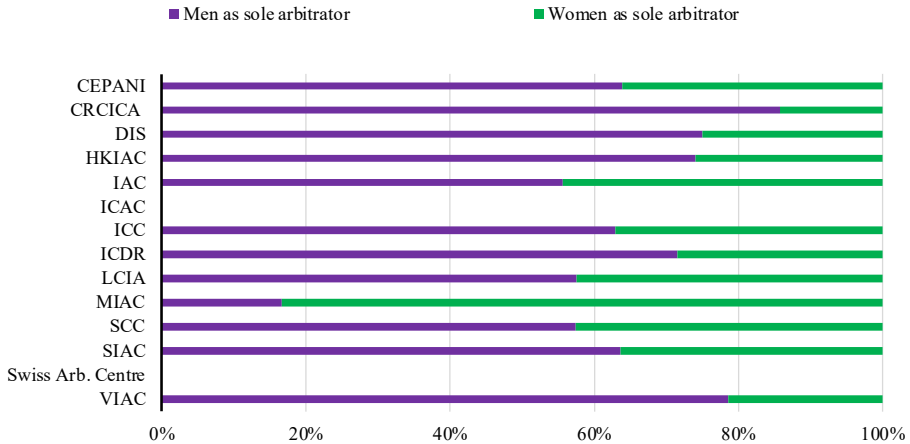
Institution	Total sole arbitrator appts	Total men as sole arbitrator	% men as sole arbitrator	Total women as sole arbitrator	% women as sole arbitrator
ICC	313	197	62.9%	116	37.1%
ICDR	344	246	71.5%	98	28.5%
LCIA	106	61	57.5%	45	42.5%
MIAC	6	1	16.7%	5	83.3%
SCC	68	39	57.4%	29	42.6%
SIAC	162	103	63.6%	59	36.4%
Swiss Arb. Centre	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
VIAC	14	11	78.6%	3	21.4%
<b>Average<sup>137</sup></b>	<b>1304</b>	<b>851</b>	<b>65.3%</b>	<b>453</b>	<b>34.7%</b>

Figure 13. Men and women as a proportion of sole arbitrator appointments, 2020



137. The global average figure is calculated by aggregating all data across all institutions included in this table.

Figure 14. Men and women as a proportion of sole arbitrator appointments, 2021



There are limited data on the number of women sole arbitrators prior to 2020. Data provided by the ICC show that in 2016, out of 286 sole arbitrators, 69 were women (24%). In 2017, out of 235 sole arbitrators, 65 were women (28%).<sup>138</sup> In 2018, out of 282 sole arbitrators, 82 were women (29%) and in 2020 out of 298 sole arbitrators, 107 were women (36.7%).<sup>139</sup>

The overall proportion of women appointed as sole arbitrator in 2020 and 2021 (being 34.5% and 34.7%, as set out in *Tables 13-14*, above) is significantly higher than the overall proportion of women appointed as arbitrator in 2020 and 2021 (being 24.8% in 2020 and 26.1% in 2021, as set out in *Table 1*, above). The figures for sole arbitrators are more similar to, albeit slightly lower than, the proportion of women appointed as arbitrator by institutions (being 37.1% in 2020 and 37.9% in 2021, as set out in *Table 4*, above). This may reflect the fact that arbitral institutions often act as appointing authority for sole arbitrator appointments, when requested or where parties cannot agree on the identity of the sole arbitrator.

In 2021, the SCC assessed arbitrator diversity in SCC-administered cases from 2015 to 2019 (reflecting 1,251 appointments in 690 cases). The analysis showed that women were more frequently appointed as sole arbitrators than as chairs or co-arbitrators.<sup>140</sup> The

138. Mirèze Philippe, *Achieving Gender Equality on the ICC International Court of Arbitration: A Giant Step*, 3 ICC DISPUTE RES. BULLET. 2018: ICC PRACTICE AND PROCEDURE (2018).

139. Data provided by the ICC for the purposes of preparing this Report.

140. Arbitration Institute of the Stockholm Chamber of Commerce, *Diversity in Arbitrator Appointments in SCC Cases, 2015–2019*, <[https://sccinstitute.com/media/1792483/rapport\\_diversity-7.pdf](https://sccinstitute.com/media/1792483/rapport_diversity-7.pdf)> (last accessed Nov. 29, 2021).

SCC’s findings are consistent with broader trends in arbitrator appointments discussed in this Report. While, as a global average, 34.7% of sole arbitrator appointments in 2021 were women (as set out in [Table 14](#), above), that global average figure was 28.8% for tribunal chair appointments (as set out in [Table 18](#), below) and 27.1% for co-arbitrator appointments (as set out in [Table 5](#), above).<sup>141</sup>

*b. Emergency arbitrator appointments*

[Table 15](#) and [Figure 15](#) show the appointment of men and women as emergency arbitrator in 2021 from those institutions that reported appointments this year. Based on these data, as with sole arbitrator appointments, approximately a third of emergency arbitrator appointments in 2021 were women (30.1%, reflecting 25 out of 83 emergency arbitrator appointments reported in 2021), while more than two thirds were men (69.9%, reflecting 58 appointments that year). This is broadly consistent across institutions with larger datasets, notably the ICC and ICDR, which report that, respectively 40.0% and 33.3% of emergency arbitrator appointments in 2021 were women. Deviations from the average figures tend to occur where there are smaller datasets, notably CEPANI, HKIAC, LCIA and SCC (which each reported between one and seven emergency arbitrator appointments (men and women) in 2021).

Given the limited dataset, it is difficult to draw firm conclusions on any trends in appointments. However, as with sole arbitrator appointments, it appears that the global average proportion of women appointed as emergency arbitrator in 2021 (30.1%, as set out in [Table 15](#), below) is higher than the overall average proportion of women appointed as arbitrator in the same year (26.1% in 2021, as set out in [Table 1](#), above).<sup>142</sup> Again, this may reflect the role of arbitral institutions in appointing emergency arbitrators when requested or where parties cannot agree on the identity of the emergency arbitrator.

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141. Note that the datasets that underly these statistics differ, based on which institutions were able to report data on the appointment of women as chair, co-arbitrator and sole arbitrator in 2021.

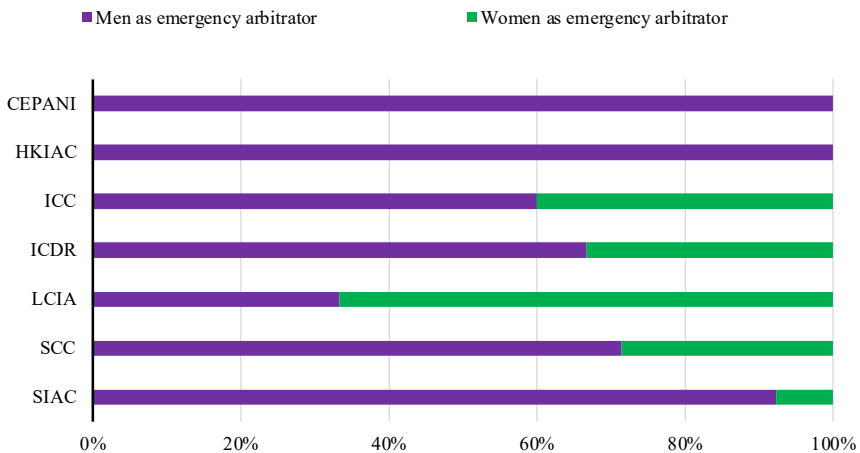
142. Note that the datasets that underly these statistics differ, based on which institutions were able to report data on the appointment of women as chair, co-arbitrator and emergency arbitrator in 2021.

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Table 15. Appointments of men and women as emergency arbitrators, 2021<sup>143</sup>

	Total emerg'y arbitrators	Total men	% men as emerg'y arbitrator	Total women	% women as emerg'y arbitrator
CEPANI	1	1	100% <sup>144</sup>	0	0.0% <sup>145</sup>
HKIAC	4	4	100%	0	0.0%
ICC	25	15	60.0%	10	40.0%
ICDR	30	20	66.7%	10	33.3%
LCIA	3	1	33.3%	2	66.7%
SCC	7	5	71.4%	2	28.6%
SIAC	13	12	92.3%	1	7.7%
<b>Average<sup>146</sup></b>	<b>83</b>	<b>58</b>	<b>69.9%</b>	<b>25</b>	<b>30.1%</b>

Figure 15. Appointments of men and women as emergency arbitrators, 2021



143. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

144. % men as emergency arbitrator = total men as emergency arbitrator / total emergency arbitrator appointments. This value is calculated separately for each institution listed in this table.

145. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

146. The global average figure is calculated by aggregating all data across all institutions included in this table.

c. *Tribunal chair appointments*

*Tables 16-17* and *Figures 16-17* show the appointment of men and women tribunal chair in 2020 and 2021. The data indicate that, among institutions surveyed in 2020 and 2021, more than twice as many men were appointed as tribunal chairs than women. Of the 1,029 recorded chair appointments in 2020, 758 (73.7%) were men and 271 (26.3%) were women. In 2021, of the 1,044 recorded chair appointments, 743 (71.2%) were men and 301 (28.8%) were women.

The LCIA and SCC reported higher than average proportions of women chair appointments in both 2020 and 2021: for the SCC, 38.0% of tribunal chairs appointed in 2020 were women, with that figure increasing in 2021 to 42.0%; for the LCIA, 34.6% of tribunal chairs appointed in 2020 were women, with that figure decreasing (but remaining above average) to 29.1% in 2021; and for ICAC, 27.8% of tribunal chairs appointed in 2020 were women, increasing to 35.5% in 2021. Some institutions were below average in 2020 and increased to above average in 2021. For example, while women comprised 26.6% of ICC chairs in 2020, that proportion increased to 28.7% in 2021. Similarly, while women comprised 22.2% of ICSID chairs in 2020, that proportion increased significantly to 37.3% in 2021. For ICSID, that change in the proportion of women chairs is also reflected in a doubling of the overall number of women chairs being appointed, increasing from 14 appointments in 2020 to 31 appointments in 2021. DIS reported a similar doubling in the proportion of women chairs, from 15.8% in 2020 (reflecting 12 out of 76 chair appointments that year) to 32.8% in 2021 (reflecting 22 out of 67 appointments).

*Table 16.* Appointments of men and women as tribunal chair, 2020<sup>147</sup>

<b>Institution</b>	<b>Total</b>	<b>Total men</b>	<b>% men as chair</b>	<b>Total women</b>	<b>% women as chair</b>
CEPANI	9	8	88.9% <sup>148</sup>	1	11.1%
CRCICA	44	40	90.9%	4	9.1%
DIS	76	64	84.2%	12	15.8%
HKIAC	62	47	75.8%	15	24.2%
IAC	[U/R] <sup>149</sup>	[U/R]	[U/R]	[U/R]	[U/R]

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147. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

148. % men as tribunal chair = total men as tribunal chair / total tribunal chair appointments. This value is calculated separately for men and for women and for each institution listed in this table.

149. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

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<b>Institution</b>	<b>Total</b>	<b>Total men</b>	<b>% men as chair</b>	<b>Total women</b>	<b>% women as chair</b>
ICAC	54	39	72.2%	15	27.8%
ICC	402	295	73.4%	107	26.6%
ICDR	112	85	75.9%	27	24.1%
ICSID	63	49	77.8%	14	22.2%
LCIA	133	87	65.4%	46	34.6%
MIAC	1	1	100%	0	0.0% <sup>150</sup>
Swiss Arb. Centre	15	8	53.3%	7	46.7%
SCC	50	31	62.0%	19	38.0%
VIAC	8	4	50.0%	4	50.0%
<b>Average<sup>151</sup></b>	<b>1029</b>	<b>758</b>	<b>73.7%</b>	<b>271</b>	<b>26.3%</b>

Table 17. Appointments of men and women as tribunal chair, 2021<sup>152</sup>

<b>Institution</b>	<b>Total</b>	<b>Total men</b>	<b>% men as chair</b>	<b>Total women</b>	<b>% women as chair</b>
CEPANI	8	5	62.5% <sup>153</sup>	3	37.5%
CRCICA	31	30	96.8%	1	3.2%
DIS	67	45	67.2%	22	32.8%
HKIAC	69	57	82.6%	12	17.4%
IAC	1	0	0.0% <sup>154</sup>	1	100%
ICAC	110	71	64.5%	39	35.5%
ICC	390	278	71.3%	112	28.7%

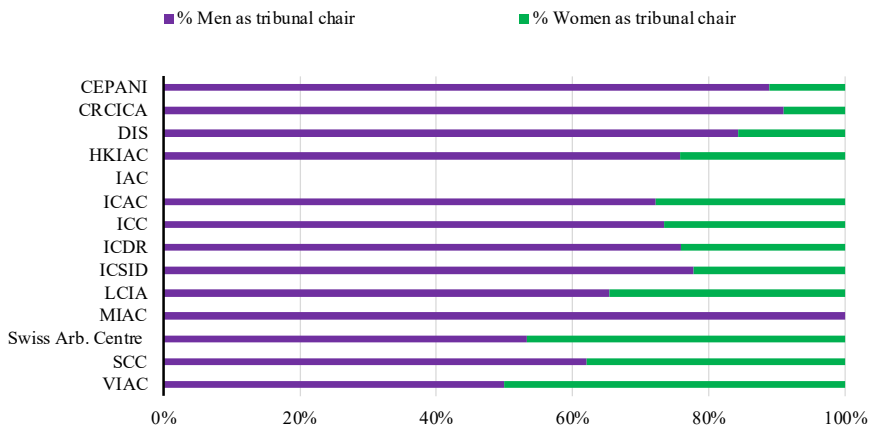
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150. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.
151. The global average figure is calculated by aggregating all data across all institutions included in this table.
152. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.
153. % men as tribunal chair = total men as tribunal chair / total tribunal chair appointments. This value is calculated separately for men and for women and for each institution listed in this table.
154. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no men were appointed. The figure of 0.0% is counted in the global average calculation.

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Institution	Total	Total men	% men as chair	Total women	% women as chair
ICDR	113	88	77.9%	25	22.1%
ICSID	83	52	62.7%	31	37.3%
LCIA	110	78	70.9%	32	29.1%
MIAC	[U/R] <sup>155</sup>	[U/R]	[U/R]	[U/R]	[U/R]
Swiss Arb. Centre	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
SCC	50	29	58.0%	21	42.0%
VIAC	12	10	83.3%	2	16.7%
<b>Average<sup>156</sup></b>	<b>1044</b>	<b>743</b>	<b>71.2%</b>	<b>301</b>	<b>28.8%</b>

Figure 16. Appointments of men and women as tribunal chair, 2020



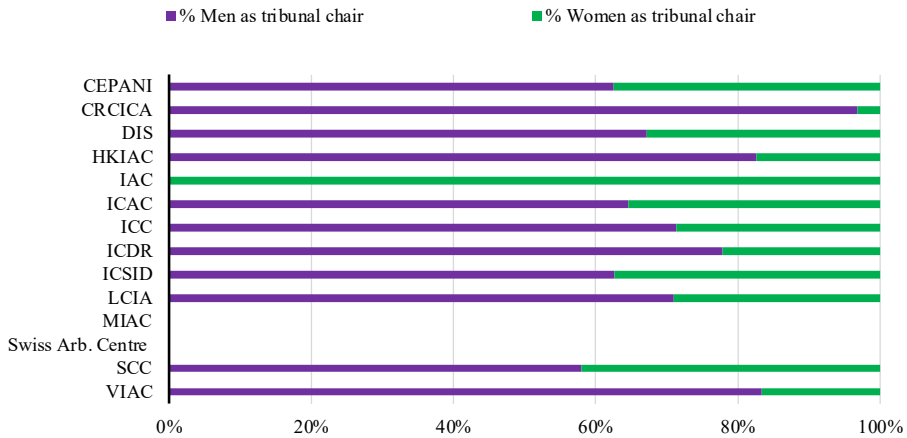
155. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

156. The global average figure is calculated by aggregating all data across all institutions included in this table.



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Figure 17. Appointments of men and women as tribunal chair, 2021



There are limited data on the gender diversity of tribunal chairs prior to 2020. Data provided by the ICC show a positive trend of women appointed as tribunal chair in ICC-administered cases since 2016, as set out in [Table 18](#) and [Figure 18](#), below. The data show a year-on-year increase in the number of women appointed to chair arbitral tribunals in ICC-administered cases: in 2016, 13.9% of ICC tribunal chairs were women (50 chair appointments out of 361 chairs appointed that year), and by 2021 that figure doubled to 28.7% (reflecting 112 chair appointments out of 390 chairs appointed that year).

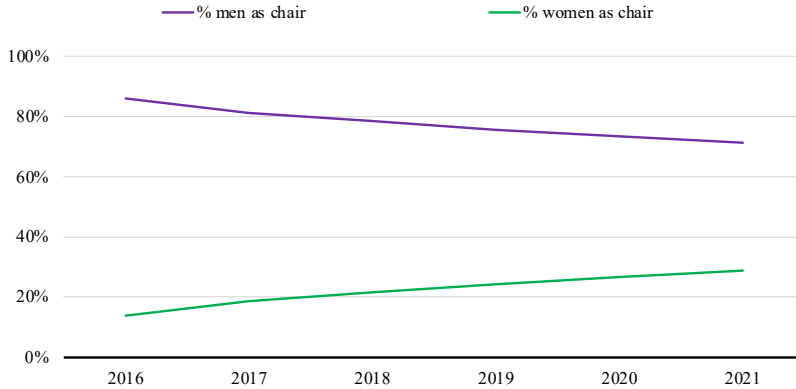
Table 18. Appointments of men and women as tribunal chair in ICC administered cases, 2016-2021<sup>157</sup>

	Total	Men as chair	% men as chair	Women as chair	% women as chair
2016	361	311	86.1% <sup>158</sup>	50	13.9%
2017	413	336	81.4%	77	18.6%
2018	405	318	78.5%	87	21.5%
2019	390	295	75.6%	95	24.4%
2020	402	295	73.4%	107	26.6%
2021	390	278	71.3%	112	28.7%

157. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

158. % men as tribunal chair = total men as tribunal chair / total tribunal chair appointments. This value is calculated separately for men and women and for each institution listed in this table.

Figure 18. Appointments of men and women as tribunal chair in ICC administered cases, 2016-2021



d. *All-women tribunals*

Some members of the Task Force have also reported on the number of all-women (three-member) tribunals appointed in 2021. The data on all-women tribunals appointed in 2021 is set out in [Table 19](#) and [Figure 19](#), below. From the data reported, single-gender tribunals accounted for 45.9% of all three-member tribunals appointed in 2021 (reflecting 158 tribunals out of a total of 344 recorded in 2021). Of these single-gender tribunals, 97.5% were all-men tribunals and 2.5% were all-women. Among the institutions that reported data on single-gender tribunals appointed in 2021, there were four all-women tribunals.

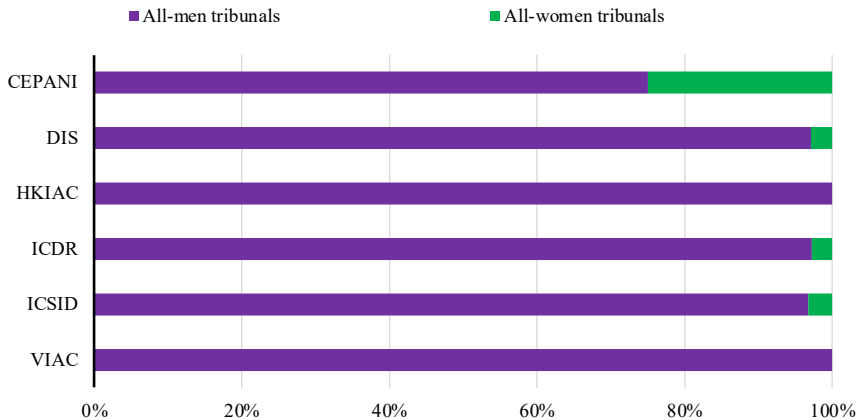
Missing from the dataset below is information about three-member tribunals where a majority of arbitrators were women.

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Table 19. Mixed and single-gender tribunals (three members), 2021<sup>159</sup>

Institution	Total			All-men tribs		All-women tribs	
	3-member tribs	Mixed gender tribs	Single gender tribs	No.	%	No.	%
CEPANI	8	4	4	3	37.5% <sup>160</sup>	1	12.5%
DIS	64	30	34	33	51.6%	1	1.6%
HKIAC	70	25	45	45	64.3%	0	0.0% <sup>161</sup>
ICDR	119	83	36	35	29.4%	1	0.8%
ICSID	70	39	31	30	42.9%	1	1.4%
VIAC	13 <sup>162</sup>	5	8	8	61.5%	0	0.0%
<b>Average<sup>163</sup></b>	<b>344</b>	<b>186</b>	<b>158</b>	<b>154</b>	<b>97.5%</b>	<b>4</b>	<b>2.5%</b>

Figure 19. Mixed and single-gender tribunals (three members), 2021



159. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

160. % all-men tribunals = total all-men tribunals / total single-gender tribunals. This value is calculated separately for each institution listed in this table.

161. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no all-women tribunals appointed. The figure of 0.0% is counted in the global average calculation.

162. VIAC notes that this number does not include tribunals where the proceedings have been terminated prematurely before the transfer of the file to the arbitral tribunal.

163. The global average figure is calculated by aggregating all data across all institutions included in this table.

There are limited data on single-gender tribunals prior to 2021. VIAC reports that its first all-women tribunal was constituted in 2017.<sup>164</sup> The Chairman of the ICSID Administrative Council appointed the first all-women *ad hoc* committee in an annulment proceeding in 2021, which considered an arbitral award rendered by a tribunal composed of all men.<sup>165</sup> This year the SCC also reported two all-women tribunals.

*e. Ad hoc proceedings*

Members of the Task Force have also gathered data on *ad hoc* arbitrations in 2020 and 2021. *Ad hoc* arbitrations are arbitrations where an institution assists with administering the arbitration in some way (for example, by handling arbitrator fees or acting as appointing authority), but the arbitration itself does not apply the relevant institution's rules.

Data on *ad hoc* proceedings in 2020 and 2021 are set out in [Tables 20-21](#) and [Figures 20-21](#), below. The data, when averaged across surveyed institutions, show that the proportion of women arbitrators appointed in *ad hoc* proceedings in 2020 and 2021 was relatively consistent, at 83.6% men and 16.4% women in 2020, and 86.7% men and 13.3% women in 2021. While the total number of appointments (men and women) in *ad hoc* proceedings appears to have changed from 73 in 2020 to 90 in 2021, this may reflect the absence of data for SIAC *ad hoc* proceedings in 2020.

The global average proportion of women arbitrators appointed in *ad hoc* proceedings is lower than the overall average proportion of women arbitrators set out in [Table 1](#), above. Whereas in 2021, women comprised 13.3% of arbitrator appointments in *ad hoc* proceedings, they comprised twice as many (26.1%) of appointments in fully-administered arbitrations over that same period.

It is difficult to draw firm conclusions on the gender diversity of arbitral tribunals in *ad hoc* proceedings for several reasons. In particular, the dataset is small and incomplete. Not all arbitral tribunals record data on *ad hoc* proceedings, and *ad hoc* proceedings may occur independent of any institutional involvement making it difficult for the Task Force to gather data on these proceedings. Furthermore, the nature of *ad hoc* proceedings makes them difficult to record or classify. For example, arbitral institutions may play different roles in *ad hoc* proceedings that may or may not impact on the diversity of the

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164. Global Arbitration Review, *VIAC Releases Case Data and Announces First All-Woman Tribunal* (Mar. 22, 2018) <<https://globalarbitrationreview.com/viac-releases-case-data-and-announces-first-all-woman-tribunal>> (last accessed Aug. 17, 2021).

165. *Cementos La Union S.A. and Aridos Jativa S.L.U v. Arab Republic of Egypt* (ICSID Case No. ARB/13/29). See also *Al Tamimi & Company, Advancing Diversity in International Dispute Settlement: ICSID Appoints an All-Female Ad Hoc Committee* LEXOLOGY (Mar. 30, 2021), <<https://www.lexology.com/library/detail.aspx?g=e323c124-a587-4e58-bddb-8dfd06958197>> (last accessed Aug. 17, 2021).

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tribunal appointed, such as whether or not the relevant institution has acted in the role of appointing authority.

Table 20. Men and women appointed as arbitrators in *ad hoc* proceedings, 2020<sup>166</sup>

Institution	Total	Men		Women	
		No.	% <sup>167</sup>	No.	%
CRCICA	9	9	100%	0	0.0% <sup>168</sup>
HKIAC	41	36	87.8%	5	12.2%
ICC	10	10	100%	0	0.0%
ICDR	12	5	41.7%	7	58.3%
SIAC	[U/R] <sup>169</sup>	[U/R]	[U/R]	[U/R]	[U/R]
VIAC	1	1	100%	0	0.0%
<b>Average<sup>170</sup></b>	<b>64</b>	<b>52</b>	<b>81.3%</b>	<b>12</b>	<b>16.4%</b>

166. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

167. % men appointed in *ad hoc* proceedings = total men appointed in *ad hoc* proceedings / total appointments in *ad hoc* proceedings. This value is calculated separately for men and for women and for each institution listed in this table.

168. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

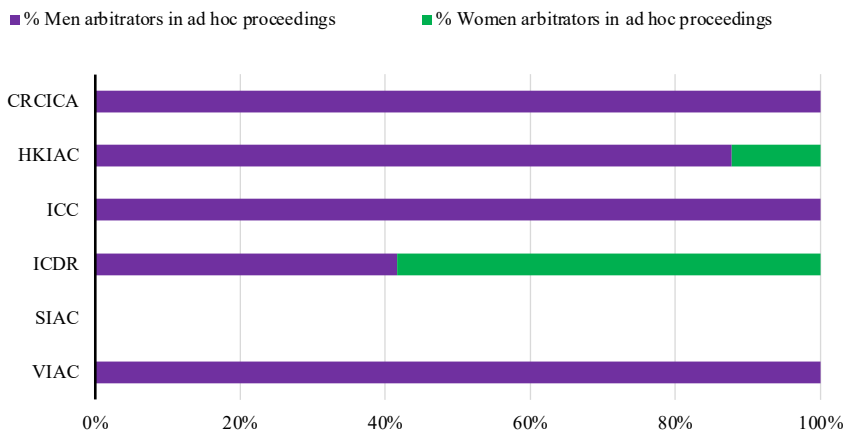
169. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

170. The global average figure is calculated by aggregating all data across all institutions included in this table.

Table 21. Men and women appointed as arbitrators in *ad hoc* proceedings, 2021<sup>171</sup>

Institution	Total	Men		Women	
		No.	% <sup>172</sup>	No.	%
CRCICA	25	25	100%	0	0.0% <sup>173</sup>
HKIAC	36	33	91.7%	3	8.3%
ICC	3	2	66.7%	1	33.3%
ICDR	9	8	88.9%	1	11.1%
SIAC	14	7	50.0%	7	50.0%
VIAC	3	3	100%	0	0.0%
<b>Average<sup>174</sup></b>	<b>90</b>	<b>78</b>	<b>86.7%</b>	<b>12</b>	<b>13.3%</b>

Figure 20. Men and women appointed as arbitrators in *ad hoc* proceedings, 2020



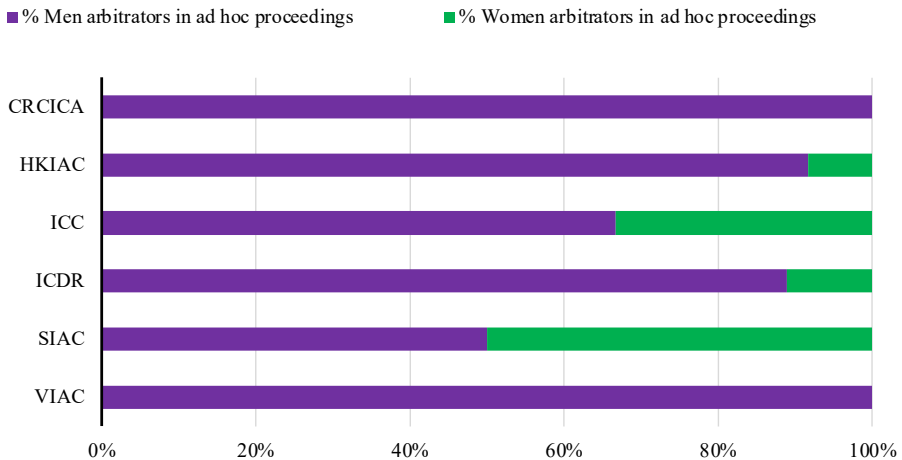
171. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

172. % men appointed in *ad hoc* proceedings = total men appointed in *ad hoc* proceedings / total appointments in *ad hoc* proceedings. This value is calculated separately for men and for women and for each institution listed in this table.

173. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the global average calculation.

174. The global average figure is calculated by aggregating all data across all institutions included in this table.

Figure 21. Men and women appointed as arbitrators in *ad hoc* proceedings, 2021



**(ix) Arbitrator challenges**

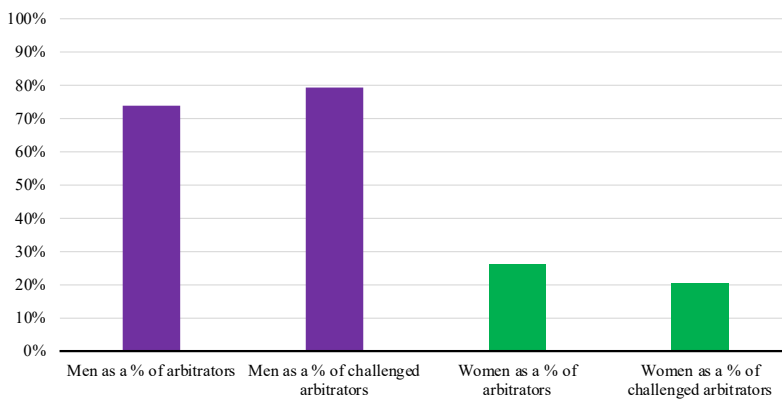
The Task Force also considered whether arbitrator challenges reveal any gender-related trends. The challenges of men and women arbitrators in 2021 by surveyed institutions are set out in [Table 22](#) and [Figure 22](#) below. Of the 87 recorded arbitrator challenges in 2021, 69 were challenges of men arbitrators (79.3%), while 18 were women arbitrators (20.7%). As set out in [Figure 23](#), this approximately accords with the proportion of men and women arbitrators appointed in 2021 (men comprising 73.9% of all arbitrator appointments in 2021, and women comprising 26.1%, as set out in [Table 2](#), above). This suggests that gender may not be a strongly influencing factor when it comes to parties deciding to challenge an arbitrator. However, additional data across multiple years and involving more institutions would assist in drawing firm conclusions on any trends in arbitrator challenges.

Of the 69 recorded challenges in 2021, 12 were successful. Those 12 successful challenges were made up of 10 men arbitrators (83.3%) and two women arbitrators (16.7%). Again, given the correlation with the proportion of men and women appointed as arbitrator in 2021, it does not appear that gender is a significant influencing factor in the success of arbitrator challenges.

Table 22. Arbitrator challenges and successful challenges, 2021<sup>175</sup>

Institution	Total challenges	Men		Women		Total successful challenges	Men		Women	
		No.	%	No.	%		No.	%	No.	%
CEPANI	1	0	0.0% <sup>176</sup>	1	100%	0	0	0.0%	0	0.0%
HKIAC	4	4	100%	0	0.0%	0	0	0.0%	0	0.0%
ICC	44	33	75.0%	11	25.0%	5	4	80.0%	1	20.0%
ICDR <sup>177</sup>	23	18	78.3%	5	21.7%	7	6	85.7%	1	14.3%
ICSID	14	13	92.9%	1	7.1%	0 <sup>178</sup>	0	0.0%	0	0.0%
SIAC	1	1	100%	0	0.0%	0	0	0.0%	0	0.0%
<b>Average<sup>179</sup></b>	<b>87</b>	<b>69</b>	<b>79.3%</b>	<b>18</b>	<b>20.7%</b>	<b>12</b>	<b>10</b>	<b>83.3%</b>	<b>2</b>	<b>16.7%</b>

Figure 22. Men and women as a proportion of arbitrators appointed and challenged, 2021



175. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

176. % challenges of men arbitrators = total challenges of men arbitrators / total challenges of arbitrators. This value is calculated separately for men and for women and for each institution listed in this table.

177. ICDR note that data are based on the 2021 decisions of the ICDR’s International Administrative Review Council (IARC) addressing the parties’ challenges to the appointment or continuing service of an arbitrator. The IARC is an executive-level, decision-making authority created to resolve certain administrative issues arising in the ICDR cases.

178. At the time of reporting these data, there were eight pending challenges.

179. The global average figure is calculated by aggregating all data across all institutions included in this table.



**(x) Nationality of arbitrators**

This year, the Task Force began to gather information about the nationality of women arbitrators appointed to tribunals in surveyed institutions. This assessment was conducted with a view to beginning to document data that reflects intersectional diversity metrics. *Table 23* and *Figure 23* record the number of women arbitrators appointed in 2021 according to nationality. The data show that, among the 590 appointments recorded by the institutions listed in *Table 23*, the significant majority of those appointees held nationalities from Western Europe and the United Kingdom (45.4%, reflecting a total of 268 appointments). A smaller proportion of women held nationalities from Asia (18.1%, reflecting 107 appointments), Latin America and the Caribbean (12.9%, reflecting 76 appointments) and the USA and Canada (11.2%, reflecting 66 appointments). The least represented nationalities were from Australia and New Zealand, Africa, and the Middle East (comprising 4.1%, 2.5% and 1.9%, respectively).

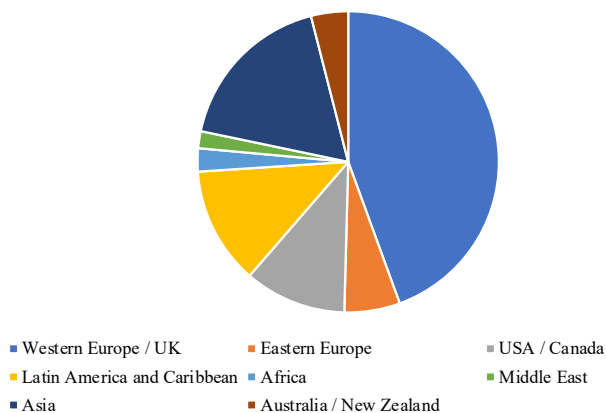
*Table 23.* The nationality of women arbitrators appointed, 2021<sup>180</sup>

	<b>Total appts of women</b>	<b>West Europe / UK</b>	<b>East Europe</b>	<b>USA / Canada</b>	<b>Latin Amer. / Caribbean</b>	<b>Africa</b>	<b>Mid. East</b>	<b>Asia</b>	<b>Australia / New Zealand</b>
IAC	49	0	0	0	0	0	0	49	0
CEPANI	21	18	1	1	0	0	1	0	0
CRCICA	12	3	0	1	0	0	8	0	0
ICC	371	188	32	40	57	13	0	29	12
ICSID	67	30	1	9	15	2	2	0	8
HKIAC	56	21	0	15	1	0	0	28	4
MIAC	5	2	0	0	3	0	0	0	0
VIAC	9	6	2	0	0	0	0	1	0
<b>Total</b>	<b>590</b>	<b>268</b>	<b>36</b>	<b>66</b>	<b>76</b>	<b>15</b>	<b>11</b>	<b>107</b>	<b>24</b>
<b>Average<sup>181</sup></b>	<b>n/a</b>	<b>45.4%<sup>182</sup></b>	<b>6.1%</b>	<b>11.2%</b>	<b>12.9%</b>	<b>2.5%</b>	<b>1.9%</b>	<b>18.1%</b>	<b>4.1%</b>

180. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

181. The global average figure is calculated by aggregating all data across all institutions included in this table.

182. % women of a nationality from Western Europe/UK = total women women of a nationality from Western Europe/UK / total women appointments. This value is calculated separately for each institution listed in this table.

*Figure 23.* The nationality of women arbitrators appointed, 2021

The data in [Table 23](#) and [Figure 23](#) are constrained by how the regions are defined. This is illustrated by the ICC’s statistics on nationality, set out in [Table 23.A](#) below. [Table 23.A](#) shows that the data on the proportion of nationalities represented in women arbitrator appointments varies depending on: whether nationalities are classified as coming from regions being “Africa” and the “Middle East”; or whether nationalities are classified as coming from regions being “Sub-Saharan Africa” and “MENA”.

*Table 23.A* Data on nationality of women arbitrators: Africa/Middle East v. Sub-Saharan Africa/MENA<sup>183</sup>

	<b>Total appts of women</b>	<b>West Europe / UK</b>	<b>East Europe</b>	<b>USA / Canada</b>	<b>Latin Amer. / Caribbean</b>	<b>Africa</b>	<b>Mid. East</b>	<b>Asia</b>	<b>Australia / New Zealand</b>
ICC	371	188	32	40	57	13	0	29	12
	<b>Total appts of women</b>	<b>West Europe / UK</b>	<b>East Europe</b>	<b>USA / Canada</b>	<b>Latin Amer. / Caribbean</b>	<b>Sub-Sahara Africa</b>	<b>MENA</b>	<b>Asia</b>	<b>Australia / New Zealand</b>
ICC <sup>184</sup>	371	188	32	40	57	6	23	13	12

Another limitation of the data in [Table 23](#) and [Figure 23](#) is that the data do not account for dual nationals. The HKIAC notes, for example, that its data on the total number of

183. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

184. Data based on information received from the ICC.

women according to nationality (69 recorded nationalities, in total) do not equate with the number of appointments (56 women arbitrator appointments, in total). This difference of 13 reflects the fact that 13 women were dual nationals.

## B. Regional assessment of arbitral appointments

This section reviews data gathered from arbitral institutions in Latin America and the Caribbean. The Task Force is grateful to WWA Latam, and particularly María Inés Corrá, for gathering these data. The data are part of a trial undertaken this year to review arbitral appointments at a regional level, with a view ultimately to being able to compare data from different regions around the world.

### (i) Overall trends in Latin America and the Caribbean

*Table 24* and *Figure 24* show that, until 2020, the average proportion of women arbitrator appointments in Latin America and the Caribbean was greater than the overall average reflected in the global assessment, set out in *Table 1* and *Figure 1*, above. For example, in 2020, 31.6% of the 440 arbitrators appointed in Latin America and the Caribbean were women (reflecting 139 appointments), whereas the global average was 24.8%. In 2021, the proportion of women arbitrator appointments in Latin America and the Caribbean decreased below the global average proportion to 20.2% (reflecting a total of 461 appointments out of 2,282 that year). This change in 2021 is in part due to the change in the size of the dataset prior to 2021. In 2021, CCL (Peru) recorded 1,747 appointments that year alone (having reported none in the previous years), bringing the total appointments recorded in Latin America and the Caribbean from 440 in 2020 to 2,282 in 2021.

*Table 24.* Women as a percentage of total arbitral appointments in Latin America and the Caribbean, 2015-2021<sup>185</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
AmCham Quito (Ecuador)	[U/R] <sup>186</sup>	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	14.8%
CANACO (Mexico)	25.0% <sup>187</sup>	50.0%	29.2%	50.0%	30.8%	40.0%	31.6%
CAM CCBC (Brazil)	[U/R]	14.8%	21.3%	23.2%	30.2%	29.9%	35.5%

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185. Excerpts from Appendix A, *Table A.2*.

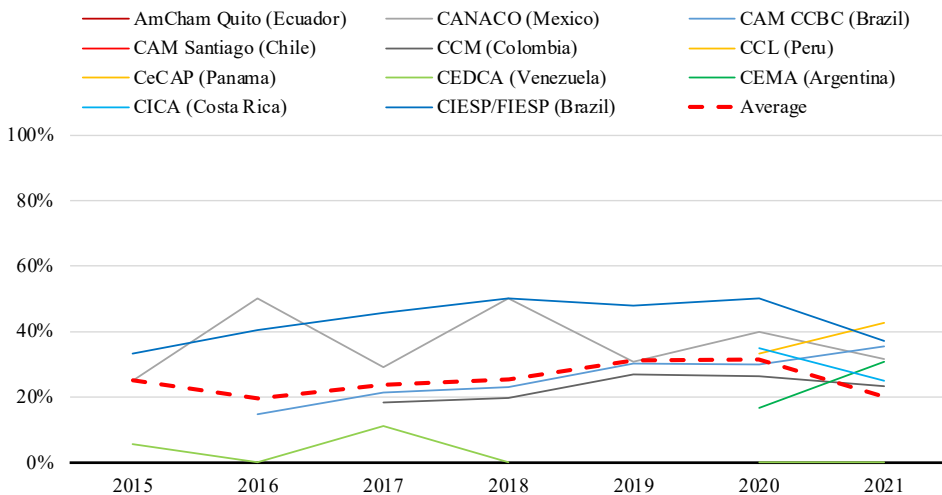
186. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

187. % women appointments = total women appointments / total appointments. This value is calculated separately for each institution listed in this table.

GENDER DIVERSITY IN ARBITRAL APPOINTMENTS AND PROCEEDINGS – 2022 UPDATE

Institution	2015	2016	2017	2018	2019	2020	2021
CAM Santiago (Chile)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCM (Colombia)	[U/R]	[U/R]	18.3%	19.6%	27.0%	26.3%	23.2%
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	16.8%
CeCAP (Panamá)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	33.3%	42.7%
CEDCA (Venezuela)	5.6%	0.0% <sup>188</sup>	11.1%	0.0%	[U/R]	0.0%	0.0%
CEMA (Argentina)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	16.7%	30.8%
CICA (Costa Rica)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	35.0%	25.0%
CIESP/FIESP (Brazil)	33.3%	40.4%	45.8%	50.0%	47.9%	50.0%	37.1%
<b>Average<sup>189</sup></b>	<b>25.0%</b>	<b>19.6%</b>	<b>23.7%</b>	<b>25.5%</b>	<b>31.1%</b>	<b>31.6%</b>	<b>20.2%</b>

Figure 24. Women as a percentage of all arbitrator appointments in Latin America and the Caribbean, 2015-2021



188. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

189. The regional average figure is calculated by aggregating all data across all institutions included in this table.

**(ii) Appointments made by institutions in Latin America and the Caribbean**

*Table 25* and *Figure 25* set out appointments of women arbitrators by institutions located in Latin America and the Caribbean. In 2021, out of a total of 677 appointments, 22.2% were women (reflecting 150 appointments).

The regional average proportion of women appointed as arbitrator by participating institutions has varied between 2015 and 2021 and, based on the data available, has been below the global average throughout that period. In 2015, no women arbitrator appointments were recorded, and some institutions recorded no institutional appointments of women over multiple years. The dataset prior to 2021 is small, however, so it is difficult to draw conclusions on arbitrator appointment trends in the Latin America and Caribbean region. For example, while 50.0% of institutional appointments by CANACO (Mexico) in 2016 were women, this reflects one (of two) institutional appointments that year. CCM (Colombia), which had the largest dataset from 2017-2020, records that over the same period between 24.4% and 32.5% of institutional appointees were women. CCL (Peru), which had the largest dataset for 2021, records that 20.2% of its institutional appointments that year were women.

*Table 25.* Women as a proportion of institutional appointments in Latin America and the Caribbean, 2015-2021<sup>190</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
AmCham Quito (Ecuador)	[U/R] <sup>191</sup>	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	14.8% <sup>192</sup>
CANACO (Mexico)	[U/R]	50.0%	[U/R]	[U/R]	[U/R]	[U/R]	0.0% <sup>193</sup>
CAM CCBC (Brazil)	[U/R]	50.0%	33.3%	71.4%	61.5%	50.0%	60.0%
CAM Santiago (Chile)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCM (Colombia)	[U/R]	[U/R]	24.4%	25.4%	32.0%	32.5%	25.0%

... >

190. Excerpts from Appendix A, *Table A.2*.

191. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

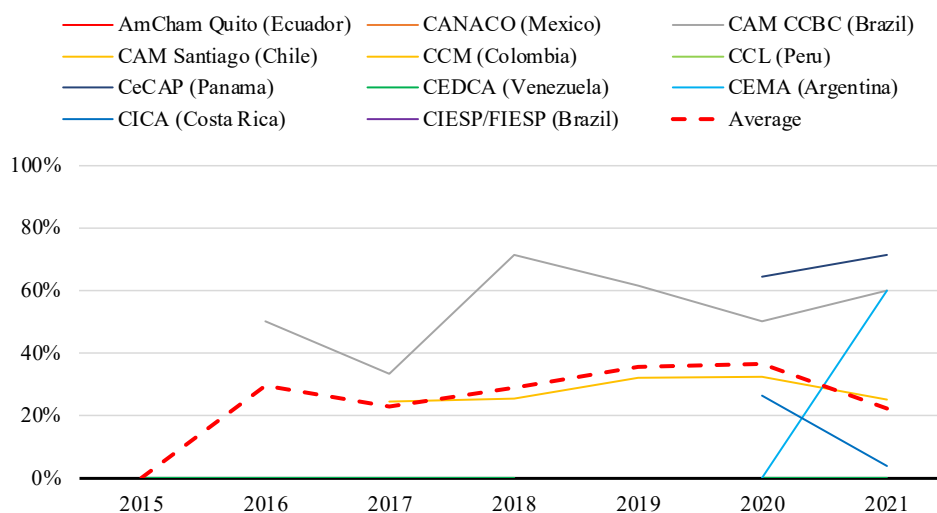
192. % women appointments by institution = total women appointments by institution / total appointments by institution. This value is calculated separately for each institution listed in this table.

193. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

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Institution	2015	2016	2017	2018	2019	2020	2021
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	20.2%
CeCAP (Panamá)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	64.3%	71.4%
CEDCA (Venezuela)	0.0%	0.0%	0.0%	0.0%	[U/R]	0.0%	0.0%
CEMA (Argentina)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%	60.0%
CICA (Costa Rica)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	26.3%	4.0%
CIESP/FIESP (Brazil)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
<b>Average<sup>194</sup></b>	<b>0.0%</b>	<b>29.4%</b>	<b>23.0%</b>	<b>28.9%</b>	<b>35.4%</b>	<b>36.5%</b>	<b>22.2%</b>

Figure 25. Women as a percentage of institutional appointments in Latin America and the Caribbean, 2015-2021



A notable contribution this year comes from CCM (Colombia), which reports that its institutional appointments are made through a computer program, which randomly selects arbitrators from CCM (Colombia)'s list of qualified arbitrators (the program operates without distinction as to gender). The number of appointments made using this program varied between 40 and 100 each year between 2017 and 2021, with women comprising between 25.0% and 32.5% of appointments during that period.

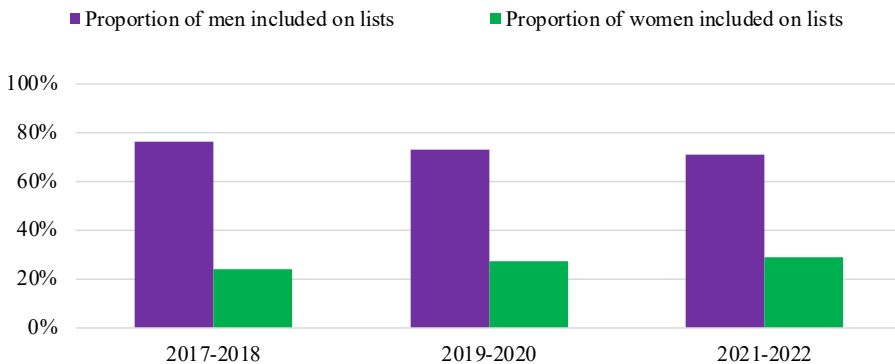
194. The regional average figure is calculated by aggregating all data across all institutions included in this table.

CCM (Colombia) has reported data on the proportion of women included on the list used by the computer program.<sup>195</sup> *Table 26* and *Figure 26*, below, record this information. The data show an increasing proportion of women included on the CCM (Colombia) lists.

*Table 26.* Arbitrator list compiled by CCM (Colombia), 2017-2022<sup>196</sup>

	Men	%	Women	%
2017-2018	189	76%	59	24%
2019-2020	177	73%	64	27%
2021-2022	185	71%	75	29%

*Figure 26.* Arbitrator lists compiled by CCM (Colombia), 2017-2021



### (iii) Appointments made by co-arbitrators in Latin America and the Caribbean

*Table 27* and *Figure 27* set out the data gathered on appointments of women arbitrators made by co-arbitrators in cases administered by institutions located in Latin America and the Caribbean between 2015 and 2021. Prior to 2020, few arbitral institutions recorded co-arbitrator appointments aside from CAM CCBC (Brazil). Over that period, CAM

195. CCM (Colombia)'s lists can be found at <<https://www.camamedellin.com.co/arbitraje-y-conciliacion/arbitraje/arbitraje-nacional>> and <<https://www.camamedellin.com.co/arbitraje-y-conciliacion/arbitraje-internacional>> (last accessed Aug. 21, 2022).

196. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

CCBC (Brazil) has recorded a general increase in the number of women appointed by co-arbitrators, from 18 appointments of women in 2016 (comprising 22.5% of co-arbitrator appointments that year), to 32 appointments in 2021 (comprising 49.2% of co-arbitrator appointments that year). CAM CCBC (Brazil) data on the gender diversity of co-arbitrator appointments are notably higher than the global average in [Table 5](#) (reflecting a global average proportion of women appointments by co-arbitrators of 12.9% in 2016, up to 27.1% in 2021).

The figures for co-arbitrator appointments in 2021 are influenced by data reported by CCL (Peru), which reported a total of 235 appointments by co-arbitrators in 2021 (having reported none in previous years), of which 45 were women. The number of co-arbitrator appointments reported by CCL (Peru) significantly exceed those reported by other institutions listed in [Table 27](#), and so the figures reported by CCL (Peru) likely account for the change in the average proportion of women appointed by co-arbitrators between 2020 and 2021 (decreasing from an average of 39.6% in 2020 to 26.4% in 2021). Even with that decrease, however, the average proportion of women appointed by co-arbitrators in reported cases in Latin America and the Caribbean is still above the global average for 2021 set out in [Table 5](#), above.

*Table 27. Women as a proportion of appointments by co-arbitrators in Latin America and the Caribbean, 2015-2021*<sup>197</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
AmCham Quito (Ecuador)	[U/R] <sup>198</sup>	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%
CANACO (Mexico)	0.0% <sup>199</sup>	[U/R]	0.0%	0.0%	[U/R]	[U/R]	100% <sup>200</sup>
CAM CCBC (Brazil)	[U/R]	22.5%	26.6%	33.0%	39.1%	44.3%	49.2%
CAM Santiago (Chile)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCM (Colombia)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]

... >

197. Excerpts from Appendix A, [Table A.2](#).

198. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

199. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

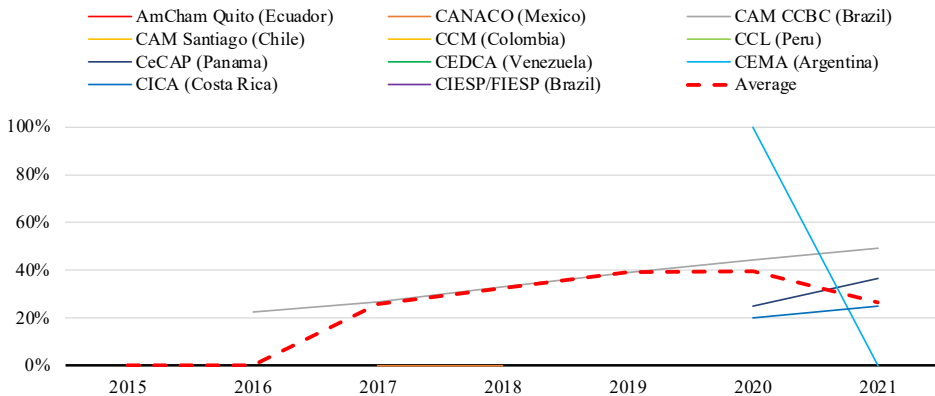
200. % women appointments by co-arbitrator = total women appointments by co-arbitrator / total appointments by co-arbitrator. This value is calculated separately for each institution listed in this table.



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Institution	2015	2016	2017	2018	2019	2020	2021
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	19.1%
CeCAP (Panamá)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	25.0%	36.4%
CEDCA (Venezuela)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CEMA (Argentina)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	100%	0.0%
CICA (Costa Rica)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	20.0%	25.0%
CIESP/FIESP (Brazil)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
<b>Average<sup>201</sup></b>	<b>0.0%</b>	<b>0.0%</b>	<b>25.8%</b>	<b>32.6%</b>	<b>39.1%</b>	<b>39.6%</b>	<b>26.4%</b>

Figure 27. Women as a proportion of appointments by co-arbitrators in Latin America and the Caribbean, 2015-2021



(iv) Appointments made by parties in Latin America and the Caribbean

Table 28 and Figure 28 set out the data gathered on appointments of women arbitrators made by parties in cases administered by institutions located in Latin America and the Caribbean between 2015 and 2021. Based on data available, the regional average proportion of women appointed by parties decreased from 28.6% in 2015 (reflecting 4 out of 14 appointments by parties recorded that year) to 16.5% in 2018 (reflecting 40 out of 242 appointments recorded that year), before increasing to 21.9% in 2020 (reflecting 51 out of 233 appointments recorded that year). This trend tracks the data reported by CANACO (Mexico) and CAM CCBC (Brazil) over the same period.

201. The regional average figure is calculated by aggregating all data across all institutions included in this table.

The regional average proportion of party appointed arbitrators decreased again between 2020 and 2021, from 21.9% to 16.8% (reflecting 211 women arbitrator appointments out of a total of 1,257 appointments by parties recorded that year). This change is at least partly driven by the influence of data reported by CCL (Peru) in 2021, which recorded 1,007 arbitrator appointments by parties in 2021 (having reported none in previous years), of which 146 (14.5%) were women.

Given the limited dataset in [Table 28](#), it is difficult to compare trends in party appointments in Latin America and the Caribbean with the global average, however the data available indicate that year-on-year the proportion of women appointed by parties in Latin America and Caribbean-based cases has been above the global average. For example, in 2021, the proportion of party appointed arbitrators that were women in Latin America and the Caribbean was 16.8%, whereas the global average figure was 15.6% (as set out in [Table 6](#), above).

*Table 28.* Women as a proportion of party appointed arbitrators in Latin America and the Caribbean, 2015-2021<sup>202</sup>

Institution	2015	2016	2017	2018	2019	2020	2021
AmCham Quito (Ecuador)	[U/R] <sup>203</sup>	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CANACO (Mexico)	30.0% <sup>204</sup>	50.0%	31.8%	54.5%	30.8%	40.0%	33.3%
CAM CCBC (Brazil)	[U/R]	9.3%	18.5%	16.4%	22.9%	21.7%	27.2%
CAM Santiago (Chile)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCM (Colombia)	[U/R]	[U/R]	5.4%	11.1%	16.7%	20.0%	20.4%
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	14.5%
CeCAP (Panamá)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	17.6%	28.1%
CEDCA (Venezuela)	25.0%	0.0% <sup>205</sup>	33.3%	0.0%	[U/R]	0.0%	0.0%

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202. Excerpts from Appendix A, [Table A.2](#).

203. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

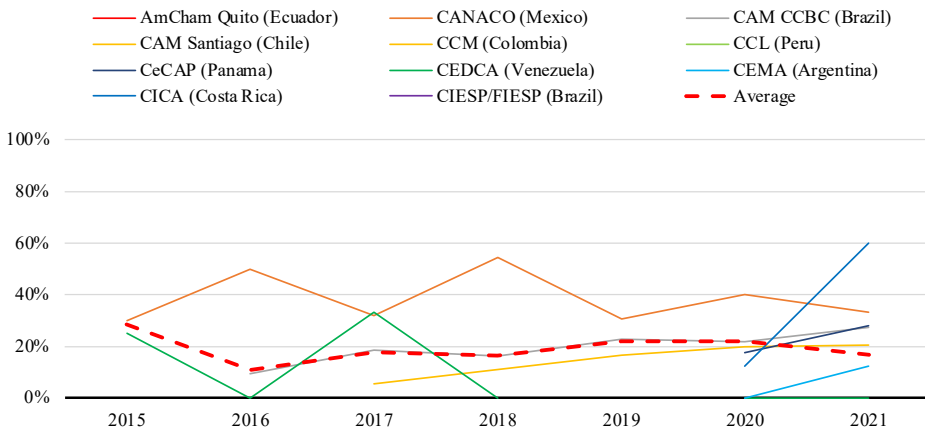
204. % women appointments by parties = total women appointments by parties / total appointments by parties. This value is calculated separately for each institution listed in this table.

205. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

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Institution	2015	2016	2017	2018	2019	2020	2021
CEMA (Argentina)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	0.0%	12.5%
CICA (Costa Rica)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	12.5%	60.0%
CIESP/FIESP (Brazil)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
<b>Average<sup>206</sup></b>	<b>28.6%</b>	<b>11.0%</b>	<b>17.7%</b>	<b>16.5%</b>	<b>21.9%</b>	<b>21.9%</b>	<b>16.8%</b>

Figure 28. Women as a percentage of party appointed arbitrators in Latin America and the Caribbean, 2015-2021



(v) Repeat appointments

Data on repeat appointments of men and women arbitrators is set out in *Tables 29-30* below. These data record the extent to which individual men and women arbitrators were appointed more than once each year in arbitrations administered in Latin America and the Caribbean.

The regional average proportion of repeat appointments (men and women) increased significantly between 2020 and 2021 in cases administered by surveyed institutions: 47.6% of all appointments in 2020 were repeat appointments (reflecting 147 appointments out of a total of 309 that year), while 65.2% of appointments in 2021 were repeat appointments (reflecting 1,357 appointments out of 2,082 recorded that year). There was also a significant increase in the proportion of repeat appointments among men

206. The regional average figure is calculated by aggregating all data across all institutions included in this table.

and women arbitrators, with the regional average proportion of repeat appointments among men arbitrators increasing from 46.6% in 2020 to 66.5% in 2021, and for women increasing from 52.5% in 2020 to 72.3% in 2021.

It is possible that this significant increase in average repeat appointments is driven by the additional data reported by CCL (Peru) in 2021. CCL (Peru) reports that 71.2% of men arbitrator appointments in 2021 were repeat appointments (reflecting 1,035 appointments out of a total of 1,454 that year), while 82.6% of women arbitrator appointments were repeat appointments (reflecting 242 appointments out of 293 that year). These statistics are significantly higher than those reported by other institutions in the region. For example, CAM CCBC (Brazil), which reports the second largest dataset of arbitrator appointments in the region, recorded repeat appointments comprising 48.5% of men arbitrator appointments in 2021 and 53.3% of women arbitrator appointments that year.

Whether considering the data from a regional average, or by looking at the two largest datasets recorded by CCL (Peru) and CAM CCBC (Brazil), it is apparent that repeat appointments are notably higher in the region when compared globally. As set out in [Table 11](#), above, the global average proportion of repeat appointments in 2021 was 34.7% for men arbitrator appointments and 36.3% for women arbitrator appointments.

*Table 29. Repeat and individual appointments of men and women, 2020<sup>207</sup>*

Institution	Total		Men		Women	
	App'ments	Repeats	App'ments	Repeats	App'ments	Repeats
AmCham Quito (Ecuador)	[U/R] <sup>208</sup>	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CANACO (Mexico)	20	15.0% <sup>209</sup>	12	8.3%	8	25.0%
CAM CCBC (Brazil)	221	54.8%	155	51.6%	66	63.6%
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]

... >

207. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

208. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

209. % repeat appointments = total repeat appointments / total appointments. This value is calculated separately for men and women and for each institution listed in this table.

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Institution	Total		Men		Women	
	App'ments	Repeats	App'ments	Repeats	App'ments	Repeats
CEDCA (Venezuela)	4	0.0% <sup>210</sup>	4	0.0%	0	0.0%
CEMA (Argentina)	6	33.3%	5	60.0%	1	100%
CICA (Costa Rica)	20	35.0%	13	38.5%	7	28.6%
CIESP/FIESP (Brazil)	38	36.8%	19	42.1%	19	31.6%
<b>Average<sup>211</sup></b>	<b>309</b>	<b>47.6%</b>	<b>208</b>	<b>46.6%</b>	<b>101</b>	<b>52.5%</b>

Table 30. Repeat and individual appointments of men and women, 2021<sup>212</sup>

Institution	Total		Men		Women	
	App'ments	Repeats	App'ments	Repeats	App'ments	Repeats
AmCham Quito (Ecuador)	27	11.1%	23	21.7%	4	25.0%
CANACO (Mexico)	19	0.0% <sup>213</sup>	13	0.0%	6	0.0%
CAM CCBC (Brazil)	211	50.2%	136	48.5%	75	53.3%
CCL (Peru)	1747	70.5%	1454	71.2%	293	82.6%
CEDCA (Venezuela)	10	0.0%	10	0.0%	0	0.0%
CEMA (Argentina)	13	23.1%	9	44.4%	4	25.0%

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210. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

211. The global average figure is calculated by aggregating all data across all institutions included in this table.

212. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

213. % repeat appointments = total repeat appointments / total appointments. This value is calculated separately for men and women and for each institution listed in this table.

Institution	Total		Men		Women	
	App'ments	Repeats	App'ments	Repeats	App'ments	Repeats
CICA (Costa Rica)	20	30.0%	15	33.3%	5	20.0%
CIESP/FIESP (Brazil)	35	22.9%	22	18.2%	13	30.8%
<b>Average<sup>214</sup></b>	<b>2082</b>	<b>65.2%</b>	<b>1682</b>	<b>66.5%</b>	<b>400</b>	<b>72.3%</b>

## (vi) Arbitrator role and type of case

### a. Sole arbitrator appointments

*Tables 31-32*, record the proportion of men and women appointed as sole arbitrators in cases reported in Latin America and the Caribbean in 2020 and 2021. In 2020, 37.1% of sole arbitrators appointed were women (reflecting 13 out of 35 sole arbitrator appointments that year). In 2021, that figure dropped to 22.2% (reflecting 96 out of 433 sole arbitrator appointments that year). The regional average proportion of women appointed as sole arbitrator is significantly below the global average proportion of women among sole arbitrator appointments in 2021 of 34.7% (as set out in *Table 14*, above).

The reported data varies significantly at an institutional level, making it difficult to draw clear conclusions about data trends. For example (as set out in *Table 31*, below), while CEDCA (Venezuela) and DIESP/FIESP (Brazil) reported no women sole arbitrator appointments in 2020, 100% of sole arbitrators appointed in CICA (Costa Rica)-administered cases in 2020 were women (reflecting one appointment) and 47.1% of sole arbitrator appointments in CANACO (Mexico)-administered cases in 2020 were women (reflecting eight out of 17 sole arbitrator appointments that year). In 2021 (as set out in *Table 32*, below), while no women sole arbitrators were appointed in cases administered by CEDCA (Venezuela) and CICA (Costa Rica) in 2021, CAM CCBC (Brazil) reports that 71.4% of sole arbitrators were women (reflecting five appointments out of a total of seven that year). Most other participating institutions reported that women comprised between 20.0% and 30.8% of sole arbitrator appointments that year. This includes CCL (Peru), which records the largest dataset of sole arbitrator appointments in 2021 (recording that 77 (i.e., 20.3%) of the 380 sole arbitrator appointments that year were women).

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214. The regional average figure is calculated by aggregating all data across all institutions included in this table.

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Table 31. Appointments of men and women as sole arbitrators, 2020<sup>215</sup>

<b>Institution</b>	<b>Total sole arbitrator appts</b>	<b>Total men as sole arbitrator</b>	<b>% men as sole arbitrator</b>	<b>Total women as sole arbitrator</b>	<b>% women as sole arbitrator</b>
AmCham Quito (Ecuador)	[U/R] <sup>216</sup>	[U/R]	[U/R]	[U/R]	[U/R]
CANACO (Mexico)	17	9	52.9% <sup>217</sup>	8	47.1%
CAM CCBC (Brazil)	5	3	60.0%	2	40.0%
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CeCAP (Panamá)	4	2	50.0%	2	50.0%
CEDCA (Venezuela)	2	2	100%	0	0.0% <sup>218</sup>
CEMA (Argentina)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CICA (Costa Rica)	1	0	0.0%	1	100%
CIESP/FIESP (Brazil)	6	6	100%	0	0.0%
<b>Average<sup>219</sup></b>	<b>35</b>	<b>22</b>	<b>62.9%</b>	<b>13</b>	<b>37.1%</b>

215. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

216. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

217. % men as sole arbitrator = total men appointed as sole arbitrator / total sole arbitrator appointments. This value is calculated separately for men and women and for each institution listed in this table.

218. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

219. The regional average figure is calculated by aggregating all data across all institutions included in this table.

Table 32. Appointments of men and women as sole arbitrators, 2021<sup>220</sup>

<b>Institution</b>	<b>Total sole arbitrator appts</b>	<b>Total men as sole arbitrator</b>	<b>% men as sole arbitrator</b>	<b>Total women as sole arbitrator</b>	<b>% women as sole arbitrator</b>
AmCham Quito (Ecuador)	5	4	80.0% <sup>221</sup>	1	20.0%
CANACO (Mexico)	13	9	69.2%	4	30.8%
CAM CCBC	7	2	28.6%	5	71.4%
CCL (Peru)	380	303	79.7%	77	20.3%
CeCAP (Panamá)	10	4	40.0%	6	60.0%
CEDCA (Venezuela)	3	3	100%	0	0.0%
CEMA (Argentina)	4	3	75.0%	1	25.0%
CICA (Costa Rica)	4	4	100%	0	0.0% <sup>222</sup>
CIESP/FIESP (Brazil)	7	5	71.4%	2	28.6%
<b>Average<sup>223</sup></b>	<b>433</b>	<b>337</b>	<b>77.8%</b>	<b>96</b>	<b>22.2%</b>

*b. Emergency arbitrator appointments*

Four institutions reported data on emergency arbitrator appointments in 2021. Of those, only two institutions, CAM CCBC (Brazil) and CCL (Peru), recorded appointments of women as emergency arbitrators. From this limited dataset, set out in [Table 33](#), below,

220. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

221. % men as sole arbitrator = total men appointed as sole arbitrator / total sole arbitrator appointments. This value is calculated separately for men and women and for each institution listed in this table.

222. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

223. The regional average figure is calculated by aggregating all data across all institutions included in this table.



a regional average proportion of 33.3% of emergency arbitrators recorded in 2021 were women, similar to the global average of 30.1%, as set out in [Table 15](#), above.

*Table 33. Appointments of men and women as emergency arbitrators, 2021*<sup>224</sup>

	<b>Total emerg’y arbitrators</b>	<b>Total men</b>	<b>% men as emerg’y arbitrator</b>	<b>Total women</b>	<b>% women as emerg’y arbitrator</b>
CAM CCBC (Brazil)	2	1	50.0% <sup>225</sup>	1	50.0%
CCL (Peru)	5	2	40.0%	3	60.0%
CEDCA (Venezuela)	4	4	100%	0	0.0% <sup>226</sup>
CIESP/FIESP (Brazil)	1	1	100%	0	0.0%
<b>Average</b> <sup>227</sup>	<b>12</b>	<b>8</b>	<b>66.7%</b>	<b>4</b>	<b>33.3%</b>

*c. Tribunal chair appointments*

[Tables 34-35](#) record the appointment of men and women as tribunal chair in 2020 and 2021 among institutions located in Latin America and the Caribbean. The data indicate that, of those institutions surveyed, in 2020 over half as many men were appointed as tribunal chairs than women. This reflects a regional aggregate of 77 men chair appointments out of 127 chair appointments in 2020 (i.e., 60.6%) and 50 women chair appointments in 2020 (i.e., 39.4%). In 2021 nearly three times as many men were appointed as tribunal chairs compared to women. This reflects a regional aggregate of 445 men chair appointments out of 594 chair appointments in 2021 (i.e., 74.9%) and 149 women chair appointments in 2021 (i.e., 25.1%). The 2020 statistic is well over the global average proportion of women tribunal chair appointments of 26.3% (as set out in [Table 16](#),

224. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

225. % men as emergency arbitrator = total men appointed as emergency arbitrator / total emergency arbitrator appointments. This value is calculated separately for men and women and for each institution listed in this table.

226. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

227. The regional average figure is calculated by aggregating all data across all institutions included in this table.

above), while the 2021 statistic is closer to the proportion recorded in the global assessment, being 28.8% in 2021 (as set out in [Table 17](#), above).

At an institutional level, it is notable that nearly half of all tribunal chairs in CAM CCBC (Brazil)-administered tribunals in 2020 and 2021 were women (44.4% in 2020 and 48.5% in 2021). CeCAP (Panamá) records significantly more women chairs than men in both 2020 and 2021: 70.0% of all chairs were women in 2020 (reflecting seven out of 10 appointments that year), while 81.8% of all chairs were women in 2021 (reflecting nine out of 11 chairs appointed that year).

*Table 34. Appointments of men and women as tribunal chair, 2020<sup>228</sup>*

<b>Institution</b>	<b>Total</b>	<b>Total men</b>	<b>% men as chair</b>	<b>Total women</b>	<b>% women as chair</b>
AmCham Quito (Ecuador)	[U/R] <sup>229</sup>	[U/R]	[U/R]	[U/R]	[U/R]
CANACO (Mexico)	1	1	100% <sup>230</sup>	0	0.0% <sup>231</sup>
CAM CCBC (Brazil)	72	40	55.6%	32	44.4%
CCL (Peru)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CeCAP (Panamá)	10	3	30%	7	70.0%
CEDCA (Venezuela)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CEMA (Argentina)	2	1	50.0%	1	50.0%
CICA (Costa Rica)	12	9	75.0%	3	25.0%
CIESP/FIESP (Brazil)	30	23	76.7%	7	23.3%
<b>Average<sup>232</sup></b>	<b>127</b>	<b>77</b>	<b>60.6%</b>	<b>50</b>	<b>39.4%</b>

228. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

229. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

230. % men as chair = total men appointed as chair / total chair appointments. This value is calculated separately for men and women and for each institution listed in this table.

231. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

232. The regional average figure is calculated by aggregating all data across all institutions included in this table.

Table 35. Appointments of men and women as tribunal chair, 2021<sup>233</sup>

<b>Institution</b>	<b>Total</b>	<b>Total men</b>	<b>% men as chair</b>	<b>Total women</b>	<b>% women as chair</b>
AmCham Quito (Ecuador)	27	25	92.6%	2	7.4%
CANACO (Mexico)	2	1	50.0% <sup>234</sup>	1	50.0%
CAM CCBC (Brazil)	68	35	51.5%	33	48.5%
CCL (Peru)	440	349	79.3%	91	20.7%
CeCAP (Panamá)	11	2	18.2%	9	81.8%
CEDCA (Venezuela)	1	1	100%	0	0.0% <sup>235</sup>
CEMA (Argentina)	2	0	0.0%	2	100%
CICA (Costa Rica)	14	11	78.6%	3	21.4%
CIESP/FIESP (Brazil)	29	21	72.4%	8	27.6%
<b>Average<sup>236</sup></b>	<b>594</b>	<b>445</b>	<b>74.9%</b>	<b>149</b>	<b>25.1%</b>

d. *All-women tribunals*

Data on all-women arbitral tribunals appointed in 2021 in Latin America and the Caribbean is set out in [Table 36](#), below. Most institutions reported few, if any all-women tribunals, with the exception of CIESP/FIESP (Brazil), which reported 22 all-women tribunals in 2021. This figure alone is more than the total number of all-women tribunals reported by the Task Force members in 2021 (which totals four all-women tribunals, as set out in [Table 19](#), above).

142 single-gender tribunals were reported in 2021 among those institutions surveyed, of which 81.7% were all-men tribunals, and 18.3% were all-women tribunals. Again, this regional average proportion of all-women arbitral tribunals is significantly higher than the global average of 2.5% (as set out in [Table 19](#), above).

233. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

234. % men as chair = total men appointed as chair / total chair appointments. This value is calculated separately for men and women and for each institution listed in this table.

235. Where a statistic of 0.0% occurs, this reflects the fact that, while appointments were made that year, no women were appointed. The figure of 0.0% is counted in the regional average calculation.

236. The regional average figure is calculated by aggregating all data across all institutions included in this table.

Table 36. Mixed and single-gender tribunals (three members), 2021<sup>237</sup>

Institution	Total			All-men tribunals		All-women tribunals	
	3-member tribunals	Mixed gender tribunals	Single gender tribunals	No.	%	No.	%
AmCham Quito (Ecuador)	22	0	22	22	100%	0	0.0%
CANACO (Mexico)	6	0	6	4	66.7% <sup>238</sup>	2	33.3%
CAM CCBC (Brazil)	68	46	22	20	90.9%	2	9.1%
CeCAP (Panamá)	11	11	0	0	0	0	0
CEDCA (Venezuela)	1	0	1	1	100%	0	0.0%
CEMA (Argentina)	3	2	1	1	100%	0	0.0%
CICA (Costa Rica)	10	7	3	3	100%	0	0.0%
CIESP/FIESP (Brazil)	87	0	87	65	74.7%	22	25.3%
<b>Average<sup>239</sup></b>	<b>208</b>	<b>66</b>	<b>142</b>	<b>116</b>	<b>81.7%</b>	<b>26</b>	<b>18.3%</b>

### (vii) Geographic diversity of arbitrators

Participating institutions reported this year on the nationality of arbitrators appointed in cases administered in Latin America and the Caribbean. The data reported are set out in [Table 37](#), below, and show that virtually all appointments were of women from Latin America and the Caribbean, including Mexico. CANACO (Mexico) reports that all six of the arbitrators appointed in cases administered by the institution in 2021 were from Mexico. CCM (Colombia) records that in all domestic arbitrations only Colombian nationals were appointed. CeCAP (Panamá) records that, of the 15 women appointed from Latin America and the Caribbean, two were from Mexico. When compared with the global assessment data in [Table 23](#), the data in [Table 37](#) suggest that the preferred nationality of arbitrators may be significantly influenced by region. Not included in the data set out at [Table 37](#) is information about how the preferred nationality of an arbitrator varies

237. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

238. % all-men tribunals = total all-men tribunals / total single-gender tribunals. This value is calculated separately for each institution listed in this table.

239. The regional average figure is calculated by aggregating all data across all institutions included in this table.

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according to the location of the arbitration and whether it is a domestic, regional or international dispute. This may be important if, for example, institutional rules require that arbitrators of a specific nationality be appointed for a domestic or regional arbitration.

Table 37. The nationality of women arbitrators appointed in 2021<sup>240</sup>

	Total appts of women	West Europe / UK	East Europe	USA / Canada	Latin Amer. / Caribbean	Africa	M East	Asia	Austra- lia / New Zealand
AmCham Quito (Ecuador)	4	0	0	0	4	0	0	0	0
CANACO (Mexico)	6	0	0	0	6	0	0	0	0
CAM CCBC (Brazil)	35	1	0	0	34	0	0	0	0
CAM Santiago (Chile)	[U/R] <sup>241</sup>	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCM (Colombia)	29	0	0	0	29	0	0	0	0
CCL (Peru)	293	8	0	1	284	0	0	0	0
CeCAP (Panama)	32	0	0	0	15	0	0	0	0
CEDCA (Venezuela)	0	0	0	0	0	0	0	0	0
CEMA (Argentina)	4	0	0	0	4	0	0	0	0
CICA (Costa Rica)	5	0	0	0	5	0	0	0	0
CIESP/FIESP (Brazil)	13	0	0	0	13	0	0	0	0
<b>Total</b>	<b>421</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>394</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Average<sup>242</sup></b>	<b>n/a</b>	<b>2%<sup>243</sup></b>	<b>0%</b>	<b>0%</b>	<b>94%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

240. Data included in this table have been reported to the Task Force for the purposes of compiling this Report.

241. [U/R] indicates no appointments (of men or women) were reported by the relevant institution. Unreported data are not counted towards global average calculations.

242. The regional average figure is calculated by aggregating all data across all institutions included in this table.

243. % women of a nationality from Western Europe/UK = total women of a nationality from Western Europe/UK / total women appointments. This value is calculated separately for each institution listed in this table.

## C. Conclusion and summary

The latest data on the gender diversity of arbitrators reported by participating institutions shows a trend towards appointing more women arbitrators. At a “global” level (i.e., across the regions represented by participating institutional members of the Task Force), the proportion of women appointed as arbitrator shows a steady increase, from 12.6% of arbitrators in 2015, to 26.1% of arbitrators in 2021, broadly reflecting an increase in the proportion of women arbitrators of 1-2% each year. While this trend towards increased diversity in arbitrators is positive, it remains the case that in 2021 women comprise only a quarter of appointed arbitrators.

Institutions appoint approximately half of all women arbitrators, with parties appointing approximately one third, and co-arbitrators appointing the remainder. While institutions have to date played a significant role in increasing the representation of women on arbitral tribunals, the data show that parties have the potential to make an even larger impact, due to the greater number of appointments made by parties each year. Data reported by ICSID suggest that respondent parties have a greater likelihood of appointing women arbitrators, although additional data are needed to reach conclusions about the role that claimant and respondent parties play in appointing arbitrators more generally and whether respondent parties are a larger source of repeat appointments of women arbitrators.

The proportion of repeat appointments in 2020 and 2021, while significant, does not appear to change with gender. At a global level, in 2021, more than one third of all arbitrator appointments were repeat appointments, and that is reflected in both men and women arbitrator appointments. That trend appears to be different for first-time appointees. Among those institutions reporting these data, men comprised two thirds of first-time appointees in 2021 compared with one-third of women, suggesting that the pool of experienced arbitrators may be expanding more rapidly for men than for women.

Disparity in gender representation is reflected in the type of role played by an arbitrator. Approximately one third of sole arbitrators and emergency arbitrators appointed in 2020 and 2021 were women, with men making up the remainder of appointments. The disparity was slightly higher when considering the role of chairpersons, with slightly more than a quarter of tribunal chairs being women in 2021, compared with three-quarters being men. While single-gender, three-person tribunals accounted for approximately half of tribunals surveyed in 2021, all-women tribunals constituted a small fraction of those (2.5%), with the remainder being all-men.

Data on the nationality of women arbitrators appointed in 2021 show that the majority (nearly half) of women arbitrators appointed in arbitrations recorded by participating Task Force members were from Western Europe or the United Kingdom. Women from Asia, Latin America and the Caribbean and the USA and Canada were also well represented. Women from Australia and New Zealand, the Middle East and Africa were least represented among those appointments surveyed this year.

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The Task Force also compiled data from arbitral institutions located in a particular region, as part of a trial of a “regional assessment” of gender diversity. Data from 11 arbitral institutions located in Latin America and the Caribbean show that, prior to 2021, the average proportion of women arbitrator appointments in the region was greater than the global average. However, in 2021, the proportion of women arbitrators appointed in the region was lower than the global average. In 2021, appointments of women arbitrators by co-arbitrators and parties was higher than the global average. In the same year, repeat appointments were also significantly higher in the region both for men and women (although particularly for women, at over 70% in 2021), when compared to global figures.

According to the data shared by participating institutions in Latin America and the Caribbean, the proportion of women appointed as sole and emergency arbitrator is broadly similar to the global average. The statistics differ, however, when considering tribunal chairs and all-women tribunals. In 2021, women tribunal chairs accounted for nearly half of chair appointments in one institution in Brazil (CAM CCBC (Brazil)), while another Brazil-based institution reported 22 all-women tribunals in 2021 alone (CIESP/FIESP (Brazil)). The nationality of women appointed in the cases surveyed were almost entirely from Latin America and the Caribbean, with a small number of women representing Western Europe, the United Kingdom and North America.

### III. THE CAUSES OF THE LACK OF DIVERSITY: “PIPELINE” ISSUES

Various barriers may limit efforts to increase the diversity of arbitral appointments. Broadly, these constitute limitations on the availability of sufficiently experienced women to act as arbitrators today (what have been called “leaks” in the pipeline of qualified arbitrators) and impediments to the appointment of already-experienced women arbitrators (“plugs” in that pipeline).<sup>244</sup> We address them in turn, below.

#### A. Barriers to gaining sufficient experience

The barriers to the promotion and achievement of women in arbitration are common to many other professions and many other areas of law. They include: factors that limit the retention of women in law and their promotion to the top ranks of the profession; the impact of unconscious bias on women lawyers’ careers; lack of flexible working arrangements; harassment and bullying; and external factors such as the global pandemic that has had unique and particular impacts on professional women. While many of these factors are common to women in law more generally, the factors discussed in this section have increased significance for women in arbitration. As one commentator notes, this is because “arbitration demands more than just excellent technical skills; visibility in the field and the building of authority are essential and require considerable networking, travel, publications and participation in conferences and professional bodies (in addition to often long hours in the course of day-to-day billable work).”<sup>245</sup> We discuss specific factors that can impact on the building of technical skills, but also visibility, profile, and professional networks in further detail in the sub-sections that follow.

##### (i) **Retention of women in the legal profession and their promotion to the top ranks of the profession**

One barrier to achieving greater diversity of appointees to tribunals and in arbitration proceedings more generally is the availability of sufficiently qualified and well-known

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244. See Lucy Greenwood, *Unblocking the Pipeline: Achieving Greater Gender Diversity on International Arbitration Tribunals*, 42 ABA INT’L L. NEWS (2013), <[https://static1.squarespace.com/static/57fe4d37c534a5c932910b78/t/586fd78a2e69cf728dbfe2ce/1483724683686/Unblocking+the+Pipeline\\_...pdf](https://static1.squarespace.com/static/57fe4d37c534a5c932910b78/t/586fd78a2e69cf728dbfe2ce/1483724683686/Unblocking+the+Pipeline_...pdf)> (last accessed Aug. 11, 2022).

245. See Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 107 (Freya Baetens, Ed., 2020).



candidates who are women. Achieving greater diversity therefore requires addressing factors that limit professional development and reduce the rate of retention of women in senior professional positions and limit the promotion of women to the top ranks of the profession.<sup>246</sup>

Statistics suggest there is poor retention of women in the legal profession, including arbitration. According to one commentator, in 2019, the average percentage of female partners in the arbitration groups of the GAR 30 top arbitration law firms worldwide was approximately 17.6%.<sup>247</sup> This reflects industry wide figures. For example, data published by the National Association for Law Placement in 2021 showed that while nearly half of associates in law firms are women, only 25% are partners and only 21% are equity partners.<sup>248</sup> According to one report, U.S. law firms “are on track to achieve gender parity in partner promotions by 2032, and gender parity within the partner ranks at a time far beyond that.”<sup>249</sup> These statistics are reflected in other jurisdictions. For example,

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246. See Lucy Greenwood, C. Mark Baker, *Getting a Better Balance on International Arbitration Tribunals*, 28 ARB. INT’L 653, p. 654 (2012) (noting that “[a] major cause of the under-representation of women on international arbitration tribunals is the lack of women making it through to the upper echelons of the legal profession”); Lucy Greenwood, *Moving Beyond Diversity Toward Inclusion in International Arbitration*, in 2019 STOCKHOLM ARB. Y.B. 93, p. 97 (2019) (“The disproportionate rate at which women leave the profession is probably the major cause of the under-representation of women in the senior ranks of the international arbitration world”).
247. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 93 (Freya Baetens, Ed., 2020).
248. National Association for Law Placement, Inc., *2020 Report on Diversity in U.S. Law Firms*, NALP.ORG (Feb. 2021). For data on 2019, see American Bar Association, Commission on Women in the Profession, *A Current Glance at Women in the Law* (Apr. 2019) (summarizing statistics that show that 45.91% of law firm associates are women, while 22.7% are partners, and 19% are equity partners). See also National Association of Women Lawyers, *2019 Survey Report on the Promotion and Retention of Women in Law Firms* (2019) (reporting that, in 2019, women comprised approximately 47% of associates, 31% of non-equity partners, and 21% of equity partners at law firms). In January 2019, the *New York Times* reported on the controversy caused by the appointment of 11 white men partners and one white woman partner by the law firm Paul, Weiss. The *New York Times* stated that Paul, Weiss “is no exception to the broader pattern across big law: the share of partners who are women and people of color is much smaller than the number reflected in the ranks of associates, or those starting law school, not to mention the general population.” See Noah Scheiber & John Elignon, *Elite Law Firm’s All-White Partner Class Stirs Debate on Diversity*, N.Y. TIMES (Jan. 27, 2019), <<https://www.nytimes.com/2019/01/27/us/paul-weiss-partner-diversity-law-firm.html>> (LAST ACCESSED AUG. 15, 2022).
249. Aebra Coe, *Firms’ Crawl to Gender Diversity Shows Long Road Ahead*, LAW360 (Jan. 22, 2019) <<https://www.law360.com/articles/1119398/>>

according to statistics published by the Ministry of Justice of the United Kingdom, as of April 2021, women constituted 39% of barristers and 52% of solicitors; however, among professionals with 15 years or more of legal experience, women constituted only 33% of barristers and 44% of solicitors.<sup>250</sup>

While there are exceptions to this trend, notably within arbitral institutions, which have consistently promoted women into senior positions for decades,<sup>251</sup> research suggests that poor retention of women tends to be more acute in law firms and that women in private practice tend not to reach top tier positions in numbers equivalent to men.<sup>252</sup> Indeed, these structural barriers may push some women into independent arbitration practices.<sup>253</sup>

Moreover, even when women do reach the top levels of their profession, real and/or perceived pay disparities remain. According to a 2021 study by the ABA, pay disparity

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- firms-crawl-to-gender-diversity-shows-long-road-ahead> (last accessed Aug. 18, 2022) (noting that “[t]he portion of women promoted to partner has increased by less than 1%, on average, each year over the past six years”).
250. Ministry of Justice, *Diversity of the Judiciary: Legal Professions, New Appointments and Current Post-Holders—2021 Statistics* (July 5, 2021), <<https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2021-statistics/diversity-of-the-judiciary-2021-statistics-report>> (last accessed Aug. 15, 2022). See also Bar Standards Board, *Diversity at the Bar 2020*, pp. 3-4 (2021), <<https://www.barstandardsboard.org.uk/uploads/assets/88edd1b1-0edc-4635-9a3dc9497db06972/BSB-Report-on-Diversity-at-the-Bar-2020.pdf>> (last accessed Aug. 15, 2022) (reporting that, while 50% of barristers called to the English bar each year are women, in 2020, only 38.2% of practicing barristers and 16.8% of QCs were women); Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 93 (Freya Baetens, Ed., 2020) (noting that “[a] 2015 UK Bar Council report on gender diversity concluded that, due to a lower propensity of women to convert their call into practice and a higher attrition rate, ‘a 50:50 gender balance among all practising barristers is unlikely ever to be achieved’ and there will be no gender balance among QCs in the foreseeable future”); Meganne Tillay, *Revealed: the Law Firms with the Most Female Equity Partners*, LAW.COM (Jul. 9, 2020), <<https://www.law.com/international-edition/2020/07/09/revealed-the-law-firms-with-the-most-female-equity-partners>> (last accessed Aug. 15, 2022) (reporting that “women comprised 23% of equity partners” in the 32 UK law firms that provided data, and that “women made up more than a quarter of equity partners at only nine firms”).
251. See, e.g., Mireze Philippe, *How Has Female Participation at ICC Evolved?*, ICC DISPUTE RES. BULL. 2017—ISSUE 3 (2017) (noting that ICC has appointed women to major positions since the 1960s).
252. See, e.g., National Association for Law Placement, Inc., *2020 Report on Diversity in U.S. Law Firms*, NALP.ORG (Feb. 2021).
253. Alex Kamath, *The Path to Becoming a Modern International Arbitrator: Implications for Diversity and Systemic Legitimacy*, 87 ARB.: INT’L J. ARB. MEDIATION & DISPUTE MGMT. 298, p. 315 (2021).

is the most frequently mentioned reason for female participants' departure from their law firms, with the root of that pay disparity most frequently arising from the way that original credit is awarded, either because women are paid less than men with a comparable book of business, or because other partners receive credit for women's origination.<sup>254</sup>

**(ii) The impact of unconscious bias**

In 2019, the Law Society of England & Wales concluded a review of barriers to the retention of women lawyers across a number of jurisdictions, observing broad trends in the factors that prevent women from progressing into senior roles. Out of over 7,700 participants across the globe, 52% responded that “unconscious bias was the main barrier to women’s career progression in law.”<sup>255</sup>

A 2018 study by the American Bar Association identified other ways in which unconscious bias arises in the legal workplace, and how it affects women, particularly women of color.<sup>256</sup> The results of the study identified, *inter alia*, that:

- “Women of color, white women, and men of color reported that they have to go ‘above and beyond’ to get the same recognition and respect as their

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254. Joyce Sterling & Linda Chanow, *In Their Own Words: Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession*, ABA, pp. 8-11 (2021).

255. The Law Society of England and Wales, *Advocating for Change: Transforming the Future of the Legal Profession Through Greater Gender Equality: International Women in Law Report*, p. 8 (2019) (hereinafter “The 2019 Law Society Report”). The 2019 Law Society Report defines unconscious bias as “both positive and negative attitudes or stereotypes that affect our understanding, decisions or actions concerning an individual or group in an unconscious manner.” *Id.* p. 9. *See, e.g.*, Janet E. Gans Epner, *Visible Invisibility: Women of Color in Law Firms*, ABA COMMISSION ON WOMEN IN THE PROFESSION, p. xii (2006) (noting that “[u]nlike white men, many women of color felt that they had to disprove negative preconceived notions about their legal abilities and their commitment to their careers. [72%] of women of color but only 9% of white men thought others doubted their career commitment after they had (or adopted) children”). On implicit gender bias, *see also* the discussion in Apoorva Patel, *Implicit Bias in Arbitrator Appointments: A Report from the 15th Annual ITA-ASIL Conference on Diversity and Inclusion in International Arbitration*, KLUWER ARBITRATION BLOG (May 7, 2018), <<http://arbitrationblog.kluwerarbitration.com/2018/05/07/implicit-bias-in-arbitrator-appointments-a-report-from-the-15th-annual-ita-asil-conference-on-diversity-and-inclusion-in-international-arbitration/>> (last accessed Aug. 15, 2022).

256. Joan C. Williams, *et al.*, *You Can’t Change What You Can’t See: Interrupting Racial & Gender Bias in the Legal Profession*, AMERICAN BAR ASSOCIATION AND MINORITY CORPORATE COUNSEL ASSOCIATION, p. 7 (2018), <<https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf>> (last accessed Aug. 15, 2022).

- colleagues” and that “[w]omen of color reported that they are held to higher standards than their colleagues”;
- “Men of color and women of all races receive clear messages that they do not fit with people’s image of a lawyer” and that “[w]omen of all races reported pressure to behave in feminine ways, including backlash for masculine behaviors and higher loads of non-career enhancing ‘office housework’”;
  - “Women of all races reported that they were treated worse after they had children; that is, they were passed over for promotions, given ‘mommy track’ low-quality assignments, demoted or paid less, and/or unfairly disadvantaged for working part-time or with a flexible schedule” and “[a]bout half of people of color and 57% of white women agreed that taking family leave would have a negative impact on their career”;
  - “Women and people of color reported higher levels of bias than white men regarding equal opportunities to get hired, receive fair performance evaluations, get mentoring, receive high-quality assignments, access networking opportunities, get paid fairly, [and] get promoted.”<sup>257</sup>

These findings resonate with those included in the 2019 Law Society Report. According to the Law Society, a “gender pay gap” (i.e., where men are paid more than women for equally valuable work<sup>258</sup>) is a concern globally, noting that “[o]ver 60% of respondents, based on their knowledge and experience, were aware of a gender pay gap within their

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257. Joan C. Williams, *et al.*, *You Can’t Change What You Can’t See: Interrupting Racial & Gender Bias in the Legal Profession*, AMERICAN BAR ASSOCIATION AND MINORITY CORPORATE COUNSEL ASSOCIATION, pp. 7-8 (2018), <<https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf>> (last accessed Aug. 15, 2022). Sheryl Sandberg’s initiative, LeanIn.Org, provides research on implicit bias, defining “performance bias” as “based on deep rooted—and incorrect—assumptions about women’s and men’s abilities” leading to the fact that “[w]e tend to underestimate women’s performance, and overestimate men’s.” Similarly, “attribution bias” is defined as being “closely linked to performance bias,” in that “[b]ecause we see women as less competent than men, we tend to give them less credit for accomplishments and blame them for more mistakes.” (LeanIn.Org, Challenge Gender Bias, <<https://leanin.org/education#challenging-gender-bias>> (last accessed Aug. 15, 2022)). *See also* Lucy Greenwood, *Moving Beyond Diversity Toward Inclusion in International Arbitration*, in 2019 STOCKHOLM Y. B. 93, p. 98 (2019) (“[S]tudies have shown that when it comes to promoting candidates, men tend to be promoted on potential, whereas women tend to be promoted based on their experience.”).

258. The 2019 Law Society Report, p. 10 (“Gender pay gap is a measure of the difference between men and women’s average earnings across an organization or the labour market. It is expressed as a percentage of men’s earnings.”).

organization.”<sup>259</sup> In addition, 46% of respondents in the 2019 Law Society Report cited “traditional network routes to promotion” as a barrier to professional development within law firms, “since these are mostly male orientated.”<sup>260</sup> Similarly, other studies have found that women tend to lack mentoring and support structures within professional legal contexts.<sup>261</sup> This in turn may create a barrier to professional development, since studies indicate that people with mentors and sponsors are most likely to succeed in their careers.<sup>262</sup>

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259. The 2019 Law Society Report, p. 10. *See also* Jennifer Cheeseman Day, *More than 1 in 3 Lawyers are Women*, UNITED STATES CENSUS BUREAU (May 8, 2018) (noting that, based on recent census statistics in the US, the gender pay gap “increase[s] with age, so that by mid-career (ages 45 to 54) median earnings for women are \$121,000 compared with \$156,000 of men (a ratio of 78%)”). A 2021 multi-state report cited “unfair compensation” that also is “rife with gender bias” as one of the main reasons why women leave their firms and law practice. Joyce Sterling, Linda Chanow, *In Their Own Words: Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession*, pp. 7-12 (2021), <<https://www.americanbar.org/content/dam/aba/administrative/women/intheirown-words-f-4-19-21-final.pdf>> (last accessed Aug. 15, 2022).
260. The 2019 Law Society Report, p. 8. *See also* Visible Invisibility—Women of Color in Law Firms, ABA COMMISSION ON WOMEN IN THE PROFESSION, p. xii (2006) (noting that “[n]early two-thirds of the women of color but only 4% of white men were excluded from informal and formal networking opportunities, marginalized and peripheral to professional networks within the firm. They felt lonely and deprived of colleagues with whom they could share important career-related information” and noting further that “[44%] of women of color but only 2% of white men reported having been denied desirable assignments,” while “[43%] of women of color but only 3% of white men had limited access to client development opportunities”). For more recent discussion of the same issue, *see* Noah Scheiber & John Elignon, *Elite Law Firm’s All-White Partner Class Stirs Debate on Diversity*, N.Y. TIMES (Jan. 27, 2019), <<https://www.nytimes.com/2019/01/27/us/paul-weiss-partner-diversity-law-firm.html>> (LAST ACCESSED AUG. 15, 2022) (“[m]ore than 20 women and people of color interviewed for this article described obstacles to achieving diversity at [the American law firm] Paul, Weiss. Many said that opportunities to be groomed for partner are harder to come by for women and minorities. Even as their work shined, some said, they failed to break into the good graces and social circles of the firm’s top lawyers, who must champion those hoping to earn a lucrative spot as a partner”).
261. *See, e.g.,* Yvonne Galligan, *et al.*, Ulrike Schultz, Sally Wheeler, *Mapping the Representation of Women and Men in Legal Professions Across the EU (Study for the JURI Committee)*, POLICY DEPARTMENT FOR CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS, DIRECTORATE GENERAL FOR INTERNAL POLICIES OF THE UNION (EUROPEAN PARLIAMENT), p. 31 (Aug. 2017) (noting that “[w]hile there are usually well-established networks of men providing support to each other, women often lack these supportive networks” and that “[t]he literature suggests that there is also often effective mentoring lacking for women”).
262. Tammy D. Allen, *et al.*, *Career Benefits Associated with Mentoring for Proteges: A Meta-Analysis*, 89/1 JOURNAL OF APPLIED PSYCHOLOGY, pp. 127-136 (2004). *See also* Sylvia Ann Hewlett *et al.*, *The Sponsor Effect: Breaking Through the Last Glass Ceiling*,

**(iii) Lack of flexible working arrangements**

Inflexible work schedules, coupled with social structures forcing stereotypical gender-roles, may also trigger further attrition of women lawyers within law firms.<sup>263</sup> Studies show that, because women with families are “usually still the primary caregivers,” they therefore find that the absence of flexible working schedules makes it “difficult ... to reconcile professional and family life.”<sup>264</sup> In a Law Society survey in 2017-2018 only 52% of respondents said that they worked in organizations where a flexible working policy is consistently applied. By contrast, 37% said that they worked in organizations that did not consistently apply flexible working arrangements, and 11% of respondents “said that they worked in organizations with no provision for flexible working.”<sup>265</sup> 49% of respondents in the 2019 Law Society Report referred to “an unacceptable work-life balance as the second top reason for preventing women progressing and reaching senior levels” in the legal profession.<sup>266</sup>

Prior to the COVID-19 pandemic (discussed in more detail below), these factors were particularly difficult to manage in the context of international arbitration, which is traditionally a field of work that requires frequent travel for extended durations, significant time dedicated to filing deadlines and hearing preparation, and high pressure associated with the frequently high stakes involved in international disputes.<sup>267</sup> Non-linear compensation in law may also affect couples with children, where both parents are

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HARVARD BUSINESS REVIEW RESEARCH REPORT (2010) (noting that “the majority of ambitious women underestimate the pivotal role sponsorship plays in their advancement—not just within their current firm, but throughout their careers and across their industry”).

263. The 2019 Law Society Report, p. 10 (“Flexible working often means that whilst the number of hours remains the same, there is flexibility in the start and finish times and the ability to work remotely. Agile working ... gives more autonomy to the individual, allowing people to work where, when and how they choose, with maximum flexibility and minimum constraints to optimize performance.”).

264. Yvonne Galligan, *et al.*, *Mapping the Representation of Women and Men in Legal Professions Across the EU (Study for the JURI Committee)*, POLICY DEPARTMENT FOR CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS, DIRECTORATE GENERAL FOR INTERNAL POLICIES OF THE UNION (EUROPEAN PARLIAMENT), p. 31 (Aug. 2017). *See also* The 2019 Law Society Report, p. 9 (noting that “91% of respondents felt that a flexible working culture is critical to improving diversity in the legal profession”).

265. The 2019 Law Society Report, p. 10.

266. The 2019 Law Society Report, p. 8.

267. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report (“Female lawyers invest less time for non-billable work and traveling once they have children because they wish to spend more time with their children. They then have a competitive disadvantage compared to male lawyers who spend more time building up their career. This is true for every high legal position such as becoming a partner in large law firms. And

lawyers, since the pay structure in law incentivizes one parent to quit the profession so that another can work longer hours.<sup>268</sup>

**(iv) The impact of the COVID-19 pandemic**

The COVID-19 pandemic created new and unexpected challenges for women in the legal profession, including as a result of increased childcare and domestic responsibilities, as well as the transition to the virtual workplace.

As discussed above, even before the pandemic, studies repeatedly demonstrated that women assume the role of primary caregiver in most families worldwide. For example, according to data from the OECD, as of 2015, women in each OECD country spent more time doing unpaid labor (including housework and caring for children and adults) than men, while men had more leisure time than women.<sup>269</sup> Eurostat, the statistical office of the European Union, similarly reported that, in 2016 in the EU Member States, 93% of mothers with children under the age of 18 spent time on childcare on a daily basis, as compared to 68% of fathers with children under the age of 18, while 78% of all women did housework and/or cooked on a daily basis, as compared with 32% of men.<sup>270</sup>

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since parties are (understandably) reluctant to appoint arbitrators who are not partners in law firms, not being a partner makes it more difficult to be appointed.”).

268. Marina N. Bolotnikova, *Reassessing the Gender Wage Gap*, HARVARD MAGAZINE (May-Jun. 2016), <<https://www.harvardmagazine.com/2016/05/reassessing-the-gender-wage-gap>> (last accessed Aug. 15, 2022) (“Non-linear compensation prevails in the corporate sector, finance, and law, where employees are incentivized to work double or triple a traditional full-time schedule, because their time is better compensated per hour when they work longer hours. That compensation structure makes it more lucrative for one partner to work 80 hours and the other not to work at all than for both of them to work 40 hours each. If both partners opt for 40-hour weeks so they can share responsibilities at home, Goldin says, ‘lots of money is going to be left on the table’, which is why she believes so many couples don’t.”).
269. OECD, *Balancing Paid Work, Unpaid Work and Leisure* (May 3, 2018), <<https://www.oecd.org/gender/balancing-paid-work-unpaid-work-and-leisure.htm>> (last accessed Aug. 11, 2022).
270. EUROPEAN COMMISSION, *THE LIFE OF WOMEN AND MEN IN EUROPE: A STATISTICAL PORTRAIT, 2020 EDITION* (July 2020), <[https://ec.europa.eu/eurostat/cache/infographs/womenmen\\_2020/images/pdf/WomenMenEurope-DigitalPublication-2020\\_en.pdf?lang=en](https://ec.europa.eu/eurostat/cache/infographs/womenmen_2020/images/pdf/WomenMenEurope-DigitalPublication-2020_en.pdf?lang=en)> (last accessed Aug. 25, 2022). *See also* EUROPEAN INSTITUTE FOR GENDER EQUALITY, *BEIJING + 25: THE FIFTH REVIEW OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION IN THE EU MEMBER STATES*, p. 11 (2020), <<https://eige.europa.eu/publications/beijing-25-fifth-review-implementation-beijing-platform-action-eu-member-states>> (last accessed Aug. 12, 2022) (“In the EU, women are estimated to undertake an average of about 13 hours more unpaid work per week than men.”).

A November 2019 report by the ABA surveyed 1,200 lawyers at large law firms who had been in practice for at least 15 years in the United States and found that “experienced women lawyers bear a disproportionate brunt of responsibility for arranging for care,” substantially affecting the time that a woman lawyer may allocate for her legal practice.<sup>271</sup> While 54% of women responded that “arranging childcare” was their full responsibility, for example, only 1% of men reported the same; similarly, while 32% of women responded that “leaving work for childcare” was their full responsibility, only 4% of men reported the same.<sup>272</sup>

An immediate effect of the pandemic was the rapid closure of schools and daycare facilities around the world. Globally, as of mid-April 2020, 191 countries had shut down all of their primary and secondary schools, affecting nearly 1.6 billion children around the world.<sup>273</sup> A year later, 214 million children (or one in seven children worldwide) had missed more than three-quarters of instruction days at school from March 2020 to March 2021, while schools for over 168 million children had remained completely closed during that year-long period.<sup>274</sup>

Childcare arrangements similarly were affected. A survey by the U.S. Chamber of Commerce Foundation in December 2020, for example, found that two out of three working parents had changed their childcare arrangements as a result of the pandemic, with a majority unable to find a permanent solution going forward, and that 75% of working parents with children under six years old had their children staying at home, with only 10% using childcare centers.<sup>275</sup> Further, as UNICEF reported in July 2021, at the pandemic’s peak, at least seven million children in East Asia and the Pacific were

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271. Roberta Liebenberg & Stephanie Scharf, *Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice*, ABA, pp. 3, 12 (Nov. 2019), <[https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor\\_online\\_042320.pdf](https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf)> (last accessed Aug. 11, 2022).

272. Roberta Liebenberg & Stephanie Scharf, *Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice*, ABA, p. 12 (Nov. 2019), <[https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor\\_online\\_042320.pdf](https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf)> (last accessed Aug. 11, 2022).

273. McKinsey & Company, *School-System Priorities in the Age of Coronavirus* (Apr. 21, 2020), <<https://www.mckinsey.com/industries/education/our-insights/school-system-priorities-in-the-age-of-coronavirus>> (last accessed Aug. 11, 2022).

274. UNICEF, *COVID-19: Schools for More Than 168 Million Children Globally Have Been Completely Closed for Almost a Full Year, Says UNICEF* (Mar. 2, 2021), <<https://www.unicef.org/press-releases/schools-more-168-million-children-globally-have-been-completely-closed>> (last accessed Aug. 11, 2022).

275. U.S. CHAMBER OF COMMERCE FOUNDATION, *PIECING TOGETHER SOLUTIONS: THE IMPORTANCE OF CHILDCARE TO U.S. FAMILIES AND BUSINESSES*, pp. 5-8 (2020), <[https://www.uschamberfoundation.org/sites/default/files/EarlyEd\\_Minis\\_Report6\\_121420\\_Final.pdf](https://www.uschamberfoundation.org/sites/default/files/EarlyEd_Minis_Report6_121420_Final.pdf)> (last accessed Aug. 11, 2022).



unable to continue their pre-primary education in childcare centers and kindergartens, with reopening placed at a lower priority level than reopenings for higher level schools.<sup>276</sup>

Workplace arrangements also were impacted, as numerous governments encouraged or mandated companies and individuals to minimize physical presence at places of employment. Where possible based on the nature of the work, businesses moved to requiring their employees to telework, with some requiring only minor adjustments to move to full-time telework, while others were compelled to rapidly adapt to the new circumstances.<sup>277</sup> Telework—while difficult or impossible for many industries—was more prevalent for individuals with higher levels of education and in those countries where a larger proportion of jobs are in professional services, as compared to manufacturing, agriculture, and tourism.<sup>278</sup> In May and June of 2020, for example, individuals with professional or university degrees in Australia teleworked twice as frequently as those with lower qualifications, while in France, nearly 70% of those with qualifications beyond compulsory schooling worked from home between March and May 2020, as compared to only 20% of those with less education.<sup>279</sup> Working mothers—who already bore the majority of childcare responsibilities—saw the effects of the pandemic’s school closures more acutely than working fathers. As the World Bank explained in its Women, Business and Law Report for 2022, the increased burden of childcare “fell more heavily on the shoulders of working mothers,” with women under “additional stress” to manage increased care responsibilities while simultaneously maintaining their jobs.<sup>280</sup>

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276. UNICEF, *Young Children and the Pandemic*, p. 10 (July 2021), <<https://www.unicef.org/eap/media/8506/file>> (last accessed Aug. 14, 2022).

277. OECD Policy Responses to Coronavirus (COVID-19), *Teleworking in the COVID-19 Pandemic: Trends and Prospects* (Sept. 21, 2021), <<https://www.oecd.org/coronavirus/policy-responses/teleworking-in-the-covid-19-pandemic-trends-and-prospects-72a416b6/>> (last accessed Aug. 14, 2022).

278. International Labour Organization, *Teleworking During the COVID-19 Pandemic and Beyond: A Practical Guide* (July 2020), <[https://www.ilo.org/wcmsp5/groups/public/--ed\\_protect/---protrav/---travail/documents/instructionalmaterial/wcms\\_751232.pdf](https://www.ilo.org/wcmsp5/groups/public/--ed_protect/---protrav/---travail/documents/instructionalmaterial/wcms_751232.pdf)> (last accessed Aug. 14, 2022); OECD Policy Responses to Coronavirus (COVID-19), *Teleworking in the COVID-19 Pandemic: Trends and Prospects* (Sept. 21, 2021), <<https://www.oecd.org/coronavirus/policy-responses/teleworking-in-the-covid-19-pandemic-trends-and-prospects-72a416b6/>> (last accessed Aug. 14, 2022).

279. OECD Policy Responses to Coronavirus (COVID-19), *Teleworking in the COVID-19 Pandemic: Trends and Prospects* (Sept. 21, 2021), <<https://www.oecd.org/coronavirus/policy-responses/teleworking-in-the-covid-19-pandemic-trends-and-prospects-72a416b6/>> (last accessed Aug. 14, 2022). Another study found that, as of April and May 2020, 40% of all employees in the European Union switched to teleworking as a result of the pandemic. See EUROPEAN COMMISSION, 2021 REPORT ON GENDER EQUALITY IN THE EU, p. 23 (2021).

280. WORLD BANK GROUP, WOMEN, BUSINESS AND THE LAW 2022, p. 9 (2022), <<https://wbl.worldbank.org/en/wbl>> (last accessed Aug. 11, 2022). As the OECD detailed in a December

The U.S. Chamber of Commerce Foundation found that, at the very outset of the pandemic between March and April 2020, working mothers in dual-earner, married couples in the United States scaled back their work hours by approximately 5%, or two hours per week, while “fathers’ work hours remained largely stable.”<sup>281</sup> A September 2020 report by Leanin.org and McKinsey, which was based on a survey of over 65,000 employees in the United States, further found that, since the start of the pandemic, mothers who were part of a dual-career couple were twice as likely as fathers in dual-career couples to spend five or more hours a day on household responsibilities.<sup>282</sup> Mothers—particularly those with young children—also were more likely to consider downshifting their careers (such as by reducing hours, moving to part-time, or switching to a less demanding job) or to consider leaving the workforce entirely or taking a leave of absence.<sup>283</sup>

Similarly, a survey of over 14,500 adults from 16 countries, conducted by U.N. Women and Ipsos in October 2020, found that while both men and women were spending more time caring for children since the outset of the pandemic, women were doing a disproportionate share of that additional work.<sup>284</sup> On average, women’s childcare

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- 2021 Report, mothers with at least one child under the age of 12 were nearly three times as likely as fathers to report that they had taken on most or all of the additional unpaid childcare and household work that resulted from the closure of schools and childcare providers. See OECD, *OECD Policy Responses to Coronavirus (COVID-19): Caregiving in Crisis: Gender inequality in paid and unpaid work during COVID-19* (Dec. 13, 2021), <<https://www.oecd.org/coronavirus/policy-responses/caregiving-in-crisis-gender-inequality-in-paid-and-unpaid-work-during-covid-19-3555d164/>> (last accessed Aug. 11, 2022).
281. Caitlyn Collins et al., *COVID-19 and the Gender Gap in Work Hours*, 28 GENDER, WORK & ORGANIZATION, p. 51 (July 2, 2020), <<https://onlinelibrary.wiley.com/doi/10.1111/gwao.12506>> (last accessed Aug. 11, 2022). As the U.N. Women Turkey Country Director explained, “In our research, conducted in April [2020], both women and men reported an increase in their workload in the household, however, women expressed an increase to a larger degree across all categories of domestic work. The study reveals that the pandemic has deepened the already existing gender inequalities between women and men on the labour market and in the household.” See United Nations, *Women’s Care Burden Increased During the Coronavirus Pandemic in Turkey* (Aug. 26, 2020), <<https://turkiye.un.org/en/88666-womens-care-burden-increased-during-coronavirus-pandemic-turkey>> (last accessed Aug. 18, 2022).
282. LeanIn.Org & McKinsey, *Women in the Workplace 2020* (Sep. 30, 2020), <<https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace>> (last accessed Aug. 11, 2022).
283. LeanIn.Org & McKinsey, *Women in the Workplace 2020* (Sep. 30, 2020), <<https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace>> (last accessed Aug. 11, 2022).
284. U.N. Women, *The COVID-19 Pandemic Has Increased The Care Burden, But By How Much?* (Dec. 3, 2020), <<https://data.unwomen.org/features/covid-19-pandemic-has-increased-care-burden-how-much-0>> (last accessed Aug. 12, 2022). The 16 countries

responsibilities increased by 5.2 hours per week since prior to the pandemic, compared to a 3.5 hour per week increase experienced by men.<sup>285</sup> In some countries, the discrepancy was even starker, with women in South Africa increasing the time spent on childcare by 6.9 hours per week, compared to 4.1 hours by men, while women in Mexico increased the time spent on childcare by 13.2 hours, as compared to 6.3 hours by men.<sup>286</sup>

A separate U.N. Women survey of the Asia Pacific, published in June 2022, further confirmed that women were more likely to spend more time on cooking, cleaning, and caring for others as a result of the pandemic, despite the fact that they already were disproportionately in charge of those household responsibilities.<sup>287</sup> Across the countries surveyed, 28% of women noted increases in time associated with children’s schoolwork, as compared to only 21% of men.<sup>288</sup>

In response to increased childcare responsibilities, a relatively limited number of countries imposed measures to assist working parents. As the World Bank recently reported, in response to the pandemic, fewer than 40 economies introduced leave or benefit policies to support working parents, while over 20 economies provided childcare measures for essential workers and 10 economies provided other forms of childcare assistance.<sup>289</sup> Most of these measures, however, were short-lived and have since expired,<sup>290</sup> even though several of the factors affecting women in the workplace—including irregular school openings and childcare availability—remain on-going.<sup>291</sup>

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surveyed were Australia, Brazil, Canada, China, France, Germany, India, Italy, Japan, Mexico, Russia, South Africa, South Korea, Spain, the United Kingdom, and the U.S. *See id.*

285. U.N. Women, *The COVID-19 Pandemic Has Increased The Care Burden, But By How Much?* (Dec. 3, 2020), <<https://data.unwomen.org/features/covid-19-pandemic-has-increased-care-burden-how-much-0>> (last accessed Aug. 12, 2022).

286. U.N. Women, *The COVID-19 Pandemic Has Increased The Care Burden, But By How Much?* (Dec. 3, 2020), <<https://data.unwomen.org/features/covid-19-pandemic-has-increased-care-burden-how-much-0>> (last accessed Aug. 12, 2022).

287. U.N. Women, *Two Years On: The Lingering Gendered Effects of the COVID-19 Pandemic in Asia and the Pacific*, p. 28 (2022), <<https://data.unwomen.org/sites/default/files/documents/Publications/Asia%20Pacific/AP-RegionalReport-2yearson-COVID-compressed.pdf>> (last accessed Aug. 18, 2022).

288. U.N. Women, *Two Years On: The Lingering Gendered Effects of the COVID-19 Pandemic in Asia and the Pacific*, p. 29 (2022), <<https://data.unwomen.org/sites/default/files/documents/Publications/Asia%20Pacific/AP-RegionalReport-2yearson-COVID-compressed.pdf>> (last accessed Aug. 18, 2022).

289. WORLD BANK GROUP, *WOMEN, BUSINESS AND THE LAW 2022*, p. 28 (2022), <<https://wbl.worldbank.org/en/wbl>> (last accessed Aug. 11, 2022).

290. WORLD BANK GROUP, *WOMEN, BUSINESS AND THE LAW 2022*, p. 28 (2022), <<https://wbl.worldbank.org/en/wbl>> (last accessed Aug. 11, 2022).

291. *See, e.g.*, McKinsey & Company, *The Childcare Conundrum: How Can Companies Ease Working Parents’ Return to the Office?* (May 9, 2022), <<https://www.mckinsey.com/>>

In addition, the transition of much of the legal field to a virtual workplace has been viewed as a “double-edged sword” that has brought both advantages and disadvantages to women lawyers.<sup>292</sup> One substantial benefit is the increased opportunity for all lawyers, including women and other under-represented groups, to participate in conferences and in training and professional development programs, which previously were limited to those with the time and funds to travel to in-person events.<sup>293</sup> Such events have become prevalent in the international arbitration field since the outset of the pandemic, including events geared towards women, such as the “Mute Off Thursdays” series.<sup>294</sup> Many of these events are free or relatively cheaper to attend than the in-person conferences that they replaced, and moreover eliminate the time and expense of travel that posed particular challenges to working mothers.<sup>295</sup>

While the virtual workplace certainly has benefits, there are downsides as well, which may more acutely affect women. With children home from school and limited outside childcare arrangements, as detailed above, additional pressure was imposed on

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featured-insights/sustainable-inclusive-growth/future-of-america/the-childcare-conundrum-how-can-companies-ease-working-parents-return-to-the-office> (last accessed Aug. 14, 2022) (identifying affordability, quality, reliability, convenience, and accessibility as continuing challenges in securing sustainable childcare); OECD, *OECD Policy Responses to Coronavirus (COVID-19): Caregiving in Crisis: Gender inequality in paid and unpaid work during COVID-19* (Dec. 13, 2021), <<https://www.oecd.org/coronavirus/policy-responses/caregiving-in-crisis-gender-inequality-in-paid-and-unpaid-work-during-covid-19-3555d164/>> (last accessed Aug. 11, 2022).

292. See Keilin Anderson, et al., *Australian Arbitration Week Recap: Gender Diversity in Arbitral Proceedings Amidst a Global Pandemic*, KLUWER ARBITRATION BLOG (Oct. 30, 2020), <<http://arbitrationblog.kluwerarbitration.com/2020/10/30/australian-arbitration-week-recap-gender-diversity-in-arbitral-proceedings-amidst-a-global-pandemic/>> (last accessed Aug. 11, 2022).
293. Ema Vidak-Gojkovic & Michael McIlwrath, *Chapter 11: The COVID-19 Revolution: The Future of International Arbitration Is Not Over Yet*, in INTERNATIONAL ARBITRATION AND THE COVID-19 REVOLUTION 191, p. 198 (Maxi Scherer, Niuscha Bassiri, et al. eds., 2020).
294. Ema Vidak-Gojkovic & Michael McIlwrath, *Chapter 11: The COVID-19 Revolution: The Future of International Arbitration Is Not Over Yet*, in INTERNATIONAL ARBITRATION AND THE COVID-19 REVOLUTION 191, p. 198 (Maxi Scherer, Niuscha Bassiri, et al. eds., 2020).
295. See, e.g., Maguelonne de Brugiere & Cherine Foty, *Sustainability and Diversity in the Newly Virtual World of International Arbitration*, KLUWER ARBITRATION BLOG (Dec. 9, 2020), <<http://arbitrationblog.kluwerarbitration.com/2020/12/09/sustainability-and-diversity-in-the-newly-virtual-world-of-international-arbitration/>> (last accessed Aug. 11, 2022); Keilin Anderson, et al., *Australian Arbitration Week Recap: Gender Diversity in Arbitral Proceedings Amidst a Global Pandemic*, KLUWER ARBITRATION BLOG (Oct. 30, 2020), <<http://arbitrationblog.kluwerarbitration.com/2020/10/30/australian-arbitration-week-recap-gender-diversity-in-arbitral-proceedings-amidst-a-global-pandemic/>> (last accessed Aug. 11, 2022).

mothers attempting to work from home, while simultaneously watching children and handling household responsibilities.<sup>296</sup>

In addition, while the transition to virtual conferences and training programs has opened doors, the digital environment also poses challenges to women.<sup>297</sup> Studies routinely show that workplace meetings can be disadvantageous for women, in large part resulting from differences in conversation styles and conventions between genders, including the amount of overlap in speaking, speaking time, length of pauses, and the frequency of questions.<sup>298</sup> Such inequities may be amplified in a virtual environment, and further compounded by the limited ability to detect non-verbal cues that are more subtle and hard to detect through the screen.<sup>299</sup>

Networking in a virtual environment also poses challenges. Women generally tend to network by building relationships with professional contacts, whereas men are more inclined to ask for favors from a wider range of contacts, without first developing a deeper connection, and also are more inclined to promote themselves.<sup>300</sup> In the age of virtual

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296. See Keilin Anderson, et al., *Australian Arbitration Week Recap: Gender Diversity in Arbitral Proceedings Amidst a Global Pandemic*, KLUWER ARBITRATION BLOG (Oct. 30, 2020), <<http://arbitrationblog.kluwerarbitration.com/2020/10/30/australian-arbitration-week-recap-gender-diversity-in-arbitral-proceedings-amidst-a-global-pandemic/>> (last accessed Aug. 11, 2022) (noting the 12-hour or more time difference Australian women in the field face when working remotely with international colleagues and their struggles in juggling arbitral work with familial commitments).

297. See, e.g., Maguelonne de Brugiére & Cherine Foty, *Sustainability and Diversity in the Newly Virtual World of International Arbitration*, KLUWER ARBITRATION BLOG (Dec. 9, 2020), <<http://arbitrationblog.kluwerarbitration.com/2020/12/09/sustainability-and-diversity-in-the-newly-virtual-world-of-international-arbitration/>> (last accessed Aug. 11, 2022).

298. Alisha Haridasani Gupta, *It's Not Just You: In Online Meetings, Many Women Can't Get a Word In*, N.Y. TIMES (Apr. 14, 2020), <<https://www.nytimes.com/2020/04/14/us/zoom-meetings-gender.html>> (last accessed Aug. 11, 2022). For example, when women executives speak more often, they are seen as less competent, whereas when men executives spoke more often, they were perceived as more competent. See *id.* (citing Victoria L. Brescoll, *Who Takes the Floor and Why: Gender, Power, and Volubility in Organizations*, ADMIN. SCIENCE QUARTERLY (Feb. 29, 2012)).

299. Alisha Haridasani Gupta, *It's Not Just You: In Online Meetings, Many Women Can't Get a Word In*, N.Y. TIMES (Apr. 14, 2020), <<https://www.nytimes.com/2020/04/14/us/zoom-meetings-gender.html>> (last accessed Aug. 11, 2022) (further noting that “[c]onference calls or video conferences make it harder to know how long to pause before letting someone else speak or when someone else wants to jump in, unless they wave their arms around wildly.”).

300. Caroline Kitchener, *Women Ask for Coffee, Men Tend To Call in Favors: Why Pandemic Networking Is Even Harder for Women* (May 16, 2020), <<https://www.thelily.com/women-ask-for-coffee-men-tend-to-call-in-favors-why-pandemic-networking-is-even-harder-for-women/>> (last accessed Aug. 11, 2022).

networking, it may be harder to create a deeper connection through the screen, leaving women at a further disadvantage at forging meaningful connections in international arbitration,<sup>301</sup> which, as detailed below, is essential in establishing oneself in the field.

#### (v) Harassment and bullying

An additional and complex barrier is sexual harassment and bullying in the workplace.<sup>302</sup> A 2017 IBA survey of just under 5,000 lawyers from a range of jurisdictions found that 27% of women respondents said that they had encountered sexual harassment in the workplace, while 49% had encountered bullying.<sup>303</sup> Similarly, an ABA survey found that “[a]bout 25% of women but only 7% of white men and 11% of men of color, reported that they had encountered unwelcome sexual harassment at work, including unwanted sexual comments, physical contact, and/or romantic advances.” The same study found that “[s]exist comments, stories, and jokes appear to be widespread in the legal profession: more than 70% of all groups reported encountering these” and “about one in eight white women, and one in ten women of color, reported having lost career opportunities because they rejected sexual advances at work.”<sup>304</sup> More recently, a 2020 survey of over 2,100 lawyers by Women Lawyers on Guard showed that 75% of the women respondents

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301. Caroline Kitchener, *Women Ask for Coffee, Men Tend To Call in Favors: Why Pandemic Networking Is Even Harder for Women* (May 16, 2020), <[https://www.thelily.com/women-ask-for-coffee-men-tend-to-call-in-favors-why-pandemic-networking-is-even-harder-for-women/?](https://www.thelily.com/women-ask-for-coffee-men-tend-to-call-in-favors-why-pandemic-networking-is-even-harder-for-women/)> (last accessed Aug. 11, 2022).
302. For discussion of the problem of sexual harassment in law, see, e.g., AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *ZERO TOLERANCE: BEST PRACTICES FOR COMBATING SEX-BASED HARASSMENT IN THE LEGAL PROFESSION*, p. 3 (2018); Frances Gibb, *Two Thirds of Women Lawyers Harassed*, THE TIMES (LONDON) (Feb. 19, 2018); Richard Simmons, *Revealed: The Scale of Sexual Harassment in Law*, THE LAWYER (Mar. 1, 2018); Natasha Bernal, *#MeToo: Lawyers Share Their Worst Experiences of Sexual Harassment*, THE LAWYER, (Mar. 1, 2018) (quoting comments as part of the largest survey on sexual harassment in the legal profession). For discussion on sexual harassment in arbitration, see Lacey Yong & Alison Ross, *Does Arbitration Have A #MeToo Problem?*, 13/1 GLOBAL ARBITRATION REVIEW 10 (2018) (excerpting discussions from the OGEMID mailing list).
303. IBA Legal Policy & Research Unit, *Women in Commercial Legal Practice*, pp. 8, 16, 34 (2017). See also Legal Policy & Research Unit, *Us Too? Bullying and Sexual Harassment in the Legal Profession*, IBA, p. 11 (2019). Of the 7,000 respondents, more than half of those working in the U.S. reported bullying in the workplace, and a third reported sexual harassment. See also Barney Thompson, *Women Lawyers Say Sexual Harassment is Fact of Life at Law Firms*, FINANCIAL TIMES (Mar. 8, 2018).
304. Joan C. Williams, et al., *You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession*, AMERICAN BAR ASSOCIATION AND MINORITY CORPORATE COUNSEL ASSOCIATION, pp. 9-10 (2018) <<https://www.mcca.com/wp-content/>

had direct experience of harassment, compared to 22% of men respondents; in addition, half of all respondents reported that the harasser was not subject to any consequences, even after they reported the incidents.<sup>305</sup>

The repercussions of sexual harassment and bullying are potentially significant, both for the individual's wellbeing,<sup>306</sup> the employee's productivity and performance,<sup>307</sup> and ultimately for retention of women in the legal profession.<sup>308</sup> The arbitration field is not immune to problems of sexual harassment and bullying in the workplace. While there has been no comprehensive study on the extent of sexual harassment in the international arbitration field, in 2017, Global Arbitration Review reported comments made in an online discussion on an online chat group, including observations of "numerous instances of sexual harassment in our field ranging from inappropriate comments to unwanted physical conduct."<sup>309</sup> More recently, arbitration practitioners have been sanctioned for inappropriate behavior of a sexualized nature.<sup>310</sup>

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- uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf> (last accessed Aug. 18, 2022).
305. Women Lawyers on Guard, *Still Broken: Sexual Harassment and Misconduct in the Legal Profession*, pp. 4, 9 (2020) <<https://womenlawyersonguard.org/wp-content/uploads/2020/03/Still-Broken-Full-Report-FINAL-3-14-2020.pdf>> (last accessed Aug. 18, 2022).
306. U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE, *June 2016 Report of the Co-Chairs of the Select Task Force*, p. 20 (Jun., 2016) (documenting the psychological and physical effects of sexual harassment on those affected by harassment over time).
307. AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, ZERO TOLERANCE: BEST PRACTICES FOR COMBATING SEX-BASED HARASSMENT IN THE LEGAL PROFESSION, p. 5 (2018) (referring to various costs to employers, including "decreased employee morale and productivity, increased employee turnover, impaired recruitment, loss of reputation, and legal liability"). See also Jana L. Raver & Michele J. Gelfand, *Beyond the Individual Victim: Linking Sexual Harassment, Team Processes, and Team Performance*, 48 ACAD. OF MGMT. J. 387 (2005).
308. U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE, *June 2016 Report of the Co-Chairs of the Select Task Force*, p. 20 (Jun., 2016) (noting that 80% of women who suffer sexual harassment leave their job within two years). See also Nilofer Merchant, *The Insidious Economic Impact of Sexual Harassment*, HARVARD BUSINESS REVIEW (Nov. 29, 2017); AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, ZERO TOLERANCE: BEST PRACTICES FOR COMBATING SEX-BASED HARASSMENT IN THE LEGAL PROFESSION, pp. 2-3 (2018).
309. See discussion in GLOBAL ARBITRATION REVIEW, *Arbitration Too—Sexual Harassment in the Arbitration World*, Vol. 13:1.
310. Sebastian Perry, *Betto Sanctioned over "Sexualised Climate" at Paris Firm*, GLOBAL ARBITRATION REVIEW (Jul. 20, 2020), <<https://globalarbitrationreview.com/article/1213242/>>

Sexual harassment and bullying can be an intractable problem for some women, as recent research shows that the profile given to this important issue has resulted in some women being isolated from opportunities to establish genuine and positive working relationships with more senior men, including associated career development and mentoring opportunities.<sup>311</sup>

#### (vi) Other factors

Other factors may create further or antagonize existing barriers to the retention and promotion of women in law generally and arbitration specifically. For example, one Task Force member, WWA Latam, notes that there is a gap between civil-law and common-law trained junior lawyers in their approach to building a career in arbitration. Civil-law trained lawyers think in terms of a civil-service path to arbitrator appointments, the way in which judges are typically appointed in civil-law systems. According to WWA Latam, favoring access to tools and programs that allow professional exchanges (such as internships) and thereby varying cultural traditions can help to reduce the barriers to professional development that may result from different legal trainings and background.

### B. Barriers to selection of qualified candidates

*“Why aren’t arbitral institutions appointing more women? Why are law firms appointing only 10% of female arbitrators? To what extent are they really acting under the Pledge? How many big law firms keep track of their male appointments?”*<sup>312</sup>

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betto-sanctioned-over-%E2%80%9Csexualised-climate%E2%80%9D-at-paris-firm> (last accessed Aug. 18, 2022).

311. In October 2019, the Financial Times reported that “[a]bout 40 per cent of men and women agree that ‘recent publicity about sexual harassment at work makes it even less likely that a male leader will sponsor a female protégé—even if she deserves it.’” See *A Guide for Male Sponsors of Women After #MeToo*, FINANCIAL TIMES (Oct. 16, 2019). See also *Another Side of #MeToo: Male Managers Fearful of Mentoring Women*, N.Y. TIMES (Jan. 27, 2019) (reporting comments from men attending the 2019 World Economic Forum, including: “I now think twice about spending one-on-one time with a young female colleague” and “[b]asically, #MeToo has become a risk-management issue for men”); Sheryl Sandberg & Marc Pritchard, *The Number of Men Who Are Uncomfortable Mentoring Women Is Growing*, LEANIN.ORG (May 17, 2019) (“60% of managers who are men now say they are uncomfortable participating in common job-related activities with women, such as mentoring, working alone together, or socializing together. A year ago, that number was 46%.”).
312. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.



The proportion of women appointed as arbitrators is even lower than the proportion reaching senior professional ranks within their relevant institutions, indicating that there may be additional obstacles that women face in firstly being placed on a shortlist of candidates and thereafter being selected from that list.<sup>313</sup>

**(i) Diversity is low on the list of priorities**

*“At the initial stage of research to compile the lists of candidates, the junior lawyer should be considering qualities such as gender.”*<sup>314</sup>

Women may not be included in lists, or selected from those lists, if gender diversity is low on the range of factors considered when counsel recommend arbitrators to their clients.<sup>315</sup> As one commentator observed, “counsel are not thinking systematically about the influence that appointment of particular arbitrators may have on this or that group because ‘in-house counsel only has an interest in the arbitration he or she is facing’” and are “looking to win the arbitration for their client.”<sup>316</sup> This is further reflected in the 2016

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313. Lucy Greenwood & C. Mark Baker, *Getting a Better Balance on International Arbitration Tribunals*, 28 ARB. INT’L 653, p. 654 (2012) (noting that “[t]he number of women appointed to international arbitration tribunals is ... smaller than it should be, even taking into account the difficulties women face in getting to a stage at which they may be considered for an arbitral appointment”). See also Malcolm Langford, *et al.*, *Empirical Perspectives on Investment Arbitration: What Do We Know? Does It Matter?* ISDS ACADEMIC FORUM WORKING GROUP 7 PAPER, p. 35 (Mar. 15, 2019) (“What is surprising is that the fragmented, *ad hoc* and frequent nature of arbitration—suggesting low barriers of entry—has been unable to absorb the large pool of qualified women in international economic law and commercial arbitration ... Thus despite the growing participation of women in the field, arbitration appears to be remarkably resilient in maintaining its gendered character.”). See generally, on the under-representation of women on international courts and tribunals, despite the pool of qualified candidates, Nienke Grossman, *Achieving Sex-Representative International Court Benches*, 110 AM. J. INT’L L. (2016).

314. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 92 (Freya Baetens, Ed., 2020).

315. See, e.g., the findings in White & Case and Queen Mary University of London School of International Arbitration, *2018 International Arbitration Survey: The Evolution of International Arbitration*, p. 2 (2018), <[http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-\(2\).PDF](http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-(2).PDF)> (last accessed Aug. 12, 2022) (“Respondents were unsure whether there is any causal connection between the diversity across a panel of arbitrators and the quality of its decision-making, or even whether this is a relevant enquiry to make.”).

316. Elizabeth Oger-Gross, *Gravitas: Persuasion and Legitimacy*, 12 TRANSNAT’L DISP. MGMT 1, pp. 6-7 (2015) (noting that “the ‘rights’ of women, minorities, and young people to be

BLP Survey, which found that “68% of respondents thought that gender was ‘not that important’ or ‘not important at all’” when choosing an arbitrator, while “26% said that they did not consider it relevant and 17% said that they did not think about it.”<sup>317</sup>

## (ii) Limited access to information about qualified women candidates

At the initial stage of compiling arbitrator candidate lists, those individuals tasked with compiling a shortlist may find that there is less publicly available information about qualified women candidates than about men.<sup>318</sup> Catherine Drummond has written on the appointment process in international arbitration, noting that there are “fewer profiles of female arbitrators in the main data-bases used by law firms in arbitrator research.”<sup>319</sup> She notes that very few publicly available databases have gender filters, and those that do reveal that fewer women tend to be listed on arbitrator databases compared with men.<sup>320</sup> For example, at the time of writing, the subscription-only service for Global Arbitration Review (“GAR”), the Arbitrator Research Tool, includes 571 profiles, of which 143 are women (25%).<sup>321</sup>

Another source of information about women arbitrator candidates is legal directories.<sup>322</sup> Directories, however, tend to be compiled on the basis of peer review and/or

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nominated are not the dominant concern of counsel in nominating arbitrators”).

317. See Bryan Cave Leighton Paisner, *International Arbitration Survey—Diversity on Arbitral Tribunals: Are We Getting There?* (2017) <<https://www.bclplaw.com/images/content/1/5/v2/150194/FINAL-Arbitration-Survey-Report.pdf>> (last accessed Aug. 18, 2022).
318. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 92 (Freya Baetens, Ed., 2020) (“It is by no means correct to suggest that there are not enough qualified women in the actual pool of potential arbitrator candidates to warrant gender-balanced candidate lists, but there are certainly fewer qualified women than men in the actual pool and they are harder to find.”).
319. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 92 (Freya Baetens, Ed., 2020).
320. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 92 (Freya Baetens, Ed., 2020).
321. See, Global Arbitration Review, GAR Arbitrator Research Tool, <<https://globalarbitrationreview.com/tools/arbitrator-research-tool>> (last accessed Aug. 18, 2022).
322. See, White & Case and Queen Mary University of London School of International Arbitration, *2018 International Arbitration Survey: The Evolution of International Arbitration*, p. 20 (2018) <[http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-\(2\).PDF](http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-(2).PDF)> (last accessed Aug. 12, 2022) (which found that the third most popular source of information

client or law firm recommendations, meaning that if women are not being endorsed by others as qualified arbitrator candidates, they will not appear in the directories commonly used by the arbitration community to compile arbitrator candidate lists (in turn, reducing the likelihood that women will be appointed as arbitrators and obtain the visibility needed to secure peer review and endorsement in the first instance). For example:

- the 2019 Chambers & Partners’ list of *Most In Demand Arbitrators in Global Market Leaders Rankings* included three women in a list of 30 individuals for “Band 1” and two women in a list of 14 individuals for “Band 2.”<sup>323</sup> At the time of writing, there are four women in a list of 27 individuals for “Band 1,” and two women in a list of 18 individuals for “Band 2”;<sup>324</sup>
- in 2020 Who’s Who Legal’s *Arbitration Thought Leaders* rankings, 74 women were included in a list of 331 individuals.<sup>325</sup> In 2021 *Thought Leaders Global Elite—Arbitration* rankings, eight women were included in a list of 45 individuals.<sup>326</sup>

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about arbitrators was from “publicly available information (e.g. industry reviews, legal directories and other databases or review tools) (63%).”

323. Chambers & Partners, *Global Rankings, International Arbitration: Most In Demand Arbitrators in Global Market Leaders Rankings* (2019). See also Gemma Anderson, Richard Jerman, *Diversity in International Arbitration*, THOMSON REUTERS PRACTICAL LAW (Mar. 2019) (referring to the rankings). The directory was publicly criticized for failing to recognize female lawyers in sufficient numbers in other fields of law. See Eduardo Reyes, *City Partner Publicly Berates Top Legal Directory over Lack of Women*, THE LAW SOCIETY GAZETTE (Oct. 16, 2019), <<https://www.lawgazette.co.uk/news/city-partner-publicly-berates-top-legal-directory-over-lack-of-women/5101818.article>> (LAST ACCESSED AUG. 18, 2022) (referring to public criticism by Chris Arnold (a London-based partner at Mayer Brown) of Chambers & Partners 2019 ranking of lawyers practicing in derivatives law. Arnold stated that it is “completely unrepresentative of the extraordinary female talent in this sector.” In a letter to Chambers & Partners, Arnold asked the editors to remove him from their rankings until women represent at least 25% of the list).
324. Chambers & Partners, *Global Rankings, International Arbitration: Most In Demand Arbitrators in Global Market Leaders Rankings* (2021), <<https://chambers.com/legal-rankings/international-arbitration-most-in-demand-arbitrators-global-market-leaders-2:1245:20987:1>> (last accessed Aug. 18, 2022). (In “Band 1,” those women were Brigitte Stern, Gabrielle Kaufmann-Kohler, Jean E Kalicki, and Lucy Reed; in “Band 2,” those women were Carole Malinvaud and Judith Gill QC).
325. *Who’s Who Legal, Thought Leaders—Arbitration* (2020), <<https://whoswholegal.com/thought-leaders/thought-leaders-arbitration>> (last accessed Aug. 18, 2022).
326. *Who’s Who Legal, Thought Leaders Global Elite—Arbitration* (2021), <<https://whoswholegal.com/thought-leaders/thought-leaders-global-elite---arbitration-2021>> (last accessed Aug. 18, 2022).

The statistics for regional lists reflect a similar trend:

- in the Legal 500 list of *Leading Arbitrators* in London for 2020, no women were included in the 16 individuals listed in “Band 1,” and only two women out of 21 individuals were listed in “Band 2.”<sup>327</sup> At the time of writing, only two women are included in the list of 18 individuals in “Band 1” and only two women out of 15 individuals were listed in “Band 2”;<sup>328</sup>
- in the Chambers & Partners’ *Most In Demand Arbitrators* rankings for Europe for 2021, only two women were listed in “Band 1” out of 22 individuals, and only three women were listed in “Band 2” out of 18 individuals;<sup>329</sup>
- in the Chambers & Partners’ *Most In Demand Arbitrators* rankings for Asia-Pacific region for 2021, no women were included among the five individuals listed in “Band 1” and “Band 2”;<sup>330</sup>
- in the Chambers & Partners’ *Arbitrator Rankings for Latin America* for 2021, out of 23 individuals in “Band 1,” only three were women;<sup>331</sup>
- in the Chambers & Partners’ *Arbitrator Rankings for the USA* for 2021, one woman was listed in “Band 1” out of eight individuals, and none of 18 individuals in “Band 2” were women;<sup>332</sup> and

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327. Legal500, Rankings for International Arbitration: Arbitrators, London Bar (2020).

328. Legal500, Rankings for International Arbitration: Arbitrators, London Bar (2021), <<https://www.legal500.com/c/london-bar/international-arbitration-arbitrators/>> (last accessed AUG. 18, 2022) (In “Band 1,” those women were Juliet Blanch and Judith Gill QC; in “Band 2,” those women were Elizabeth Birch and Hilary Heilbron QC).

329. Chambers & Partners, Most In Demand Arbitrators Europe-wide (2021) <<https://chambers.com/legal-rankings/international-arbitration-most-in-demand-arbitrators-europe-wide-7:1245:80:1>> (last accessed AUG. 18, 2022) (In “Band 1,” those women were Brigitte Stern and Gabrielle Kaufmann-Kohler; in “Band 2,” those women were Domitille Baizeau, Nathalie Voser and Vera Van Houtte).

330. Chambers & Partners, Most In Demand Arbitrators in Asia-Pacific Region (2021), <<https://chambers.com/legal-rankings/international-arbitration-most-in-demand-arbitrators-asia-pacific-region-8:1245:16084:1>> (last accessed Aug. 18, 2022).

331. Chambers & Partners, Arbitrator Rankings Latin America (2021), <<https://chambers.com/legal-rankings/international-arbitration-arbitrators-latin-america-wide-9:386:16086:1>> (last accessed Aug. 18, 2022) (In “Band 1,” those women were Brigitte Stern, Gabrielle Kaufmann-Kohler, and Valeria Galíndez).

332. Chambers & Partners, Arbitrator Rankings USA (2021), <<https://chambers.com/legal-rankings/international-arbitration-arbitrators-usa-nationwide-5:386:12788:1>> (last accessed Aug. 18, 2022) (In “Band 1,” that woman is Edna Sussman).

- in the 2020 *Africa's 30 Arbitration Powerlist*, out of 30 individuals, 10 were women.<sup>333</sup>

The editors of directories<sup>334</sup> have stated that they recognize they can and do play a role in addressing diversity issues in law<sup>335</sup> and some directories include specific categories of their rankings that focus on women.<sup>336</sup> However, their ability to promote qualified women candidates in part depends on members of the arbitration community championing women when approached by directory researchers.<sup>337</sup> In 2019, the UK editor of Legal 500 called on employers of women lawyers to do more to promote qualified women candidates, noting that “[o]ur individual rankings will not change fast enough if our research team are not told about talented women—and other minority lawyers—within your ranks.”<sup>338</sup> Similarly, in their 2020 research cycle questions on diversity and inclu-

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333. AFRICA ARBITRATION, *Africa Arbitration Academy Publishes Africa's 30 Arbitration Powerlist 2020* (2020), <<https://africaarbitration.org/2021/02/02/africa-arbitration-academy-publishes-africas-30-arbitration-powerlist-2020/>> (last accessed Aug. 18, 2022).

334. The Task Force contacted the editors of the directories mentioned in this section of the report but did not receive any feedback.

335. Georgina Stanley, *We'll Be Championing Women but We Need Your Help*, FIVEHUNDRED MAGAZINE (Feb. 25, 2019), <<https://www.legal500.com/fivehundred-magazine/diversity-and-inclusion/well-be-championing-women-but-we-need-your-help/>> (last accessed Aug. 18, 2022) (“Leading legal research businesses like The Legal 500 can and should play a role in addressing the lack of diversity within the industry.”); Chambers & Partners, *Diversity FAQs*, <<https://chambers.com/info/diversity-faqs>> (last accessed Aug. 18, 2022) (noting that by including diversity and inclusion in its research, “we will be assisting the legal profession on its inclusion journey and providing in-house counsel with the information they have been requesting”).

336. See, e.g., Who’s Who Legal, *Women in Law*, <<https://whoswholegal.com/women-in-law>> (last accessed Aug. 18, 2022).

337. Georgina Stanley, *Women in The Legal 500—A Step in the Right Direction but We Need Your Help*, FIVEHUNDRED MAGAZINE (Nov. 26, 2019), <<https://www.legal500.com/fivehundred-magazine/editors-views/women-in-the-legal-500-a-step-in-the-right-direction-but-we-need-your-help/>> (last accessed Aug. 18, 2022). See also Georgina Stanley, *We'll Be Championing Women but We Need Your Help*, FIVEHUNDRED MAGAZINE (Feb. 25, 2019), <<https://www.legal500.com/fivehundred-magazine/diversity-and-inclusion/well-be-championing-women-but-we-need-your-help/>> (last accessed Aug. 18, 2022) (“As firms and practice heads, the onus is on you to put forward more of your female stars—both up and coming and established—across every practice you can so that we can consider them for our rankings.”).

338. Georgina Stanley, *Women in The Legal 500—A Step in the Right Direction but We Need Your Help*, FIVEHUNDRED MAGAZINE (Nov. 26, 2019), <<https://www.legal500.com/fivehundred-magazine/editors-views/women-in-the-legal-500-a-step-in-the-right-direction-but-we-need-your-help/>> (last accessed Aug. 18, 2022).

sion, Chambers & Partners asked firms and sets “to provide at least 50% of diverse lawyers for interviews and 50% diverse client references,” and reported that the percentage of newly-ranked women lawyers in the UK Solicitor Guide “jumped from 42% to 51%,” while the percentage of women ranked in the UK Bar Guide increased by 2% to 26%.<sup>339</sup>

### (iii) The impact of word-of-mouth recommendations

Even if women do make it onto shortlists, they face additional barriers being selected from those lists. Once a shortlist has been compiled, it is usually reviewed and refined by seeking the views of colleagues or those who are otherwise “known through trusted external networks who have sat with, appeared before or otherwise have familiarity with the candidates.”<sup>340</sup> As one commentator notes, “[t]his enables counsel [or others in the position of appointing an arbitrator] to gain an understanding of whether the candidates have attributes that will not be evident from their CVs.”<sup>341</sup> Consistent with this, the 2018 QMUL Survey found that “[t]he most selected source of information about arbitrators was ‘word of mouth’ (77%), followed by ‘from internal colleagues’ (68%).”<sup>342</sup> Similarly, the 2016 BLP Survey found that 87% of respondents regarded informal feedback from other practitioners who know the candidate as either “very important” or “important,”

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339. Chambers & Partners, *D&I Highlights from Chambers UK Solicitor and Bar Guides 2021* (2021), <<https://chambers.com/guides/uk-uk-bar/d-i-highlights>> (last accessed Aug. 18, 2022).

340. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 91 (Freya Baetens, Ed., 2020).

341. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 91 (Freya Baetens, Ed., 2020). *See also* Catherine Rogers, *Opinion: A New Intel Tool Will Drive Diversity Forward* (2019) 3 *THE RESOLVER: THE QUARTERLY MAGAZINE OF THE CHARTERED INSTITUTE OF ARBITRATORS* p. 7 (2019) (“[g]iven the confidential nature of arbitration, the traditional way to collect intelligence on an arbitrator is through *ad hoc*, person-to-person phone calls with individuals who have appeared before that arbitrator or, better yet, sat as a co-arbitrator with them.”).

342. White & Case and Queen Mary University of London School of International Arbitration, *2018 International Arbitration Survey: The Evolution of International Arbitration*, p. 20 (2018) <[http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-\(2\).PDF](http://www.arbitration.qmul.ac.uk/media/arbitration/docs/2018-International-Arbitration-Survey---The-Evolution-of-International-Arbitration-(2).PDF)> (last accessed Aug. 12, 2022). *See also* Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 94 (Freya Baetens, Ed., 2020) (“[I]aw firms will rarely recommend to a client a candidate about whom they have not received first-hand views”).

and more than 90% regarded expertise and efficiency (i.e., qualities not evident on a CV and that would need to be communicated through word-of-mouth recommendations) as being the most important qualities when selecting an arbitrator.<sup>343</sup>

A problem with word-of-mouth recommendations is, as one commentator notes, that it “reduces that *actual pool* of candidates who might be suitable for appointment to the *effective pool*: the pool from which appointments are effectively made.”<sup>344</sup> The effective pool is determined by the personal networks of the appointing counsel who can provide first-hand knowledge of any shortlisted candidates. This has led commentators to criticize word-of-mouth recommendations for “stifl[ing] the ability of newer arbitrators from more diverse backgrounds to develop international reputations,”<sup>345</sup> and for “perpetuat[ing] a system where those with more experience and who are better known among law firms’ networks—a pool in which women have been and continue to be persistently and significantly underrepresented—are appointed more often.”<sup>346</sup>

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343. Bryan Cave Leighton Paisner, *International Arbitration Survey—Diversity on Arbitral Tribunals: Are We Getting There?*, p. 8 (2017) <<https://www.bclplaw.com/images/content/1/5/v2/150194/FINAL-Arbitration-Survey-Report.pdf>> (last accessed Aug. 18, 2022).
344. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 94 (Freya Baetens, Ed., 2020).
345. Catherine Rogers, *Opinion: A New Intel Tool Will Drive Diversity Forward* (2019) 3 *THE RESOLVER: THE QUARTERLY MAGAZINE OF THE CHARTERED INSTITUTE OF ARBITRATORS*, p. 7 (2019). See also Lucy Greenwood, *Tipping the Balance—Diversity and Inclusion in International Arbitration*, 33(1) *ARB. INT’L* 99, p. 106 (2017) (“In international arbitration, despite our best efforts, the process of selecting an arbitrator is significantly less scientific than it could be. Given the lack of available information, particularly in relation to how an arbitrator is likely to conduct a case, parties looking for an arbitrator base their decision largely on three factors: word of mouth, nationality of the arbitrator, and legal education.”). See also Gemma Anderson & Richard Jerman, *Diversity in International Arbitration*, THOMSON REUTERS PRACTICAL LAW (Mar. 2019) (discussing the problems associated with lack of visibility and information about diverse candidates).
346. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 95 (Freya Baetens, Ed., 2020); Sergio Puig, *Social Capital in the Arbitration Market* (2014) 25 *EJIL* 837, p. 391 (as a result of this effect of social networking, “prestigious arbitrators increase in prestige and peripheral arbitrators remain peripheral as a result of preferential attachment—a process where resources are distributed among a number of individuals according to their existing share of the same resources. Or, in the words of the old aphorism, the rich get richer.”). Greenwood describes this as the “solicited feedback loop”. See Lucy Greenwood, *Tipping the Balance—Diversity and Inclusion in International Arbitration*, 33 *ARB. INT’L* 99, p. 105 (2017).

**(iv) Aversion to first-timers**

An additional potential barrier is the fact that the preferred candidate for an arbitrator position may often be considered as a person with prior experience as an arbitrator.<sup>347</sup> Indeed some firms have adopted a policy of not proposing any person who has not previously served as an arbitrator as a candidate to clients. This creates a barrier for new, more diverse candidates, including women, and, as noted above, potentially reinforces a club of tried-and-tested existing arbitrators.<sup>348</sup> In an interview conducted by the Task Force, a woman arbitrator explained that the main challenge that she faced in obtaining her first appointment was “being taken seriously as a candidate for a role that you have never played before.”<sup>349</sup> She further stated that counsel in the position of nominating arbitrators may “find it difficult to make the case to any particular client that it should be the first one to take a risk on a new actor.”<sup>350</sup>

While an aversion to appointing “first-timers” may create problems for both men and women first-time appointees, it is perhaps particularly problematic for women when other barriers—such as unconscious bias, discussed below—compound the perceived inexperience of the candidate. For example, studies have shown that men tend to be promoted on potential, whereas women tend to be promoted based on experience.<sup>351</sup> This, in

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347. Catherine Rogers, *The Vocation of the International Arbitrator*, 20 AM. U. INT’L L. REV. 957, pp. 967-968 (2005) (referring to the “fact that prior service as an arbitrator is the preeminent qualification for an arbitrator candidate”); Malcolm Langford, *et al.*, *Empirical Perspectives on Investment Arbitration: What Do We Know? Does It Matter?*, ISDS ACADEMIC FORUM WORKING GROUP 7 PAPER, p. 35 (Mar. 15, 2019); Lucy Greenwood & C. Mark Baker, *Getting a Better Balance on International Arbitration Tribunals*, 28 ARB. INT’L 653, p. 654 (2012). In 2018, for example, only 13% of arbitrator appointments in LCIA cases had not previously been appointed to LCIA-administered arbitrations. Gemma Anderson, Richard Jerman, Sampaguita Tarrant, Morrison Foerster, *Diversity in International Arbitration*, THOMSON REUTERS PRAC. L. (Mar. 1, 2020), <[https://uk.practical-law.thomsonreuters.com/w-019-5028?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practical-law.thomsonreuters.com/w-019-5028?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)> (last accessed Aug. 18, 2022).

348. Catherine Rogers, *The Vocation of the International Arbitrator*, 20 AM. U. INT’L L. REV. 957, pp. 967-968 (2005) (referring to the “elite group of insiders” that dominate the field); Malcolm Langford, *et al.*, *Empirical Perspectives on Investment Arbitration: What Do We Know? Does It Matter?*, ISDS ACADEMIC FORUM WORKING GROUP 7 PAPER, pp. 34-36 (Mar. 15, 2019).

349. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

350. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

351. Lucy Greenwood, *Moving Beyond Diversity Toward Inclusion in International Arbitration*, in 2019 STOCKHOLM Y.B. 93, p. 98 (2019); Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 95 (Freya Baetens, Ed., 2020) (“[t]he lack of gender parity in first-time appointments is in part



turn, suggests that women may find it harder to obtain first-time appointments compared to men. As one member of the Task Force noted, “[i]nstitutively people seem more comfortable taking a risk on a man (perhaps because he is perceived as more authoritative/with more gravitas/impressive to clients) than a woman, unless she comes recommended.”<sup>352</sup> The result may be that those in the position of choosing an arbitrator reduce the pool of candidates they are considering for reasons that may not reflect merit. Elizabeth Oger-Gross has noted “this calculation—that older white men will likely be better at influencing other older white men, as well as others through their natural gravitas—may be wrong ... And it should also not be overlooked that clever, knowledgeable individuals in all demographic categories may be extremely persuasive.”<sup>353</sup> She adds that “we may even be underestimating the very individuals to whom we are trying to appeal by miscalculating their ability to interact with and listen to individuals who do not outwardly resemble them or individuals who do not project a traditional image of gravitas.”<sup>354</sup>

**(v) The impact of unconscious bias**

*“Unconscious or implicit bias has been called the silent killer of diversity in the legal profession, and because of the [private and confidential] nature of the process, it may be more difficult to tackle in ADR.”*<sup>355</sup>

Unconscious bias has been described as “one of the single most influential factors for the disparity between male and female representation on international tribunals.”<sup>356</sup> It is

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due to the fact that there are fewer women in the effective pool, but it is also likely to be due to the third layer of prejudice female candidates face: implicit bias against women, which is likely to be heightened when considering as a candidate a woman with little or no prior experience sitting as an arbitrator”).

- 352. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.
- 353. Elizabeth Oger-Gross, *Gravitas: Persuasion and Legitimacy*, 12 TRANSNAT’L DISP. MGMT 1, pp. 6-7 (2015).
- 354. Elizabeth Oger-Gross, *Gravitas: Persuasion and Legitimacy*, 12 TRANSNAT’L DISP. MGMT 1, p. 7 (2015).
- 355. Hannah Hayes, *Where Are the Women Arbitrators? The Battle to Diversify ADR*, 26 ABA PERSPECTIVES (2018), <<https://www.americanbar.org/groups/diversity/women/publications/perspectives/2018/winter/where-are-women-arbitrators-battle-diversify-adr/>> (last accessed Aug. 18, 2022).
- 356. Lucy Greenwood, *Could “Blind” Appointments Open Our Eyes to the Lack of Diversity in International Arbitration?*, 12/4 TDM 12:4, p. 4 (2015) (referring to research that shows that “[g]ender stereotyping has been identified as one of the most powerful influences on decision making, particularly when considering women for leadership positions”). See also Julia Tétrault-Provencher, *When Equality Can No Longer Wait: From ‘Formidable Women’*

“unconscious, automatic, and people are likely to resist acknowledging its existence.”<sup>357</sup> In the context of arbitrator selection, unconscious bias can manifest in various ways. Commentators have noted the following:

- “[I]mplicit bias can reveal itself through lawyers feeling like they require more evidence of a female candidate’s experience and positive attributes before putting her on a candidate list than they would of a man in the same position, particularly in respect of complex arbitrations”;<sup>358</sup>
- Those nominating an arbitrator may be “influenced by their subjective or intuitive value judgments and are likely to be looking for qualities that they perceive ‘will increase their chances of success’ or for ‘experienced lawyers who project an image of gravitas, or at least an image of gravitas with which they are familiar.’ This may well be a masculine image”;<sup>359</sup>

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- to a Gender-Diverse Pool of Investment Arbitrators*, 7 MCGILL J. DISP. RESOL. 70, pp. 75-77 (2021) (explaining the impact of unconscious bias in international arbitration).
357. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 96 (Freya Baetens, Ed., 2020).
358. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators* in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 89, p. 96 (Freya Baetens, Ed., 2020).
359. Dalma Demeter, Patricia Easteal, Noni Nelson, *Gender and International Commercial Arbitrators: Contributions to Sex Discrimination in Appointments*, 12 TRANSNAT’L DISP. MGMT 1, p. 19 (2015). See also Hilary Charlesworth, Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* MANCHESTER UNIVERSITY PRESS, p. 48 (2000) (noting that “women in international law ‘are viewed in a very limited way’ as law-takers rather than law-makers, ‘chiefly as victims, particularly as mothers ... and accordingly in need of protection”). On the perception of “gravitas” among men and women arbitrators, see Elizabeth Oger-Gross, *Gravitas: Persuasion and Legitimacy*, 12 TRANSNAT’L DISP. MGMT 1 (2015); Lucy Greenwood, *Moving Beyond Diversity Toward Inclusion in International Arbitration*, in 2019 STOCKHOLM Y.B. 93, p. 98 (2019) (“When people discuss arbitrators they use words like ‘gravitas,’ ‘assertive,’ ‘influential,’ which are generally used to denote male characteristics and may confirm existing biases against appointing women in leadership roles.”). See also BusinessWire, *‘Unstereotyped Mindset’ Key to Unlocking Gender Equality in the Workplace: New Unilever Research*, BUSINESSWIRE (Jan. 19, 2017) (a 2017 study interviewing 9,000 respondents around the world found that “[a]n overwhelming 77% of men but also a majority (55%) of women believe that a man is the best choice to lead a high stakes project.”).

- Those appointing arbitrators may tend “to appoint successors (and arbitrators) ‘in their own image’,”<sup>360</sup> also known as “affinity bias,” or “gravitate toward people like [themselves] in appearance, beliefs, and backgrounds” and/or “avoid or even dislike people who are different.”<sup>361</sup>

The impact of unconscious bias suggests that it may be important to consider not only the diversity of arbitrator candidates included in a shortlist, but also the diversity of those in the position of deciding which arbitrator to nominate. For example, in recognition of the impact of unconscious bias, but also in order to address it, the Council of Europe Parliamentary Assembly encourages political groups to ensure that the committee responsible for appointing judges to the European Court of Human Rights reflects at least 40% women, because, according to the Council, 40% “is the parity threshold deemed necessary by the Council of Europe to exclude possible gender bias in decision-making processes.”<sup>362</sup>

Similarly, those in the position of appointing arbitrators may want to consider opportunities for enabling greater gender diversity among those in the position of assessing arbitrator candidates and/or providing opportunities for unconscious bias training for those deciding on arbitrator appointments. As V. V. Veeder noted, when commenting on the effect of unconscious bias on arbitrator diversity:

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360. Lucy Greenwood & C. Mark Baker, *Getting a Better Balance on International Arbitration Tribunals*, 28 ARB. INT’L 653, p. 660 (2012). On unconscious bias in arbitrator selection, see generally, the multiple panels and events organized by ArbitralWomen and its Board Members/members. See also Apoorva Patel, *Implicit Bias in Arbitrator Appointments: A Report from the 15th Annual ITA-ASIL Conference on Diversity and Inclusion in International Arbitration*, KLUWER ARB. BLOG (May 7, 2018), <<http://arbitrationblog.kluwerarbitration.com/2018/05/07/implicit-bias-in-arbitrator-appointments-a-report-from-the-15th-annual-ita-asil-conference-on-diversity-and-inclusion-in-international-arbitration/>> (last accessed Aug. 18, 2022). At that same event, Lucy Reed commented that “[i]f habit is knowing and selecting whom you know, bias tends to slide into knowing and selecting people just like you”.
361. See discussion at Sheryl Sandberg’s “Lean In” initiative, *What is Unconscious Bias*, <<https://leanin.org/education/what-is-unconscious-bias>> (last accessed Aug. 18, 2022).
362. CoE Parliamentary Assembly, Resolution 1366 (2004): Candidates for the European Court of Human Rights, 30 January 2004; CoE Parliamentary Assembly, Rules of Procedure of the Assembly, Appendix X—Elections by the Parliamentary Assembly. See also Freya Baetens, *Identity and Diversity on the International Bench: Implications for the Legitimacy of International Arbitration*, in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH 1, p. 9 (Freya Baetens, Ed., 2020) (“In other words, the committee evaluating judicial candidates must itself be diverse in terms of gender, in order to avoid a situation where female candidates are assessed by an overwhelmingly male panel, possibly resulting in fewer female appointments due to gender bias”); the discussion *id.* pp. 14-16.

*“This is not an indictment. Few in the arbitral community actually intend to practice discrimination on grounds of gender and race. It is more a matter of habit and unconscious or institutionalized discrimination.”*<sup>363</sup>

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363. V.V. Veeder, *Who Are the Arbitrators?*, in LEGITIMACY: MYTHS, REALITIES, CHALLENGES, ICCA CONGRESS SERIES NO. 18, pp. 652, 653 (Albert Jan van den Berg, Ed., 2015). For more information about the impact of unconscious bias on arbitrator selection, see the work of the Ray Corollary Initiative, <<https://naarb.org/rci/>> (last accessed Aug. 18, 2022).



## PART THREE



## IV. OPPORTUNITIES TO ADDRESS GENDER DIVERSITY IN ARBITRATOR APPOINTMENTS

This Section of the Report collates the Task Force’s recommendations for how to address the lack of gender diversity in arbitral tribunals. Tackling this issue requires a multi-pronged approach as well as the active involvement of a range of participants and stakeholders. There are many efforts underway to enable more women working in law to reach senior positions within their respective institutions and/or to promote the appointment of qualified women as arbitrators. We highlight a few of those initiatives in this Section in order to provide readers with easy access to advice on how they can contribute to improving the representation of women on arbitral tribunals.

The recommendations in this Section also draw on the feedback that the Task Force received from over 70 women who are currently acting or have previously acted as arbitrators. We are immensely grateful for their valuable contributions.<sup>364</sup>

### A. I nominate or appoint arbitrators: What can I do?

*“Meaningful change for ADR diversity depends on clients and their lawyers—the ultimate selectors, the purchasers of arbitration services.”<sup>365</sup>*

*“Practitioners involved in the appointment process at all levels have a special responsibility to give women an equal opportunity. It is a personal responsibility that requires awareness of the different layers of prejudice that women face and conscious individual action during each individual appointment process.”<sup>366</sup>*

Those in the position of making appointments—primarily parties and their representatives, but also institutions and co-arbitrators—have the greatest influence on gender diversity in arbitral tribunals. We highlight below a few simple and effective steps that can be taken by those in the position of nominating or appointing arbitrators.

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364. For a list of those individuals who contributed to the Report and who agreed to the publication of their names as contributors, *see supra* Acknowledgements in this Report. *See also*, DEUTSCHE ZUSAMMENARBEIT & ARBITRAL WOMEN, WOMEN PIONEERS IN DISPUTE RESOLUTION (2d ed., 2018).

365. Linda Gerstel, *Stop ADR Diversity From Falling Through the Cracks: A General Counsel Checklist Manifesto*, 37(1) NYSBA INSIDE, pp. 9-10 (2019).

366. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE 89, p. 115 (Freya Baetens, Ed., 2020).



**(i) Commit to doing more**

There are a number of opportunities for counsel, clients, and appointing authorities to commit either publicly or internally to doing more to include more women, and more diversity generally, on arbitral tribunals.

*a. The ERA Pledge*

The **Equal Representation in Arbitration Pledge** (“ERA Pledge”) was drawn up in 2015 and sets out concrete and actionable steps that members of the arbitration community can take towards achieving two primary objectives: improving the profile and representation of women in international arbitration; and promoting the appointment of women as arbitrators on an equal opportunity basis. These actionable steps include a commitment by signatories to ensure that wherever possible lists of potential arbitrators or tribunal chairs provided to or considered by parties, counsel, in-house counsel or otherwise, include a fair representation of women candidates, and that where they have the power to do so, counsel, arbitrators, representatives of corporations, states, and arbitral institutions appoint a fair representation of women arbitrators.<sup>367</sup> Signatories also commit to collate and make publicly available gender statistics for appointments. This has led directly to many arbitral institutions publishing statistics of the appointment of women arbitrators since 2016, when the ERA Pledge was launched.

The ERA Pledge Steering Committee members and sub-committee members have taken a number of steps to further promote gender diversity of arbitrator appointments. For example: Steering Committee members frequently speak at conferences about the ERA Pledge, reminding those attending of their commitment to promote the appointment of women arbitrator candidates; they also write to conference organizers to note, where relevant, that there is an under-representation of women speakers and offer to assist with finding suitable women speakers; the ERA Pledge launched the annual **ERA Pledge Award** in conjunction with GAR aimed at recognizing and celebrating initiatives that promote gender diversity in arbitration;<sup>368</sup> ERA Pledge signatories receive an annual “new year resolution” email, which serves as a reminder of the steps that signatories should be taking to implement their pledge; and, finally, the corporate, young practitioners

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367. For more information, see <<http://www.arbitrationpledge.com/>> (last accessed Aug. 4, 2022). A full list of Steering Committee members and individual Sub-Committee members is available at <<http://www.arbitrationpledge.com/steering-committees/>> (last accessed Aug. 8, 2022).

368. See, e.g., Global Arbitration Review, GAR Awards 2020—the Pledge Award (Feb. 19, 2020), <<https://globalarbitrationreview.com/article/1214717/gar-awards-2020-%E2%80%93-the-pledge-award>> (last accessed Aug. 4, 2022).

and regional sub-committees organize and implement initiatives tailored to the local market, to achieve maximum impact.

The Pledge’s efforts continue to expand into new regions. A new Middle East sub-committee was launched in early 2021, which led directly to the Saudi Center for Commercial Arbitration (“SCCA”) signing the ERA Pledge. Asia-Pacific and U.S. sub-committees are in the process of being set up.

As of September 2021, the ERA Pledge has received over 4,760 signatures, including around 900 organizations from 113 different countries. Of those organizations that have signed the ERA Pledge, 63% are law firms and barristers’ chambers, 20% are arbitral institutions and dispute resolution practitioners, and 7% are corporations.<sup>369</sup> Notably, in December 2020, the European Commission signed on to the ERA Pledge, as part of a broader effort to “ensure excellence and address the lack of gender balance in the EU’s existing pool of arbitrators.”<sup>370</sup> In June 2022, the European Commission announced an expanded pool of nearly 400 individuals eligible for appointment as arbitrators and experts, which included an increased number of women.<sup>371</sup>

*b. The Ray Corollary Initiative*

The **Ray Corollary Initiative** (“RCI”) was launched following the 2018 adoption of Resolution 105 by the American Bar Association, which was aimed at increasing diversity in dispute resolution.<sup>372</sup> The RCI’s mission is to increase diversity, equity, and inclusion in the selection of arbitrators, mediators, and other ADR neutrals through

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369. The number of signatories is kept updated weekly on the homepage of the website <<http://www.arbitrationpledge.com>> (last accessed Aug. 4, 2022). For more information, see Ashley Jones and Stephanie Mbonu, *The ERA Pledge surpasses 4,000 signatories*, Thomson Reuters (May 28, 2020), <<http://arbitrationblog.practicallaw.com/the-era-pledge-surpasses-4000-signatories/>> (last accessed Aug. 8, 2022).

370. European Commission, *Gender equality: Commission ensures excellence and improves gender balance in trade and investment arbitration* (Dec. 18, 2020), <[https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_2485](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2485)> (last accessed Aug. 8, 2022).

371. European Commission, *Stepping Up Trade Agreements Enforcement: The European Commission Publishes Pool of Individuals Eligible For Appointment as Arbitrators and TSD Experts* (June 23, 2022), <[https://policy.trade.ec.europa.eu/news/stepping-trade-agreements-enforcement-european-commission-publishes-pool-individuals-eligible-2022-06-23\\_en](https://policy.trade.ec.europa.eu/news/stepping-trade-agreements-enforcement-european-commission-publishes-pool-individuals-eligible-2022-06-23_en)> (last accessed Aug. 10, 2022); *ArbitralWomen, Update on the CETA Pool: Uplifting News for Gender Diversity!* (June 24, 2022), <<https://www.arbitralwomen.org/update-on-the-ceta-pool-uplifting-news-for-gender-diversity/>> (last accessed Aug. 10, 2022).

372. Ray Corollary Initiative, Inc., *The RCI Pledge for Law Firms*, <<https://www.raycorollary-initiative.org/the-pledge>> (last accessed July 31, 2022).

encouraging commitment to the RCI Pledge and providing research and other tools to support the selection of diverse neutrals.<sup>373</sup>

According to the RCI, when 30% or more of a final slate of candidates is diverse, the statistical chance of selecting a diverse candidate is disproportionately higher, whereas, conversely, when less than 30% of the final slate is diverse, the chance of selecting a diverse candidate diminishes nearly to zero (the “30% metric”).<sup>374</sup> The RCI thus promotes a series of Pledges (a Pledge for Law Firms, a Pledge for ADR Users, and a Pledge for ADR Providers), in which the individual or organization pledges to set as a goal to include at least 30% diverse neutrals as candidates on any list of three or more individuals, from which the neutrals for a given matter ultimately are selected.<sup>375</sup>

In 2021, the **International Institute for Conflict Prevention & Resolution (“CPR”)** adopted the 30% metric as part of its diversity commitment (as further detailed below), and the RCI was adopted as an initiative of the National Academy of Arbitrators. To date, the 30% metric also has been adopted by other major organizations.<sup>376</sup>

*c. The CPR Diversity and Inclusion Pledge*

A similar campaign aimed at promoting diversity and inclusion more generally is the **CPR’s Diversity and Inclusion Pledge**, which allows companies to state that they recognize the value of diversity and inclusion, not only in their workforce, but also in providers of services, including arbitration and mediation.<sup>377</sup> In July 2022, CPR announced that it had decided to expand and strengthen the diversity pledge that it had adopted in 2020, through the incorporation of the 30% metric promoted by the RCI.<sup>378</sup>

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373. Ray Corollary Initiative, Inc., The RCI Pledge for Law Firms, <<https://www.raycorollary-initiative.org/the-pledge>> (last accessed July 31, 2022).

374. Ray Corollary Initiative, Inc., The RCI Pledge for Law Firms, <<https://www.raycorollary-initiative.org/the-pledge>> (last accessed July 31, 2022).

375. Ray Corollary Initiative, Inc., The RCI Pledge for Law Firms, <<https://www.raycorollary-initiative.org/the-pledge>> (last accessed July 31, 2022) (also linking to “The RCI Pledge for ADR Users” and “The RCI Pledge for ADR Providers”).

376. See RAY COROLLARY INITIATIVE, INC., END-OF-YEAR REPORT 2021, <[https://www.raycorollaryinitiative.org/s/RCI-End-of-Year-Report\\_Final\\_Signed-011222\\_\\_\\_.pdf](https://www.raycorollaryinitiative.org/s/RCI-End-of-Year-Report_Final_Signed-011222___.pdf)> (last accessed July 31, 2022).

377. The CPR Diversity and Inclusion Pledge is available at <<https://www.cpradr.org/programs/committees/diversity-task-force-adr/Diversity-Pledge>> (last accessed Aug. 8, 2022).

378. CPR, CPR Aligns Diversity Commitment with Ray Corollary Initiative Pledge (July 28, 2022), <<https://www.cpradr.org/news-publications/press-releases/cpr-revises-diversity-commitment-to-align-with-ray-corollary-initiative-pledge>> (last accessed July 31, 2022).

d. *The ADR Inclusion Network Pledge*

There are other pledges through which signatories commit to promoting diversity more broadly within the arbitration community, together with the gender diversity of arbitral tribunals. For example, members of the ADR Inclusion Network<sup>379</sup> sign a pledge through which signatories will, inter alia, “[e]nhanc[e] and increas[e] selection opportunities for experienced, diverse ADR neutrals, including the inclusion of qualified, diverse neutrals among any list of mediators or arbitrators proposed for selection by parties, counsel, in-house counsel, or other relevant users.”<sup>380</sup>

**(ii) Adopt a gender diversity appointment policy or update procedural rules**

According to the 2021 QMUL Survey, most members of the international arbitral community consider the adoption of policies by appointing authorities and institutions as the primary means of increasing the diversity of arbitrators.<sup>381</sup> Those responding viewed institutions as being able to influence arbitral appointments, either from the outset or when the parties or co-arbitrators are unable to reach an agreement on appointments. In addition, those responding viewed institutions as “likely to maintain or have access to databases reflecting a larger pool of candidates for tribunals than parties or their counsel might otherwise consider.”<sup>382</sup>

Policies promoting the consideration and possible appointment of women arbitrators can help to address the effects of unconscious bias and/or barriers to increasing gender diversity in international arbitration. The policy might be targeted at the number of women candidates included in a shortlist, at the criteria or method used to select from the shortlist, and /or at the diversity of those individuals responsible for deciding which candidate to appoint.<sup>383</sup>

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379. Ashley Jones and Stephanie Mbonu, *The ERA Pledge surpasses 4,000 signatories*, THOMSON REUTERS (May 28, 2020), <<http://arbitrationblog.practicallaw.com/the-era-pledge-surpasses-4000-signatories/>> (last accessed Aug. 8, 2022). For more information about the ADR Inclusion Network, see <<https://www.adrdiversity.org>> (last accessed Aug. 8, 2022).

380. The ADR Inclusion Network pledge is available at <<https://www.adrdiversity.org/pledge#>> (last accessed Aug. 8, 2022).

381. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, p. 17 (2021).

382. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, p. 18 (2021).

383. As noted above in Section IIIB(v), the diversity of those individuals charged with appointing an arbitrator may influence the diversity of arbitrators being appointed to tribunals.

a. *Institutional approaches*

Arbitral institutions have used a number of innovative methods to promote diversity in institutional appointees.<sup>384</sup> For instance the SCC Secretariat, when proposing potential arbitrators for a case, reviews its own records to identify whether a particular arbitrator is presently appointed either as arbitrator or counsel in an active case and whether they have been recently appointed as an arbitrator in another SCC case. In addition, the SCC Secretariat typically provides three or four potential arbitrators to the Board for its consideration, which always intentionally includes qualified women candidates.

**HKIAC** categorizes its publicly available databases of arbitrators based on experience—a Panel of Arbitrators (most experienced arbitrators), a List of Arbitrators (less experienced arbitrators), and Specialist Panels (specific to expertise in disputes involving intellectual property and financial services).<sup>385</sup> HKIAC relies largely on its Panels and List when making institutional appointments to arbitral tribunals and actively looks to include qualified women arbitrators and experts in its pool of arbitrators. HKIAC operates an internal policy of including at least one qualified woman candidate on short-lists for appointment, whenever possible.<sup>386</sup>

In preparing lists of candidates for the LCIA Court, the Secretariat is mindful of how many ongoing appointments an arbitrator has, as well as how many times the candidate has been appointed in the last 12 months. When the LCIA Court is requested to select arbitrators, the LCIA’s internal practice is to always include more than one qualified woman candidate, unless it is not possible to identify someone with the requisite expertise. Similarly, where the parties request the LCIA Court to provide a list of candidates for a list procedure, the internal policy is to include both men and women as candidates. The LCIA also encourages co-arbitrators to consider women as well as men candidates by using gender inclusive pronouns in correspondence inviting the co-arbitrators to select the third and presiding arbitrator.

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384. As one commentator notes, one possible explanation for the leadership of arbitral institutions is that “there is, for arbitral institutions, less of a perceived tension between what is best for the client in the particular case at hand and the broader goals of promoting gender diversity in international arbitration as a system. Institutions are accordingly less constrained from taking an approach that might be thought to privilege the latter”. See Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE?* 89, p. 113 (Freya Baetens, Ed., 2020).

385. For more information, see <<https://www.hkiac.org/arbitration/arbitrators>> (last accessed Aug. 10, 2022).

386. In respect of appointments of domain name dispute resolution panelists, HKIAC looks to appoint men and women panelists successively with a view towards 50% parity.

**SIAC** maintains a Panel of Arbitrators and a non-published “Reserve Panel” for promising candidates who do not yet meet the Minimum Standards of Admission for the SIAC Panel. SIAC is also able to make “off-panel” appointments in appropriate circumstances. When SIAC is called upon to make an appointment, the SIAC Secretariat sends a list of recommended candidates to the President of the Court of Arbitration of SIAC. In preparing this list, the SIAC Secretariat will, as a matter of practice, include at least one woman arbitrator and additionally suggest candidates with diverse characteristics. In order to ensure an equitable spread of appointments and provide opportunities for first-time appointees, SIAC will not appoint an arbitrator more than once within a six-month period unless the circumstances of the case otherwise require.

**ACICA** undertakes a similar process. It draws from its publicly available panel of arbitrators (ACICA Fellows) as a resource (but is not limited by it) for appointments made by the institution. ACICA’s practice is to include at least one, usually more, qualified woman candidates on any list for consideration, wherever possible. ACICA is conscious to encourage first time appointments in appropriate cases and reviews its records in order to identify arbitrators who have current and recent appointments.

Institutions can also encourage parties to consider diverse candidates. For instance, **ACICA** has released a Guidance Note on the Appointment of Arbitrators to encourage parties to consider diversity and issues of equal representation, such as gender, age, geography, culture, ethnicity and professional background of the arbitrator.<sup>387</sup> Similarly, the **ICC** expressly encourages its Committees and Groups to favor gender diversity in their proposals for prospective arbitrators in ICC arbitrations.<sup>388</sup> **ICSID** proposes a list of arbitrators or presents a ballot consisting of arbitrators for the parties’ consideration. These lists and ballots invariably contain at least one (and usually more) woman and one regionally diverse candidate. ICSID screens each candidate to determine the suitability of the arbitrator’s qualifications for the case and evaluates any conflicts before placing that candidate on the list or ballot. Should parties find themselves at a disagreement, ICSID may proceed to select an arbitrator for the parties from a roster consisting of four names per State, derived from the ICSID Panel of Arbitrators. Nominations for ad hoc Committees follow a similar process, except that they must be made directly from the List of Arbitrators and so no ballot or list initiates the process. ICSID has also encouraged States to consider diversity when making appointments to the Panels of Arbitrators and Conciliators.

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387. Australian Centre for International Commercial Arbitration, *ACICA Guidance Note on the Appointment of Arbitrators*, <<https://acica.org.au/wp-content/uploads/2022/01/ACICA-Guidance-Note-on-the-Appointment-of-Arbitrators-FF1>> (last accessed Aug. 8 2022). pdf.

388. ICC Court of Arbitration, Note to National Committees and Groups of ICC on the Proposal of Arbitrators, para. 39 (2018) (“Committees and Groups are encouraged to favour gender diversity in their proposals.”).

The **VIAC** Secretariat, when preparing proposals of potential arbitrators to be appointed by the Board for a case, always involves members of the Board (female and male) in order to obtain a larger and more diverse pool of candidates. In this process, the Secretariat inter alia checks the List of Practitioners on its website (which does not constitute a recommendation but rather a service) for possible matches. The Secretariat further reviews its own records in order to identify whether a candidate has presently or in the past conducted a VIAC proceeding as arbitrator or counsel, and whether a candidate has been appointed by the Board in the past. The Secretariat then makes two or three proposals to the Board, which practically always include qualified female arbitrators; the Board of course is not bound to these names.

**CPR** has taken a slightly different approach to encouraging parties to appoint more diverse arbitrators. It has added a statement in the nomination letter sent along with the list of prospective neutrals for parties' consideration.<sup>389</sup> The **CPR Diversity Statement** reads as follows:

*“CPR is committed to increasing diversity, equity, and inclusion in the dispute resolution field, especially among women and minorities, who continue to be underrepresented as neutrals even though robust evidence demonstrates that diversity improves group decision-making. Those arbitrators who have self-identified as having one or more diverse characteristics are indicated on the attached Slate of Candidates. Members of CPR’s Panels of Distinguished Neutrals undergo a rigorous vetting process and comprise those among the most respected mediators and arbitrators in the world. While considering the variety of factors that make a candidate right for your dispute, CPR encourages you to remain cognizant of the role that implicit bias can play in the selection process and to consider the value of diversity and the role that your selection plays in furthering inclusion in the dispute resolution community.”*

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389. International Institute for Conflict Prevention & Resolution, *Diversity, Equity & Inclusion*, <<https://www.cpradr.org/programs/diversity>> (last accessed Aug. 25, 2022). See also International Institute for Conflict Prevention & Resolution, *CPR Adds Diversity Statement to DRS Nomination Letter to Further Promote Diversity in Neutrals* (Jul. 18, 2018), <<https://www.cpradr.org/news-publications/press-releases/2018-07-18-cpr-adds-diversity-statement-to-drs-nomination-letter>> (last accessed Aug. 8, 2022) (quoting Noah Hanft, President and CEO of CPR: “For the 2017 fiscal year, for example, the selection rate was 23 percent for women and people of color, 19 percent of which was for women. Although we recognize that there is more work to do, particularly in terms of ethnic diversity, we are delighted that the 2018 fiscal year numbers show continuous improvement, with a 31 percent total diverse selection rate, 27 percent of which was for women. These selection rates are significantly higher than the percent of women on CPR’s panel of neutrals, which is currently 17%.”).

The Tashkent International Arbitration Centre (“**TIAC**”), which was established in 2018 and launched in April 2019, recently announced a Diversity Toolkit to serve as an internal resource for the TIAC Secretariat and members of the TIAC Court of Arbitration.<sup>390</sup> The Toolkit includes a checklist of factors to consider in appointing arbitrators, such as geography, cultural background, linguistic background, gender and ethnicity.<sup>391</sup> As Diana Bayzakova, the TIAC Director, explained, the Toolkit “is an innovation that seeks to further enhance the process in which TIAC considers and makes institutional arbitrator appointments in TIAC-administered cases.”<sup>392</sup>

*b. Procedural rules*

Incorporating into arbitration rules aspirational or mandatory requirements on parties and institutions to ensure equal opportunities for women in the arbitrator appointment process may have a positive effect on the number of women appointed as arbitrators. There are examples of similar requirements pertaining to the appointment of judges to other international courts and tribunals.<sup>393</sup>

The rules could direct appointing actors to take gender into account in the process of selecting and appointing an arbitrator. For example, **JAMS** has proposed that parties

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390. Alison Ross, *Uzbekistan’s Offering on Show at First Arbitration Week*, GLOBAL ARB. REV. (Oct. 12, 2021), <<https://globalarbitrationreview.com/uzbekistans-offering-show-first-arbitration-week>> (last accessed Aug. 8, 2022); Diana Bayzakova, et al., *Tashkent International Arbitration Centre—Uzbekistan’s New Arbitral Institution*, GLOBAL ARB. REV. (July 7, 2021), <<https://globalarbitrationreview.com/review/the-asia-pacific-arbitration-review/2022/article/tashkent-international-arbitration-centre-uzbekistans-new-arbitral-institution>> (last accessed Aug. 8, 2022).

391. Alison Ross, *Uzbekistan’s Offering on Show at First Arbitration Week*, GLOBAL ARB. REV. (Oct. 12, 2021), <<https://globalarbitrationreview.com/uzbekistans-offering-show-first-arbitration-week>> (last accessed Aug. 8, 2022); Diana Bayzakova, et al., *Tashkent International Arbitration Centre—Uzbekistan’s New Arbitral Institution*, GLOBAL ARB. REV. (July 7, 2021), <<https://globalarbitrationreview.com/review/the-asia-pacific-arbitration-review/2022/article/tashkent-international-arbitration-centre-uzbekistans-new-arbitral-institution>> (last accessed Aug. 8, 2022).

392. Tashkent International Arbitration Centre, *TIAC at the Chamber of Commerce and Industry of Uzbekistan and TIAC45 Launch the TIAC Diversity Toolkit to Assist the TIAC Court and Secretariat in Making Institutional Arbitrator Appointments* (Sept. 10, 2021), <<https://www.tiac.uz/media>> (last accessed Aug. 8, 2022).

393. Nienke Grossman, *Achieving Sex-Representative International Court Benches* 110 AM. J. INT’L L. 82, pp. 83, 92 (2016) (“Of the five courts with the highest percentage of women on the bench from 1999 to 2015, four had either aspirational statements for inclusion or quotas ... None of the seven courts with the lowest percentage of women on the bench had either. In mid-2015, women made up 32 percent of benches with such requirements and only 15 percent of benches without them”).



include an optional rider in their arbitration clause committing to promote gender diversity in arbitrator appointments. JAMS has a model clause, which includes a statement that: “[t]he parties agree that, wherever practicable, they will seek to appoint a fair representation of diverse arbitrators (considering gender, ethnicity, and sexual orientation) and will request administering institutions to include a fair representation of diverse candidates on their rosters and lists of potential arbitrator appointees.”<sup>394</sup>

As one commentator has noted, “providing equal opportunities for women in the appointment process should be entirely uncontroversial and including such a requirement in arbitral rules would simply entrench it in the arbitral process in an objective manner.”<sup>395</sup>

*c. Law firm policies*

*“Law firms should ... adopt (or amend) and publicize policies on arbitrator selection and appointment processes that feature as prominent requirements respecting the Pledge.”*<sup>396</sup>

Law firms can also adopt internal policies to guide decision making on arbitrator appointments. Policies may be as simple as Lucy Reed’s proposal that the arbitration community “spend just five minutes longer when drawing up a list of potential arbitrators to think of some suitably experienced women.”<sup>397</sup> The ERA Pledge has prepared a **Checklist of Best Practices for the Selection of Arbitrators**, which launched in October 2020. The Checklist outlines the best practices, methods, and tools available for the selection of arbitrators, relying on objective criteria that promote both efficiency and diversity in arbitrator selection.<sup>398</sup> Dr. Katherine Simpson and Dr. Anthony Marcum have also

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394. See Cision PR Newswire, JAMS Introduces Inclusion Rider, Promotes Diversity Initiatives in ADR (June 6, 2018), <<https://www.jamsadr.com/diversity/>> (last accessed Aug. 8, 2022).

395. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE* 89, p. 110 (Freya Baetens, Ed., 2020).

396. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE* 89, p. 99 (Freya Baetens, Ed., 2020).

397. Global Arbitration Review, Reed’s Diversity Equation, (Apr. 6, 2018), <<https://globalarbitrationreview.com/diversity/reeds-diversity-equation>> (last accessed Aug. 8, 2022).

398. Arbitration Pledge, The Era Pledge—Constitution of the Arbitral Tribunal: Checklist of Best Practices for the Selection of Arbitrators, <[https://assets.website-files.com/58a4313f62641fda6d995826/5fa3cfad308ce4cda9ba39ba\\_08424\\_PG\\_DR\\_ERA%20France%20guide-lines%20pdf\\_V4.pdf](https://assets.website-files.com/58a4313f62641fda6d995826/5fa3cfad308ce4cda9ba39ba_08424_PG_DR_ERA%20France%20guide-lines%20pdf_V4.pdf)> (last accessed Aug. 8, 2022).

published advice on how to improve searches for qualified arbitrator candidates that corrects for bias and increases the diversity and inclusivity of search results. Among various recommendations, they suggest: clearing cookies and changing search settings to ensure that online research is not influenced by prior search history or other filters; avoiding gendered search terms; and taking time to review shortlisted rosters in order to correct for bias.<sup>399</sup>

In a recent 2021 QMUL Survey, a significant number of those responding (46%) indicated that one of the means by which to increase diversity in international arbitration was through “commitment by counsel to suggesting diverse lists of arbitrators to clients.”<sup>400</sup> Pursuant to increasing the diversity of candidates proposed to clients, Three Crowns LLP has adopted an **Arbitrator Selection Policy**, which applies in arbitrations in which Three Crowns appears as counsel, but should also be kept in mind where possible when lawyers of Three Crowns are serving as arbitrators. The policy states that:

- “[a]t least 40 percent of people on any arbitrator shortlist generated by Three Crowns for the role as co-arbitrator, presiding arbitrator or sole arbitrator will be women, unless the particular circumstances of the case make this impossible” (where “impossible” means that, in light of the desired profile for an arbitrator in a particular case, it has not been possible, after reasonable diligence, to identify a sufficient number of women with that desired profile to comply with the policy);
- to monitor the policy, “[a] monthly email will be sent to all counsel and associates to collect any arbitrator shortlists that might have been generated in the previous month.” Where shortlists have not achieved 40% representation of women candidates, a follow up email will be sent to the matter partner(s) to understand the reasons why this was the case. Three Crowns then prepares an annual update to capture “(1) the percentage of women that are shortlisted; (2) the percentage of women appointments annually; and (3) a qualitative review of any barriers commonly experienced in shortlisting women candidates and/or selecting women arbitrators.”

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399. Katherine Simpson and Anthony Marcum, *CETA—Where Are the Women? Diffusing the Tough-Terminating Cliches That Impeded Diversity*, in *DIVERSITY IN INTERNATIONAL ARBITRATION: WHY IT MATTERS AND HOW TO SUSTAIN IT*, pp. 138-144 (Shahlia F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton, Eds., 2022).

400. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, p. 18 (2021).

**(iii) Use available resources to find qualified women candidates**

Several resources list qualified women candidates and highlight their credentials, allowing users to identify names of candidates to consider when nominating or appointing arbitrators. Other initiatives also promote information gathering about potential candidates as an alternative to word-of-mouth networking. We describe some of them below.

*a. The ArbitralWomen database*

The **ArbitralWomen database** is a search tool that allows users to find recommended women dispute resolution practitioners and arbitrators.<sup>401</sup> The database includes nearly 1,000 members from over 40 countries specializing in multiple jurisdictions and areas of law. Its objective is to promote and improve the visibility of women practitioners in international dispute resolution.

*b. The ERA Pledge Search Committee*

The **ERA Pledge Search Committee**<sup>402</sup> allows any person seeking assistance to submit a confidential form online to the Committee specifying the key credentials that they are looking for and the Committee returns a list of proposed candidates. The Committee’s aim is to provide proposals for women arbitrator candidates who are less well known, but who are considered to have relevant experience and credentials, thereby increasing their visibility among users of international arbitration. The assistance provided is made without any commitment or liability and is made to facilitate the search for potential women arbitrators. The proposals are made only to provide ideas for potential candidates and do not constitute official recommendations.

In addition, the ERA Pledge arranges “**Meet the female arbitrator**” events, which bring together counsel, in-house counsel, and women arbitrators in an informal format to allow attendees to meet women arbitrators from a particular region and/or in a particular sector. There have been several such events held in various jurisdictions and organized by different members of the ERA Pledge Steering Committee in conjunction with law firms or arbitral institutions. In addition to meeting arbitrators and arbitrator candidates face-to-face, attendees receive printed details of the names and CVs of the women arbitrators to refer to when the time comes to make a nomination.<sup>403</sup>

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401. For more information, see <<https://www.arbitralwomen.org/Find-Practitioners/>> (last accessed Aug. 8, 2022).

402. This form is available via the ICCA website (<[www.arbitration-icca.org/](http://www.arbitration-icca.org/)>).

403. For more information about past and future events, see <<http://www.arbitrationpledge.com/events>> (last accessed Aug. 8, 2022).

c. *Women Way in Arbitration, Latin America*

**Women Way in Arbitration** (“WWA Latam”), launched in May 2019, has set up a continuously updated list of Latin American arbitrators from its membership on which parties can draw for potential appointments, including profiles describing areas of expertise.<sup>404</sup> WWA Latam has entered into cooperation agreements with other arbitration institutions and centers to proactively offer recommended Ibero and Latin American women arbitrators, whose names result from a due diligence carried out on regular basis by WWA Latam in order to find and reach out to prospective candidates who have developed (and/or are developing) a career in arbitration. In doing so, WWA Latam considers any specific requirements provided by the prospective institution. WWA Latam’s membership includes Latin American women connected to arbitration practicing (as counsel, academics, experts, and arbitrators) not only in Latin America but throughout the world, including Europe, Asia, and the United States/Canada.

d. *Other available databases*

Many other databases and rosters provide information on qualified women arbitrator candidates. These include:

- **the lists of members of key arbitral institutions.** Several examples of these are discussed in Section IVA(vi), below;
- **panels and databases overseen by arbitral institutions and associations.** For example, the database of panel and list arbitrators administered by HKIAC, which allows users to search by (among other criteria) gender title;<sup>405</sup> the AAA roster of arbitrators and mediators that is composed of 24% women and minorities;<sup>406</sup> the SIAC Panel of Arbitrators which is comprised of more than 500 arbitrators from over 40 jurisdictions;<sup>407</sup> the JAMS directory of mediators, arbitrators, and dispute resolution professionals;<sup>408</sup> and the

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404. For more information, see <<https://wwarb.org/>> (last accessed Aug. 8, 2022).

405. The database is available at <<https://www.hkiac.org/arbitration/arbitrators/panel-and-list-of-arbitrators>> (last accessed Aug. 8, 2022).

406. For more information, see <<https://www.adr.org/DiversityInitiatives>> (last accessed Aug. 8, 2022).

407. The SIAC Panel of Arbitrators may be accessed at <<https://siac.org.sg/our-arbitrators/siac-panel#:~:text=SIAC's%20panel%20has%20over%20100,from%20more%20than%2025%20jurisdictions>> (last accessed Aug. 8, 2022).

408. The full list of JAMS ADR’s available neutrals is published online at <<https://www.jamsadr.com/neutrals/search?name=&keyword=&location=&practice=arbitration&language=>> (last accessed Aug. 8, 2022).

International Arbitration Institute’s (“IAI”) database of arbitration practitioners and arbitrators;<sup>409</sup>

- **directories and other online tools.** For example, the **Global Arbitration Review Arbitrator Research Tool** (“ART”) provides information about arbitration practitioners and arbitrators, including CVs and procedural preferences.<sup>410</sup> The ART allows users to search for practitioners, including by gender. In addition, it gives details of who has sat with or appeared before the profiled arbitrators in the last three years. It is promoted as facilitating “an up-to-date assessment of an arbitrator’s capabilities from someone you trust”;<sup>411</sup>
- **AAA-ICDR arbitrator lists:** Using an algorithm and based on parties’ qualifications for arbitrators, the AAA-ICDR provides arbitrator lists comprised of at least 20% diverse panelists.<sup>412</sup> In 2020 and 2021, 94% and 95% of arbitrator lists, respectively, were at least 20% diverse in terms of gender and/or ethnicity;<sup>413</sup>
- **the lists of members of key arbitral associations.** For example, the list of Members of the ICCA Governing Board and Executive Body reflects close to full gender parity.<sup>414</sup>

#### (iv) Address unconscious bias

Section IIIB(v) identifies the effect of unconscious bias on the appointment of women arbitrators. There are a number of initiatives set up to directly tackle unconscious bias. We set out a few key examples here.

##### *a. The Arbitral Women Diversity Toolkit*

In 2017, the AAA-ICDR Foundation funded the creation of the Arbitral Women Diversity Toolkit. Open to both women and men, the Toolkit is designed to promote and encourage women at all levels of dispute resolution. Through a full day of videos, demonstrations, interactive exercises and discussions, heterogeneous groups of 20 to 30 individuals discover and explore their own biases and learn to work around them. They also consider

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409. Available at <<http://www.iaiparis.com/index.asp>> (last accessed Aug. 8, 2022).

410. Available at <<https://globalarbitrationreview.com/arbitrator-research-tool>> (last accessed Aug. 8, 2022).

411. Available at <<https://globalarbitrationreview.com/info/subscribe>> (last accessed Aug. 8, 2022)

412. [Appendix H.9.](#)

413. [Appendix H.9.](#)

414. For more information, see <<https://www.arbitration-icca.org/about-icca>> (last accessed Aug. 8, 2022).

what each individual can do in his or her own work situation to foster diversity and inclusivity — by learning to be proactive in opening doors to talented women and diverse groups. The Diversity Toolkit has been offered by trained ArbitralWomen facilitators on four continents. It is available to groups around the world who are eager to promote diversity and the behavioral changes that will help to bring it about.<sup>415</sup>

As noted by Rekha Rangachari, Executive Director of the New York International Arbitration Center (“NYIAC”), “[d]uring the live segments of the ArbitralWomen Diversity Toolkit training programme, participants dive into the empirical metrics, underscoring that what can be measured can be changed.”<sup>416</sup>

Nearly 150 participants have attended Toolkit presentations. Several sessions planned for Asia, the Middle East and South America were postponed as the Toolkit experience is very much based on personal interactions and is thus ill-suited to virtual presentations. As COVID-19 restrictions relax, the presentations are resuming, with one in October in Singapore and others in the first quarter of 2023 in North and South America and the Middle East. Members of law firms, institutions, and other organizations are invited to contact ArbitralWomen for information about presenting the AW Toolkit in other jurisdictions.

*b. Implicit Association Tests*

**The Harvard Implicit Association Tests** provide a free and easy way for users to identify unconscious influences on their decision making. There are a number of tests that target different biases, including in relation to gender bias. Although the tests do not provide advice on how to address implicit biases, they are useful for raising awareness of them. The tests were set up by Project Implicit, which is a non-profit organization founded in 1998 by researchers from the University of Washington, Harvard University, and the University of Michigan.<sup>417</sup>

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415. For more information, see <<https://www.arbitralwomen.org/diversity-toolkit/>> (last accessed Aug. 8, 2022).

416. ArbitralWomen, Necessary Change: Planning Past Bias Through the ArbitralWomen Diversity Toolkit™ (May 6 2020), <<https://www.arbitralwomen.org/necessary-change-planning-past-bias-through-the-arbitralwomen-diversity-toolkit/>> (last accessed Aug. 8, 2022).

417. For more information about Project Implicit, see <<https://implicit.harvard.edu/implicit/aboutus.html>> (last accessed Aug. 8, 2022). See also David Robson, *What Unconscious Bias Training Gets Wrong ... and How to Fix It*, *The Guardian* (Apr. 25, 2021), <<https://www.theguardian.com/science/2021/apr/25/what-unconscious-bias-training-gets-wrong-and-how-to-fix-it>> (last accessed Aug. 8, 2022) (discussion on the limitations of these tests).

c. *The ABA’s “Bias Interrupters Tools for Success”*

In 2018, the ABA published a report on “**Interrupting Racial & Gender Bias in the Legal Profession**,” which included two toolkits, one for law firms and one for in-house departments with information for “how to interrupt bias in ... [h]iring, [a]ssignments, [p]erformance [e]valuations, [c]ompensation, and [s]ponsorship [b]est [p]ractice [r]ecommendations.”<sup>418</sup> In summary, the toolkits call on employers to use metrics to assess progress towards strategic goals, implement adjustments to business systems, and, where appropriate, “ratchet up” to implement stronger measures.

d. *Other approaches and resources*

There is a range of other approaches to tackling bias in different contexts.<sup>419</sup> In 2020, for example, Ericsson committed to increasing their gender representation, by, among other things, identifying which processes are prone to bias using data and analytics, standardizing these processes, and requiring fact-based decision-making with the expectation that every decision needs to be explained.<sup>420</sup> Google has published a training session that was held for its employees to track unconscious bias, recommending among other strategies, to ensure that before looking for a candidate to hire, it is important to clarify an objective test for what you are looking for: once you have that objective test set out, other characteristics such as gender should be secondary or even inconsequential.<sup>421</sup> As another approach, a speaker at the 15th Annual ITA-ASIL Conference in 2018 proposed that those considering appointing arbitrators might consider an alternative approach to

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418. Joan C. Williams, Marina Multhaup, Su Li, Rachel Korn, *You Can’t Change What You Can’t See: Interrupting Racial & Gender Bias in the Legal Profession*, in AMERICAN BAR ASSOCIATION AND MINORITY CORPORATE COUNSEL ASSOCIATION, p. 12 (2018), <<https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf>> (last accessed Aug. 8, 2022); Doyin Atewologun, Tinu Cornish, and Fatima Tresh, *Unconscious bias training: An assessment of the evidence for effectiveness*, Equality and Human Rights Commission: Research Report, p. 113, (Mar. 2018), <[https://www.ucd.ie/equality/t4media/ub\\_an\\_assessment\\_of\\_evidence\\_for\\_effectiveness.pdf](https://www.ucd.ie/equality/t4media/ub_an_assessment_of_evidence_for_effectiveness.pdf)> (last accessed Aug. 8, 2022).

419. Sheryl Sandberg’s “Lean In” initiative includes a number of video resources that explain different types of biases, how they can manifest themselves and how they might be addressed. These video resources can be found at <<https://leanin.org/education/what-is-unconscious-bias>> (last accessed Aug. 8, 2022).

420. Selina Milstam, *Unconscious Gender Bias in the Workplace: What It Is, What It Does and What To Do About It*, ERICSSON.COM (Oct. 15, 2020), <<https://www.ericsson.com/en/blog/2020/10/unconscious-gender-bias-in-the-workplace>> (last accessed Aug. 8, 2022).

421. Google Ventures, *Unconscious Bias @ Work*, YOUTUBE (Sep. 25, 2014), <<https://www.youtube.com/watch?v=nLjFTHtGEVU>> (last accessed Aug. 8, 2022).

arbitrator selection that is blind to gender, for example by compiling a list of desired gender-neutral characteristics before proceeding to assess more diverse candidates against this list.<sup>422</sup>

**(v) Be conscious of how women candidates are described to clients**

Clients listen to and depend on the recommendations and advice of their counsel. Lawyers should be conscious of discussing the credentials of qualified candidates in gender neutral terms and be open about their commitment to equality of opportunity for women.

If there is a choice to be made between a man and a woman candidate who are equally qualified, lawyers will help to promote diversity by recommending to the client the woman candidate, assuming there is no difference between them.

**(vi) Reflect greater diversity in institutional panels/rosters**

Arbitral institutions and other arbitration organizations can commit to ensuring that their panels/rosters reflect gender diversity or gender parity. As one commentator noted,

*“[e]very treaty-based roster of arbitrators serves as public verification of the listed persons’ credentials, backed by public accountability. The credence paid to these listings is enormous: disputing parties, academic institutions, governments ... rely on these lists when making appointments. Achieving gender parity in treaty-based lists of arbitrators could be the quickest and most effective step toward achieving gender parity in international dispute resolution.”*<sup>423</sup>

We note the following, as positive examples:

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422. See Apoorva Patel, *Implicit Bias in Arbitrator Appointments: A Report from the 15th Annual ITA-ASIL Conference on Diversity and Inclusion in International Arbitration*, KLUWER ARB. BLOG (May 7, 2018), <<http://arbitrationblog.kluwerarbitration.com/2018/05/07/implicit-bias-in-arbitrator-appointments-a-report-from-the-15th-annual-ita-asil-conference-on-diversity-and-inclusion-in-international-arbitration/>> (last accessed Aug. 8, 2022). While recognizing the complexities involved, Lucy Greenwood has similarly proposed that counsel advising clients on potential arbitrators could consider using standardized CVs that remove identifying information, or otherwise that institutions compile lists for parties in a way that removes any indication of the individual’s gender, including names. See Lucy Greenwood, *Could “Blind” Appointments Open Our Eyes to the Lack of Diversity in International Arbitration?*, 12 TRANSNAT’L DISP. MGMT. 1, p. 8 (2015).

423. See Simpson Dispute Resolution, Pro Bono, <<https://www.simpsonadr.net/pro-bono.php>> (last accessed Aug. 8, 2022).



- the list of Members of the **ICC**, whose Court’s 2018-2021 term reflects full gender parity and which elected its first woman President in 2021, includes 97 women and 96 men;<sup>424</sup>
- the list of Members of the **LCIA** Court, which is led by a woman President, and women serving as three of its seven Vice Presidents;<sup>425</sup>
- the **SIAC** Court of Arbitration is led by President Lucy Reed with nine other women Court Members and more than 60% of the lawyers in the SIAC Secretariat are women.<sup>426</sup> SIAC’s overall staff is 75% women, including its CEO, COO, Deputy Centre Director, Head (South Asia), Head (North East Asia), and Head (Americas);
- the **ICSID** Panels of Arbitrators and Conciliators, which include a diverse and qualified pool of arbitrator and conciliator candidates; ICSID moreover has a woman Secretary-General, with one of two Deputy Secretaries and four of six Team Leads being women;<sup>427</sup>
- the **ICAC** at the Ukrainian Chamber of Commerce, which is led by a woman Secretary General and has two Vice Presidents as women;<sup>428</sup>

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424. International Chamber of Commerce, Claudia Salomon Becomes President of ICC Court (Jul. 1, 2021), <<https://iccwbo.org/media-wall/news-speeches/claudia-salomon-becomes-president-of-icc-court/>> (last accessed Aug. 8, 2022); International Chamber of Commerce, ICC Renews Alexis Mourre as President and Nominates Court with Full Gender Parity and Unprecedented Diversity (Jun. 21, 2018), <<https://iccwbo.org/media-wall/news-speeches/icc-renews-alexis-mourre-president-nominates-court-full-gender-parity-unprecedented-diversity/>> (last accessed Aug. 8, 2022). *See also* Mireze Philippe, *How Has Female Participation at ICC Evolved?*, ICC DIGITAL LIBRARY, pp. 46-47 (Mar. 9, 2018), <[https://assets.website-files.com/58a4313f62641fda6d995826/5aa6947e739e6a0001c2e499\\_ICC%20Bulletin%20-%20-%20How%20has%20female%20representation%20at%20the%20ICC%20evolved%20.pdf](https://assets.website-files.com/58a4313f62641fda6d995826/5aa6947e739e6a0001c2e499_ICC%20Bulletin%20-%20-%20How%20has%20female%20representation%20at%20the%20ICC%20evolved%20.pdf)> (last accessed Aug. 8, 2022) (describing the increase in the number of female Court members from 2000 to 2018, listing those members by name).

425. For more information, *see* <<https://www.lcia.org/LCIA/the-lcia-court.aspx>> (last accessed Aug. 8, 2022).

426. For more information, *see* <<https://www.siac.org.sg/about-us/about-us/ceo-and-secretariat/>> (last accessed Aug. 8, 2022).

427. For more information, *see* <<https://icsid.worldbank.org/resources/panels-of-arbitrators-and-of-conciliators>> (last accessed Aug. 8, 2022). *See also* Meg Kinnear, *Advancing Diversity in International Dispute Settlement*, WORLD BANK BLOG (Mar. 8, 2019), <<https://blogs.worldbank.org/voices/advancing-diversity-international-dispute-settlement>> (last accessed Aug. 8, 2022), (noting that “[a]s of 2018, 19% of designees made by states were women” and that “of the 20 new designations made by the Chair of the Administrative Council in 2018, 50% were women”).

428. *See Appendix H.12*. For more information, *see* <<https://icac.org.ua/en/pro-icac/struktura/>> (last accessed Aug. 8, 2022). *See also* International Commercial Arbitration Court, ICAC Is Shortlisted for the Equal Representation in Arbitration Pledge Award by GAR, <<https://icac.org>>

- the panel of **CAS** arbitrators includes the names of 58 qualified women.<sup>429</sup> The International Council of Arbitration for Sport (“ICAS”) reflects gender parity, with 10 women and 10 men members.<sup>430</sup> The ICAS Board, which is the body that acts on behalf of ICAS throughout the year, is composed of three women and two men;<sup>431</sup>
- **the American Chamber of Commerce of Peru** (“AmCham Peru”), whose Arbitration Court members are, by majority, women (five out of nine);<sup>432</sup>
- the **HKIAC** Secretariat comprises four out of five women in lead positions;<sup>433</sup>
- executives from **AAA-ICDR**’s divisions actively recruit women and minority candidates who meet the criteria established for the panels.<sup>434</sup> In 2020, 51% of new panel members were women and/or minorities.<sup>435</sup> The proportion of women and minorities on the AAA’s roster has grown steadily from 23% in 2017 to 29% in 2021;<sup>436</sup>
- the membership of the **ACICA** executive committee represents gender parity, with the first woman President having been elected in 2019 and the second in 2021. Two of the three Vice Presidents are women, and the Secretariat is led by a woman Secretary General.

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org.ua/en/novyny-ta-publikatsiyi/novyny/gar-nominuvav-icac-na-otrymannya-mizhnarodnoyi-premiyi-za-rivne-predstavlennya-zhinok-v-arbitrazhi/> (last accessed Aug. 8, 2022).

429. Notably, however, CAS reports that 58 qualified women arbitrators make up only 13.9% of the total 416 CAS arbitrators. Anecdotally, although the ICAS Membership Commission encourages the candidatures of women arbitrators, in practice, women arbitrators are rarely appointed by parties, and most women arbitrators appointed to CAS panels are nominated by the CAS Division Presidents, when the parties have no influence on the appointment. This could potentially be attributed to the fact that parties in CAS proceedings rarely are represented by women counsel on a regular basis. There thus remains much room for improvement in the world of sports arbitration, both in terms of arbitrators and practitioners. For more information, see <<https://www.tas-cas.org/en/arbitration/liste-des-arbitres-liste-generale.html>> (last accessed Aug. 8, 2022).

430. For more information, see <<https://www.tas-cas.org/en/icas/members-2019-2022.html>> (last accessed Aug. 8, 2022).

431. For more information, see <<https://www.tas-cas.org/en/icas/the-board.html>> (last accessed Aug. 8, 2022).

432. See AmCham Peru, *Corte de Arbitraje*, <<https://amcham.org.pe/abitraje/corte-de-arbitraje/>> (last accessed Aug. 8, 2022).

433. [Appendix H.7.](#)

434. [Appendix H.9.](#)

435. [Appendix H.9.](#)

436. [Appendix H.9.](#)

**(vii) Promote transparency**

*“Statistics have aided the international arbitration community’s appreciation of the scale of the problem, facilitated an understanding of how it manifests in selection and appointment processes, and provided the tools with which to measure change.”*<sup>437</sup>

*“Statistics allow us not only to see the scale of the problem, but also to celebrate victories.”*<sup>438</sup>

*“I am convinced that sharing experience about such initiatives may inspire other firms.”*<sup>439</sup>

As Section II of this Report identifies, a significant trend in recent years has been improved transparency in the number of women appointed to arbitral tribunals, which in turn has helped to promote awareness of the issue of gender diversity and identify where additional work is needed.<sup>440</sup> Increased transparency regarding arbitral appointments is also generally favored by users of arbitration. For example, the International Court of Arbitration publishes on the **ICC** website the list of arbitrators nominated and the method of their nomination each month.<sup>441</sup> As the 2016 BLP Survey found, a “substantial majority (70%)” of respondents “thought that it was desirable for such statistics to be published. Interestingly, 28% said that the content of the statistics would influence their choice of institutional rules in the future.”<sup>442</sup> To make the appointment of arbitrators more transparent, the **VIAC** publishes on its website certain data of the arbitrators.<sup>443</sup> Among these are the arbitrator’s name, his or her country of residence, the role in the proceedings, the mode of appointment, the date when the file was transferred to the

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437. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE?* 89, p. 103 (Freya Baetens, Ed., 2020).

438. Jacomijn van Haersolte-van Hof, *DEUTSCHE ZUSAMMENARBEIT & ARBITRAL WOMEN, WOMEN PIONEERS IN DISPUTE RESOLUTION*, p. 218 (2d ed., 2018).

439. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

440. See Section II of this Report.

441. See International Chamber of Commerce, ICC Arbitral Tribunals, <<https://iccwbo.org/dispute-resolution-services/arbitration/icc-arbitral-tribunals/>> (last accessed Aug. 5, 2022).

442. Berwin Leighton Paisner, *International Arbitration Survey: Diversity on Arbitral Tribunals. Are We Getting There?*, p. 10 (Jan. 12, 2017), <<https://www.bclplaw.com/images/content/1/5/v2/150194/FINAL-Arbitration-Survey-Report.pdf>> (last accessed Aug. 4, 2022).

443. See <<https://www.viac.eu/en/arbitration/viac-arbitral-tribunals/>> (last accessed Aug. 11, 2022). This applies for all cases pending as of January 1, 2017 or thereafter.

arbitrator, the status of his or her mandate (whether it is still active) and whether the case as such is still pending. Further information, such as details of the case or the names of the parties, are not published.

However, the tracking and publication of data and statistics about arbitrator appointments has come almost exclusively from arbitral institutions, and there are few initiatives that attempt to collate and track this information from law firms.

One initiative in Germany, the joint **DIS-ERA Pledge Gender Champion Initiative**, has been set up specifically to track the extent to which law firms are promoting gender diversity on arbitral tribunals. The DIS-ERA Pledge Gender Champion Initiative, which was launched by the German Arbitration Institute (DIS) together with the ERA Pledge at the end of 2019, successfully completed its first pilot year in Germany this year. The pillar of the Gender Champion Initiative is self-monitoring. Firms and organizations nominate one or more Gender Champions who monitor the firm's arbitrator appointment data and join regular calls to report on progress and share best practices. More than 30 Gender Champions of 23 firms have joined the initiative and have built an active network inside and outside their firms. The party appointments of women arbitrators at DIS increased in 2020, the first year the Gender Champions were active in their firms. Although there is no evidence of a direct causal link with the Gender Champion Initiative, it is possible that the number of women arbitrators appointed in DIS-administered proceedings increased thanks to the joint efforts of the Gender Champions. DIS and ERA Pledge are now looking into expanding the initiative to other jurisdictions by setting up regional sub-groups.<sup>444</sup>

## B. I am an in-house counsel or a litigation funder: What can I do?

*“[I]n -house counsel have the ultimate power to choose between potential arbitrator candidates and so the onus is on them to encourage diversity by their choices.”<sup>445</sup>*

Funders and in-house counsel have significant influence over the approach taken to arbitrator selection in their arbitrations. We highlight a few steps that can be taken by funders or in-house general counsel to contribute to improving gender diversity on arbitral tribunals.

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444. More details on the project as well as the names of the Gender Champions who have signed up so far can be found here: <<http://www.disarb.org/en/80/content/gender-champion-initiative-id80>> (last accessed Aug. 8, 2022).

445. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, p. 18 (2021).

**(i) Commit to do more**

*“Gender equality and diversity at large should become a standard feature of the collaboration between in-house counsel and external law firms, on both sides.”*<sup>446</sup>

Several initiatives highlighted in Section IVA(i) are equally available to in-house counsel as they are to external counsel, including the option to sign existing pledges or prepare tailored commitments. We highlight a few additional initiatives below.

*a. Statements and open letters*

In 2019, a group of 65 general counsel spanning major companies from the UK and Europe signed a statement supporting diversity and inclusion in the workplace.<sup>447</sup> Among the various commitments made, signatories pledged to “encourage greater diversity and inclusion in our own businesses and cooperate to foster these same values throughout the legal profession and the broader business community,” and to “undertake to practice and advance diversity and inclusion by ... [e]ncouraging and partnering with our law firms to adopt best practices in diversity and inclusion.”<sup>448</sup>

A similar letter was published in 2019 by more than 170 general counsel from top U.S. companies, stating that “[we] expect the outside law firms we retain to reflect the diversity of the legal community and the companies and the customers we serve” and noting disappointment that “many law firms continue to promote partner classes that in no way reflect the demographic composition of entering associate classes” (referring to partnership classes that “remain largely male and largely white”).<sup>449</sup> The letter concludes that the signatory companies “will direct our substantial outside counsel spend to those

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446. Felix Ehrat, Chair of the IBA Corporate Counsel Forum and former Group General Counsel and Member of the Executive Committee at Novartis, quoted in Ruth Green, *GCs Must Do More to Help Law Firms Address ‘Glacial Progress’ on Equality*, IBA (Nov. 20, 2019) <<https://www.ibanet.org/article/a14c0e1c-f30e-4d80-bb00-785faa023990>> (last accessed Aug. 8, 2022).

447. European General Counsel for Diversity & Inclusion, A Statement of Support, <<https://images.law.com/contrib/content/uploads/sites/378/2019/03/Statement-of-intent.jpg>> (last accessed Aug. 8, 2022).

448. European General Counsel for Diversity & Inclusion, A Statement of Support, <<https://images.law.com/contrib/content/uploads/sites/378/2019/03/Statement-of-intent.jpg>> (last accessed Aug. 8, 2022).

449. Christine Simmons, *170 GCs Pen Open Letter to Law Firms: Improve on Diversity or Lose Our Business*, THE AMERICAN LAWYER (Jan. 27, 2019), <<https://www.law.com/american-lawyer/2019/01/27/170-gcs-pen-open-letter-to-law-firms-improve-on-diversity-or-lose-our-business/>> (last accessed Aug. 8, 2022).

law firms that manifest results with respect to diversity and inclusion, in addition to providing the highest degree of quality representation.”<sup>450</sup> Similar initiatives could be undertaken by users of arbitration in or across other jurisdictions.

*b. The ERA Pledge Corporate Sub-Committee*

The ERA Pledge is also open to signatories representing governments, clients, funders, and lawyers.<sup>451</sup> In addition, the **ERA Pledge Corporate Sub-Committee** (“CSC”) has been specifically set up to engage with corporate users of arbitration and improve gender diversity in party nominations.<sup>452</sup> In December 2020, the CSC published Corporate Guidelines for Implementation of the ERA Pledge, aimed at providing corporate signatories with a framework for concrete steps in the form of best practice principles to assist in the implementation of the Pledge within their organizations.<sup>453</sup> In 2019, the CSC started organizing “meet the female arbitrator” events for in-house counsel involved in arbitrator appointments. Two of the most recent of these events took place virtually in July 2022, relating to the launch of the ERA Pledge in the Asia-Pacific and a “Meet Your Female Arbitrator” event organized by Italian members of the ERA Pledge.<sup>454</sup>

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450. Christine Simmons, *170 GCs Pen Open Letter to Law Firms: Improve on Diversity or Lose Our Business*, THE AMERICAN LAWYER (Jan. 27, 2019), <<https://www.law.com/american-lawyer/2019/01/27/170-gcs-pen-open-letter-to-law-firms-improve-on-diversity-or-lose-our-business/>> (last accessed Aug. 8, 2022).

451. For more information, see <<http://www.arbitrationpledge.com/>> (last accessed Aug. 8, 2022). Government signatories include: the Government of Canada (Global Affairs Canada and Justice Canada), the Government of Panama (Autoridad del Canal de Panamá), the Government of Egypt (Egyptian Office For Trading), the Government of India (Ministry of Finance), the Government of Malaysia (Attorney General’s Office), and the Government of Palestine (Ministry of National Economy). Funding institutions that have signed up to the ERA Pledge include: Burford Capital, Vannin Capital, Bentham IMF, Nivalion AG, and Tenor Capital.

452. Members of the ERA Pledge Corporate Sub-Committee include representatives of: BP (Sam Bakstad), Freshfields Bruckhaus Deringer LLP (Sylvia Noury and Ashley Jones), Rio Tinto (Geoffrey David), Conoco-Phillips (Kelly Herrera), Veolia (Alison Pearsall), Enel (Beatriz Sais Marti), Anglo American (Kate Wilford), Barclays (Patrizia Masselli), Coty (Thomas Wright Jr), Total (Gwendoline Brooker), AECOM (Nav Juty), Chevron (Arjun Agarwal), Burford Capital (Giulia Previti), Vannin Capital (Yasmin Mohammad), Standard Chartered Bank (Sapfo Constantatos), Airbus (Karl Hennessee), and Shell (Sarah Walsh). See Equal Representation in Arbitration, Corporate Sub-Committee, <<http://www.arbitrationpledge.com/steering-committees>> (last accessed Aug. 11, 2022).

453. For more information, see <<https://www.arbitralwomen.org/launch-of-the-era-pledge-corporate-guidelines/>> (last accessed Aug. 8, 2022).

454. For more information, see <<http://www.arbitrationpledge.com/events>> (last accessed Aug. 5, 2022).

**(ii) Be open to, or even require, diversity**

The recent 2021 QMUL Survey indicated that, even in circumstances where counsel propose more diverse arbitrator candidates to clients, there may be “resistance from ... clients when [counsel] do suggest candidates with whom the clients are relatively unfamiliar” and that “similarly, clients are often not willing to trust suggested names who have less experience as arbitrators.”<sup>455</sup> In these circumstances, in-house counsel or litigation funders play a role in being open to considering more diverse, possibly lesser known candidates. Beyond this, in-house counsel or litigation funders may even go so far as to *require* more diverse arbitrator candidate lists from counsel. We describe a few opportunities to do so, below.

*a. Require representation and promotion of women in legal counsel teams*

*“One of the most important ways that GCs can use their ‘power of the purse’ is to retain women to run their cases and serve as first chairs in any disputes. If women are not provided with such opportunities and direct support by GCs, they will not significantly advance and the gender gap will persist.”*<sup>456</sup>

*“GCs should use their considerable economic clout to incentivize law firms to promote gender equity and to consider taking away business from those who fail to do so. They should insist upon gender diverse legal teams, with women being given leadership roles, and equitable treatment of the women who handle their matters in the firm’s origination credit and client succession decisions.”*<sup>457</sup>

*“Are Human Resources in companies aware of the under-representation [of women arbitrators and counsel] on their external providers? Would they comply with their own internal policies if they knew of the discrimination against women?”*<sup>458</sup>

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455. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, p. 18 (2021).

456. Carolyn Lamm, Partner at White & Case LLP, quoted in 2020 BURFORD EQUITY PROJECT STUDY: GENERAL COUNSEL & THE GENDER GAP IN LAW, BURFORD EQUITY (2020).

457. Roberta Liebenberg, Partner at Fine, Kaplan & Black, quoted in 2020 BURFORD EQUITY PROJECT STUDY: GENERAL COUNSEL & THE GENDER GAP IN LAW, BURFORD EQUITY, p. 43 (2020).

458. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

In-house counsel can significantly influence the gender diversity of external counsel teams working for them and, in doing so, can contribute to enabling women lawyers to gain additional experience that may one day lead to arbitral appointments.

A simple way to achieve this is to require that external counsel teams reflect gender diversity. According to a recent report published by the **Burford Equity Project**, “[m]ost companies lack a formal policy that outside counsel must meet gender-based diversity requirements.”<sup>459</sup> However, such policies can influence how law firms treat the issue of gender diversity.

Many companies have in recent years taken a more proactive approach to requiring law firms or specific legal teams to reflect greater gender diversity.<sup>460</sup> The Burford Equity Project’s study found that “[a]most half of all interviewees (48%) say that their companies have asked their law firm to put a woman on a litigation or arbitration team.”<sup>461</sup> Examples of companies with diversity policies include HP, which in 2017 made it a requirement for its panel of firms to meet diversity targets, or otherwise be subject to a 10% invoice withholding provision.<sup>462</sup> In the same year, Facebook adopted a new policy that requires that women and ethnic minorities account for at least 33% of law firm teams working on its matters. This includes the requirement that law firms show that they “actively identify and create clear and measurable leadership opportunities for

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459. 2020 BURFORD EQUITY PROJECT STUDY: GENERAL COUNSEL & THE GENDER GAP IN LAW, BURFORD EQUITY p. 18 (2020) (noting that “80% of GCs and senior in-house lawyers say their companies lack such a policy”).

460. See Cosmo Sanderson, *Nordic Companies Seek Diversity in Law Firms*, GAR (Mar. 26, 2021), <[https://globalarbitrationreview.com/nordic-companies-seek-diversity-in-law-firms?utm\\_source=China%2Bsanctions%2BEssex%2BCourt%2BChambers&utm\\_medium=e-mail&utm\\_campaign=GAR%2BAlerts](https://globalarbitrationreview.com/nordic-companies-seek-diversity-in-law-firms?utm_source=China%2Bsanctions%2BEssex%2BCourt%2BChambers&utm_medium=e-mail&utm_campaign=GAR%2BAlerts)> (last accessed Aug. 8, 2022).

461. 2020 BURFORD EQUITY PROJECT STUDY: GENERAL COUNSEL & THE GENDER GAP IN LAW, BURFORD EQUITY p. 28 (2020)(noting that the motivation for doing so varies: “[s]ome say they asked for the best lawyer who happened to be a woman; others for strategic reasons such as relevance to a jury or type of matter; and others for diversity of perspective”).

462. See Jennifer Williams-Alvarez, HP, *Mandating Diversity, Will Withhold Fees From Some Firms*, LAW.COM (Feb. 14, 2017). See also Legal Executive Institute, *Making the Business Case for Diversity* (Nov. 8, 2018), <<https://blogs.thomsonreuters.com/legal-uk/2018/11/08/making-the-business-case-for-diversity/>> (last accessed Aug. 8, 2022) (recording an interview with Kim Rivera, HP’s Chief Legal Officer and General Counsel, in which she stated, “[H]ow I lead is with the unwavering intention of walking the talk by creating a diverse, innovative, high-performing in-house legal team that has demonstrated the power of diversity professionally and personally. I set clear expectations and incentives—including financial incentives—around D&I that are applied with fairness and rigor. My approach is the same for our outside law firms. Last year we established a mandate with our external firms requiring them to meet exacting diversity staffing requirements and levying a 10 percent invoice withholding provision for failure to meet the requirements.”).



women and minorities” when representing the company in litigation and other legal matters, including opportunities such as “serving as relationship managers and representing Facebook in the courtroom.”<sup>463</sup> In 2019, General Motors reduced the number of outside counsel firms it engages to just 19 strategic legal partners, using diversity as a factor in its selection.<sup>464</sup> Similarly, BT reduced its panel of advisors and announced that new appointments would be influenced in part by law firms’ diversity and inclusion statistics across its partners, associates, and trainees.<sup>465</sup> In 2021, the Coca-Cola Company launched one of the most rigorous outside counsel diversity programs yet, requiring law firms to give a portion of work to Black attorneys and withholding a nonrefundable 30% of fees from those that fail to meet diverse staffing metrics.<sup>466</sup> The arbitration and litigation funder, Bentham IMF (now known as Omni Bridgeway), has also observed that “[m]any companies ... will no longer tolerate pitches from legal teams with no gender diversity and—critically—women included on those teams cannot be ‘tokens’ relegated to non-speaking, background roles.”<sup>467</sup>

Members of the Task Force noted anecdotally the increasing occurrence of in-house counsel demanding teams of lawyers that represent a balance of men and women associates, including senior women advocates. For instance, Burford Capital noted an anecdotal example of growing pressure from clients in a Q&A with Sophie Nappert and Saadia Bhatti:

*“[M]y firm was recently invited by one of the biggest French companies to pitch its services and the core six partners across our firm were interviewed by a women-only group of more than ten in-house lawyers representing the company. Clearly, the company wanted to send over a message: We take gender diversity*

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463. Ellen Rosen, *Facebook Pushes Outside Law Firms to Become More Diverse*, N.Y. TIMES (Apr. 2, 2017), <<https://www.nytimes.com/2017/04/02/business/dealbook/facebook-pushes-outside-law-firms-to-become-more-diverse.html>> (last accessed Aug. 8, 2022).

464. See Laura Noonan, *Female lawyers: initiatives to break through career barriers*, FIN. TIMES (Dec. 10, 2019), <<https://www.ft.com/content/a8a6ddea-0637-11ea-a958-5e9b7282cbd1>> (last accessed Aug. 8, 2022).

465. Cristiano Dalla Bona, *BT throws down gauntlet to panel: “Our most diverse firm gets rehired automatically,”* THE LAWYER (Apr. 27, 2020) <[https://www.thelawyer.com/bt-throws-down-gauntlet-to-panel-our-most-diverse-firm-gets-rehired-automatically/?cmpid=dnews\\_13397974&utm\\_medium=email&utm\\_source=newsletter&utm\\_campaign=dnews&adg=32CCF51F-7155-4F4B-8DED-8EF3892EE1F5](https://www.thelawyer.com/bt-throws-down-gauntlet-to-panel-our-most-diverse-firm-gets-rehired-automatically/?cmpid=dnews_13397974&utm_medium=email&utm_source=newsletter&utm_campaign=dnews&adg=32CCF51F-7155-4F4B-8DED-8EF3892EE1F5)> (last accessed Aug. 8, 2022).

466. Ruiqi Chen, *Coke GC Tired of ‘Good Intentions,’ Wants Firm Diversity Now*, BLOOMBERG LAW (Jan. 28, 2021), <<https://news.bloomberglaw.com/business-and-practice/coke-gc-tired-of-good-intentions-wants-law-firm-diversity-now>> (last accessed Aug. 8, 2022).

467. Bentham IMF Blog, *How Bentham’s Gender Diversity Helps Clients*, (Nov. 26, 2019), <<https://omnibridgeway.com/insights/blog/blog-posts/global/2019/11/26/how-bentham’s-gender-diversity-helps-clients>> (last accessed Aug. 8, 2022).

*very seriously and we want to know what you are actively doing to promote diversity within the firm. We had to put our numbers out there and during the interview the company representatives said something as specific as ‘when you send over a team pitch and there are no women in the team or it’s led by a non-woman, it’s insulting for us who are making the decision.’*<sup>468</sup>

Pressure from clients has led to reshuffling of team members in order to ensure a more inclusive and diverse team. Where there are shortages of women team members, these shortages have exposed the need to hire and retain women talent.

*b. Engage with and sponsor junior women members of counsel teams*

Clients can also take a proactive approach to developing relationships with more junior, women members of a team, in an effort to enable women to build client relationships. In a 2019 report, the IBA noted that “[a]lthough some firms have made progress on establishing sponsorship programs for women lawyers, there’s still a strong tendency for men partners to look to more junior men lawyers to pass on clients,” making it “very difficult for women in firms to inherit client relationships from the more senior partners.”<sup>469</sup> The same report quotes Richard Price, Group General Counsel and Company Secretary at Anglo American, who referred to the benefits of engaging with more junior (often women) members of the team, and explained that “[o]ne thing I’ve asked my team to do is to be really thoughtful about who they call for an instruction. If you call the guy who took you out golfing last weekend that has consequences. If you call the junior partner who happens to be the woman who does all the work, that has consequences. So think about who gets the call. That will help.”<sup>470</sup> Similarly, one commentator has suggested that clients “make a point of championing a particular female associate whose work is valued, by asking specific questions about what provision has been made to set out her route to partnership.”<sup>471</sup>

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468. Burford Capital Blog, Q&A: Sophie Nappert and Saadia Bhatti (Part II) (Nov. 1, 2019), <<https://burfordcapital.com/insights/insights-container/qa-sophie-nappert-and-saadia-bhatti-part-ii/>> (last accessed Aug. 8, 2022).

469. Ruth Green, *GCs Must Do More to Help Law Firms Address ‘Glacial Progress’ on Equality*, IBANET.ORG (Nov. 20, 2019), <<https://www.ibanet.org/article/a14c0e1c-f30e-4d80-bb00-785faa023990>> (last accessed Aug. 8, 2022).

470. Ruth Green, *GCs Must Do More to Help Law Firms Address ‘Glacial Progress’ on Equality*, IBANET.ORG (Nov. 20, 2019), <<https://www.ibanet.org/article/a14c0e1c-f30e-4d80-bb00-785faa023990>> (last accessed Aug. 8, 2022).

471. Alice Southall, *Tackling Gender Inequality in the Law—the Role of In-House Lawyers, and Quotas*, THOMSON REUTERS (Aug. 14, 2019), <<https://blogs.thomsonreuters.com/legal-uk/2019/08/14/tackling-gender-inequality-in-the-law-the-role-of-in-house-lawyers-and-quotas/>> (last accessed Aug. 8, 2022).

A recent study by the Burford Equity Project cites a number of other ways in which in-house counsel can help promote gender equality in law firms, including: rewarding law firms that adopt sponsorship programs that ensure retention of diverse talent; requiring transparency in how origination credit is awarded within the firm; asking for women who take maternity leave during the life-span of a case to be reassigned to those matters when they return to work; considering awarding or deducting success fees based on diversity metrics and billing by diverse professionals; and establishing mentorship schemes between mid-level associates and outside counsel to cultivate talent.<sup>472</sup>

c. *Require diversity in arbitrator appointments*

*“Women who hold the position of General Counsel in corporations could assist by insisting that their outside counsel appoint women that they know and trust as Party arbitrators. Women arbitrators could make more of an effort to recommend other women arbitrators that they know and trust to law firms and institutions.”*<sup>473</sup>

The initiatives highlighted above are a positive way to incentivize action to address “leaks” and “plugs” in the pipeline of women arbitrators. A similar approach to affirmative action could be taken in the context of arbitrator appointments. Clients can, for example, require that when counsel advise them on suggested names for arbitrator nominations, the suggestions reflect gender diversity or gender parity.

Linda Gerstel has proposed that in-house counsel adopt an “action-based checklist: Account, Awareness, Access, Ask, and Appoint” that contains “five basic categories with specific suggestions for General Counsel to implement in coordination with outside counsel, ADR provider organizations and administrators of local court panels.”<sup>474</sup> Specifically, the “Account” category proposes that counsel create a committee which will be accountable for establishing goals, benchmarks, and time periods to reach those goals; the “Awareness” category proposes that counsel raise awareness within the client organization as well as with outside counsel and ADR providers; the “Access” category proposes that clients promote the need to address pipeline “leaks”; the “Ask” category proposes that external counsel take a number of steps to demand diversity:

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472. BURFORD EQUITY, 2020 BURFORD EQUITY PROJECT STUDY: GENERAL COUNSEL & THE GENDER GAP IN LAW, p. 19 (2020).

473. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

474. Linda Gerstel, *Stop ADR Diversity From Falling Through the Cracks: A General Counsel Checklist Manifesto*, 37 NYSBA INSIDE 10 (2019). See also Atul Gawande, *The Checklist Manifesto: How to Get Things Right* (2009).

*“First, ask ADR provider organizations about policies and practices regarding diversity and how they can be improved and ask them to stretch their benchmarks. Second, ask your corporate outside counsel to consider adding the JAMS diversity inclusion language in your dispute resolution clauses [as to which, see Section IVA(ii)(b), above]. Third, ask outside counsel to have a program offering young lawyers ... opportunities to shadow neutrals and buddy systems. Fourth, ask your ADR provider organizations and your outside counsel to have programs to meet diverse neutrals. Fifth, ask and research information about diverse neutrals outside of your bubble. Do not stop at one email circulated within the firm. Sixth, ask your outside counsel what steps were taken to research diverse neutrals before settling on a name brand.”<sup>475</sup>*

The final “Appoint” category urges outside counsel to select diverse arbitrators whenever practicable and based on informed decisions.<sup>476</sup>

### (iii) Sponsor diversity initiatives

Both clients and litigation funders can reinforce diversity in international arbitration by encouraging and sponsoring initiatives undertaken by other stakeholders. For funders, this includes providing funds or similar risk pooling/transfer opportunities; for clients and other stakeholders, this includes leveraging that funding to promote gender diversity in international arbitration. We identify two examples in this Section.

#### a. *The Burford Capital Equity Project*

One example is the strategy undertaken by Burford Capital through its “**Equity Project**.”<sup>477</sup> The Equity Project was born out of the observation that, since Burford’s inception in 2009, of the thousands of matters brought to it each year for funding, less than 5% had a woman in a leading role. Burford concluded that an economic incentive for change

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475. Linda Gerstel, *Stop ADR Diversity From Falling Through the Cracks: A General Counsel Checklist Manifesto*, 37 NYSBA INSIDE 10 (2019).

476. Linda Gerstel, *Stop ADR Diversity From Falling Through the Cracks: A General Counsel Checklist Manifesto*, 37 NYSBA INSIDE 10 (2019).

477. Burford Capital, The Equity Project, <<https://www.burfordcapital.com/about-burford/citizenship/projects-container/the-equity-project/>> (last accessed Aug. 8, 2022). *See also* Cision PR Newswire, Burford Capital earmarks \$100 million in expansion of award-winning economic incentive to promote diversity in law, now to include racial diversity (Oct. 13, 2021), <<https://www.prnewswire.com/news-releases/burford-capital-earmarks-100-million-in-expansion-of-award-winning-economic-incentive-to-promote-diversity-in-law-now-to-include-racial-diversity-301399323.html>> (last accessed Aug. 8, 2022).

was needed in the form of a pool of capital through which women lawyers and the clients and firms for which they work could shift risk to a third party for matters they lead.

In October 2021, Burford earmarked a further \$100 million to the Equity Project and broadened its mission to address both women and racially diverse lawyers who have been historically underrepresented in the business of law.<sup>478</sup> As of March 1, 2022, Burford announced that it had committed over \$100 million to back commercial litigation and arbitration matters led by female and racially diverse lawyers.<sup>479</sup>

In earmarking capital through The Equity Project, Burford seeks to provide women and racially diverse lawyers an edge as they pursue leadership positions in significant commercial litigations and arbitrations and ease pathways towards origination and client relationship credit. Further, when Equity Project investments resolve successfully, Burford will contribute on behalf of the client some of Burford's balance sheet profits to a charitable organization focused on advancing the careers of women and diverse lawyers.

Arbitration is a focus area for Burford and the Equity Project. Of the 27 global Equity Project Champions—men and women who help Burford ensure that women lawyers are aware of the capital available—eight are leaders in international arbitration and dispute resolution. Further, of the nearly \$57 million committed in phase one of the Equity Project, 24% was committed to support women-led international arbitration claims. Arbitration claims that may qualify for Equity Project financing include matters where a woman or racially diverse lawyer is first or second chair, serves as lead counsel, earns the origination credit, is the client-relationship manager, or where the client is being represented by a law firm that is owned by women or racially diverse lawyers.

By introducing an economic incentive allowing women and racially diverse lawyers more flexibility in offering clients alternative fee solutions, Burford's Equity Project gives women and racially diverse lawyers an edge in competitive new business situations. It provides further incentive for in-house lawyers to ask their law firms to appoint women and diverse counsel. The capital pool also incentivizes law firms to proactively promote women and racially diverse lawyers as the lead on cases and to build business, while simultaneously attempting to compensate for the implicit bias women and racially diverse lawyers often face in their firms and with their clients.

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478. Burford Capital, The Equity Project, <<https://www.burfordcapital.com/about-burford/citizenship/projects-container/the-equity-project/>> (last accessed Aug. 8, 2022). *See also* *Cision PR Newswire, Burford Capital earmarks \$100 million in expansion of award-winning economic incentive to promote diversity in law, now to include racial diversity* (Oct. 13, 2021), <<https://www.prnewswire.com/news-releases/burford-capital-earmarks-100-million-in-expansion-of-award-winning-economic-incentive-to-promote-diversity-in-law-now-to-include-racial-diversity-301399323.html>> (last accessed Aug. 8, 2022).

479. Burford Capital surpasses \$100 million in Equity Project commitments, <<https://www.burfordcapital.com/media-room/media-room-container/press-release-equity-project-march-2022-update/>> (last accessed Aug. 8, 2022).

b. *The Move the Needle Fund*

In late 2019, over two dozen general counsel together with four large law firms initiated the “**Move the Needle Fund**,” investing \$5 million in new approaches to be adopted over the course of five years to better reflect diversity in the upper ranks of law firms.<sup>480</sup> The founding firms involved include Eversheds Sutherland (US), Nixon Peabody, Orrick, and Stoel Rives, which have each committed to setting “aggressive, measurable diversity goals ... experiment[ing] with research-based and data-driven ways to achieve them, and ... publicly report[ing] their progress.”<sup>481</sup> The founding general counsel include representatives from Uber, Pfizer, eBay, PNC Financial Services, Starbucks Coffee Company, Ford Motor Company, and others, each of which “will invest time and resources to support each [Move the Needle] firm with achieving their goals, while also piloting new diversity initiatives in [their] own legal departments and with [their] current outside counsel firms.”<sup>482</sup> The specific goals for law firms target new approaches to hiring, work/life integration, professional development, and addressing implicit bias, as well as pitching innovative and novel initiatives that address diversity.<sup>483</sup> A more recent initiative, signed by Gap, Hewlett-Packard, and U.S. Bank, among others, called the Move the Needle Fund Diversity Dividends Collective, is aimed at empowering corporate legal departments to hold external counsel accountable for increasing the diversity of their teams.<sup>484</sup>

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480. For more information on the Move the Needle Fund, see <<https://www.mtnfund2025.com/>> (last accessed Aug. 8, 2022).

481. Kibkabe Araya, *General Counsel Announce Move the Needle Fund with Diversity Lab in Letter*, LAW.COM (Sept. 20, 2019), <<https://www.law.com/corpcounsel/2019/09/20/general-counsel-announce-diversity-lab-move-the-needle-fund-in-letter/>> (last accessed Aug. 8, 2022).

482. Kibkabe Araya, *General Counsel Announce Move the Needle Fund with Diversity Lab in Letter*, LAW.COM (Sept. 20, 2019), <<https://www.law.com/corpcounsel/2019/09/20/general-counsel-announce-diversity-lab-move-the-needle-fund-in-letter/>> (last accessed Aug. 8, 2022).

483. Recent examples of innovative ideas include those shortlisted at the 2018 Diversity Lab’s “Law Hackathon.” See Diversity Lab, *Diversity in Law Hackathon: Summary of Ideas* (Spring 2018), <<https://diversitylab.app.box.com/s/geimnljab0889j9dxzit2mfngaqab0ma>> (last accessed Aug. 8, 2022). See also International Bar Association, *IBA launches ‘50/50 by 2030’ project—a longitudinal study into gender disparity in law* (Mar. 8, 2021), <<https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=b55d78a3-8e88-46d3-889c-c25f003e9008>> (last accessed Aug. 8, 2022) (detailing longitudinal study into gender disparity in the law with goal of gender parity by 2030).

484. Ben Edwards, *Diversity Labs Launches Initiative to Help In-house Teams Track Law Firm Diversity*, GLOBAL LEGAL POST (May 27, 2021) <<https://www.globallegalpost.com/>>

## C. I am a qualified candidate: What can I do?

This Section summarizes the opportunities available to women who are qualified arbitrator candidates, but who may be struggling to get arbitrator appointments.

### (i) Be brave; be proactive; be patient

*“An approach of not actively seeking appointments is NOT a good strategy for someone seeking to break into the market and establish a reputation, leading to regular appointments.”<sup>485</sup>*

Competition for arbitral appointments is fierce in today’s market. One of our interviewees advises arbitrator candidates that “[i]t is not enough to be hard-working and clever and expect that your capabilities will be discovered by Parties seeking to appoint arbitrators.” Instead, women need to “actively work” to create and find these opportunities, including by “increas[ing] their visibility, foster[ing] collegial relationships, develop[ing] their reputations and grow[ing] their network.” Another interviewee explained that her first few arbitral appointments “would not have happened unless I put myself out there as a candidate in the first place; I did not simply wait and hope that others would find me, but rather took a leap of faith and actively sought opportunities.”

*“Don’t give up!”<sup>486</sup>*

*“It looked like it will never come. The wait appeared long, then one day the appointment came and this is how it all started.”<sup>487</sup>*

*“The challenges I faced in obtaining my first appointment were patience and persistence.”<sup>488</sup>*

Above all, however, candidates need to be patient. Many of the women we interviewed for this Report shared that advice:

- one of our interviewees advised that she is “convinced that a strong reputation as a leader in the field and as an able arbitrator can overcome [barriers to

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news/diversity-labs-launches-initiative-to-help-in45house-teams-track-law-firm-diversity-98655938> (last accessed Aug. 8, 2022).

485. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

486. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

487. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

488. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

entry]” but that “one needs to be patient. It takes time to build a reputation.” Several of the women we interviewed recalled that arbitrator appointments only came after many years of practice;<sup>489</sup>

- other interviewees gave similar advice, including one suggestion that women candidates should be careful not to “put all your eggs in the ‘arbitrator’ basket too soon,” and another who expressed “concern with the recent compulsion among young arbitration practitioners to ‘score’ a first appointment”;
- another interviewee recalled that subsequent appointments came her way as a result of, *inter alia*, “[w]aiting for [her] more mature years,” noting further that “[a]ge is still an issue” and that women under 40 should be patient for arbitrator appointments. Another explained that her first appointment came when she was 43 years old, and after “almost 20 years of experience as a lawyer in international arbitration.” Similarly, another recalled that her first appointment came after “30 years in practice and 10 years as QC”;
- another explained that her first party appointment came four years after her first institutional appointment. “[P]atience is a virtue,” she stated, advising further that “as a woman, don’t be discouraged if it takes longer to prove yourself on your own market than it takes elsewhere!” As one of our interviewees noted, “my advice is to persevere, as it may be a long journey, that demands a lot of commitment, but it is very satisfactory to become an arbitrator after all that work.”

## (ii) Start small and build your own portfolio of cases

Small, lower-value disputes occur more frequently, and provide useful opportunities for first-timers to cut their teeth as arbitrators, including by managing the process and writing awards. Several interviewees explained that their first appointments were small, low-value claims, including domestic cases. For example:

- one interviewee commented: “I was appointed by an arbitral institution as a sole arbitrator in a small case when I was 34. It was a great opportunity and I am very grateful to that institution for the trust they placed in me. Their policy of giving younger practitioners a chance in small cases is to be lauded and demonstrates how arbitral institutions can play a major role in the career development of an arbitrator. I believe it would have been several more years before a party would have first considered naming me”;<sup>490</sup>

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489. For example: one interviewee noted that her first appointment came after “[a] career of more than 20 years as a lawyer in top law firms”; another noted that her appointment first came when she was 43 years old.

490. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.



- another woman arbitrator recalled that her first appointments arose because the institutions “needed young good and reliable sole arbitrators for a number of complex cases with a rather low value at stake, that would not be paid well enough for seasoned arbitrators and for which they wanted to ensure quality services”;<sup>491</sup>
- another woman arbitrator gave the illustration of being asked “if I was prepared to take a Singapore-seated case on the basis that I would be treated as if I were based in Singapore. This meant that no travel or hotel expenses would be covered. I accepted this, on the understanding that the experience and the fees (when ultimately paid) would be worth that initial cost set back”;<sup>492</sup>
- similarly, another recalled her first case as an arbitrator, which was “a \$35,000 claim by homeowners against the contractor who had built a sun porch behind their home, for allegedly shoddy construction that led to major cracks in the foundation. We had a one-day hearing, and I earned pittance for my work as solo arbitrator.” She explains that “I handled a few other such modest matters, until I felt that I could realistically describe myself as having had case management experience,” at which point she began applying for work on international disputes.<sup>493</sup>

Not only do smaller cases provide you with valuable opportunities to gain experience as an arbitrator, but they also tend not to generate significant conflicts, as one of our interviewees pointed out. “As you become more senior, at least if you’re in a large firm, the conflict problem becomes a real issue.” As described in further detail below, one way to secure these smaller scale appointments is to invest in and build your relationships with arbitral institutions.<sup>494</sup>

One of our interviewees also noted the importance of trying to expand the arbitration market, in order to increase the opportunities for women to take up arbitrator roles. She explained that “for the moment, there are not enough arbitration cases for all the people, both men and women, both senior and junior, who wish to develop a career as arbitrators. It is also important therefore to devote time to market development, beyond marketing oneself.”

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491. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

492. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

493. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

494. See Section IVC(iii).

**(iii) Work at or invest in relationships with arbitral institutions**

*“I had worked at ICC for [multiple] years, so the ICC team was aware of who I was.”*<sup>495</sup>

The factors that contributed to my first appointment as arbitrator include “[m]y experience as Director of [an arbitral] Institution and having managed so many cases.”<sup>496</sup>

*“Being a member of the ICC Court was also a great opportunity, as it gave me insight on how ICC cases are managed and how awards are scrutinized, and also gave me visibility within the ICC, so that the institution started to send me potential appointments in small cases.”*<sup>497</sup>

*“Consider a stint at an arbitral institution to build insight into the process from point of view of arbitrators and administering institutions. It also helps with building contacts with institutions for after you leave. I have had two ... appointments since leaving the [institution I previously worked at].”*<sup>498</sup>

*“Get on a lesser-known roster early on; get to know institutional administrators.”*<sup>499</sup>

The vast majority of women who we interviewed obtained their first appointment from an arbitral institution. One interviewee explained that “institutions today practice ‘affirmative action,’ favoring female arbitrators in the situation of equal qualifications,” noting further that “I know of female lawyers who—because of these changes—left their law firms to become successful solo practitioners and full-time arbitrators.” This is reflected in the statistics described in Section IIA(v) of this Report, which show that arbitration institutions are responsible for most of the women arbitrator appointments and are increasingly appointing “first-timers.”<sup>500</sup> As one of our interviewees (also a member of an arbitral institution) commented: “in my institutional capacity I really want to see more younger arbitrators flourish; the profession should not be a ‘third career.’”

A first step towards obtaining an institutional appointment is to apply to join rosters administered by arbitral institutions. One of our interviewees advised candidates to “[a]pply to join every panel or list of arbitrators that you can. Even if you don’t receive

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495. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

496. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

497. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

498. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

499. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

500. See *supra* Section IIA(v).

appointments from the institutions as a result, simply being on the relevant lists provides visibility.” As another interviewee illustrated: “[m]y first two SIAC appointments came about because the Secretariat staff had seen my name on the ICC list and thus learned I was available to sit as an arbitrator.” Applications should include both domestic and international arbitral institutions. Domestic institutions, which often handle smaller-scale cases, can be a useful source of arbitral appointments for first-timers. Examples for U.S. lawyers, recommended by our interviewees, include the AAA’s commercial roster of arbitrators,<sup>501</sup> the ICDR list, and the CPR list.<sup>502</sup> One interviewee noted that “[t]he AAA and ICDR have had a diversity initiative in place for many years, which required every list that went out to be at least 20% diverse. I undoubtedly benefitted from that policy.”

Women can do more than simply applying to join rosters, however. One of our interviewees advised that “to be appointed by an institution, the institution needs to be aware of the potential candidate” and recommended that candidates “[g]et involved in the activities of the institution and attend seminars, conferences and events.” For all candidates, get to know your ICC national committee.<sup>503</sup> One of our interviewees suggested connecting with the ICC national committee that represents both the country where you reside, as well as the country of your nationality, since “[i]f you are not based in the jurisdiction of your nationality, then they may not know you or be familiar with your experience.” Another interviewee commented that she received her first appointment because she “went to a[n] ICC Event and introduced [her]self to the appointment secretary.”

Several interviewees explained the importance of building relationships with individuals working at institutions. One woman arbitrator, for example, explains how she “made a point with each institution of getting to know the administrators personally, not just by greeting them at conferences, but also by going to visit with them to discuss my eagerness to help.” Another explained that “[s]ince the arbitration institutions are the real promoters of women arbitrators it is important to submit the CV to the institutions and possibly seek personal contact with them.”

When you do engage with institutions, let them know of your availability and experience and make sure that your CV profiles you as an arbitrator and/or potential arbitrator (and not just as counsel). One of our interviewees recommended that a CV should look not only at relevant experience, but also competencies. If you have prior arbitrator experience or are interested in gaining further experience in smaller arbitrations, let the arbitration institutions know that you are willing to take on even very small local law

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501. For more information on the AAA commercial roster, *see* <<https://www.adr.org/aaa-panel>> (last accessed Aug. 8, 2022).

502. For more information on the ICDR panel, *see* <<https://www.icdr.org/panels>> (last accessed Aug. 8, 2022), and for more information on the CPR list, *see* <<https://www.cpradr.org/neutrals/become-a-neutral>> (last accessed Aug. 8, 2022).

503. For a list of ICC national committees, *see* <<https://iccwbo.org/about-us/global-network/regional-offices/>> (last accessed Aug. 8, 2022).

matters, at a substantially reduced rate, in order to gain experience. One of our interviewees emphasized that, in her experience, “it was important for the people making the appointments to be aware that I was available to serve as an arbitrator” and that “it happened quite organically through conversations, as well as by joining [my local] ICC [group] and attending their biannual networking event with the Secretariat in Paris.” Another interviewee suggests advertising your availability to work over the summer months or holiday period, when others may not be available to take on the work.

#### **(iv) Seek out leadership opportunities**

There is a range of opportunities for women to take up positions of leadership in arbitral institutions, organizations, and associations. These positions provide opportunities to build and promote your reputation among peers and clients. Several women interviewed by the Task Force stated that their first arbitral appointment was in part the result of them being elected to a senior position within an international arbitration institution or organization. As one interviewee explained, “[l]eadership positions in bar associations are important and a very productive way and achievable to gain a reputation. I always tell younger colleagues that if they are willing to put in the work there are many bar association committees where you can rise to a leadership position in a relatively short period of time.” She reflected on the range of leadership positions she took on throughout her career, noting that “[i]n every one of these positions I meet people and they have a chance to see me and assess me. The same would be true for others as they become active on bar committees.”

#### **(v) Be visible**

*“Get out [and] meet people ... one must be seen to be appreciated!”<sup>504</sup>*

*“The difference between international arbitration and national courts is of course that the world is one’s catchment area. How does someone in Korea know about say an English lawyer like myself unless they have heard of you or met you or seen you speak?”<sup>505</sup>*

*“In the market where the potential supply of arbitrators exceeds the demand and where a limited number of arbitrators obtain a large number of the available appointments, it is necessary to stand out.”<sup>506</sup>*

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504. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

505. Hilary Heilbron QC quoted from DEUTSCHE ZUSAMMENARBEIT & ARBITRALWOMEN, WOMEN PIONEERS IN DISPUTE RESOLUTION, p. 91 (2d ed. 2018).

506. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

*“Don’t be shy! Counsel and corporates are desperately looking to put forward diverse slates for consideration, and additional women (particularly those who also are ethnically or racially diverse) are highly sought.”*<sup>507</sup>

*“It is not enough to be clever, committed and hard-working and expect that your capabilities will be discovered by Parties seeking to appoint arbitrators. Particularly women must actively work to increase their visibility, foster collegial relationships, develop their reputations and grow their network. Don’t be reluctant to let people know you are interested in getting appointments and take advantage of other opportunities that showcase your abilities and develop your skills.”*<sup>508</sup>

A key theme in the advice received from our interviewees is the importance of visibility, with one interviewee explaining that one of the best ways “to gain the necessary experience and reputation is to actively engage in the arbitration community [and] increase visibility.”<sup>509</sup> One member of the Task Force noted the need to be vocal and actively communicate your achievements in a way that is authentic and deliberate.<sup>510</sup> Look for opportunities to distinguish yourself from your peers and to promote yourself. Standing out is particularly important for women arbitrator candidates. One of our interviewees recommended that candidates “[t]ry to stand out in a tangible area of law, or on the basis of unique skills such as languages or other specific know-how. This will make it easier to be appointed because the specific know-how compensates for lack of such skills in other more experienced arbitrators.”

*“I was also known to the institution [that appointed me] through attending events over many years and contributing at those events.”*<sup>511</sup>

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507. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

508. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

509. *See also* Who’s Who Legal, Arbitration Future Leaders 2018: Women in Law Round-table Discussion (Jan. 12, 2018), <<https://whoswholegal.com/women-in-law/arbitration-future-leaders-2018-women-in-law-roundtable-discussion>> (last accessed Aug. 8, 2022) (quoting Andrea Meier, “Visibility in the industry is of the essence”).

510. Elizabeth Fisher, *Key takeaways: London’s leading women lawyers share tips on origination and career growth at ‘Rising Stars’ breakfast panel*, BURFORD CAPITAL BLOG (Dec. 13, 2019), <<https://burfordcapital.com/insights/insights-container/key-takeaways-london-s-leading-women-lawyers-share-tips-on-origination-and-career-growth-at-rising-stars-breakfast-panel/>> (last accessed Aug. 8, 2022) (quoting Alexandra Conroy, Executive Coach to the Legal Industry: “[w]omen may feel a bit uncomfortable about bragging about their achievements, but there are other ways that you can articulate the great things that you are doing. There are nuanced ways to promote yourself, but we have to do it more deliberately than our male counterparts.”).

511. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

*“In retrospect, I had qualified as a Fellow of the Chartered Institute of Arbitrators and I started attending local and international arbitration conferences, particularly the IBA. I started getting noticed.”<sup>512</sup>*

Our interviewees highlighted a number of ways for women to increase their visibility, including attending and speaking at conferences, joining committees and task forces, and participating in other opportunities to grow a network and build a reputation.<sup>513</sup> As one woman arbitrator observed, just “going to conferences helps—you meet people (clients and their lawyers) and if they think you are not only a great lawyer but also have a commercial feel for things ... [and] are relaxed and easy to get on with, they just might appoint you.” One of our interviewees further advised that women arbitrator candidates should be “speaking at conferences, publishing, posting on the international list servers, joining committees and taking an active role on them, attending meetings and conferences, taking on major projects in the field and leading them to successful completion, all in order to establish a reputation and build a path to success.”

Several of our interviewees commented on how the COVID-19 pandemic has made it easier for women to attend conferences, while also managing other demands on their time. For example, one interviewee noted that “[t]here are some advantages in the Zoom world as you can attend more events and conferences virtually if you don’t have to travel but networking is harder. I always suggest you try and make a contribution if you do attend such events to get noticed.” Others cautioned that, while attending conferences via online platforms is a useful opportunity for women, “there is an important caveat—to guard your time and know when to say ‘no’ to unpaid commitments like webinars, articles, book chapters, committees, volunteer work etc. Without travel as a barrier, they can quickly pile up and get in the way of paid case work and free time! Calibrating the balance between ‘business development’ work and actual case work is a continuing process.”

*“As a speaker at a conference I met another speaker—a representative of a local arbitration institution, after the session we discussed my presentation and various other topics and later on he invited me to join the roster of arbitrators of that institution.”<sup>514</sup>*

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512. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

513. [Appendix H](#) includes information about working groups, task forces, committees, and boards connected with arbitral institutions, as well as the number of women practitioners represented in each instance.

514. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

*“I also think that speaking engagements were important in building a name and becoming known as someone knowledgeable in the field and capable of acting as arbitrator.”*<sup>515</sup>

Speaking at conferences is a particularly valuable way to develop a reputation within international arbitration. If you are struggling to obtain speaking opportunities at conferences, find an opportunity to organize a panel discussion, for example by proposing an event to a young arbitration practitioners’ network.<sup>516</sup>

*“[T]o develop a reputation, women should aim to the stage. One way to do this is to publish, which can increase visibility and lead to speaking invitations. Women can start by contributing to blogs and other ‘lower-commitment of time’ publications and try to build towards authoring an article in a good journal (or co-authoring).”*<sup>517</sup>

Our interviewees also recommended publishing, including by contributing to blogs and other opportunities that require less time commitment.<sup>518</sup> Moreover, even if attending conferences as a delegate, “speak up from the audience,” and “take the floor in conferences with pertinent observations.” Another interviewee emphasized that public speaking provides an opportunity to demonstrate your perspectives and experiences as an arbitrator (and not just as counsel), so as to help gradually shift the market’s perception of the overall balance of your work. Even attending conferences can be valuable, if it means you are able to speak publicly from the audience and connect with lawyers attending the conference on a more personal basis. As one of our Task Force members noted, “[p]eople need to have met or at least seen an arbitrator speak before they will feel comfortable recommending them. Transparency initiatives ... are excellent, but after getting the information [from these initiatives], people will still either want a personal recommendation from someone they trust, or to have seen someone personally.” Similarly, another interviewee noted that “I generally don’t know the lawyers who appoint me on behalf of their client, but with some frequency they say they saw me speak at a conference somewhere.

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515. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

516. For example, there are a variety of moderated discussions, including virtual panel discussions, organized by the ICDR Y&I group. For more information, see <<https://www.icdr.org/young-and-international>> (last accessed Aug. 8, 2022).

517. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

518. There are many different opportunities to post blogs. For example, consider submitting to the AAA-ICDR Blog (more information at <<https://www.adr.org/blog/home>>), or the Kluwer Arbitration Blog (more information at <<http://arbitrationblog.kluwerarbitration.com>>) (both last accessed Aug. 8, 2022).

As someone once told me, you only have to get one ‘file’ ... in order to make many years of conference attendance worthwhile. So true.”

ArbitralWomen has taken steps to further promote the profile of women speaking at conferences. It invites members to write to ArbitralWomen with information about the event so that it can be promoted on the ArbitralWomen website and mentioned in the ArbitralWomen events email alerts.<sup>519</sup> The ABA likewise supports opportunities for women to speak at conferences, and requires all of its CLE events to include diverse group members (including women) as speakers and/or the moderator.<sup>520</sup> To facilitate compliance with this rule, the ABA prepared the Diverse Speaker Directory, which conference organizers may use to select speakers for events.<sup>521</sup>

WWA Latam organized a “24-hour” continuous event held in March 2021 for the International Women’s Day, which gathered 24 panels (with 48 total participants) of women connected to arbitration, as arbitrators, experts, academics, and officials of arbitration institutions. These 24 workshops allowed women from all around the world to profile themselves and share their personal experiences while they addressed diversity concerns world-wide in an interview format for a full 24-hour period.

Being involved in committees and/or task forces provides another useful way to promote your credentials.<sup>522</sup> One of our interviewees recommended “finding a subject or a project that will draw widespread recognition” and getting involved in initiatives set up to address that subject or project. Another explained that her participation in IBA and ICC committees provided her with “a real ‘boost’ for my career” and put her in touch with “persons who would then remember me when it came to appointments.” Another

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519. Information about the event should be sent to [marketing@arbitralwomen.org](mailto:marketing@arbitralwomen.org).

520. Specifically, any ABA CLE program with three or more panelists (including the moderator) must have at least one member from a diverse group (race, ethnicity, gender, sexual orientation, gender identity, and disability); a CLE program with five to eight panelists (including the moderator) must have at least two members from a diverse group; and a CLE program with nine or more panelists (including the moderator) must have at least three members from a diverse group. Failure to adhere to this policy results in the ABA not sponsoring, co-sponsoring, or seeking CLE accreditation for the event. Information about the ABA’s Diversity & Inclusion CLE Policy can be found at [https://www.americanbar.org/groups/taxation/publications/abataxtimes\\_home/20feb/20feb-villalobos-diversity-inclusion-overview/](https://www.americanbar.org/groups/taxation/publications/abataxtimes_home/20feb/20feb-villalobos-diversity-inclusion-overview/) (last accessed Aug. 8, 2022).

521. The ABA Diverse Speaker Directory can be found at <https://www.americanbar.org/groups/diversity/resources/diverse-speakers-directory/> (last accessed Aug. 8, 2022).

522. The ABA, for example, publishes annual reports to track the progress of women lawyers in the ABA’s leadership positions as a part of its Goal III strategy—“To eliminate bias and enhance diversity.” The ABA started publishing this information in 1991, as a part of the previous strategy—Goal IX—which merged with Goal III in 2008. The Goal III reports may be found at <https://www.americanbar.org/groups/diversity/resources/goal3-reports/> (last accessed Aug. 8, 2022).



benefit of being involved in committees and/or task forces is that it allows you to stay abreast of recent developments in international arbitration. One of our interviewees emphasized how important it is to ensure that you are equipped to discuss these recent developments in an informed way, as this will then help to establish you as someone who is knowledgeable about, and interested in, arbitration.

**(vi) Demonstrate the qualities of an arbitrator**

*“Parties recognize arbitrators with integrity as the overriding driving force and that is a good reputation to strive for and one that is attainable.”*<sup>523</sup>

*“I was the youngest / least experienced of the panel, but strong preparation helped me have a voice in the internal discussion”*<sup>524</sup>

*“Arbitrators need to be decisive and move things forward. Work on your self-confidence and improve your decision-making abilities.”*<sup>525</sup>

Several interviewees commented on the need to hone and demonstrate the qualities of an arbitrator. As one interviewee noted, this means “prov[ing] and show[ing] knowledge not only regarding arbitrations, but also to the law applicable to the merits.” In addition to being substantively excellent, arbitrators need to demonstrate good judgment, integrity, self-confidence, and congeniality. They need “courage to ask if you do not know or understand” as well as “breadth of experience, sensitivity to all cultures and humility to recognize your limitations.” One of our interviewees advises candidates to be on the lookout for opportunities to develop and foster these traits and “to develop and demonstrate your decision-making ability.” Another added that “many of the most respected arbitrators are those who navigate naturally in conflicts with a good inner compass (which is a result of a deep understanding of their role as attorney and adjudicator)” and suggested that candidates should hone a “deep understanding of the capacity in which you [as arbitrator] serve.” This includes being “trusted to always have only one agenda and that is to serve the Parties right to resolve their dispute, without other interests at play, and the courage to stay on this course.”<sup>526</sup>

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523. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

524. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

525. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

526. See, e.g., LeanIn.org, which includes video resources discussing, inter alia, women and leadership, how to build confidence, and how to learn and develop negotiating strategies. These video resources can be found at <<https://leanin.org/education#leadership>>, <<https://leanin.org/education#build-confidence>>, and <<https://leanin.org/education#negotiation>> (all last accessed Aug. 9, 2022).

Interviewees also encouraged women candidates not to compromise the qualities that define each as an individual, particularly where those qualities establish suitability to act as an arbitrator. One of our interviewees suggests candidates “[b]uild on their inner and natural strengths and not allow themselves to be coached into behavior and matters that are not naturally theirs,” adding that “[a]uthority has many faces,” and “there are many ways to lead and to manage proceedings.” Others interviewed by the Task Force encourage candidates to be aware of character traits that are “inherently feminine” and to recognize that these traits may be just as relevant to your qualifications as an arbitrator as others. “[W]omen should not forget their gender and appearance when acting as arbitrators,” noted one interviewee. However, she cautioned that, while the move towards greater gender diversity provides women with new opportunities in the field of arbitration, women arbitrator candidates should be careful not to rely too heavily on gender:

*“[W]omen arbitrators must use their intelligence, skills and self-knowledge with a view to further showing that such trend—or affirmative action—is correct and fruitful; [the] gender contest may be obsolete, but [the] international arbitrators contest is more and more intense.”<sup>527</sup>*

#### **(vii) Continue to network**

*“Women need to be more visible and need to start believing they can be as successful as they wish if they are ready to take risks, and be in the right place, with the right people, at the right moment, a place in which they rightly belong (deal with the impostor syndrome!).”<sup>528</sup>*

*“Networking opportunities are key for women already engaged in the arbitration practice. If we get to know one another, we will end up being familiar with the work each one of us is developing, building mutual trust and consistent friendship.”<sup>529</sup>*

Find time to invest in and expand your network of contacts at institutions, with clients, and among colleagues. Interviewees commented on the “enormous number of networking opportunities available,” and the importance of trying to find time to attend and meet people.

One woman arbitrator interviewed by the Task Force emphasized the importance of networking, noting that “[e]arly opportunities [for appointments as arbitrator] are often a question of being in the right place at the right time. You need to make sure that when an

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527. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

528. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

529. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

opportunity arises, yours is the first name that springs to mind.” Similarly, another interviewee mentioned that she was probably not appointed earlier in her career because she “was not known to the appointers.” Networking is particularly important for candidates who are living abroad and want to be considered for appointments in their home jurisdictions. Interviewees advise candidates to think broadly about the scope of your contacts, find out “how to get your name in front of those appointing,” and look for opportunities to step out of your regular professional circle so as to expand your network. For example, candidates can “join a mentoring program where mentors meet together as well as with their mentees, join a group that supports a cause you want to support, offer to hold a workshop or lecture at a local university, get involved in groups supporting women’s professional development, etc. Not only will such activities expand your network, but you can contribute to making a difference in causes that matter to you.” Another interviewee commented that “[u]seful contacts can come from unexpected places, e.g. my former professor helped me get appointed to the CAS List of Arbitrators, as did an arbitrator with whom I had taught a course a decade ago.”

Other examples include programs like **the business development bootcamp** for women, launched by Burford Capital in late 2019. Burford’s bootcamp brings together rising stars of litigation and arbitration along with senior female and racially diverse partners to develop practical book-building skills under the guidance of an expert business development coach. This is both an opportunity to network in and of itself as well as a forum to discuss networking and business development challenges faced by underrepresented populations in the business of law. Burford Capital also regularly holds dinners aimed at female and racially diverse lawyers in key Equity Project jurisdictions. These informal dinners provide networking opportunities to meet arbitrators and peers in arbitration practices at rival law firms. To keep up to date with future bootcamps and dinners, join the Equity Project LinkedIn group.<sup>530</sup>

Consider joining professional networks, including those specifically intended to provide a platform for women seeking arbitrator appointments. These include, among others:

- **ArbitralWomen.** ArbitralWomen is a global network of women active in international dispute resolution, which includes nearly 1,000 members from over 40 countries. Its objective is to promote and improve the visibility of women practitioners in international dispute resolution.<sup>531</sup> Members gain visibility by publishing their credentials in a profile on the ArbitralWomen website, including links to or information about their publications. Through its various

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530. For more information, see <<https://www.linkedin.com/groups/13689091/>> (last accessed Aug. 9, 2022).

531. For more information, see <<https://www.arbitralwomen.org/>> (last accessed Aug. 9, 2022).

activities and initiatives,<sup>532</sup> ArbitralWomen promotes women practitioners on its website by featuring events at which they speak, publishing news about their promotions and professional developments, publishing news that they draft for the website and report for the newsletter and issuing periodic news alerts. ArbitralWomen publishes books featuring women practitioners, such as the book on Women Pioneers in Dispute Resolution.<sup>533</sup> ArbitralWomen also provides opportunities for networking and connecting with other women practitioners. The ArbitralWomen SpeedNet event, inspired by speed dating, allows several practitioners to meet in a short space of time. ArbitralWomen Connect is another initiative that allows practitioners to network and make new connections on a one-to-one basis.<sup>534</sup>

- **Mute Off Thursdays.** In 2020, Ema Vidak Gojković, Gaëlle Filhol, Catherine Anne Kunz and Claire Morel de Westgaver launched “Mute Off Thursdays,” an online initiative designed to bring together women leaders in international arbitration for presentations and group discussions on a regular basis. The initiative has been widely recognized and praised throughout the international arbitration community, receiving the 2021 GAR Equal Representation in Arbitration Pledge Award.<sup>535</sup> As noted by Claudia Salomon, the President of the ICC International Court of Arbitration, Mute Off Thursdays “facilitates a wonderful exchange of information and ideas and builds a sense of community around the globe.”<sup>536</sup>
- **The HKIAC Women In Arbitration** (the “WIA”) initiative.<sup>537</sup> The WIA initiative is a forum for members to consider and discuss current topics, grow networks and business relationships, and develop the next generation of leading women practitioners. The WIA is committed to the promotion and success of women practitioners in international arbitration and related practice areas

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532. For more information, see Mirèze Philippe, *Walk the Talk—The ArbitralWomen Experience*, 17 RUSS. ARB. ASS’N J. 7 (Mar. 2020).

533. DEUTSCHE ZUSAMMENARBEIT & ARBITRALWOMEN, *WOMEN PIONEERS IN DISPUTE RESOLUTION* (2d ed. 2018).

534. This is an initiative by Elizabeth Chan, associate at Three Crowns LLP. For more information, see <<https://www.arbitralwomen.org/launch-of-arbitralwomen-connect-pilot-programme/>> (last accessed Aug. 9, 2022).

535. Global Arbitration Review, *Redfern and Others Hailed at GAR Awards* (July 1, 2021), <<https://globalarbitrationreview.com/redfern-and-others-hailed-gar-awards>> (last accessed Aug. 9, 2022); *Equal Representation in Arbitration, Mute Off Thursdays Win the GAR Pledge Award 2021* (July 1, 2021), <<http://www.arbitrationpledge.com/news>> (last accessed Aug. 9, 2022).

536. Global Arbitration Review, *A Year of “Mute Off”* (Apr. 19, 2021), <<https://globalarbitrationreview.com/coronavirus/year-of-mute>> (last accessed Aug. 9, 2022).

537. See [Appendix H.7](#).

in China.<sup>538</sup> In addition to organizing events on how to get your first appointment as an arbitrator and the future of female legal professionals, in 2021, the WIA launched the WE GROW Mentorship and Coaching Program.<sup>539</sup>

- **The Swedish Women in Arbitration Network** (“SWAN”). SWAN is a professional network for women with an interest in arbitration and provides a platform for promoting women in arbitration and knowledge sharing. While the organization is based in Sweden, it welcomes members from any country.<sup>540</sup>
- **The Women Way in Arbitration, Latin America** (“WWA Latam”). WWA Latam offers its membership the opportunity to include their CV and a video interview in a database of available women candidates for various positions connected to the arbitration practice, including counsel, arbitrators and experts.<sup>541</sup> It also promotes the participation of Latin American women in international competitions as arbitrators as a way to allow them to be seen by their colleagues in the arbitrator role.
- **The American Society of International Law’s Women in International Law Interest Group** (“WILIG”). WILIG was created to promote and enhance the careers of women in the field of international law and promote awareness of gender in all areas of international law. WILIG also runs a Prominent Women in International Law Award, which is intended to recognize the work of outstanding women in the field of international law.<sup>542</sup>
- **ABA Women in Dispute Resolution** (“WIDR”). WIDR is the American Bar Association’s women’s group. WIDR has largely focused during the last few years on the passage and rollout of ABA Resolution 105,<sup>543</sup> which promotes the use of diverse arbitrators and mediators.
- **American Arbitration Association and the International Centre for Dispute Resolution** (“AAA-ICDR”). AAA-ICDR offers various networking opportunities by co-sponsoring, organizing, hosting, providing speakers or funding, marketing, or otherwise supporting including, among others, ABA Women in Dispute Resolution Webinar, Construction Institute’s Women Who

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538. For more information, see <<https://www.hkiac.org/news/hkiac-launches-women-arbitration-initiative>> (last accessed Aug. 9, 2022).

539. *Appendix H.7*. For more information, see <<https://www.hkiac.org/women-arbitration-wia/2020-wia-annual-report>> (last accessed Aug. 9, 2022).

540. For more information, see <<http://swannetwork.se/>> (last accessed Aug. 9, 2022).

541. For more information, see <<https://wwarb.org/>> (last accessed Aug. 9, 2022).

542. For more information, see <<https://www.asil.org/community/women-international-law>> (last accessed Aug. 9, 2022).

543. For more information on ABA Resolution 105, see <[https://www.americanbar.org/content/dam/aba/administrative/dispute\\_resolution/leadership/aba-resolution-105-summary-and-action-steps.pdf](https://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/leadership/aba-resolution-105-summary-and-action-steps.pdf)> (last accessed Aug. 9, 2022).

Build Summit, National Association of Minority and Women Owned Law Firms.<sup>544</sup>

- **The 30% Club.** The 30% Club aims to achieve at least 30% representation of women on all boards and C-suites globally.<sup>545</sup> With 18 global chapters, its key initiatives include mentoring, training, leadership courses, and scholarships for attending business schools. Freshfields Bruckhaus Deringer LLP is the founding member of the chapters in the United Kingdom, United States, Hong Kong, and Italy.<sup>546</sup>
- **German Women Lawyers Association (“DJB”).** DJB is an association of approximately 3,000 women lawyers and economists established with the goal of achieving equality and equal opportunities for women in all fields. It organizes networking, academic, and political events, participates in trials and legislative processes, and it publishes a journal.<sup>547</sup>

Other institutions are also taking steps to ensure equal representation of women on their working groups, tasks forces, committees, and boards.<sup>548</sup>

In addition, make sure that your network of contacts is made aware that you have experience in the role of an arbitrator. One of our interviewees noted that “[t]his means more than just updating your web biography to mention your arbitrator work. There is no substitute for taking the time to personally reach out to various people in your network (whether at institutions, other law firms, etc.) to update them that you are now moving along the arbitrator track and would welcome consideration for additional appointments.”

**(viii) Leverage your skillset, prior professional experience, and/or consider obtaining specialist training**

*“The ICC had approached the Australian national committee for appointment of a sole arbitrator in a Singapore-seated contract arbitration. They considered Australian to be a good nationality, and common law appropriate for Singapore law governed contract.”<sup>549</sup>*

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544. [Appendix H.9](#).

545. For more information, see <<https://30percentclub.org/>> (last accessed Aug. 9, 2022).

546. [Appendix H.5](#).

547. For more information, see <<https://www.djb.de/sprachen>> (last accessed Aug. 9, 2022). Hanotiau & van den Berg partner Niuscha Bassiri is a member of DJB. See [Appendix H.6](#).

548. See, e.g., the information relating to the IBA, set out at [Appendix H.8](#).

549. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

*“I was first appointed as president of an arbitral tribunal by two co-arbitrators that used to be my professors during law school.”*<sup>550</sup>

A significant number of women that we interviewed described how they obtained their first and subsequent appointments in part because of certain skills and credentials they had obtained, particularly language skills, training in award writing and other skills relevant to arbitrator practice. Marketing these skills could assist aspiring women arbitrators in obtaining arbitral appointments. Among those we interviewed, legal training (in particular, knowledge of both common and civil law jurisdictions) and language skills were commonly cited as being of particular value.<sup>551</sup> Others referred to their academic qualifications, particularly PhDs in relevant subject areas, or other time spent in academia.<sup>552</sup> Numerous women, particularly those practicing in jurisdictions outside the United Kingdom, United States, and France, commented on the value of obtaining training from major arbitral institutions or industry bodies. One frequently cited qualification was the arbitrator training provided by the Chartered Institute.<sup>553</sup>

**(ix) Be excellent in your first (and subsequent) appointment(s)**

*“In some ways, it’s a ‘good time’ to be a woman in international arbitration, in light of the institutional push for diversity, and increased client interest in diversity. But a ‘diversity appointment’ will only get your foot in the door—from there, you have to be an excellent arbitrator in every way (responsiveness, due process, quality of awards, cost- and time-efficient, etc.).”*<sup>554</sup>

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550. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

551. For example, one interviewee noted “I suspect that my familiarity of Swedish law (which is similar to other Nordic countries), combined with my familiarity with common law and fluency in English contributed to the appointment”.

552. For example, when asked what factors helped her to obtain a first arbitral appointment, one woman interviewee stated that “Undoubtedly, being a university professor of Contracts and having written several books and many articles on contractual issues”.

553. For example, when asked what factors helped her to obtain a first arbitral appointment, one woman interviewee stated that “The arbitration training I had received and my qualification as a Fellow of the Chartered Institute of Arbitrators UK”; another said that “[t]ook the CI Arb courses, became Fellow, then Chartered Arbitrator, etc...”; another noted how she took a course with the Chartered Institute of Arbitrators which gave me “Fellow” status,” which assisted with her obtaining her first break into arbitral appointments; while another stated that she “undertook the CI Arb’s arbitration award course (fellowship) to learn more about how to structure and write an award. *See, infra* Section IVD(ii). For more information about the Chartered Institute of Arbitrators and the training that they offer *see* <<https://www.ciarb.org/>> (last accessed Aug. 9, 2022).

554. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

*“The work you do in your first and subsequent appointments is crucial. It allows co-arbitrators and parties to directly evaluate your work. You need to be diligent and know your case back-to-back.”*<sup>555</sup>

*“Whatever you do, do it well. This is especially important for your first appointment. The institution administering it will judge you on this basis and will send more appointments your way if you do well.”*<sup>556</sup>

*“I was significantly more junior compared to other two (male) arbitrators which made me concerned that they would disregard my perspective. I managed that risk by being the best prepared arbitrator—always having read a party’s submissions, all exhibits, letters, etc.”*<sup>557</sup>

Numerous interviewees emphasized that the most important credential for attracting repeat appointments is to be excellent the first-time round. One interviewee, for example, noted that after being appointed by an institution in her first arbitration, the parties were impressed by her and appointed her directly in a subsequent related case. Similarly, another interviewee advised that what is “[m]ost important ... is to work hard and do a good job on every arbitration in order to develop a reputation not only as a thought leader, but as an arbitrator who is diligent, responsive, a good case manager, sensible, exercises good judgment, and make[s] sound decisions which, while maybe in favor of one side, are expressed in a way that satisfies the loser that their positions were carefully considered and the matter intelligently decided.” Similarly, one of our interviewees noted that “one achieves consistency of appointments once one does a good job and thus acquires the respect of the institutions and colleagues.” Another explained that she overcame the barriers of “gender” and “age” by “doing an excellent job.” One interviewee commented that, separate to visibility and networking, “our greatest asset is our reputation and credibility which are built day by day with the seriousness and rigour with which we carry out our professional activities.” Another advised that “[e]very appointment is itself an opportunity and a challenge to get the next one. In every single case, one has to give the most out of it. It is of the utmost importance not only to study the case, but to be in full command, and deeply understand it.”

Doing a good job on your first appointment can be hard for those who are juggling a full-time day job. For women whose day job involves acting as counsel, one of our interviewees suggested “ensuring that you devote sufficient time to the role of arbitrator and that the role does not take a back seat to client work.” Another noted that “[h]aving a full-time teaching position with substantial year-round administrative responsibilities

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555. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

556. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

557. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.



limited my available time [to act as arbitrator]” and advised candidates in that position to “[e]nsure that you will have the time and if in a firm, the support, to have the needed availability and flexibility.”

It can of course be difficult to know whether you have done a good job. One way to obtain feedback, recommended by our interviewees, is to ask the institution administering the dispute. You can also reflect on the quality of your award by reading similar awards written by others and comparing them with your own.

## D. I want to develop experience and expertise: What can I do?

### (i) Gain experience in international arbitration

#### a. Join an arbitration team at an international law firm

*“I worked in one of the strongest arbitration practices in my jurisdiction and gained valuable experience.”<sup>558</sup>*

*“Working in a law firm’s arbitration team that handled international arbitrations regularly as counsel was a fundamental part of developing the skills. Acting as counsel also helped me become acquainted with people at ICC who not only run the cases but participate in appointing arbitrators.”<sup>559</sup>*

*“If you are interested in public international law or investment treaty arbitration, I think it is valuable also to know relevant officials in your government who are involved in treaty negotiations, multilateral reform efforts, and defending treaty claims. Offer to attend UNCITRAL Working Groups as a consultant or expert or as part of an observer delegation to get to meet them.”<sup>560</sup>*

All the women that we interviewed stated that the most important career decision or opportunity that equipped them with the skills and experience necessary for their first appointment was experience in international arbitration. For the vast majority of our interviewees, this meant working as counsel in arbitration cases. One woman arbitrator, for example, explained that “[a]s a young associate, I sought out as much arbitration work as I could find, while also honing my general written and oral advocacy skills through a broad range of litigation projects.” She also explains that “the platform of doing high-level counsel work at a well-respected law firm gave me credibility in the market, both with institutions looking to expand their rosters and with counsel at other firms, who

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558. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

559. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

560. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

would have to accept me as a viable arbitrator for their cases.” Another interviewee recommended “do[ing] excellent work as counsel and do[ing] as much of your own advocacy as you can,” while another advised that women should “not hesitate to take the lead in some aspect of a case when you have the appropriate knowledge,” and that women may wish to “identify a field of law, an industry or an organization in which you want to invest time, and then go for it.” Another advised aspiring arbitrators to “[t]ake as many cases as possible to hearing as counsel,” noting that doing so “made it possible for me to competently handle my arbitrations from the start.” One of our interviewees suggested that, while working on cases at law firms, women should “start thinking about practice through the prism of ‘decision-maker,’ in addition to ‘counsel.’”

*b. Gain experience at an arbitral institution or academia*

*“If you can, consider a traineeship at an institution, such as the ICC or the PCA. This can show you how cases are managed from the inside and give you visibility within the institution.”*<sup>561</sup>

*“Working at the ICC Secretariat definitely prepared me for such skills, as I became familiarized with the Rules and the system, and I also had a neutral background.”*<sup>562</sup>

*“If you know nothing about arbitration, [you] can start by taking a specialized LL.M., such as the MIDS offered by the Graduate Institute in Geneva, or Queen Mary in London.”*<sup>563</sup>

*“I had the opportunity to move from a small town in Argentina to São Paulo in Brazil. It was important to study and practice law in a city which is the leading business center in Latin America.”*<sup>564</sup>

For other interviewees, gaining sufficient experience meant working at arbitral institutions or in academia, usually in combination with law firm experience. One of our interviewees, who was formerly in a senior role at an arbitral institution and is now a full-time independent arbitrator, noted that “significant experience as counsel in a big law firm” coupled with “insight into the arbitral process from having worked at an institution” contributed to her being appointed to her first tribunal. Another interviewee in full-time academia noted that it was the combination of both her time in private practice as well

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561. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

562. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

563. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

564. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

as her academic career that provided her with the skills and experience needed to act as an arbitrator.

In addition to gaining experience through professional positions, there are other opportunities to gain exposure to arbitration (and therefore to help develop the skills and experience needed to become an arbitrator). The rest of this Section highlights a number of suggestions.

**(ii) Act as tribunal secretary or spend time working in an arbitration institution**

*“If one of your supervisors acts as arbitrator sometimes, offer to serve as an assistant or tribunal secretary on one of their cases.”<sup>565</sup>*

*“Acting as a tribunal secretary was key: this is how I learned case management, how to deal with procedural issues and how to write an award.”<sup>566</sup>*

*“I had been specializing in arbitration for over 10 years, had spent five years working as tribunal secretary or assistant to [two prominent arbitrators], and had been a member of the ICC International Court of Arbitration [on behalf of my home country for a number of years]. All of these factors enabled me to obtain my first appointment.”<sup>567</sup>*

Another valuable way to gain experience in international arbitration is to act as tribunal secretary. Several of our interviewees strongly recommended working as a secretary or assistant to arbitral tribunals to develop the necessary skills and experience, with one noting that acting as a tribunal secretary to a prominent arbitrator was “the best possible training for [her] first appointment.” Another added that, not only is this a good way to build up experience, it is also a way to connect with arbitrators who might then promote you as a candidate in future, and that acting as a tribunal secretary “helped me secur[e] an appointment at a very early stage in my career when I was a fairly junior associate but with demonstrable arbitration know how.”

Research by Malcolm Langford, Daniel Behn, and Runar Hilleren Lie in 2016-2017 showed that a majority of the top 25 individuals who were tribunal secretaries in ICSID proceedings were women.<sup>568</sup> Consistent with this statistic, however, acting as tribunal

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565. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

566. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

567. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

568. Malcolm Langford, Daniel Behn, and Runar Hilleren Lie, *The Revolving Door in International Investment Arbitration*, 20 J. INT’L ECON. L. 301, p. 319 (2017). (The top 25 names from Table 5 are: 1. Gonzalo Flores (Chile); 2. Martina Polasek (Czech); 3. Eloïse Obadia

secretary can potentially perpetuate certain gender stereotypes. An arbitrator interviewed by the Task Force noted that “I have personally benefited greatly from sitting as tribunal secretary, [but] I would caution that this is not something people should do indefinitely. In large practices, I have also seen counsel/arbitrators who seem to involve men associates in counsel work and women in the more supportive, less visible, tribunal secretary work. This is obviously not a helpful allocation of work.” She added that “as important as tribunal secretary work is, being active on the counsel side of things is of the essence.”

There are a few ways to obtain tribunal secretary appointments. The first is to approach senior lawyers in your firm and offer to act as an assistant or secretary. Another is to apply to work at one of the arbitration institutions, either as a legal counsel, or as a fellow or intern. For example, the Permanent Court of Arbitration in The Hague advertises positions for legal counsel, as well as opportunities to participate in the Fellowship Program or Internship Program.<sup>569</sup> Other arbitral institutions offer similar opportunities, including the ICC,<sup>570</sup> ICSID,<sup>571</sup> LCIA,<sup>572</sup> SIAC,<sup>573</sup> HKIAC,<sup>574</sup> and ACICA.<sup>575</sup> There are a number of opportunities to participate in tribunal secretary training, including sessions

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(France); 4. Aurélia Antonietti (France); 5. Ucheora Onwuamaegbu (Nigeria); 5. Natalí Sequeira (Costa Rica); 7. Claudia Frutos-Peterson (Mexico); 8. Gabriela Alvarez-Avila (Mexico); 9. Mercedes Cordido-Freytes de Kurowski (Venezuela); 10. Aïssatou Diop (Senegal) and Anneliese Fleckenstein (Venezuela); 12. Marco Monañés-Rumayor (Mexico) and Milanka Kostadinova (Bulgaria); 14. Paul-Jean Le Cannu (France); 15. Alicia Martín Blanco (Spain); 16. Frauke Nitschke (Germany) and Janet Whittaker (UK); 18. Tomás Solís (El Salvador), Alejandro Escobar (Chile), and Ann Catherine Kettlewell (Mexico); 21. Margrete Stevens (Denmark); 22. Martin Doe (Canada) and Mairée Uran-Bidegain (Colombia); 24. Geraldine Fischer (US) and Katia Yannaca-Small (Greece)).

569. For more information, see <<<https://pca-cpa.org/en/about/employment>> (last accessed Aug. 5, 2022).

570. Internship opportunities are advertised on the following web-page: <<https://iccwbo.org/careers/internship-opportunities/>> (last accessed Aug. 5, 2022).

571. Internship opportunities are advertised on the following webpage: <<https://icsid.worldbank.org/en/Pages/about/Internships.aspx>> (last accessed Aug. 5, 2022). ICSID counsel, paralegal and other opportunities are advertised on its homepage and through its social media accounts: <<https://icsid.worldbank.org/news-and-events/news-releases>> (last accessed Aug. 5, 2022).

572. Internship opportunities are advertised on the following webpage: <<https://www.lcia.org/careers.aspx>> (last accessed Aug. 5, 2022).

573. Employment opportunities are advertised on the following webpage: <<https://www.siac.org.sg/open-position>> (last accessed Aug. 5, 2022).

574. Internship opportunities are advertised on the following webpage: <<https://www.hkiac.org/about-us/careers/internship-programme-legal>> (last accessed Aug. 5, 2022).

575. Internship opportunities are advertised on the following webpage: <<https://acica.org.au/internship-programme/>> (last accessed Aug. 8, 2022).

hosted by CIArb,<sup>576</sup> HKIAC<sup>577</sup> and ACICA<sup>578</sup> (ACICA also provides a tribunal secretary panel as a resource for tribunals and parties in arbitration, as well as to provide opportunities for developing practitioners).<sup>579</sup> Young ICCA has also published a “Guide on Arbitral Secretaries,” available in five different languages, which discusses a range of issues relating to the use of tribunal secretaries in international arbitration.<sup>580</sup>

### (iii) Attend trainings, workshops, and moots

#### a. *Trainings and workshops*

“[C]onsider taking a specialized course or workshop that provides proof of training (such as the CIArb certifications).”<sup>581</sup>

There are a variety of specialist trainings and workshops that focus specifically on the skills needed to act as an arbitrator. These events are often *ad hoc*, so it is difficult to provide a comprehensive review of them here. However, generally, they can be found by monitoring the websites of the major arbitration institutions and professional associations. We note a few of these below:

- **The Chartered Institute of Arbitrators** (“CIArb”). CIArb offers a number of different training courses in dispute resolution, including introductory courses and courses in specialist areas of dispute resolution (such as international arbitration).<sup>582</sup> In addition, there are different types of membership of CIArb that require completing specific training and potentially passing a peer interview.<sup>583</sup> The most advanced Membership is as a Chartered Arbitrator. Those interested in applying should look at which type of Membership

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576. For more information, see <<https://www.ciarb.org/training/non-membership-courses/>> (last accessed Aug. 5, 2022).

577. For more information, see <<https://www.hkiac.org/arbitration/tribunal-secretaries/tribunal-secretary-training-programme>> (last accessed Aug. 5, 2022).

578. The most recent training programme was held in June 2022: <<https://acica.org.au/events-list/#!event/2022/6/25/acica-tribunal-secretary-course>> (last accessed Aug. 8, 2022).

579. For more information, see <<https://acica.org.au/acica-tribunal-secretary-panel/>> (last accessed Aug. 8, 2022).

580. See International Council for Commercial Arbitration, Young ICCA Guide on Arbitral Secretaries: The ICCA Reports No. 1 (2014), <[https://www.arbitration-icca.org/publications/Young\\_ICCA\\_Guide\\_on\\_Arbitral\\_Secretaries.html](https://www.arbitration-icca.org/publications/Young_ICCA_Guide_on_Arbitral_Secretaries.html)> (last accessed Aug. 5, 2022).

581. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

582. For more information, see <<https://www.ciarb.org/training/>> (last accessed Aug. 5, 2022).

583. For more information, see <<https://www.ciarb.org/membership/>> (last accessed Aug. 5, 2022).

best reflects the stage in your career. In an interview with the Task Force, one woman arbitrator reflected on the benefit to her of becoming a CIArb Fellow: “the fellowship required me to learn how to write an arbitration award and to sit a four-hour exam on award writing. If nothing else, passing the exam gave me the confidence that I knew the basics of how to write an award.” CIArb often collaborates with regional professional bodies to conduct one-day trainings, so keep up to date with events listed on their website in case there is a conveniently located event. The ERA Pledge Young Practitioners Subcommittee has partnered with CIArb to provide a number of scholarships for young women practitioners launching their careers as arbitrators to provide access to the arbitrator-training courses offered by CIArb and to help them gain accreditation as CIArb fellows.

- **Delos Remote Oral Advocacy Training Programme** (“ROAP”). Delos’s ROAP provides advanced advocacy training for experienced practitioners, with a different geographic focus each year. The programme is set out in two parts: a focus on oral submissions and a focus on cross-examination of quantum experts. Courses are run online and involve a variety of interactive theoretical sessions, practice sessions, and a public competition. Each participant is assigned a mentor from the faculty who will follow them through to the conclusion of the programme.<sup>584</sup>
- **The Foundation for International Arbitration Advocacy** (“FIAA”). The FIAA exists to promote effective and ethical advocacy in international arbitration and to provide training for arbitration practitioners. The FIAA offers workshops twice a year in different locations around the world and also runs an annual International Arbitration Advocacy Workshop for students enrolled in the Geneva Master’s in International Dispute Settlement (MIDS) Program.<sup>585</sup>
- **Training programs run or coordinated by arbitral institutions:**
  - The **ICC** provides online training in ICC arbitration and the application of the ICC Rules. Participants are trained by members of the ICC Secretariat and members of the ICC Institute of World Business Law. It is specifically targeted at both arbitrators and other legal professionals, academics, and lawyers interested in learning more about ICC arbitration.<sup>586</sup>

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584. For more information, see <<https://delosdr.org/index.php/remote-oral-advocacy-programme/>> (last accessed Aug. 5, 2022).

585. For more information, see <<https://www.fiaa.com/activities.html>> (last accessed Aug. 5, 2022).

586. For more information, see <<https://iccwbo.org/training/online-training-and-certificates/dispute-resolution-online-training/>> (last accessed Aug. 5, 2022).

- **ICSID** provides full or half-day training in English, French, or Spanish on the ICSID processes and the steps in an ICSID arbitration case. The course is hosted by ICSID Legal Counsel and it covers every aspect of ICSID arbitration proceedings. The ICSID website also gathers information about other training events relevant to international arbitration.<sup>587</sup>
- **SCC** holds a number of ad hoc events including training events for arbitrators. For example, in 2019, the SCC hosted an “Award Writing Training Programme” in cooperation with the International Bar Association’s under-40 sub-committee (“IBA Arb40”).<sup>588</sup>
- **HKIAC** has in the past run arbitrator training programs—most recently partnering with Cortex Capital to deliver a workshop on virtual advocacy relevant to women advocates.<sup>589</sup> HK45, HKIAC’s young arm, has organized an expert witness cross examination workshop with PricewaterhouseCoopers annually since 2017.
- **VIAC** Annual Joint Conference, VIAC always strives to include young practitioners as speakers and moderators, and further strives to enable young practitioners to attend such conferences. VIAC’s sponsorship of the Vis Moot and CDRC Vienna (Consensual Dispute Resolution Competition) of course is directed at promoting young practitioners. VIAC also actively supports the Winter School and Summer School of the Austrian Arbitration Academy. Moreover, VIAC and Ius Mundi cooperate on a project to publish arbitration related decisions of the Austrian Supreme Court; in cooperation with YAAP, the German decisions are translated into English by young arbitration practitioners who are publicly named as authors of the translations.
- The **IAC** Internship Initiative provides training on case management in arbitration to young lawyers. From 2018 to 2021, 43 young lawyers completed the internship program, of which 65% were women. The IAC Training Initiative more broadly provides skills courses to lawyers on advocacy, arbitrator and mediator training, and international commercial law, with over 3,000 lawyers undertaking such training from 2018 to 2021, of which 55% were women.<sup>590</sup>

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587. For more information, see <<https://icsid.worldbank.org/news-and-events/events>> (last accessed Aug. 5, 2022).

588. For more information, see IBA Arb40 Workshop at the SCC, <<https://sccinstitute.com/about-the-scc/news/2019/iba-arb40-workshop-at-the-scc/>> (last accessed Aug. 5, 2022).

589. For more information, see Interactive Webinar Workshop—Virtual Advocacy And The Female Factor, <<https://www.conventuslaw.com/report/interactive-webinar-workshop-virtual-advocacy-and/>> (last accessed Aug. 5, 2022).

590. Information provided by the IAC to the Task Force.

- **Arbitration associations and organizations.** Most arbitration organizations host annual and ad hoc training events targeting arbitrators, in-house counsel, and advocates, or issue useful publications. For example, the ABA holds an **Annual ABA Arbitration Training Institute**; the IBA holds ad hoc training days that have a specific focus on international arbitration, as well as an **Annual IBA Arbitration Day** conference; and the IBA Arb40 publishes useful materials that are intended to assist new or first-time arbitrators.<sup>591</sup> Similarly, ICCA hosts a widely attended biennial **ICCA Congress**.<sup>592</sup> The conferences offer an opportunity to learn more about the practice of international arbitration—including from the perspective of arbitrators who frequently speak on panels and attend the events. Since 2019, AAA-ICDR has organized a 1.5-day program for diverse law students on how to become a successful arbitrator.<sup>593</sup> The AAA-ICDR Foundation contributes designated funding for diversity projects and programs; for example, in 2017, it funded Arbitral-Women’s Unconscious Bias Toolkit’s educational series and mentorship.<sup>594</sup> LCIA organizes the **Tylney Hall symposia** based around current issues in the field of international commercial arbitration and ADR, with issues proposed in advance by delegates and debated from the floor.<sup>595</sup>
- **The ERA Pledge Young Practitioners Subcommittee** and a number of supporting organizations have hosted two “**Push for Parity**” training series aimed at giving young practitioners the tools they need to obtain their first arbitrator appointment (series 1) and to drill down on the practical skills they need to excel as an arbitrator at key stages in the proceeding, including handling arbitrator interviews, deliberations and writing the award (series 2). These sessions offer invaluable insights from seasoned practitioners about how to succeed as an arbitrator. Recordings of the training are available on the Pledge website.
- **Litigation funder bootcamps.** Burford Capital provides regular business development bootcamps for women and racially diverse lawyers on topics

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591. See, e.g., IBA Arb40 Subcommittee, Toolkit for Award Writing (2016), <<https://nyiac.org/wp-content/uploads/2013/01/IBA-Arb40-Toolkit-for-Award-Writing-2016-A51.pdf>> (last accessed Aug. 5, 2022).

592. For information on the ICCA Congress, see <<https://www.arbitration-icca.org/conferences-and-congresses.html>> (last accessed Aug. 5, 2022).

593. [Appendix H.9](#).

594. For more information, see <<https://www.aaaicdrfoundation.org/grants>>. See also [Appendix H.9](#).

595. For more information see, e.g., <<https://www.lcia.org/events/2022-yiag-may-tylney-hall-symposium-257.aspx>> (last accessed Aug. 5, 2022) (regarding the 2022 symposium).



like developing book-building skills and how to approach law firm risk committees with proposals for alternative fee arrangements.

One of our interviewees recommended that aspiring arbitrators also find opportunities to develop their understanding of arbitrator ethics. She noted that “[s]ince an arbitrator’s integrity and the highest moral (ethical) standards are a fundamental requirement for a sustainable arbitrator practice, I would advise young practitioners to be well versed in deontological rules and understand the fundamentals of attorney ethics.” Look out for committees and task forces hosted by national and international bar associations that have a specific focus on arbitrator ethics.

Funding is available to those seeking to develop experience and expertise. The **AAA-ICDR Foundation Diversity Scholarship Fund**, for example, aims to encourage diversity and inclusion within the field of ADR by supporting the pursuit of knowledge and skill development through training experiences that encourage inclusive leadership growth in the field of ADR. It grants diverse law students and professionals up to \$2,000 of financial assistance towards alternative dispute resolution continuing education, training, or seminar expenses.<sup>596</sup>

*b. Moot competitions*

*“Use moots or other opportunities to role-play as arbitrator to experience the challenges of sitting on the other side of the desk.”<sup>597</sup>*

Moot arbitration competitions are another opportunity for aspiring arbitrators to attempt to sit on a tribunal complete with a sample fact sheet of the case, evaluating submissions on behalf of the claimants and respondents of the arbitration, and hearing oral arguments advanced by participating students. Usually, moots encompass both an oral and a written phase. Additionally, a moot round of arguments can also provide a snapshot of other important aspects of being an arbitrator—ensuring fairness of arbitral proceedings, understanding the importance of impartiality and independence, fostering collegiate exchanges with co-arbitrators on the bench, and honing the ability to question counsel on pertinent issues of arbitration law. Moots also offer the advantage of providing a space to network and meet colleagues and senior professionals in the practice in a low-intensity and interesting atmosphere enabled by the shared interest in international arbitration of professionals and students alike.

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596. See <<https://www.aaaicdrfoundation.org/grants>> (last accessed Aug. 5, 2022). Applications are accepted on a rolling basis and reviewed quarterly until appropriated funds are expended. See also *Appendix H.9*.

597. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

There are many different moot competitions that take place across the world. We have listed some moots that are specific to international arbitration below:

- **Willem C. Vis International Commercial Arbitration Moot** (“Vis Moot”). The Vis Moot has been held annually since 1994 and witnesses the participation of more than 300 law schools in pre-moot rounds in cities around the world and at the global rounds in Vienna. The moot is devoted to complex issues in commercial law and provides a valuable opportunity for judging arbitrators to meet senior professionals and to interact with those in the arbitration community.<sup>598</sup> Numerous “pre-moots” are associated with the Vis Moot and hosted by law firms and arbitral institutions around the world. Since 2016, for example, LSE and the LCIA have hosted a joint Pre-Moot.<sup>599</sup> Since 2020 the IAC has hosted the IAC Central Asia Vis Pre Moot,<sup>600</sup> while White & Case LLP has hosted various pre-moots and trainings over the years, including most recently the Paris Vis Pre-Moot and the Frankfurt Vis Prep Rounds.<sup>601</sup>
- **The Foreign Direct Investment International Arbitration Moot** (“FDI Moot”). The FDI Moot is focused on procedural and substantive issues of the law that arise in investment arbitrations and has been held annually since 2008.<sup>602</sup>
- **The Moot Madrid**. This moot competition is conducted in Spanish with a focus on international commercial law and arbitration procedure and has been conducted annually since 2009.<sup>603</sup>
- **The Frankfurt Investment Arbitration Moot** (“FIAC”). The FIAC presents interesting questions of the law by combining the history of international law with the law of investment protection. The moot problem is based on historical events and is held in Frankfurt, Germany every year.<sup>604</sup>
- **El Concurso Internacional de Arbitraje Comercial** (“MOOT Mexico”). The MOOT Mexico is a simulation of a commercial arbitration in practice to

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598. For more information, see <<https://www.vismoot.org/>> (last accessed Aug. 5, 2022).

599. For more information, see <<https://www.lcia.org/events/2022-lse-lcia-london-vis-pre-moot-253.aspx>> (last accessed Aug. 11, 2022). See also *Appendix H.14*.

600. See “IAC Online Central Asia Vis-Arbitration Moot Final 2021 Held” (Mar. 15, 2021), <<https://iac.aifc.kz/news/iac-online-central-asia-vis-arbitration-moot-final-2021-held/>> (last accessed Aug. 8, 2022).

601. For more information, see <<https://www.whitecase.com/vis-moot/white-case-vis-pre-moots>> (last accessed Aug. 5, 2022). See also *infra Appendix H.19*.

602. For more information, see <<https://fdimoot.org/>> (last accessed Aug. 5, 2022).

603. For more information, see <<http://www.mootmadrid.es/2019/>> (last accessed Aug. 5, 2022).

604. For more information, see <<http://www.investmentmoot.org/>> (last accessed Aug. 5, 2022).

- offer law students in Spanish-speaking countries a real insight into how complex arbitrations work. The MOOT Mexico was founded in 2002.<sup>605</sup>
- **ICDR Practice Moot and Lecture Series.** The ICDR Practice Moot and Lectures, held annually since 2008, are focused on international commercial arbitration and help law students sharpen their advocacy skills in anticipation of the Vis Moot, as well as engage with and learn from students around the globe.<sup>606</sup> In February 2021, for example, 60 teams from 25 countries participated in the virtual moot and lectures, which were co-hosted with ArbitralWomen.<sup>607</sup>
  - **LSE-LCIA Vis Pre-Moot.** The London School of Economics and LCIA have conducted the moot annually since 2016, and most recently was held in March 2022.<sup>608</sup>
  - **Cross-Examination Moot.** This moot has an exclusive focus on cross-examination techniques in international arbitration. Students from all over the world take part in several rounds of mock hearings during which they cross-examine each other’s witnesses and experts based on a specially designed mock case.<sup>609</sup>
  - **African Arbitration Moot.** In 2020, the Lagos Court of Arbitration Young Arbitrators Network (LCA-YAN) hosted an international commercial arbitration moot competition, attended primarily by practitioners and students in Africa, with arbitrators joining from around the world.<sup>610</sup>
  - **Competencia Internacional de Arbitraje.** This moot, which is co-organized by the Law School of the University of Buenos Aires (UBA), Argentina and the Law School of the Universidad del Rosario (UR), Bogotá, has been held annually since 2008, and allows law students from Spanish-speaking countries to participate in a written and oral simulation of an international arbitration to promote the study of international commercial law and arbitration as a method of conflict resolution in Spanish language.<sup>611</sup> WWA Latam has sponsored a yearly event held in conjunction with this competition to discuss the effect which the push for diversity has had on professional legal education.

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605. For more information, see <<https://mootmexico.com.mx/>> (last accessed Aug. 5, 2022).

606. For more information, see <<https://go.adr.org/icdrpracticemoot>> (last accessed Aug. 5, 2022).

607. *Appendix H.9.*

608. For more information, see <<https://www.lcia.org/events/2022-lse-lcia-london-vis-pre-moot-253.aspx>> (last accessed Aug. 5, 2022). See also *Appendix H.14.*

609. For more information, see <<https://www.crossmoot.com/>> (last accessed Aug. 5, 2022).

610. For more information, see <<https://afaa.ngo/event-3777526>> (last accessed Aug. 5, 2022).

611. For more information, see <<http://www.ciarbitraje.org/>> (last accessed Aug. 5, 2022).

- **New South Wales Young Lawyers International Law Committee and Chartered Institute of Arbitrators (Australia) International Commercial Arbitration Moot.** This moot is open to young lawyers, law students and law graduates from Australia and worldwide. The moot provides a unique opportunity for young lawyers and law students with an interest in arbitration or mooting to experience the real world of arbitration while networking with some of the pre-eminent professionals in the field. Twenty-eight teams participated in the Moot in 2019.<sup>612</sup>

Information about additional moot competitions can be found via arbitration organizations. For example, WWA Latam has institutionally supported several moots from different regions—like the CAM Santiago Pre Moots, the AIAC Pre moots and others, promoting and getting the involvement of Latin American women as arbitrators both in general rounds and final hearings.<sup>613</sup> Similarly, the Shenzhen Centre in China is often looking for arbitrators for its FDI moot rounds.<sup>614</sup>

There are also other ways to participate in moot competitions, including volunteering to act as a team’s coach, which helps view the arbitration process through another perspective, and assisting teams through financial sponsorship. ArbitralWomen highlighted the importance of supporting student teams through its successful moot funding program developed by Louise Barrington in 2009.<sup>615</sup> Supporting moot teams and coaching young students can also be a means to identify talented students with a displayed passion for international arbitration and help address some leaks and plugs in the “pipeline.” Attorneys from White & Case LLP, Hanotiau & van den Berg, Freshfields Bruckhaus Deringer LLP, and Three Crowns all are involved in coaching moot court teams.<sup>616</sup>

#### (iv) Find mentors and sponsors

*“As a woman venturing into legal practice, having a mentor is vital.”<sup>617</sup>*

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612. For more information, see <<http://www.internationalmoots.org/nsw-young-lawyers-ciarb->> (last accessed Aug. 11, 2022).

613. *Appendix H.20.*

614. For more information, see <<http://www.scia.com.cn/en/index/newsdetail/id/3627.html>> (last accessed Aug. 5, 2022).

615. ARBITRAL WOMEN, ARBITRAL WOMEN NEWSLETTER pp. 37-38 (Dec. 2019).

616. See *Appendices H.5, H.6, H.17, H.19.*

617. DEUTSCHE ZUSAMMENARBEIT & ARBITRAL WOMEN, WOMEN PIONEERS IN DISPUTE RESOLUTION, p. 18 (2d ed., 2018) (quoting Olufunke Adekoya, Vice President, ICCA Governing Board Partner at ÆLEX).

*“I had no idea of the internal dynamic of a panel, previous mentoring would have been useful.”*<sup>618</sup>

*“Support from others matters a lot. Find a role model whose style and substance you admire, and—if you can—spend time with them to find out more about how they got to where they are. Other women are a fantastic source of support and opportunity but it’s about building real relationships rather than a badge of membership only; so too are men who are looking to support the drive for diversity.”*<sup>619</sup>

In her interview with the Task Force, one woman arbitrator recommended that those starting out should look for a mentor— “someone who will introduce [you] to the arbitration world and share some guidance.”<sup>620</sup> Mentors might be men or women, and you may have several different mentors. Paula Hodges QC, for example, describes how her mentor taught her to “[t]hink ahead about your career progression rather than waiting for it to come to you; be open to new opportunities (such as specializing in international arbitration as opposed to doing a mix of litigation and arbitration); make your clients look good; and nurture the star performers in your team.”<sup>621</sup> She refers to her experience of mentorship as a “very rewarding and refreshing experience.”<sup>622</sup>

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618. DEUTSCHE ZUSAMMENARBEIT & ARBITRALWOMEN, WOMEN PIONEERS IN DISPUTE RESOLUTION, p. 18 (2d ed., 2018) (quoting Olufunke Adekoya, Vice President, ICCA Governing Board Partner at ALEX).

619. DEUTSCHE ZUSAMMENARBEIT & ARBITRALWOMEN, WOMEN PIONEERS IN DISPUTE RESOLUTION, p. 18 (2d ed., 2018) (quoting Olufunke Adekoya, Vice President, ICCA Governing Board Partner at ALEX).

620. See also Wendy Miles QC, *Women in Arbitration: Wendy Miles QC, Part 2/2: Diversity, the Future and Career Tips*, PRACTICAL LAW ARBITRATION BLOG (Apr. 5, 2017), <<http://arbitrationblog.practicallaw.com/women-in-arbitration-wendy-miles-qc-part-22-diversity-the-future-and-career-tips/>> (last accessed Aug. 5, 2022) (“The key to moving up within a large law firm structure (or even a smaller firm structure) is to find a mentor or ‘sponsor’ within the firm.”).

621. Law.com, *Female Practice and Office Heads on the Mentors who Helped Lay the Foundations for Their Career Success*, (Mar. 26, 2018), <<https://www.law.com/international-edition/2018/03/26/female-practice-and-office-heads-on-the-mentors-who-helped-lay-the-foundations-for-their-career-success/>> (last accessed Aug. 5, 2022) (interview with Paula Hodges QC).

622. Law.com, *Female Practice and Office Heads on the Mentors who Helped Lay the Foundations for Their Career Success*, (Mar. 26, 2018), <<https://www.law.com/international-edition/2018/03/26/female-practice-and-office-heads-on-the-mentors-who-helped-lay-the-foundations-for-their-career-success/>> (last accessed Aug. 5, 2022) (interview with Paula Hodges QC).

Mentors might be in your law firm or institution, or they may be elsewhere within your professional sphere. If you are struggling to find mentors, there are a number of initiatives that offer mentoring opportunities, including opportunities specifically for women working in international law and/or arbitration. For example:

- **ArbitralWomen Mentorship Program.** This program is open to Arbitral-Women members and allows “[y]ounger members or those with less experience or experienced members who wish to benefit from the programme” to match “with more experienced members who act as their mentors.” Mentorship includes, inter alia, “providing assistance to support their career development and to enable the smooth and proper development of their practice.”<sup>623</sup>
- **ASIL Women in International Law Interest Group Mentoring Program.** The WILIG Mentoring Program has been in place since 2013 and has enrolled over 550 women as mentors and mentees in 13 countries. The program is “designed to foster the next generation of female international lawyers” and “connects experienced female international law professionals with women law students and new attorneys interested in professional development in the field of international law.”<sup>624</sup>
- **Young ICCA Mentoring Program.** The Young ICCA Mentoring Program provides “a unique platform for young professionals to connect with and learn from the experience of more senior members of the arbitration community.” The program pairs mentees with a mentor (a senior arbitration expert) as well as a group advisor (a mid-level arbitration practitioner). The program lasts for two years, during which time the mentee receives career guidance and exposure to international arbitration.<sup>625</sup>
- **The AAA’s Higginbotham Fellows Program.** The Higginbotham Fellows Program provides an intensive, week-long training program for up-and-coming diverse ADR practitioners.<sup>626</sup> Since its inception in 2009, the Program has inducted 150 Fellows.<sup>627</sup> According to AAA, “almost all Fellows who

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623. For more information, see <<https://www.arbitralwomen.org/mentorship/>> (last accessed Aug. 5, 2022).

624. For more information, see <<https://www.asil.org/asil-women-international-law-mentoring-program>> (last accessed Aug. 5, 2022).

625. For more information, see <<https://www.youngicca.org/mentoring-programme>> (last accessed Aug. 5, 2022). See also *Appendix H.13*. Several women lawyers from Hanotiau & van den Berg are involved with the Program, including as Group Advisors. See *Appendix H.6*.

626. For more information, see <<https://www.adr.org/HigginbothamFellowsProgram>> (last accessed Aug. 5, 2022). See also *Appendix H.9*.

627. *Appendix H.9*.

have applied have advanced to AAA Roster appointment, with a majority selected to serve on cases.<sup>628</sup> The AAA's **Diversity Student ADR Summit** was launched in 2019. Over the course of the 1½ day Summit, diverse law students are provided an in-depth understanding of how to become a successful arbitrator and/or mediator.<sup>629</sup>

- **Breaking Through.** Under the slogan “Hast Du Dein Vorbild schon gefunden?” (“Have you already found your role model?”), the Breaking Through platform showcases successful women with a legal background working in a variety of different fields. The interviews aim to inspire the next generation of men and women practitioners by shining a spotlight on German, Swiss, and international role models.<sup>630</sup>
- **DIS/DIS40 Mentoring Program.** The DIS/DIS40 Mentoring Program connects young arbitration practitioners with experienced DIS members who can provide answers to their questions on professional development.<sup>631</sup>
- **HKIAC's Women in Arbitration.** In June 2021, WIA launched a mentorship and coaching program. The mentorship program targets junior practitioners (up to 35 years old or <10 years of experience in the field) who are matched with a more experienced practitioner (a mentor). The main goal of the mentorship program is to offer advice and guidance on building a career in the field. The coaching program targets more senior practitioners (age above 35 years old or >10 years of experience in the field) who are matched with a more experienced practitioner (a coach). The main goal of the coaching program is to focus on topics defined or desired by a coachee who believes coaching in that particular area(s) and additional individual support is needed.
- **Young ITA Mentorship Program.** The Young ITA Mentorship Program teams students and early career professionals with eminent members of the arbitration community who provide advice and insight for a year.<sup>632</sup> Several Hanotiau & van den Berg lawyers are involved with the Program as mentors and facilitators.<sup>633</sup>

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628. For more information, see <<https://www.adr.org/HigginbothamFellowsProgram>> (last accessed Aug. 5, 2022).

629. For more information, see <<https://www.adr.org/diversity-and-inclusion/adr-pipeline>> (last accessed Aug. 5, 2022).

630. For more information, see <<https://www.breakingthrough.de/>> (last accessed Aug. 5, 2022).

631. For more information, see <<https://www.disarb.org/en/networks-young-talent/young-talent/dis-dis40-mentoring-programme>> (last accessed Aug. 5, 2022).

632. For more information, see <<https://www.cailaw.org/media/files/ITA/young-ita-mentorship-pkg.pdf>> (last accessed Aug. 5, 2022).

633. [Appendix H.6](#).

In addition to seeking out guidance from a mentor, consider finding a sponsor—i.e., a senior person who will advocate for you within your firm or organization, or an arbitrator who will promote your profile as a potential candidate.<sup>634</sup> In her interview with the Task Force, one woman arbitrator refers to how important it was for her to have the support of mentors and sponsors when developing her career. She notes that her first appointment was due to an experienced arbitrator acting as her sponsor and pushing for her nomination as the chair of a tribunal. These sponsors ultimately entrusted her with her first mandate as co-arbitrator and shortly thereafter as president of a tribunal.

**(v) Build your network**

*“Join the ‘young’ networks of the various institutions and become engaged with their activities. This may assist getting on the ‘radar’ of the institutions who could make the first appointment.”*<sup>635</sup>

*“My advice is to participate [in] a YAF [Young Arbitrator Forum] or other Young Group. A place where she can express her thoughts on arbitration, contracts and etc.”*<sup>636</sup>

*“[N]etworking with other women who already had their first appointment and helped me understand its challenges and opportunities.”*<sup>637</sup>

Build up your professional network from early on in your career. Your professional contacts may one day be important for securing arbitral appointments. As one of our interviewees noted, “[f]ocus on impressing lawyers your age or younger, who will be more likely to appoint you, and who are the future in any event.” Another also recommended, “develop[ing] connections with your class of seniority.” Similarly, in her interview with the Task Force, a woman arbitrator suggested that aspiring arbitrators “first endeavor to develop professional and friendship relations with people one’s own age, who will eventually either recommend you as counsel or introduce you to major clients and will also be in a position of designating or appointing you as an arbitrator.” She added that “it so happened that the in-house counsel of major arbitration users were women at the time and about my age; we all had young children and lots of pressure and this created a special link between us because there was no taboo about this in our collaboration and

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634. See also Amy Bell, *Six Rules for Harnessing the Power of a Mentor*, FINANCIAL TIMES (Mar. 5, 2018), <<https://www.ft.com/content/2ce849e0-10ad-11e8-a765-993b2440bd73>> (last accessed Aug. 5, 2022).

635. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

636. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

637. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.



discussions.” She recommended that those starting out should join one of the “below 40 groups” administered by the major arbitration associations and build close links with other participants of the same age. Similarly, another interviewee noted that “while finding one or more mentors or role models can be helpful ... connecting with peers is important. Not only are these the people going through the same challenges, in addition, in the near future, they will be calling the shots and making the selection decisions.”

There are numerous young arbitration practitioner groups and organizations, including those that specifically target women in arbitration. We list a few useful examples here:

- **Young ArbitralWomen Practitioners** (“YAWP”). YAWP provides a networking platform for women below the age of 40 who are seeking to address challenges arising in the early stages of their practice.<sup>638</sup>
- **ArbitralWomen SpeedNet events**. ArbitralWomen organizes speed networking events in various cities around the world to offer women practitioners (members and non-members) the opportunity to meet and network.<sup>639</sup>
- **Rising Arbitrators Initiative**. RAI aims to support practitioners under the age of 45 who have already received their first appointment as arbitrator, or who have at least seven years of professional experience in international arbitration, by creating a support network and encouraging best practices, among other things.<sup>640</sup>
- **The International Bar Association’s Arb40 Subcommittee**. The Arb40 subcommittee aims to engage younger members of the arbitration community and promote thought-leadership through the next generation of arbitration practitioners.<sup>641</sup>
- **Young ICSID**. Young ICSID is a young practitioners’ group within ICSID made up of arbitration lawyers under age 45, intended to encourage professional development and provide a forum to discuss ideas and meet other professionals.<sup>642</sup> Together with ICSID, Young ICSID hosted various in-person

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638. For more information, see <[https://www.arbitralwomen.org/young\\_arbitralwomen\\_practitioners/](https://www.arbitralwomen.org/young_arbitralwomen_practitioners/)> (last accessed Aug. 5, 2022).

639. For more information, see <<https://www.arbitralwomen.org/newsletters/>> (last accessed Aug. 5, 2022).

640. For more information, see <<https://risingarbitratorsinitiative.com/page/about-us.htm>> (last accessed Aug. 14, 2022).

641. For more information, see <[https://www.ibanet.org/LPD/Dispute\\_Resolution\\_Section/Arbitration/Default.aspx](https://www.ibanet.org/LPD/Dispute_Resolution_Section/Arbitration/Default.aspx)> (last accessed Aug. 5, 2022).

642. For more information, see <<https://icsid.worldbank.org/en/Pages/about/Young-ICSID.aspx>> (last accessed Aug. 5, 2022).

- and virtual events in 2020, many of which included networking opportunities.<sup>643</sup> It currently is led by three women counsel from within ICSID.<sup>644</sup>
- **The ICC’s Young Arbitrators Forum (“YAF”).** YAF is open to those aged 40 and under, and provides opportunities for individuals to network, gain knowledge, and develop skills. YAF organizes a number of networking events and conferences in different countries around the world throughout the year.<sup>645</sup>
  - **The Young International Arbitration Group (“YIAG”).** YIAG is an LCIA-sponsored association for young practitioners, students, and members of the arbitration community. It currently has over 11,400 members from more than 143 countries. YIAG organizes conferences, training seminars, and other events. It also publishes a newsletter and hosts a prestigious essay-writing competition.<sup>646</sup>
  - **The CIArb’s Young Members Group (“YMG”).** In addition to providing networking opportunities, the YMG offers members exclusive access to events and seminars, as well as training and access to conferences.<sup>647</sup>
  - **The CPR Young Attorneys in Dispute Resolution Program (“Y-ADR”).** Y-ADR provides networking opportunities “with in-house counsel and experts in the field” as well as seminars and other initiatives targeted at young arbitration lawyers.<sup>648</sup>
  - **The ICDR Young and International (“ICDR Y&I”).** Y&I is a networking group for arbitration and other ADR practitioners under 40, sponsored by the ICDR and AAA. It provides networking opportunities in the areas of commercial and public interest arbitration, as well as alternative dispute resolution.<sup>649</sup> Four out of six members of the ICDR Y&I Executive Board are women.<sup>650</sup>

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643. *Appendix H.10.*

644. *Appendix H.10.*

645. For more information, see <<https://iccwbo.org/dispute-resolution-services/professional-development/young-arbitrators-forum-yaf/>> (last accessed Aug. 5, 2022).

646. For more information, see <[https://www.lcia.org/Membership/YIAG/Young\\_International\\_Arbitration\\_Group.aspx](https://www.lcia.org/Membership/YIAG/Young_International_Arbitration_Group.aspx)> (last accessed Aug. 5, 2022).

647. For more information, see <<https://www.ciarb.org/membership/ymg/>> (last accessed Aug. 5, 2022).

648. For more information, see <<https://www.cpradr.org/programs/y-adr>> (last accessed Aug. 5, 2022).

649. For more information, see <<https://www.icdr.org/young-and-international>> (last accessed Aug. 5, 2022).

650. AAA-ICDR, *AAA-ICDR Announces ICDR Young & International’s New Leadership* (May 7, 2020), <[https://www.adr.org/sites/default/files/document\\_repository/AAA-ICDR-Young-International-Board-Press-Release-05072020.pdf?\\_ga=2.10218869.1591503869.1660221389-2041793803.1660221389](https://www.adr.org/sites/default/files/document_repository/AAA-ICDR-Young-International-Board-Press-Release-05072020.pdf?_ga=2.10218869.1591503869.1660221389-2041793803.1660221389)> (last accessed Aug. 10, 2022).

- **The International Association of Young Lawyers** (“AIJA”). AIJA is a global association devoted to lawyers and in-house counsel aged 45 and under. It currently has around 4,000 members and supporters in 90 different countries. It hosts events and training on a range of different topics, including arbitration.<sup>651</sup>
- **Young ICCA**. Young ICCA, which was launched in 2010, is a network for young arbitration practitioners under the auspices of ICCA. It provides a forum to exchange ideas about international arbitration, access to other senior members of the international arbitration community and promotes the use of arbitration. Young ICCA hosts skills training workshops and seminars throughout the year.<sup>652</sup> 49% of its 11,591 members are women. It has three co-chairs, using a rotating system to ensure that a cycle of two men co-chairs and one woman co-chair is always followed by a cycle of two women co-chairs and one man co-chair, and vice versa.<sup>653</sup>
- **ACICA45**. ACICA’s Young Practitioners’ Group, ACICA45, organizes activities and events across Australia to provide educational opportunities for young practitioners and encourage participation in arbitration. 43% of its 280 registered members are women, and, of the webinars and in-person events organized and presented by ACICA45 over the last year, 50% of its speakers were women.<sup>654</sup>
- **HK45**. The HK45 is an association formed for practitioners and students under the age of 45 aiming “to promote awareness and understanding of international arbitration and to provide opportunities for professional development.”<sup>655</sup> It currently has over 1,600 members. The governing committee of the HK45 is 57% women (one of the three Co-Chairs is a woman and seven of the 11 committee members are women), reflecting the impetus toward enabling informed conversations that include ensuring young women

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651. For more information, see <<https://www.aija.org/en/membership.html>> (last accessed Aug. 5, 2022).

652. For more information, see <<https://www.arbitration-icca.org/YoungICCA>> (last accessed Aug. 5, 2022).

653. See *Appendix H.13*.

654. For more information, see <<https://acica.org/au/acica-45/>> (last accessed Aug. 5, 2022). See also *Appendix H.1*.

655. HKIAC, Events, <<https://www.hkiac.org/hk45/hk45-past-events>> (last accessed Aug. 5, 2022). The HK45 organizes regular seminars, career events, and socials, and with HKIAC publishes a newsletter with a readership of over 5,000 individuals. HKIAC also actively welcomes collaboration with the arbitration community over novel projects or events. See also HKIAC, About Us <<https://www.hkiac.org/hk45>> (last accessed Aug. 5, 2022).

- professionals have an equal seat at the table. In 2020, HK45 organized the Virtual Fireside Chats Series that highlighted 11 women leaders.<sup>656</sup>
- **Young Arbitrators Sweden** (“YAS”). YAS is an association for young practitioners (aged 45 and below) in the field of arbitration. It has more than 700 members in Sweden and abroad. It provides a platform for networking and exchanging knowledge in the international arbitration community.<sup>657</sup>
  - **Young Austrian Arbitration Practitioners** (“YAAP”). YAAP promotes arbitration among young practitioners from various countries and professional backgrounds. It provides young practitioners and academics with a forum for exchanging ideas and establishing a professional network. It regularly organizes conferences including the Vienna Arbitration Days, the Young Approaches to Arbitration Conferences (which has become an integral part of the Vis Moot week) and an annual conference. Membership is open to anyone interested in arbitration under the age of 40.<sup>658</sup>
  - **Young ITA**. Young ITA is the youth branch of the Institute for Transnational Arbitration (“ITA”). It promotes the involvement of young professionals (under the age of 40) in the international arbitration community through programs, publications, and other activities.<sup>659</sup>
  - **Young SIAC**. Young SIAC is SIAC’s young members group which serves as a platform for young professionals and students to work together to address the unique challenges faced by the legal and business communities, across a diverse range of jurisdictions and cultures. YSIAC conducts events, webinars and workshops for thousands of members from around the world. 17 out of the 38 YSIAC Committee Members are women, including one of its co-chairs.<sup>660</sup> The YSIAC Debate in 2018 featured a motion titled “Tribunals with women arbitrators make better decisions” to catalyze a discussion on the advantages of diverse and representative tribunals.
  - **Young Romanian Arbitration Practitioners** (“YRAP”). YRAP aims to raise the profile of young arbitration practitioners of Romanian nationality by organizing, inter alia, events with “sister” organizations of young arbitration practitioner groups in neighboring countries.<sup>661</sup>

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656. See [Appendix H.7](#).

657. For more information, see <<http://youngarbitrators.se/>> (last accessed Aug. 5, 2022).

658. For more information, see <<http://www.yaap.at/index.php>> (last accessed Aug. 5, 2022).

659. For more information, see <<https://www.cailaw.org/Institute-for-Transnational-Arbitration/Young-ITA/index.html>> (last accessed Aug. 5, 2022).

660. For more information, see Singapore International Arbitration Centre, About Us (<[siac.org.sg](http://siac.org.sg)>) (last accessed Aug. 5, 2022).

661. Hanotiau & van den Berg partner Iuliana Iancu is a founding member of YRAP. See [Appendix H.6](#).

- **CEPANI40.** CEPANI40 was founded in 2004 under the auspices of CEPANI to offer young professionals a forum to exchange views, ideas, and experiences in arbitration in regular meetings with arbitration experts. CEPANI40’s co-chairs are both women.<sup>662</sup>
- **Young Women Working Group WWA LATAM.** The Young Women Working Group was developed to increase the role of young women counsel and arbitrators in the region; there also are Working Groups for arbitrators, counsel and women experts, among others.<sup>663</sup>
- **ERA Pledge Young Practitioner’s Subcommittee** (“ERA Pledge YPSC”). Launched in October 2020, the ERA Pledge YPSC focuses on promoting the ERA Pledge and bringing the message of gender diversity to the younger members of the international arbitration community.<sup>664</sup> In 2020, it hosted a four-part webinar series entitled “Push for Parity: Practical Tools for Emerging Arbitrators,” focusing on launching a career as an arbitrator.<sup>665</sup>
- **International Arbitration Juniors** (“IAJ”). International Arbitration Juniors is an initiative created in 2021 aiming to address practical issues and challenges faced by prospective and junior arbitration practitioners associated with entering into the profession and building and developing their career. It is a networking platform with projects designed to facilitate vital information flow and practical advice exchange between peers. IAJ’s mission is to facilitate access to the profession in a fair way and open the market to more diversity.<sup>666</sup>

Another way to develop professional contacts is through a secondment. Young lawyers working at law firms, for example, should consider any secondment opportunities on a short or medium term basis, with the benefit of broadening their professional network and expanding their legal skillset. As one interviewee explained, “a secondment with a

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662. For more information, see <<https://www.cepani.be/about-us/>> (last accessed Aug. 5, 2022). Hanotiau & van den Berg partner Iuliana Iancu is involved with CEPANI40. See [Appendix H.6](#).

663. For more information, see <<https://wwarb.org/grupos.php>> (last accessed Aug. 5, 2022). See also [Appendix H.20](#).

664. For more information, see <[https://assets.website-files.com/58a4313f62641fda6d995826/5f5f9f7f2f7e6c20ec0c4d56\\_YPSC%20Press%20Release.pdf](https://assets.website-files.com/58a4313f62641fda6d995826/5f5f9f7f2f7e6c20ec0c4d56_YPSC%20Press%20Release.pdf)> (last accessed Aug. 5, 2022).

665. For more information, see <<http://www.arbitrationpledge.com/events>> (last accessed Aug. 5, 2022).

666. For more information, see <<https://www.linkedin.com/company/international-arbitration-juniors>> (last accessed Aug. 5, 2022).

client is a great way to broaden one’s horizon and learn to see things from the users’ perspective,” as it “is the users that shape international arbitration.”<sup>667</sup>

#### **(vi) Publish**

Many of the women interviewed for this Report advised younger arbitration practitioners to try to publish articles or blogs on topical issues in international arbitration. One interviewee suggested “[p]ick[ing] a topic that is a problem you’ve encountered in your practice on which little has been written and fill that gap. Consider more than just peer-reviewed academic journals, which can take years to publish, and publish on a blog or newsletter of a professional organization, or the law firm’s newsletter, then republish the piece (with permission of original publisher) on a site like TDM.”

### **E. I employ future arbitrators: What can I do?**

There is a wealth of information on gender-specific diversity initiatives for employers in the legal profession, and there are also resources specifically geared to the international arbitration community. Many of these initiatives are already being put into action by members of the Task Force, as recorded in *Appendix H* to this Report. They range from implementing everyday changes to promote a positive and inclusive work culture, to adopting policies to address bias, to setting firm targets in relation to gender and other diversity metrics.<sup>668</sup> In this Section, we provide an overview of these initiatives and highlight a few particular examples that may be useful to the international arbitration community in seeking to promote women in international arbitration, with a view to ultimately increasing the number of women tribunal appointees in international arbitration.

#### **(i) Recognize and address unconscious bias**

*“Despite being unconscious and therefore difficult to address, implicit bias can be unlearned.”*<sup>669</sup>

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667. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

668. For example, Freshfields Bruckhaus Deringer LLP has recently launched new global targets in relation to gender, ethnicity, and LGBTQ+ representation. For more information, see *Appendix H.5* and <[https://www.freshfields.us/news/2021/03/freshfields-launches-new-five-year-diversity-commitments-and-targets-6059/#:~:text=The%20new%20global%20targets%20for,or%20non%2Dbinary\)%20by%202023](https://www.freshfields.us/news/2021/03/freshfields-launches-new-five-year-diversity-commitments-and-targets-6059/#:~:text=The%20new%20global%20targets%20for,or%20non%2Dbinary)%20by%202023)> (last accessed Aug. 5, 2022).

669. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH* 89, p. 111 (Freya Baetens, Ed., 2020)

A key step to creating a more inclusive working environment is acknowledging conscious and unconscious bias and taking steps to eliminate it.<sup>670</sup> Initiatives to address unconscious bias need to be driven by those in leadership positions, including both men and women.<sup>671</sup> Section IVA(iv) above identifies a number of initiatives available to assist with identifying, acknowledging, and addressing the existence of unconscious bias, and its effects on the appointment of women as arbitrators. Some of those initiatives are also relevant in the context of addressing barriers to the retention and development of women talent in law firms and legal institutions. We note that institutions such as ICSID<sup>672</sup> and law firms like Freshfields Bruckhaus Deringer LLP<sup>673</sup> and White & Case LLP<sup>674</sup> have taken a number of measures to try to address the impacts of unconscious bias in the workplace. In 2018, for example, White & Case LLP conducted a mandatory unconscious bias education program, “Driving Innovation: Cultivating Engaged and Inclusive Teams,” which featured acted scenarios addressing workplace issues, developed from interviews conducted globally with lawyers and staff across the firm, with a second unconscious bias and cultural competence training that followed in 2019.<sup>675</sup> As another example, in May 2021, CAM Santiago organized a workshop on “unconscious biases in the professional field: how do they impact our role as arbitrators.”

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(“Participating in education efforts aimed at raising awareness about implicit bias, being exposed to counter-active stereotypes, engaging in deliberative processes in which participants are encouraged to constantly self-monitor in an effort to offset implicit biases, and having a sense of accountability, that is, ‘the implicit or explicit expectation that one may be called on to justify one’s beliefs, feelings, and actions to others, can all assist in dismantling implicit biases”).

670. THE LAW SOCIETY, THE 2019 LAW SOCIETY REPORT, p. 43 (2019).

671. THE LAW SOCIETY, THE 2019 LAW SOCIETY REPORT, p. 43 (2019) (noting that “[c]hanging mindsets and attitudes are imperative for eliminating conscious and unconscious bias and the involvement of men is crucial to adopt relevant policies”).

672. See [Appendix H.10](#), explaining that all ICSID staff have taken at least two modules of World Bank training on identifying and responding to unconscious bias, and further training is available free of charge to staff.

673. See [Appendix H.5](#), referring to “our bespoke program [that] aims to help leaders explore how to mitigate bias in talent decisions and provide tangible take-aways to strengthen inclusive behaviors and leadership” and noting that “[t]o date, over 240 partners, counsel and senior business services directors have completed the workshop.” The firm has also taken steps to create and promote a “feedback culture” that enables it to “monitor and adapt our diversity and inclusion strategy.”

674. See [Appendix H.19](#).

675. See [Appendix H.19](#) (further noting that the firm launched inclusive leadership training and anti-racism training for all partners, all Business Services leaders and some senior associates in 2021).

Particularly notable are the steps undertaken by AAA-ICDR to address unconscious bias. The institution reports that it launched a 12-hour curriculum in 2017 to “provide staff with an opportunity to understand and examine implicit bias, learn how to resolve diversity-related conflicts, and understand the organizational benefits of promoting a diverse and inclusive workplace that fosters collaboration and innovation.”<sup>676</sup> Approximately 50% of employees voluntarily enrolled in the program, and in 2018 the training became required for all staff and executives. AAA-ICDR reports that since launching, staff have completed more than 2,000 cumulative hours of training related to diversity and inclusion.<sup>677</sup> In addition, in 2021, all AAA-ICDR Roster members were required to complete an Arbitrator Continuing Education program, titled “Impartiality: Do You Know Where Your Biases Are?”<sup>678</sup>

Below, we highlight and summarize a selection of initiatives that might be undertaken by employers committed to addressing unconscious bias in the workplace.<sup>679</sup>

*a. Be conscious of the effects of likeability bias*

Consider whether younger women lawyers and advocates are being stigmatized or otherwise disadvantaged because of gender stereotyping.<sup>680</sup> For example, research shows that, for women, being assertive is often received negatively as being aggressive, whereas for men the same character trait is received more positively as confident or strong.<sup>681</sup> Identifying a likeability bias can have implications for proactively addressing disparities in the way that employees are valued in the workplace, including in the way that they are

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676. See *Appendix H.9*.

677. See *Appendix H.9*.

678. See *Appendix H.9*.

679. See generally LeanIn.Org, *8 Powerful Ways Managers Can Support Equality*, <<https://leanin.org/tips/managers>> (last accessed Aug. 5, 2022).

680. THE LAW SOCIETY, *THE 2019 LAW SOCIETY REPORT*, p. 46 (2019) (recommending that employers “actively counter[] conscious and unconscious bias, presumptions and low expectations of colleagues based on their gender”).

681. See, e.g., Kim Elsesser, *Female Lawyers Face Widespread Gender Bias, According to New Study*, *Forbes* (Oct. 1, 2018), <<https://www.forbes.com/sites/kimelsesser/2018/10/01/female-lawyers-face-widespread-gender-bias-according-to-new-study/?sh=6c0995e14b55>> (last accessed Aug. 5, 2022) (quoting a woman lawyer as noting that “[i]n the past year, I’ve been called ‘overconfident’ and ‘not deferential enough’ by co-counsel, another Asian American female. It was extremely frustrating as I was finally starting to feel confident and assertive and direct-acting as any normal white male attorney in a law firm would. I was subsequently removed from that case,” and quoting another as stating that “my only feedback [in my performance review] is ‘you need to find your more feminine or softer side. You need to act more like a woman.’”).



staffed on particular cases, rewarded (including financially),<sup>682</sup> promoted or otherwise given professional development opportunities.<sup>683</sup> Companies like Facebook have developed publicly available training materials specifically looking at unconscious bias in the workplace and have created a checklist of actions that can be taken to address unconscious bias in the workplace.<sup>684</sup> On likeability bias in particular, the Facebook checklist includes the following suggested actions:

- vouch for the competence or accomplishments of others, regardless of your position;
- encourage team members to speak up when credit is not given to the right person; and
- ask individual team members to keep track of their roles and contributions on each project.

Seek out the advice or opinion of those from whom you do not typically get feedback.<sup>685</sup>

*b. Be conscious of how gender stereotyping affects the allocation of work*

Commentary suggests that women tend to take on more of the support and administrative work than men, which in turn may result in women being less exposed to professional development opportunities.<sup>686</sup> Those in positions of managing teams can audit workload

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682. See, e.g., Kim Elsesser, *Female Lawyers Face Widespread Gender Bias, According to New Study*, FORBES (Oct. 1, 2018) <<https://www.forbes.com/sites/kimelsesser/2018/10/01/female-lawyers-face-widespread-gender-bias-according-to-new-study/?sh=6c0995e14b55>> (last accessed Aug. 5, 2022) (referring to the gender pay gap). See also the various toolkits published by the American Bar Association for addressing the gender pay gap, available at <[http://www.americanbar.org/groups/diversity/women/initiatives\\_awards/gender-equity](http://www.americanbar.org/groups/diversity/women/initiatives_awards/gender-equity)> (last accessed Aug. 5, 2022).

683. THE LAW SOCIETY, THE 2019 LAW SOCIETY REPORT, at 46 (2019) (recommending that employers ensure that “equal numbers of both male and female candidates are considered for all significant opportunities”).

684. To view the checklist, see <<https://managingbias.fb.com/wp-content/uploads/2019/10/2019-01-18-what-you-can-do-2-1.pdf>> (last accessed Aug. 5, 2022).

685. Facebook, Managing Bias Checklist, <<https://managingbias.fb.com/wp-content/uploads/2019/10/2019-01-18-what-you-can-do-2-1.pdf>> (last accessed Aug. 5, 2022).

686. See, e.g., Kim Elsesser, *Female Lawyers Face Widespread Gender Bias, According to New Study*, FORBES (Oct. 1, 2018) <<https://www.forbes.com/sites/kimelsesser/2018/10/01/female-lawyers-face-widespread-gender-bias-according-to-new-study/?sh=6c0995e14b55>> (last accessed Aug. 5, 2022) (“Women are expected to be helpful and therefore tend to feel social pressure to volunteer for these tasks. Organizations are also more likely to assign women to these tasks, because women are more likely to agree to perform them.”).

and make sure that administrative work is evenly allocated among team members.<sup>687</sup> In addition, commentary suggests that employers should be conscious of whether work is allocated differently to women who are parents.<sup>688</sup> It is important that employers are aware of the different assumptions that they may be making between men and women who choose to have children.

c. *Be conscious of how women's voices and opinions are treated*

Studies indicate that women tend to be interrupted more than counterparts who are men, tend to be given less credit for their ideas, and generally have less influence in the context of a conversation than colleagues who are men.<sup>689</sup> If women are discouraged from speaking, voicing opinions, and participating in discussions, they can lose out on opportunities to impress clients, senior colleagues, or demonstrate advocacy potential. Employers may therefore wish to look for opportunities to allow and enable contributions to discussions from all colleagues where appropriate. One practical option might be to focus on internal meetings among teams working on cases. In this context, the Facebook “Managing Bias” checklist, referred to above, suggests that employees “[d]evelop a practice in meetings for signaling interruptions” and “[a]sk your teammates for their preferred communication styles,” for example, whether they feel more comfortable sharing thoughts with a large group, or corresponding separately by email.<sup>690</sup>

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687. See, e.g., Facebook, Managing Bias Checklist, <<https://managingbias.fb.com/wp-content/uploads/2019/10/2019-01-18-what-you-can-do-2-1.pdf>> (last accessed Aug. 5, 2022) (recommending that employers “[r]otate team ‘housework’ such as setting agendas, taking notes, event planning, etc.”).

688. See, e.g., Kim Elsesser, *Female Lawyers Face Widespread Gender Bias, According to New Study*, FORBES (Oct. 1, 2018) <<https://www.forbes.com/sites/kimelsesser/2018/10/01/female-lawyers-face-widespread-gender-bias-according-to-new-study/?sh=6c0995e14b55>> (last accessed Aug. 5, 2022) (referring to evidence that while fatherhood can lead to an increase in pay, motherhood comes with professional disadvantages).

689. See, e.g., Tonja Jacobi and Dylan Schweers, *Female Supreme Court Justices Are Interrupted More by Male Justices and Advocates*, HARV. BUS. REV. (Apr. 11, 2017), <<https://hbr.org/2017/04/female-supreme-court-justices-are-interrupted-more-by-male-justices-and-advocates>> (last accessed Aug. 5, 2022) (noting that “[p]rior research in linguistics and psychology has shown that women are routinely interrupted by men, be it in one-on-one conversations or in groups, at work, or in social situations”); Madeline E. Heilman and Michelle C. Haynes, *No Credit Where Credit is Due: Attributional Rationalization of Women’s Success in Male--Female Teams*, 90 J. APPLIED PSYCHOL. 905 (2005).

690. Facebook, Managing Bias Checklist, <<https://managingbias.fb.com/wp-content/uploads/2019/10/2019-01-18-what-you-can-do-2-1.pdf>> (last accessed Aug. 5, 2022).

d. *Track progress and be accountable*

In order to observe any beneficial impact of unconscious bias training, employers may wish to consider developing metrics for tracking bias, including identification of pay differences, types of assignments given to different employees, and the number of women returning after maternity leave. They may also wish to provide an anonymous procedure for reporting unconscious bias to ensure that it is effectively dealt with.<sup>691</sup>

(ii) **Mentor, sponsor, and train women**

*“I encourage all women to be kind to one another, mentor junior female practitioners, be generous and think of other women when designating or recommending arbitrators.”*<sup>692</sup>

*“Participate in initiatives to create more gender equality opportunities, and, most importantly, believe in that equality by helping other women grow up with you.”*<sup>693</sup>

The importance of mentorship and sponsorship is addressed in detail at Sections IIIA(ii) and IVD(ii), above. As noted in those Sections, studies have shown that people with mentors and sponsors are most likely to succeed in their careers.<sup>694</sup> Employers should ensure that women are given mentorship and sponsorship opportunities within their organization to enable women access to advice and support at a range of levels of professional development, including with men in senior positions within the organization.<sup>695</sup> The Law Society recommends, for example, creating forums and peer groups that encourage collaboration between women in the firm or organization, increasing networking

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691. THE LAW SOCIETY, THE 2019 LAW SOCIETY REPORT, p. 43 (2019).

692. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

693. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

694. Tammy D. Allen et al., *Career Benefits Associated with Mentoring for Proteges: A Meta-Analysis*, 89 J. OF APPLIED PSYCHOL. 127 (2004). See also Sylvia Ann Hewlett et al., *The Sponsor Effect: Breaking Through the Last Glass Ceiling*, HARV. BUS. REV. RESEARCH REPORT (2010) (“the majority of ambitious women underestimate the pivotal role sponsorship plays in their advancement—not just within their current firm, but throughout their careers and across their industry”).

695. See, e.g., Foley Hoag’s Women’s Forum, which involves a number of “mentoring circles” for women lawyers consisting of “8-10 women attorneys from various departments at different experience levels who meet informally on a regular basis to discuss professional development issues such as business development, career advancement and work/life balance.” Foley Hoag LLP, Women’s Forum, <<https://foleyhoag.com/our-firm/commitment-to-diversity-equity-and-inclusion/womens-forum>> (last accessed Aug. 5, 2022).

opportunities with different women from other areas and levels of the firm or organization, and organizing roundtables to allow women in the firm or organization to share experiences and advice.<sup>696</sup>

An example is the **Mentoring and Reverse Mentoring programs** at Freshfields Bruckhaus Deringer LLP. The Mentoring program is led across the levels and the different offices worldwide, including a women’s network. The Reverse Mentoring program functions across the firm’s global networks for various under-represented groups where one can connect with a senior colleague, learn from each other, and share perspectives.<sup>697</sup> The firm also runs a **Global Sponsorship Program**, which involves a year of sponsorship, coaching, and learning and development opportunities for high-performing mid- to senior-level women associates.<sup>698</sup>

White & Case LLP operates the partner-led **Global Women’s Initiative** (“GWI”), which is accountable to the firm’s Executive Committee and encompasses all women lawyers worldwide (who currently number nearly 1,100 lawyers).<sup>699</sup> The GWI works with regional and global leaders to develop and implement talent management programs to promote the retention and advancement of women; institutes and supports local Women’s Networks to offer professional and business development activities; and drives competency and talent as the fundamental considerations in allocating opportunity and granting promotions and conversions.<sup>700</sup> One example of the GWI’s programs is its global **Coaching Program**, which offers associates and counsel the opportunity to receive individual, executive coaching and to participate in group-coaching sessions on topics chosen by those women.<sup>701</sup> Another example is its **Sponsorship Program**, which runs over an 18-month period, pairing talented mid-level and senior women lawyers with partner sponsors to support their career trajectory.<sup>702</sup> The firm also offers the **Women Partners’ Forum**, a program aimed at empowering the firm’s women contract partners, including through talks by the top thinkers in law, business, and academia and through group coaching sessions led by a professional coach.<sup>703</sup> In addition, the firm offers the **Senior Development Program**, which assigns a partner mentor to help participants create and refine their personal business development plan, and the **Latitude Mentoring Program** in partnership with Goldman Sachs that helps associate-mentees develop the skills and behaviors to achieve their career goals and fulfill their personal potential.<sup>704</sup>

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696. THE LAW SOCIETY, THE 2019 LAW SOCIETY REPORT, at 47 (2019).

697. For more information, see [Appendix H.5](#).

698. For more information, see [Appendix H.5](#).

699. [Appendix H.19](#).

700. [Appendix H.19](#).

701. [Appendix H.19](#).

702. [Appendix H.19](#).

703. [Appendix H.19](#).

704. [Appendix H.19](#).

In addition to providing mentorship and sponsorship, employers can offer training to women in the soft skills needed to withstand the high pressure and demands of work in international arbitration, in an effort to promote retention of women talent. For example, the American Bar Association offers a **Toolkit for Teaching a “Grit and Growth Mindset”**<sup>705</sup> to women lawyers, in order to enable successful long-term careers in law.<sup>706</sup>

### (iii) Enable flexible working arrangements

*“[F]lexibility in the workplace should be seen as the number one driver in bridging the gender gap in the legal industry.”*<sup>707</sup>

As noted in Section IIIA(iii), strict work arrangements continue to be a barrier for women to advance in the legal profession. In the United States, for example, more than 75% of caregivers are women,<sup>708</sup> and the lack of flexible working arrangements thus makes it more likely for women to adjust their careers for family life, or to exit the workplace entirely, after having children.<sup>709</sup> Throughout the on-going COVID pandemic, and as observed in Section IIIA(iv), millions of employees have been compelled to work solely from home, resulting in increased employer recognition that flexible work arrangements not only are feasible, but may also boost productivity.<sup>710</sup> Such enhanced flexibility may

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705. American Bar Association, Programme Toolkit: Using Grit and Growth Mindset to Advance Women in Law, <<http://www.ambar.org/grit>> (last accessed Aug. 5, 2022) (“In short, grit—defined as ‘perseverance and passion for long-term goals’—teamed with a growth mindset—the view that one’s abilities can be developed—were found to be important tools that aided highly successful women attorneys in handling challenging situations.”).

706. See also Megan Bess, *Grit, Growth Mindset, and the Path to Successful Lawyering*, 89 UMKC L. REV. 493, (Sept. 23, 2019).

707. Karen Bailey, *Is lack of flexible working a barrier for women in the legal industry?*, WOMEN IN LAW SUMMIT (Sep. 5, 2018), <<https://www.womeninlawsummit.com/blog/is-lack-of-flexible-working-a-barrier-for-women-in-the-legal-industry>> (last accessed Aug. 5, 2022).

708. Family Caregiver Alliance, Caregiver Statistics: Demographics, <<https://www.caregiver.org/resource/caregiver-statistics-demographics/>> (last accessed Aug. 5, 2022).

709. Courtney Connley, *Why Long-Term Flexible Work Options Could Be a Game Changer for Women*, CNBC (Apr. 29, 2020), <<https://www.cnbc.com/2020/04/29/why-long-term-flexible-work-options-could-be-a-game-changer-for-women.html>> (last accessed Aug. 5, 2022).

710. Enda Curran, *Work From Home to Lift Productivity by 5% in Post-Pandemic U.S.*, BLOOMBERG (Apr. 22, 2021), <<https://www.bloomberg.com/news/articles/2021-04-22/yes-working-from-home-makes-you-more-productive-study-finds>> (last accessed Aug. 5, 2022).

also allow working women to schedule around other responsibilities that they have as primary caregivers.<sup>711</sup>

Embracing flexibility can show that employers are serious about their commitments to supporting progress in women’s careers. By introducing plans for flexible working arrangements, employers can facilitate women reclaiming their agency in the workplace by allowing them to participate more fully in the decisions that shape their career. Colleagues, both men and women, should also be encouraged to adopt flexible working, as this can help to mainstream these practices and make others feel more confident in asking for flexible working arrangements.<sup>712</sup> White & Case LLP, for example, has introduced an enhanced, gender-neutral Paid Parental Leave Policy across all its U.S. offices, and also provides free access to parental leave coaching through an expert provider.<sup>713</sup>

#### (iv) Promote a positive work culture

The **International Bar Association’s** 2019 report, **Us Too? Bullying and Sexual Harassment in the Legal Profession**, provides insights into the nature, prevalence, and impact of bullying and sexual harassment in the legal profession. The report finds that “workplaces are not doing enough” to prevent or adequately respond to misconduct, with policies regarding bullying and sexual harassment present in only 53% of workplaces, and that women often do not report sexual assault due to “fear of repercussions and a lack of confidence in reporting procedures.”<sup>714</sup>

Employers should send a strong message that harassment and bullying will not be tolerated in the workplace.<sup>715</sup> There are a number of ways that law firms and organizations can tackle and avoid harassment and bullying in the workplace.<sup>716</sup> Several ideas are promoted by the **ABA’s Commission on Women in the Profession**, including:

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711. Courtney Connley, *Why Long-Term Flexible Work Options Could Be a Game Changer for Women*, CNBC (Apr. 29, 2020), <<https://www.cnbc.com/2020/04/29/why-long-term-flexible-work-options-could-be-a-game-changer-for-women.html>> (last accessed Aug. 5, 2022).

712. THE LAW SOCIETY, *THE 2019 LAW SOCIETY REPORT*, p. 45 (2019). *See*, in this regard, [Appendix H.5](#), noting that at firms like Freshfields Bruckhaus Deringer LLP, there is an ongoing review of maternity, paternity and shared parental leave offerings “to ensure we are supporting our people before, during, and after this critical time in their career.”

713. *See* [Appendix H.19](#). *See also* Danielle Nichole Smith, *White & Case Revamped Parental Leave Policy For 2018*, Law360 (Nov. 14, 2018), <<https://www.law360.com/articles/1102075/white-case-revamped-parental-leave-policy-for-2018>> (last accessed Aug. 11, 2022).

714. Kieran Pender, *Us Too? Bullying and Sexual Harassment in the Legal Profession*, IBA pp. 11, 87, 106 (2019).

715. THE LAW SOCIETY, *THE 2019 LAW SOCIETY REPORT*, p. 44 (2019).

716. *See, e.g.*, LeanIn, *Dealing with Sexual Harassment*, <<https://leanin.org/sexual-harassment>> (last accessed Aug. 18, 2022).

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- conducting training sessions about sex-based harassment as part of orientation for new lawyers and other new employees;
- providing yearly reviews of a firm’s sexual harassment policy to all employees;
- providing specific and separate training for all individuals responsible for enforcing that policy;
- establishing mechanisms for detecting sexual harassment (e.g. anonymous employee surveys and/or exit interviews); and
- demanding and modeling respect, mentoring young lawyers to behave professionally and appropriately, and discussing sex-based harassment openly in order to make it a more comfortable topic to raise.<sup>717</sup>

The Commission also provides guidance on best practices for developing and enforcing anti-harassment policies.<sup>718</sup>

Cultural change can be targeted towards everyday actions that, with simple adjustments, can make a meaningful impact. Freshfields Bruckhaus Deringer LLP, for example, has implemented an **Every Day Gender Equality** (“EDGE”) commitment, whereby members of the firm commit to taking ten very practical, everyday actions that are intended to cause incremental but tangible changes to foster equality in the workplace.<sup>719</sup> The firm has also taken steps to create a feedback culture to monitor and adapt the diversity and inclusion strategy and to promote understanding and awareness of broader, intersectional issues that arise in professional practice. For example, it hosts intersectional events that explore the often interwoven nature of class, race, gender, sexual orientation, and disability in our society.<sup>720</sup> Similarly, ICDR runs the **Inclusion, Diversity, Equity, Acceptance, and Support Employee Resource Group** (“I.D.E.A.S. ERG”), which is an internal AAA-ICDR diversity initiative that shares resources and opportunities for staff to build and strengthen cultural awareness, sensitivity, understanding, and unity in order to forge stronger connections with colleagues.<sup>721</sup>

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717. AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, ZERO TOLERANCE PROGRAM TOOLKIT: IDENTIFYING AND COMBATING SEX-BASED HARASSMENT IN THE LEGAL PROFESSION (2018), <<https://www.americanbar.org/content/dam/aba/administrative/women/zerotolerance-brochure-download2018.pdf>> (last accessed Aug. 9, 2022).

718. AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, ZERO TOLERANCE PROGRAM TOOLKIT: IDENTIFYING AND COMBATING SEX-BASED HARASSMENT IN THE LEGAL PROFESSION (2018), <<https://www.americanbar.org/content/dam/aba/administrative/women/zerotolerance-brochure-download2018.pdf>> (last accessed Aug. 9, 2022).

719. See [Appendix H.5](#).

720. For more information, see [Appendix H.5](#).

721. See [Appendix H.9](#).

**(v) Consider the use of gender-neutral terminology**

*“[L]anguage not only reflects and defines culture, but actually shapes cultural norms.”*<sup>722</sup>

Gender-exclusive terminology can have an impact on unconscious bias. As one study reports: “[g]endered linguistic structures create and maintain structural differences throughout society, including labor market dynamics,” noting empirical evidence that “countries in which the dominant language has more gendered linguistic structures have lower levels of women labor force participation, shorter maternity leaves, and greater tolerance for gender-based discrimination. These countries also have fewer women board directors, senior managers, and leaders of corporate teams; higher wage gaps between men and women; and greater marginalization of women in certain professions.”<sup>723</sup> Another study suggests that using gender-neutral pronouns can significantly mitigate unconscious bias:

*“[E]xperiments suggest that language is meaningfully associated with the construction and maintenance of attitudes toward gender roles and categories. Compared with masculine pronouns, gender-neutral ones decrease individuals’ mental bias in favor of men and enhance the salience of women and other heterodox gender groups in speakers’ minds. This effect has significant downstream consequences, as it is associated with individuals expressing political opinions that are more gender equal and tolerant of LGBT individuals.”*<sup>724</sup>

Employers wishing to promote an inclusive working environment and to promote gender equality in the workplace should consider the use of gender-neutral terminology where appropriate, including, for example, when referring to arbitrators. As noted in [Appendix H](#) of this Report, some institutions have amended their rules and draft guidance using gender neutral terminology when referring to arbitrators. HKIAC, ICSID, and VIAC, for example, refer to “chairperson” instead of “chairman,” and the SCC’s Arbitrator

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722. Chelsea A. Harris et al., *What’s in a pronoun? Why gender-fair language matters*, 266(6) ANN SURG., pp. 932–933 (2017). See also Margit Tavits and Efrén O. Perez, *Language influences mass opinion toward gender and LGBT equality*, 116(34) PNAS 16, pp. 781-16, 786 (2019).

723. Diana M. Hechavarría et al., *More than Words: Do Gendered Linguistic Structures Widen the Gender Gap in Entrepreneurial Activity?*, 42(5) ENTREPRENEURSHIP THEORY AND PRACTICE, pp. 797-817 (2017).

724. Margit Tavits and Efrén O. Perez, *Language influences mass opinion toward gender and LGBT equality*, 116(34) PNAS 16, pp. 781-16, 786 (2019).



Guidelines uses similar gender-neutral terminology.<sup>725</sup> CAM Santiago’s arbitration rules refer to the arbitrators as “tribunal arbitral” (arbitral tribunal) instead of “árbitro” or “árbitra” (which means male and female arbitrators). Similarly, the ACICA Arbitration Rules 2021 refer where possible to “the arbitral tribunal,” rather than to “the arbitrator,” so as to reduce the need to use gendered pronouns. Where reference to “the arbitrator” is necessary, the ACICA Rules refer to “he or she” or “Chairperson.” Most Task Force member firms reported using gender-neutral terminology in documents. Burford Capital, White & Case LLP, Three Crowns LLP, and Skadden Arps, Slate, Meagher & Flom LLP, for example, use gender-neutral terminology in their policies and other documents to ensure that they are inclusive to all genders.<sup>726</sup>

### (vi) Champion and promote women

As noted above in Section IIIB(ii), many directories depend on employers and peers nominating and championing women working in international arbitration. Employers should consider whether more can be done to champion women employees. As the UK editor of Legal500 commented: “As firms and practice heads, the onus is on you to put forward more of your star women—both up and coming and established—across every practice you can so that we can consider them for our rankings.”<sup>727</sup>

Another valuable way to champion women is to ensure that your organization is providing opportunities for women employees to speak at and attend conferences and other networking events. Task Force members have reported the following statistics:

- 14 of the 25 occasions in which **DIS** staff spoke at events in 2021 (56%) involved women members of the institution;<sup>728</sup>
- 80% of the 150 presentations given by **ICSID** in 2021 were presented by women members of the institution;<sup>729</sup>
- **Hanotiau & van den Berg** have adopted a policy that gender diversity at or around 50% is a requirement for the participation of members of the firm in panel events.<sup>730</sup>

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725. See *Appendices H.7, H.10, H.16, H.18.*

726. See *Appendices H.2, H.15, H.17, H.19.*

727. Georgina Stanley, *We’ll be championing women but we need your help*, FIVEHUNDRED MAGAZINE (Feb. 25, 2019), <<https://www.legal500.com/fivehundred-magazine/diversity-and-inclusion/well-be-championing-women-but-we-need-your-help/>> (last accessed Aug. 5, 2022).

728. See *Appendix H.4.*

729. See *Appendix H.10.*

730. See *Appendix H.6.*

- The Mansfield Rule is a standard by which law firms can track whether they have affirmatively considered at least thirty percent women, lawyers of color, lawyers with disabilities, and LGBTQ+ lawyers for top leadership roles, senior-level lateral hiring, promotions into the equity partnership, and participation in client pitch meetings.<sup>731</sup> **White & Case LLP**, for example, received the Mansfield Rule Certification in 2018 and Certification Plus in 2019, 2020, and 2021.<sup>732</sup> **Freshfields Bruckhaus Deringer LLP**, another of the 117 United States and Canada law firms to receive the Mansfield Rule Certification in 2020 and 2021 in the United States, currently is part of the initiative’s pilot in the United Kingdom.<sup>733</sup>

In addition to championing women, promoting them is important. Increasing the number of women in leadership positions not only drives positive cultural change in the workplace, but also creates more women role models and mentors for other lawyers and staff.<sup>734</sup> Promoting women into more senior positions will enable them to gain valuable experience needed to act as arbitrators. **Baker McKenzie**, for example, has set a target for gender ratios of 40% men, 40% women and 20% unspecified gender (men, women, or non-binary individuals) by July 2025, across all partners, senior business professionals, committee leadership, and candidate pools for recruitment.<sup>735</sup>

#### (vii) Enable women to accept appointments

*“I had not expected to be nominated for the role at the time when I was. My main concern was that I would be permitted to take up the nomination as I was concerned my firm would not be supportive of my taking on sitting appointments, but they were very supportive which really helped.”<sup>736</sup>*

Several of the arbitrators we interviewed commented that law firm policies (both formal and informal) can prevent women and men from accepting arbitrator appointments. For example, one interviewee commented that law firms may be “reluctant to allow their

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731. For more information, see <<https://www.diversitylab.com/pilot-projects/mansfield-rule-5-us-uk-canada/>> (last accessed Aug. 5, 2022).

732. See *Appendix H.19*.

733. For more information, see <<https://www.diversitylab.com/pilot-projects/mansfield-rule-5-us-uk-canada/>> (last accessed Aug. 5, 2022). See also *Appendix H.5*.

734. THE LAW SOCIETY, THE 2019 LAW SOCIETY REPORT, P. 44 (2019).

735. Laura Noonan, *Female Lawyers: Initiatives to Break Through Career Barriers*, FINANCIAL TIMES (Dec. 10, 2019), <<https://www.ft.com/content/a8a6ddea-0637-11ea-a958-5e9b-7282cbd1>> (last accessed Aug. 5, 2022).

736. Anonymous woman arbitrator, interviewed by the Task Force in preparation for this Report.

associates (or partners) to be appointed as arbitrators” in part because of “monetary considerations.” She noted further that “I have repeatedly seen with younger lawyers that this is a cause of frustration: here you get your first appointment but then you cannot accept it! I think it is important to have a discussion with the law firm before accepting a position as associate about how this is handled if there is the wish to become an arbitrator.” Another interviewee commented along the same lines that “[m]any firms may see younger women as facilitating established partners’ work and may see arbitrator appointments as creating conflicts and generating relatively low income to the firm. Women who want to develop as arbitrators may need to encourage their firms to consider a broader and longer-term view.”

Firms and organizations should consider whether such barriers exist in their practices and, if so, whether steps can be taken to enable women to take important professional opportunities such as first-time arbitrator appointments. There may be creative ways to address concerns about time and money, for example by using funds that have been earmarked specifically to support women practicing in international arbitration (as discussed above, in Section IVB(iii)).

## F. I publish information about arbitrators and arbitration: What can I do?

### (i) **Champion women**

As noted in Section IIIB(ii), above, women are under-represented in legal directories, which, in turn, means that qualified and experienced women candidates may not have the same opportunities to promote their credentials. Directories have called on the arbitration community to champion women when approached by directory researchers.<sup>737</sup> Those in the position to do so, particularly those who have nominated or appointed women arbitrators, should be encouraged to provide their feedback on the women arbitrator(s) when approached by directories. It may be that directories can facilitate this by specifically asking firms and institutions to consider women arbitrators when providing feedback. Directories also can take the initiative to promote diversity. Arbitrator Intelligence, for example, launched a Diversity Campaign in the fall of 2021 to collect

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737. Georgina Stanley, *Women in The Legal 500—A step in the right direction but we need your help*, FIVEHUNDRED MAGAZINE (Nov. 26, 2019), <<https://www.legal500.com/fivehundred-magazine/editors-views/women-in-the-legal-500-a-step-in-the-right-direction-but-we-need-your-help/>> (last accessed Aug. 5, 2022) (“As firms and practice heads, the onus is on you to put forward more of your female stars—both up and coming and established—across every practice you can so that we can consider them for our rankings.”).

feedback about arbitrators with the goal of making it easier for parties, counsel, and institutions to appoint diverse and newer arbitrators.<sup>738</sup>

## (ii) Add a gender filter to your database of arbitrators

As noted in Section IIIB(ii), above, many publicly available databases commonly used to compile shortlists of arbitrator candidates do not include search filters that allow users to screen for gender diversity.<sup>739</sup> The absence of gender filters obscures the diversity of candidates listed and does not facilitate the conscious searching for and adding of women or non-gender conforming individuals to candidate lists. Organizations and institutions that manage databases of arbitrators should consider adding a gender filter to enable users to target and identify more gender diverse candidates.

## (iii) Reconsider minimum experience requirements

Some databases require that for a person's profile to be listed they must meet a minimum number of appointments as an arbitrator. Such a policy, however, creates an additional barrier for more diverse candidates who are trying to "break into" the circle of qualified arbitrators.<sup>740</sup> The policy also risks reinforcing the "club" of existing arbitrators.<sup>741</sup> As one commentator noted: "[i]n this regard, GAR should be commended for changing the policy applicable to its Arbitrator Research Tool to permit the listing of candidates seeking their first appointment in order to encourage diversity."<sup>742</sup>

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738. Arbitrator Intelligence, *Arbitrator Intelligence Is Delighted to Launch the 2021 Diversity Campaign!* (Sept. 13, 2021), <<https://arbitratorintelligence.com/arbitrator-intelligence-2021-diversity-campaign/>> (last accessed Aug. 5, 2022).

739. See also, Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE?* 89, p. 92 (Freya Baetens, Ed., 2020) (noting that "gender filters are the exception").

740. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE?* 89, p. 91 (Freya Baetens, Ed., 2020).

741. See also, Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE?* 89, p. 92 (Freya Baetens, Ed., 2020).

742. Catherine Drummond, *The Party-Appointment Process: Addressing Barriers to Equal Opportunities for Women in the Appointment of Ad Hoc Adjudicators*, in *IDENTITY AND DIVERSITY ON THE INTERNATIONAL BENCH: WHO IS THE JUDGE?* 89, pp. 105-16 (Freya Baetens, Ed., 2020).

## G. I organize conferences and other arbitration events: What can I do?

*“Organisers of such events are urged to make sure that their lists of speakers and moderators reflect diversity of all kinds.”*<sup>743</sup>

As noted in Sections IVC(v) and IVD(iii), participating in conferences and other events is an important way for women to promote their visibility, build their reputations as thought leaders, meet mentors and clients, and potentially secure a position on an arbitrator candidate shortlist. Involving women in public speaking and profile building events can influence the pipeline as well as the pool of arbitrators and therefore contribute to greater diversity in international arbitration. Arbitral institutions and other organizations should therefore consider tracking the number of men and women participants and speakers at conference panels and networking events. Tracking these numbers can help provide a clear picture of whether intentional inclusion is occurring in spaces which have been historically occupied and dominated by men lawyers and arbitrators. For example, at the 2021 ACICA/CIArb International Arbitration Conference, 46% of speakers were women (19 of 41).<sup>744</sup> In 2019, 57% of speakers at AAA-ICDR events were women or identified as diverse; in 2021, more than 50% of the faculty speakers at AAA-ICDR programs were diverse.<sup>745</sup> In 2020, 44% of panelists at events organized by HKIAC were men and 56% were women, while in 2021, 46% were men and 56% were women.<sup>746</sup>

The inclusivity of the ACICA and AAA-ICDR events is, however, still exceptional among international arbitration conferences more generally. Lucy Greenwood and Freshfields Bruckhaus Deringer LLP have compiled data on the number of women participating in arbitration conferences as speakers or panel chairs. The data, compiled at [Appendix E](#), reviews 355 arbitration conferences in 2020 and indicates that, of the conferences reviewed, almost two thirds of panel chairs, keynote speakers, moderators, and panelists were men. The exception is for conferences/panels organized by young arbitrator groups or diversity-related initiatives, where it appears that more women speak compared with

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743. White & Case and Queen Mary University of London School of International Arbitration, *2021 International Arbitration Survey: Adapting Arbitration to a Changing World*, p. 19 (2021) (“[A] quarter of respondents (25%) included ‘speaking opportunities at conferences for less experienced and more diverse members of the arbitration community’ as a way to encourage greater diversity. As explained in the interviews, these events help increase the visibility of newer entrants to the arbitration field. ... Building visibility is particularly important, because users tend to prefer arbitrator candidates about whom they have some knowledge or with whom they have previous experience.”).

744. See [Appendix H.1](#).

745. See [Appendix H.9](#).

746. See [Appendix H.7](#).

men.<sup>747</sup> In addition, virtual events had a higher proportion of women speakers than face-to-face events.<sup>748</sup>

There are a number of steps that conference organizers can take to promote the involvement of women. For example, conference organizers can adopt a policy of including a fair representation of women speakers. This should include involving women both as subject matter experts, as well as panel moderators. ICCA, for example, has a policy of achieving gender equality in speakers at its annual ICCA Congress; at recent ICCA Congresses, the ratio of female to male speakers has been 45% to 55%.<sup>749</sup> Similarly, WWA Latam’s policy is to propose gender-integrated panels, and its events generally have gender balance among panelists.<sup>750</sup> In 2018, the World Business Women of the International Chamber of Commerce published the “**ICC Gender Balance Pledge**,” which commits the ICC to increasing gender diversity in panel discussions at conferences in which the ICC participates.<sup>751</sup> The Gender Balance Pledge was submitted to all National Committees and Members of the ICC. Among other things, the ICC Gender Balance Pledge commits ICC staff to “[w]here possible, refuse to speak in any men-only or highly gender-imbalanced panels and suggest alternative diverse speakers,” to invite more junior women to speak at ICC conferences (recognizing that “[a] good speaker is not necessarily high-ranking” and with the objective of empowering younger women), and to “[o]ffer[] public speaking guidance/training for women and young professionals.”<sup>752</sup> Similarly, HKIAC has published guidelines to encourage diversity at arbitration events, including promoting gender diversity among panel speakers.<sup>753</sup> These guidelines have been adopted by HKIAC for all of its events and they apply to events where HKIAC is a venue sponsor and for events organized by other bodies.<sup>754</sup> For events it organizes, HKIAC itself is fully committed to gender diversity and has a “no all-male panels” policy.<sup>755</sup>

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747. See Appendix E, [Table E.2](#).

748. See Appendix E, [Table E.2](#).

749. See [Appendix H.13](#).

750. See [Appendix H.20](#).

751. See International Chamber of Commerce, ICC Gender Balance Pledge (2018), <<https://iccwbo.org/publication/icc-gender-balance-pledge/>> (last accessed Aug. 5, 2022) (pledge signed by ICC leadership on Oct. 17, 2018).

752. See International Chamber of Commerce, ICC Gender Balance Pledge (2018), <<https://iccwbo.org/publication/icc-gender-balance-pledge/>> (last accessed Aug. 5, 2022) (pledge signed by ICC leadership on Oct. 17, 2018).

753. The Guidelines have most recently been adopted for the Hong Kong Arbitration Week 2020, <<https://www.hkiac.org/events/2020-hong-kong-arbitration-week>> (last accessed Aug. 5, 2022).

754. See [Appendix H.7](#).

755. See [Appendix H.7](#).

In 2022, ACICA launched the Australian Arbitration Week Principles, which invite and encourage all organizations participating in Australian Arbitration Week (“AAW”) to “ensure a fair gender balance, and the inclusion of diverse speakers, including with regard to ethnicity, geography and culture when planning their events.”<sup>756</sup> All organizations that apply to participate in AAW are encouraged to confirm their commitment to these principles.<sup>757</sup>

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756. Australian Arbitration Week, *Australian Arbitration Week Principles*, <<https://aaw.acica.org.au/wp-content/uploads/2022/03/Australian-Arbitration-Week-Principles.pdf>> (last accessed Aug. 8, 2022).

757. Australian Arbitration Week, *Australian Arbitration Week Principles*, <<https://aaw.acica.org.au/wp-content/uploads/2022/03/Australian-Arbitration-Week-Principles.pdf>> (last accessed Aug. 8, 2022).

## V. CONCLUSIONS AND NEXT STEPS

This Report has two primary objectives. The first is to provide a platform for publishing much-needed statistics on the appointment of women arbitrators. We believe that the first edition of the Report in 2020 was the first of its kind to be published by a coalition of arbitral institutions we are pleased that this second edition reports even greater progress. We hope that it will be a document that evolves and is updated in years to come. We acknowledge that significant progress has been made with respect to the appointment of women to international arbitral tribunals, particularly between 2015 and 2021. That progress is attributable to the substantial efforts by certain arbitration practitioners and professionals, co-arbitrators and institutions, as well as by organizations raising awareness of the importance of gender diversity, such as ArbitralWomen and the ERA Pledge. But there remains more that can and should be done. Several of the institutions whose data are included in this Report have demonstrated that there is no necessary reason why women cannot be fairly or even equally represented as men on arbitral tribunals. This year, figures from certain institutions have recorded women comprising 49.5% of institutional appointees<sup>758</sup> and 44.4% of party appointees.<sup>759</sup> Other institutions have recorded all-women tribunals and the promotion of women to the highest ranks of the profession. This is in part due to the concerted efforts of members of the international arbitration community committed to promoting diversity in our field, but it may also be reflective of the promotion and inclusion of women and non-gender conforming individuals in society more generally. The hope of the Task Force is that the upward trend in gender diversity of arbitrators continues well beyond its current level of one-quarter.

The second objective of this Report is to collate the various opportunities that exist for us all to take positive and proactive action to address the continued lack of diversity in international arbitration. This Report can be used as a toolkit—or a roadmap—for those in the international arbitration community who, like the members of the Task Force, are committed to improving gender diversity in international arbitration. There is a wealth of opportunities for all of us to promote women in arbitration, including as arbitrators, ranging from minor changes to our everyday actions, to implementing broader initiatives that allow women to succeed in this profession. Significantly, there are also many opportunities for women to take advantage of, and we hope that they do.

Finally, the Task Force acknowledges that gender is only one aspect of a broader discussion on diversity in international arbitration, and that gender is itself a complex and non-binary issue. We nevertheless hope that the narrow focus of this Report is a useful contribution to this broader movement towards a more diverse future. As the great

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758. See [Table 4](#); Appendix A, [Table A.1](#) (SCC).

759. See [Table 6](#); Appendix A, [Table A.1](#) (ICAC).



## THE ICCA REPORTS

Chinese philosopher, Lao Tzu, observed, “[a] journey of 1,000 miles begins with a single step” and so too does meaningful change and progress in this area. We have defined a roadmap for such beginning steps and hope others will join us on the journey forward.

## APPENDIX A

### A.1 Data on women arbitrator appointments compiled by Task Force members

Instit'n	Year	Total appts	Total appts of men no. (% <sup>760</sup> )	Total appts of women no. (% <sup>761</sup> )	Total party appts	Total party appts of women no. (% <sup>762</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>763</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>764</sup> )
CEPANI	2021	60	39 (65)	21 (35)	22	7 (31.8)	38	14 (36.8)	[U/R] <sup>765</sup>	0 (0)
	2020	44	38 (86.4)	6 (13.6)	24	3 (12.5)	20	3 (15)	[U/R]	0 (0)
	2019	43	39 (90.7)	4 (9.3)	20	2 (10)	20	2 (10)	[U/R]	0 (0)
	2018	45	34 (75.6)	11 (24.4)	25	2 (8)	19	9 (47.4)	[U/R]	0 (0)
	2017	33	30 (90.9)	3 (9.1)	25	2 (8)	8	1 (12.5)	[U/R]	0 (0)
	2016	41	32 (78)	9 (22)	20	1 (5)	19	8 (42.1)	[U/R]	0 (0)
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CRCICA	2021	165	153 (92.7)	12 (7.3)	114	7 (6.1)	34	4 (11.8)	17	1 (5.9)
	2020	159	151 (95)	8 (5)	126	4 (3.2)	23	1 (4.3)	10	3 (30)
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
DIS	2021	243	194 (79.8)	49 (20.2)	143	15 (10.5)	36	13 (36.1)	64	21 (32.8)
	2020	255	202 (79.2)	53 (20.8)	145	22 (15.2)	45	24 (53.3)	65	7 (10.8)
	2019	189	156 (82.5)	33 (17.5)	114	17 (14.9)	27	10 (37)	48	6 (12.5)
	2018	233	204 (87.6)	29 (12.4)	150	17 (11.3)	20	7 (35)	63	5 (7.9)

760. % Male Appointments = Total Male Appointments / Total Appointments.

761. % Woman Appointments = Total Woman Appointments / Total Appointments.

762. % Woman Party Appointments = Total Woman Appointments by Party / Total Appointments by Parties.

763. % Woman Institutional Appointments = Total Woman Appointments by Institution / Total Appointments by Institution.

764. % Woman Co-Arbitrator Appointments = Total Woman Appointments by Co-arbitrators / Total Appointments by Co-arbitrators.

765. [U/R] indicates unreported or unrecorded data.

THE ICCA REPORTS

Instit'n	Year	Total appts	Total appts of men no. (% <sup>760</sup> )	Total appts of women no. (% <sup>761</sup> )	Total party appts	Total party appts of women no. (% <sup>762</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>763</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>764</sup> )
DIS	2017	328	278 (84.8)	50 (15.2)	208	19 (9.1)	33	11 (33.3)	87	20 (23)
	2016	265	232 (87.5)	33 (12.5)	164	16 (9.8)	21	7 (33.3)	80	10 (12.5)
	2015	298	258 (86.6)	40 (13.4)	184	14 (7.6)	29	10 (34.5)	85	16 (18.8)
	2014	252	223 (88.5)	29 (11.5)	[U/R]	16 (9.9)	[U/R]	7 (24.0)	[U/R]	6 (9.8)
	2013	210	187 (89.0)	23 (11.0)	[U/R]	16 (12.1)	[U/R]	2 (13.3)	[U/R]	5 (7.9)
HKIAC	2021	331	275 (83.1)	56 (16.9)	139	16 (11.5)	142	31 (21.8)	50	9 (18)
	2020	307	246 (80.1)	61 (19.9)	118	14 (11.9)	149	34 (22.8)	40	13 (32.5)
	2019	284	233 (82)	51 (18)	115	16 (13.9)	122	25 (20.5)	47	10 (21.3)
	2018	252	220 (87.3)	32 (12.7)	92	8 (8.7)	111	22 (19.8)	30	2 (6.7)
	2017	188	161 (85.6)	27 (14.4)	63	7 (11.1)	99	16 (16.2)	26	4 (15.4)
	2016	157	138 (87.9)	19 (12.1)	62	11 (17.7)	74	5 (6.8)	21	3 (14.3)
	2015	165	149 (90.3)	16 (9.7)	[U/R]	6 (0)	[U/R]	8 (0)	[U/R]	2 (0)
IAC	2021	111	62 (55.9)	49 (44.1)	4	3 (75)	107	46 (43)	3	1 (33.3)
	2020	9	4 (44.4)	5 (55.6)	4	0 (0)	5	5 (100)	[U/R]	0 (0)
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
ICAC	2021	483	300 (62.1)	183 (37.9)	171	76 (44.4)	202	68 (33.7)	110	39 (35.5)
	2020	316	182 (57.6)	134 (42.4)	101	58 (57.4)	161	61 (37.9)	54	15 (27.8)
	2019	323	205 (63.5)	118 (36.5)	103	47 (45.6)	149	55 (36.9)	71	16 (22.5)
	2018	388	243 (62.6)	145 (37.4)	118	54 (45.8)	175	63 (36)	95	28 (29.5)
	2017	557	325 (58.3)	232 (41.7)	171	77 (45)	255	114 (44.7)	131	41 (31.3)
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]	[U/R]	[U/R]
	2015	1313	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]	[U/R]	[U/R]
ICC	2021	1525	1154 (75.7)	371 (24.3)	901	158 (17.5)	380	150 (39.5)	244	63 (25.8)
	2020	1520	1165 (76.6)	355 (23.4)	906	150 (16.6)	385	142 (36.9)	227	63 (27.8)
	2019	1476	1164 (78.9)	312 (21.1)	854	131 (15.3)	395	136 (34.4)	225	45 (20)
	2018	1484	1211 (81.6)	273 (18.4)	853	115 (13.5)	410	113 (27.6)	221	45 (20.4)
	2017	1488	1239 (83.3)	249 (16.7)	867	102 (11.8)	380	113 (29.7)	239	34 (14.2)
	2016	1411	1202 (85.2)	209 (14.8)	794	86 (10.8)	407	97 (23.8)	206	26 (12.6)
	2015	1313	1177 (89.6)	136 (10.4)	772	53 (6.9)	372	73 (19.6)	165	10 (6.1)

GENDER DIVERSITY IN ARBITRAL APPOINTMENTS AND PROCEEDINGS – 2022 UPDATE

Insti't'n	Year	Total appts	Total appts of men no. (% <sup>760</sup> )	Total appts of women no. (% <sup>761</sup> )	Total party appts	Total party appts of women no. (% <sup>762</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>763</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>764</sup> )
ICC	2014	1327	1198 (90.3)	129 (9.7)	783	54 (6.9)	319	53 (16.6)	218	21 (9.6)
	2013	1329	1210 (91.0)	119 (9.0)	740	44 (5.9)	389	65 (16.7)	194	9 (4.6)
	2012	1301	1199 (92.2)	102 (7.8)	764	40 (5.2)	357	43 (12.0)	175	17 (9.7)
	2011	1341	1238 (92.3)	103 (7.7)	774	45 (5.8)	360	41 (11.4)	195	16 (8.2)
	2010	1331	1235 (92.8)	96 (7.2)	784	34 (4.3)	354	48 (13.6)	185	14 (7.6)
ICDR	2021	707	522 (73.8)	185 (26.2)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2020	791	596 (75.3)	195 (24.7)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2019	897	684 (76.3)	213 (23.7)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	1023	794 (77.6)	229 (22.4)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	1127	881 (78.2)	246 (21.8)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	1158	978 (84.5)	180 (15.5)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	802	662 (82.5)	140 (17.5)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
ICSID	2021	246	179 (72.8)	67 (27.2)	165	33 (20)	69	30 (43.5)	12	4 (33.3)
	2020	181	140 (77.3)	41 (22.7)	111	24 (21.6)	59	16 (27.1)	11	1 (9.1)
	2019	192	155 (80.7)	37 (19.3)	123	19 (15.4)	62	16 (25.8)	7	2 (28.6)
	2018	231	176 (76.2)	55 (23.8)	149	32 (21.5)	72	21 (29.2)	10	2 (20)
	2017	195	158 (81)	37 (19)	120	22 (18.3)	58	14 (24.1)	17	1 (5.9)
	2016	159	138 (86.8)	21 (13.2)	114	14 (12.3)	37	7 (18.9)	8	0 (0)
	2015	184	163 (88.6)	21 (11.4)	117	15 (12.8)	51	3 (5.9)	16	3 (18.8)
	2014	155	136 (87.8)	19 (12.3)	104	14 (13.5)	47	5 (10.6)	4	0 (0)
	2013	142	124 (87.3)	18 (12.7)	100	16 (16.0)	39	2 (5.1)	3	0 (0)
	2012	140	132 (94.3)	8 (5.7)	96	6 (6.3)	40	2 (5.0)	4	0 (0)
	2006	[U/R]	[U/R]	3 (3.9)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
LCIA	2021	449	307 (68.4)	142 (31.6)	195	31 (15.9)	192	91 (47.4)	61	20 (32.8)
	2020	533	358 (67.2)	175 (32.8)	163	53 (32.5)	224	100 (44.6)	68	22 (32.4)
	2019	566	404 (71.4)	162 (28.6)	254	30 (11.8)	218	104 (47.7)	94	28 (29.8)
	2018	449	346 (77.1)	103 (22.9)	207	14 (6.8)	167	72 (43.1)	75	17 (22.7)
	2017	412	315 (76.5)	97 (23.5)	202	34 (16.8)	164	55 (33.5)	46	8 (17.4)
	2016	496	394 (79.4)	102 (20.6)	219	9 (4.1)	197	80 (40.6)	80	13 (16.3)
	2015	449	378 (84.2)	71 (15.8)	204	14 (6.9)	195	55 (28.2)	50	2 (4)
	2014	420	371 (88.3)	49 (11.7)	[U/R]	9 (4.4)	[U/R]	32 (20.1)	[U/R]	8 (14.3)
	2013	372	329 (88.5)	43 (11.5)	[U/R]	11 (9.6)	[U/R]	32 (19.4)	[U/R]	0 (0)
	2012	344	311 (90.4)	33 (9.6)	[U/R]	7 (5.3)	[U/R]	26 (15.0)	[U/R]	0 (0)

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Insti't'n	Year	Total appts	Total appts of men no. (% <sup>760</sup> )	Total appts of women no. (% <sup>761</sup> )	Total party appts	Total party appts of women no. (% <sup>762</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>763</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>764</sup> )
MIAC	2021	6	1 (16.7)	5 (83.3)	[U/R]	0 (0)	6	5 (83.3)	[U/R]	0 (0)
	2020	4	4 (100)	0 (0)	2	0 (0)	2	0 (0)	[U/R]	0 (0)
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
SCC	2021	275	196 (71.3)	79 (28.7)	165	28 (17)	91	45 (49.5)	19	6 (31.6)
	2020	255	176 (69)	79 (31)	162	37 (22.8)	90	42 (46.7)	7	0 (0)
	2019	226	174 (77)	52 (23)	137	22 (16.1)	77	25 (32.5)	13	5 (38.5)
	2018	216	164 (75.9)	52 (24.1)	139	25 (18)	68	22 (32.4)	9	5 (55.6)
	2017	254	208 (81.9)	46 (18.1)	163	13 (8)	89	33 (37.1)	5	0 (0)
	2016	250	209 (83.6)	41 (16.4)	155	17 (11)	98	22 (22.4)	10	2 (20)
	2015	279	240 (86)	39 (14)	169	11 (6.5)	101	27 (26.7)	10	1 (10)
SIAC	2021	371	285 (76.8)	86 (23.2)	146	15 (10.3)	179	64 (35.8)	46	7 (15.2)
	2020	288	232 (80.6)	56 (19.4)	[U/R]	[U/R]	143	46 (32.2)	[U/R]	[U/R]
	2019	297	231 (77.7)	66 (22.2)	[U/R]	[U/R]	159	58 (36.5)	[U/R]	[U/R]
	2018	333	256 (76.8)	77 (23.1)	[U/R]	[U/R]	175	60 (34.3)	[U/R]	[U/R]
	2017	263	217 (82.6)	46 (17.5)	[U/R]	[U/R]	145	43 (29.7)	[U/R]	[U/R]
	2016	341	297 (87.1)	44 (12.9)	[U/R]	[U/R]	167	38 (22.8)	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
Swiss Arb. Centre	2021	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (77.0)	[U/R]	[U/R] (23.0)
	2020	78	51 (65.4)	27 (34.6)	41	5 (12.2)	24	17 (70.8)	13	5 (38.5)
	2019	120	96 (80)	24 (20)	71	6 (8.5)	36	12 (33.3)	13	6 (46.2)
	2018	84	58 (69)	26 (31)	40	8 (20)	38	16 (42.1)	6	2 (33.3)
	2017	76	64 (84.2)	12 (15.8)	44	3 (6.8)	21	7 (33.3)	11	2 (18.2)
	2016	118	100 (84.7)	18 (15.3)	[U/R]	[U/R]	32	9 (28.1)	[U/R]	[U/R]
	2015	111	91 (82)	20 (18)	[U/R]	[U/R]	39	17 (43.6)	[U/R]	[U/R]
VAC	2021	55	46 (83.6)	9 (16.4)	30	3 (10)	13	4 (30.8)	12	2 (16.7)
	2020	41	28 (68.3)	13 (31.7)	25	4 (16)	8	5 (62.5)	8	4 (50)
	2019	67	56 (83.6)	11 (16.4)	32	3 (9.4)	20	8 (40)	15	0 (0)
	2018	61	46 (75.4)	15 (24.6)	28	1 (3.6)	32	14 (43.8)	1	0 (0)
	2017	42	35 (83.3)	7 (16.7)	28	3 (10.7)	10	3 (30)	4	1 (25)

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Instit'n	Year	Total appts	Total appts of men no. (% <sup>766</sup> )	Total appts of women no. (% <sup>761</sup> )	Total party appts	Total party appts of women no. (% <sup>762</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>763</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>764</sup> )
VAC	2016	70	58 (82.9)	12 (17.1)	47	7 (14.9)	8	5 (62.5)	15	0 (0)
	2015	56	48 (85.7)	8 (14.3)	39	4 (10.3)	5	4 (80)	12	0 (0)

**A.2 Data on women arbitrator appointments compiled by WWA Latam**

Instit'n	Year	Total appts	Total appts of men no. (% <sup>766</sup> )	Total appts of women no. (% <sup>767</sup> )	Total party appts	Total party appts of women no. (% <sup>768</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>769</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>770</sup> )
AmCham Quito (Ecuador)	2021	27	23 (85.2)	4 (14.8)	[U/R]	[U/R]	27	4 (14.8)	[U/R]	0 (0)
	2020	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CANACO (Mexico)	2021	19	13 (68.4)	6 (31.6)	15	5 (33.3)	3	0 (0)	1	1 (100)
	2020	20	12 (60.0)	8 (40.0)	20	8 (40.0)	[U/R]	0 (0)	[U/R]	[U/R]
	2019	13	9 (69.2)	4 (30.8)	13	4 (30.8)	[U/R]	0 (0)	[U/R]	[U/R]
	2018	12	6 (50.0)	6 (50.0)	11	6 (54.5)	[U/R]	0 (0)	1	0 (0)
	2017	24	17 (70.8)	7 (29.2)	22	7 (31.8)	[U/R]	0 (0)	2	0 (0)
	2016	12	6 (50.0)	6 (50.0)	10	5 (50.0)	2	1 (50.0)	[U/R]	[U/R]
	2015	12	9 (75.0)	3 (25.0)	10	3 (30.0)	[U/R]	0 (0)	2	0 (0)

766. % Male Appointments = Total Male Appointments / Total Appointments.

767. % Woman Appointments = Total Woman Appointments / Total Appointments.

768. % Woman Party Appointments = Total Woman Appointments by Party / Total Appointments by Parties.

769. % Woman Institutional Appointments = Total Woman Appointments by Institution / Total Appointments by Institution.

770. % Woman Co-Arbitrator Appointments = Total Woman Appointments by Co-arbitrators / Total Appointments by Co-arbitrators.

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Instit'ñ	Year	Total appts	Total appts of men no. (% <sup>766</sup> )	Total appts of women no. (% <sup>767</sup> )	Total party appts	Total party appts of women no. (% <sup>768</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>769</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>770</sup> )
CAM CCBC (Brazil)	2021	211	136 (64.5)	75 (35.5)	136	37 (27.2)	10	6 (60.0)	65	32 (49.2)
	2020	221	155 (70.1)	66 (29.9)	143	31 (21.7)	8	4 (50.0)	70	31 (44.3)
	2019	222	155 (69.8)	67 (30.2)	140	32 (22.9)	13	8 (61.5)	69	27 (39.1)
	2018	272	209 (76.8)	63 (23.2)	177	29 (16.4)	7	5 (71.4)	88	29 (33.0)
	2017	197	155 (78.7)	42 (21.3)	130	24 (18.5)	3	1 (33.3)	64	17 (26.6)
	2016	250	213 (85.2)	37 (14.8)	162	15 (9.3)	8	4 (50.0)	80	18 (22.5)
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CAM Santiago (Chile)	2021	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2020	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCM (Colombia)	2021	125	96 (76.8)	29 (23.2)	49	10 (20.4)	76	19 (25.0)	[U/R]	[U/R]
	2020	80	59 (73.8)	21 (26.3)	40	8 (20.0)	40	13 (32.5)	[U/R]	[U/R]
	2019	148	108 (73.0)	40 (27.0)	48	8 (16.7)	100	32 (32.0)	[U/R]	[U/R]
	2018	112	90 (80.4)	22 (19.6)	45	5 (11.1)	67	17 (25.4)	[U/R]	[U/R]
	2017	115	94 (81.7)	21 (18.3)	37	2 (5.4)	78	19 (24.4)	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CCL (Peru)	2021	1747	1454 (83.2)	293 (16.8)	1007	146 (14.5)	505	102 (20.2)	235	45 (19.1)
	2020	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CeCAP (Panama)	2021	75	43 (57.3)	32 (42.7)	32	9 (28.1)	21	15 (71.4)	22	8 (36.4)
	2020	51	34 (66.7)	17 (33.3)	17	3 (17.6)	14	9 (64.3)	20	5 (25.0)
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]

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Instit' h	Year	Total appts	Total appts of men no. (% <sup>766</sup> )	Total appts of women no. (% <sup>767</sup> )	Total party appts	Total party appts of women no. (% <sup>768</sup> )	Total inst'nal appts	Total inst'nal appts of women no. (% <sup>769</sup> )	Total co-arb appts	Total co-arb appts of women no. (% <sup>770</sup> )
CeCAP (Panama)	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CEDCA (Venezuela)	2021	10	10 (100)	0 (0)	5	0 (0)	5	0 (0)	[U/R]	[U/R]
	2020	4	4 (100)	0 (0)	1	0 (0)	3	0 (0)	[U/R]	[U/R]
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	11	11 (100)	0 (0)	9	0 (0)	2	0 (0)	[U/R]	[U/R]
	2017	9	8 (88.9)	1 (11.1)	3	1 (33.3)	6	0 (0)	[U/R]	[U/R]
	2016	17	17 (100)	0 (0)	10	0 (0)	7	0 (0)	[U/R]	[U/R]
	2015	18	17 (94.4)	1 (5.6)	4	1 (25.0)	14	0 (0)	[U/R]	[U/R]
CEMA (Argentina)	2021	13	9 (69.2)	4 (30.8)	8	1 (12.5)	5	3 (60.0)	2	0 (0)
	2020	6	5 (83.3)	1 (16.7)	4	0 (0)	1	0 (0)	1	1 (100)
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R] (0)	[U/R]	[U/R]
CICA (Costa Rica)	2021	20	15 (75.0)	5 (25.0)	5	3 (60.0)	25	1 (4.0)	4	1 (25.0)
	2020	20	13 (65.0)	7 (35.0)	8	1 (12.5)	19	5 (26.3)	5	1 (20.0)
	2019	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
CIESP/ FIESP (Brazil)	2021	35	22 (62.9)	13 (37.1)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2020	38	19 (50.0)	19 (50.0)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2019	48	25 (52.1)	23 (47.9)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2018	52	26 (50)	26 (50.0)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2017	48	26 (54.2)	22 (45.8)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2016	57	34 (59.6)	23 (40.4)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
	2015	42	28 (66.7)	14 (33.3)	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]





## APPENDIX B

### *B.1* Data on women arbitrator appointments compiled from publicly available sources

The data in this Appendix B have been compiled by reviewing case information published on the website of the Permanent Court of Arbitration (the “PCA”) and the Court of Arbitration for Sport (the “CAS”).

Inst'n	Year	Total appts	Total appts of men (%)	Total appts of women (% <sup>771</sup> )	Individuals apptd		Party appts of women (% <sup>772</sup> )	Instit'nal appts of women (% <sup>773</sup> )	Co-arb appts of women (% <sup>774</sup> )
					M	W			
CAS <sup>775</sup>	2020 <sup>776</sup>	51	51 (100)	0 (0)	35	0	[U/R]	[U/R]	[U/R]
	2019	126	111 (88.1)	15 (11.9)	56	9			
	2018	309	111 (88.1)	15 (11.9)	56	9			
	2017	422	413 (97.9)	9 (2.1)	89	8			
	2016	518	295 (95.5)	14 (4.5)	79	10			
	2015	363	349 (96.1)	14 (3.9)	96	10			

771. % Woman Appointments = Total Woman Appointments / Total Appointments.

772. % Woman Party Appointments = Total Woman Appointments by Party / Total Appointments by Parties.

773. % Woman Institutional Appointments = Total Woman Appointments by Institution / Total Appointments by Institution.

774. % Woman Co-Arbitrator Appointments = Total Woman Appointments by Co-arbitrators / Total Appointments by Co-arbitrators.

775. Please refer to Appendix C for underlying data. The source of the data compiled in Appendices B and C concerning CAS cases is <<http://jurisprudence.tas-cas.org/Shared%20Documents/Forms/ByYear.aspx>> (as accessed on July 13, 2022). The data reflect all decisions, including from the Ordinary, Appeals, and ad hoc Divisions that are published on the CAS website. The data in Appendices B and C concerning CAS cases have not been confirmed by the CAS. The data do not include confidential cases for which no information has been made publicly available.

776. At the time of publishing this Report, the CAS has not published a list of all pending cases registered in 2020 or 2021. Accordingly, this Appendix B only includes cases that were registered in 2020 and for which awards have been published.

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Inst'n	Year	Total appts	Total appts of men (%)	Total appts of women (% <sup>771</sup> )	Individuals apptd		Party appts of women (% <sup>772</sup> )	Instit'nal appts of women (% <sup>773</sup> )	Co-arb appts of women (% <sup>774</sup> )
					M	W			
PCA <sup>777</sup>	2022	6	5 (83.3)	1 (16.7)	5	1	[U/R]	[U/R]	[U/R]
	2021	22	19 (86.4)	3 (13.6)	19	3	[U/R]	[U/R]	[U/R]
	2020	68	61 (89.7)	7 (10.3)	50	9			
	2019	54	45 (83.3)	9 (16.7)	37	9			
	2018	46	37 (80.4)	9 (19.6)	33	7			
	2017	33	28 (84.8)	5 (15.2)	24	5			

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777. Please refer to Appendix D for underlying data. The source of the data compiled in Appendices B and D concerning PCA cases includes only those cases available at <<https://pca-cpa.org/en/cases/>> (as accessed on July 1, 2022). The data in Appendices B and D concerning PCA cases have not been confirmed by the PCA. The data do not include confidential cases for which no information has been made publicly available. For information on the PCA's full caseload, including the number of unreported cases, please refer to the PCA Annual Reports, available at <<https://pca-cpa.org/en/about/annual-reports/>> (last accessed Aug. 11, 2022).

## APPENDIX C

### CAS cases

The data in Table C.1 have been compiled by reviewing case information published on the website of the CAS.<sup>778</sup> Case information for each year is contained in the Tables C.2 to C.7.

#### C.1 Composition of tribunals/role of women arbitrators in CAS cases, 2015-2021

Year	Total Cases	Total Appts	Composition of 3-Member Tribunals <sup>779</sup>				Sole Arbitrator <sup>780</sup>		President or Sole Arbitrator <sup>781</sup>	
			W/W/W (%)	W/W/M (%)	W/M/M (%)	M/M/M (%)	M (%)	W (%)	M (%)	W (%)
2021	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]	[U/R]
2020	25	51	0 (0)	0 (0)	0 (0)	13 (52.0)	12 (48.0)	0 (0)	25 (100)	0 (0)
2019	66	126	0 (0)	2 (3.4)	8 (12.1)	21 (31.2)	30 (45.5)	3 (4.5)	60 (90.9)	6 (9.1)
2018	149	309	0 (0)	0 (0)	11 (7.4)	70 (47.0)	63 (42.3)	5 (3.4)	143 (96.0)	6 (4.0)
2017	192	422	0 (0)	1 (0.5)	5 (2.6)	109 (56.8)	75 (39.1)	2 (1.0)	187 (97.4)	5 (2.6)
2016	226	518	2 (0.9)	5 (2.2)	23 (10.2)	116 (51.3)	76 (33.6)	4 (1.8)	208 (92.0)	18 (8.0)
2015	167	363	0 (0)	0 (0)	13 (7.8)	85 (50.9)	68 (40.7)	1 (0.6)	166 (99.4)	1 (0.6)

778. As noted above, the source of the data compiled in Appendices B and C concerning CAS cases is <http://jurisprudence.tas-cas.org/Shared%20Documents/Forms/ByYear.aspx> (as accessed on July 13, 2022). The data reflect all decisions, including from the Ordinary, Appeals, and ad hoc Divisions that are published on the CAS website. The data in Appendices B and C concerning CAS cases have not been confirmed by the CAS. The data do not include confidential cases for which no information has been made publicly available.

779. Shows the percentage of total cases in the respective year.

780. Shows the percentage of total cases in the respective year.

781. Includes both Presidents and Sole Arbitrators and shows the percentage of total cases in the respective year.

## C.2 Compilation of CAS cases for 2020

No.	Case	Women appointee(s)	Men appointee(s)
1	<i>Bursaspor Kulübü Derneği v. Christian Chagas Tarouco</i> (Case No. 2020-6679)	–	Frans de Weger (Sole Arbitrator)
2	<i>Bursaspor KD v. Henri Gregoire Saivet</i> (Case No. 2020-6694)	–	Prof. Ulrich Haas (President); João Nogueira Da Rocha; François Klein
3	<i>Union Sportive de la Médina d'Alger (USMA) c. Fédération algérienne de football (FAF), Ligue professionnelle de football algérien (LPF) &amp; SSPA Le Doyen Mouloudia Club d'Alger (MCA)</i> (Case No. 2020-6696)	–	Olivier Carrard (President); Bernard Foucher; Julien Fourret
4	<i>Adam Moukaïla Biyao c. Fédération Togolaise de Football (FTF)</i> (Case No. 2020-6724)	–	Prof. Gérald Simon (Sole Arbitrator)
5	<i>Predrag Vujovic v. Andijon Futbol Sport PFK &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2020-6745)	–	José Juan Pintó (Sole Arbitrator)
6	<i>Andrus Veerpalu v. Fédération Internationale de Ski (FIS)</i> (Case No. 2020-6781)	–	Prof. Jan Paulsson (President); Benoît Pasquier; Patrick Lafranchi
7	<i>Andriamirado Aro Hasina Andrianamimanana &amp; Kaizer Chiefs FC v. Fosa Juniors FC &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2020-6796)	–	Lars Hilliger (President); Corné Goosen; Rui Botica Santos
8	<i>Al Hilal Club v. Confédération Africaine de Football (CAF)</i> (Case No. 2020-6920)	–	Prof. Ulrich Haas (President); Prof. Jacopo Tognon; Manfred Nan
9	<i>Olympiacos Football Club (Olympiacos) v. Hellenic Football Federation (HFF) &amp; Club Panthessalonkeios Athlitikos Omilos Konstantinoupoliton PAOK (PAOK) &amp; "Xanthi" Athletic Group Football Club (Xanthi FC)</i> (Case No. 2020-7019) & <i>PAOK v. HFF</i> (Case No. 2020-7035)	–	Manfred Nan (President); Prof. Luigi Fumagalli; Prof. Ulrich Haas
10	<i>Yverdon Sport SA v. Association Suisse de Football (ASF)</i> (Case No. 2020-7065) & <i>FC Rapperswil-Jona 1928 AG v. Swiss Football Association (SFA)</i> (Case No. 2020-7066)	–	Prof. Petros Mavroidis (President); Olivier Carrard; Patrick Lafranchi
11	<i>Club Universidad de Guadalajara, Venados FC Yucatán &amp; CF Correcaminos v. Federación Mexicana de Fútbol (FMF) &amp; Mexican Liga MX/Liga Ascenso MX</i> (Case No. 2020-7090)	–	Roberto Moreno Rodríguez Alcalá (President); Juan Pablo Arriagada; Jeffrey Mishkin

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No.	Case	Women appointee(s)	Men appointee(s)
12	<i>Club Al-Raed v. Mohamed Ahmed Atwa Ahmed Aboustait</i> (Case No. 2020-7279)	–	Jacques Radoux (Sole Arbitrator)
13	<i>SK Slovan Bratislava v. Union des Associations Européennes de Football (UEFA) &amp; Kl Klaksvik</i> (Case No. 2020-7356)	–	Prof. Ulrich Haas (Sole Arbitrator)
14	<i>N. v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2020-7503)	–	Rui Botica Santos (Sole Arbitrator)
15	<i>ARIS FC v. Oriol Lozano Farran &amp; Federation Internationale de Football Association (FIFA)</i> (Case No. 2020-7290)	–	Frans de Weger (Sole Arbitrator)
16	<i>BFC Daugavpils v. FC Kairat &amp; Federation Internationale de Football Association (FIFA)</i> (Case No. 2020-7252)	–	Frans de Weger (President); Prof. Ulrich Haas; Prof. Massimo Coccia
17	<i>Al-Arabi Sporting Club v. Juan Ignacio Martinez</i> (Case No. 2020-7175)	–	Jacques Radoux (President); Jan Raker; Manfred Nan
18	<i>Raja Club Athletic v. Lema Mabidi</i> (Case No. 2020-7144)	–	Wouter Lambrecht (Sole Arbitrator)
19	<i>Sport Lisboa e Benfica SAD v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2020-7008) & <i>Sport Lisboa e Benfica SAD v. FIFA</i> (Case No. 2020-7009)	–	Prof. Massimo Coccia (President); Bernhard Heusler; Mark Hovell
20	<i>Wydad Athletic Club v. Souleymane Diarra &amp; Ujpest 1885 Futbal Kft</i> (Case No. 2020-6753)	–	Alexander McLin (Sole Arbitrator)
21	<i>Milos Jokic v. PAS Lamia 1964</i> (Case No. 2020-6748)	–	Manfred Nan (Sole Arbitrator)
22	<i>World Anti-Doping Agency (WADA) v. Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2020-6689)	–	Judge Mark Williams SC (President); Prof. Luigi Fumagalli; Hamid Gharavi
23	<i>Benjamin Acheampong v. Zamalek Sports Club</i> (Case No. 2020-6727)	–	Hendrik Willem Kesler (President); Mark Hovell; Espen Auberg
24	<i>Antalyaspor A.Ş. v. Richard Danilo Maciel Sousa Campos</i> (Case No. 2020-6889)	–	Fabio Iudica (Sole Arbitrator)
25	<i>Emilio Yamín Faure v. Al Salam Zgharta Club &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2020-6933)	–	Sofoklis Pilavios (Sole Arbitrator)

## C.3 Compilation of CAS cases for 2019

No.	Case	Women appointee(s)	Men appointee(s)
1	<i>Red Tiger FC v. Fenerbahçe SK</i> (Case 2019-6095)	–	H. Pat Barriscale (Sole Arbitrator)
2	<i>Cruzeiro E.C. v. Independiente del Valle</i> (Case No. 2019-6130)	–	Prof. Gustavo Albano Abreu (Sole Arbitrator)
3	<i>Mohamed Ahmed Al Owais v. Fédération Equestre Internationale (FEI)</i> (Case No. 2019-6186)	Sylvia Schenk (President); Susan Ahern	Dirk-Reiner Martens
4	<i>Qingdao Jonoon FC v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2019-6241)	–	Manfred Nan (Sole Arbitrator)
5	<i>FK Željezničar v. Football Federation of Bosnia and Herzegovina (FFBH)</i> (Case No. 2019-6334)	–	Jacopo Tognon (Sole Arbitrator)
6	<i>Paris Saint-Germain &amp; Neymar Da Silva Santos Junior v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2019-6367)	–	Prof. Ulrich Haas (Sole Arbitrator)
7	<i>International Association of Athletics Federations (IAAF) v. Russian Athletics Federation (RUSAF) &amp; Anna Nazarova-Klyashtornaya</i> (Case No. 2019- 6152)	–	Ken Lalo (Sole Arbitrator)
8	<i>International Association of Athletics Federations (IAAF) v. Russian Athletics Federation (RUSAF) &amp; Yulia Guschina</i> (Case No. 2019-6153)	–	Ken Lalo (Sole Arbitrator)
9	<i>Sport Club Corinthians Paulista v. Clube de Regatas do Flamengo</i> (Case No. 2019-6196)	–	Franzisco Mussnich (Sole Arbitrator)
10	<i>AC Oulu v. Aigle Royal Menoua</i> (Case No. 2019-6207)	–	Fabio Iudica (Sole Arbitrator)
11	<i>AC Oulu v. Way Out Academy</i> (Case No. 2019-6208)	–	Fabio Iudica (Sole Arbitrator)
12	<i>World Anti-Doping Agency (WADA) v. Czech Anti-Doping Committee (CADC) &amp; Czech Swimming Federation (CSF) &amp; Katerina Kaskova</i> (Case No. 2019-6213)	–	Ercus Stewart SC (Sole Arbitrator)
13	<i>Ines Henriques, Claire Woods, Paola Perez, Johana Ordonez, Magaly Bonilla, Ainhoa Pinedo, Erin Taylor-Talcott &amp; Quentin Rew v. International Olympic Committee (IOC) &amp; International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6225)	The Hon. Annabelle Bennett AC SC	Prof. Luigi Fumagalli (President); Pierre Muller

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No.	Case	Women appointee(s)	Men appointee(s)
14	<i>World Anti-Doping Agency (WADA) v. Spanish Anti-Doping Agency (Spanish Agency for Health Protection in Sport) &amp; Ibai Salas Zorrozu</i> (Case No. 2019-6226)	–	Prof. Luigi Fumagalli (President); Massimo Coccia; Vladimir Novak
15	<i>Cruzeiro Esporte Clube v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6239)	–	Fabio Iudica (Sole Arbitrator)
16	<i>Ruslan Zaerko v. FC Nizhny Novgorod &amp; Football Union of Russia (FUR)</i> (Case No. 2019-6246)	–	Andre Brantjes (Sole Arbitrator)
17	<i>Roman Balandin v. Association Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2019-6249)	–	Alexander McLin (Sole Arbitrator)
18	<i>Alexander Ivanov v. Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2019-6254)	The Hon. Annabelle Bennett AC SC (Sole Arbitrator)	–
19	<i>Ines Henriques, Claire Woods, Paola Perez, Johana Ordonez, Magaly Bonilla, Ainhoa Pinedo, Erin Taylor-Talcott &amp; Quentin Rew v. International Olympic Committee (IOC)</i> (Case No. 2019-6274)	The Hon. Annabelle Bennett AC SC	Prof. Luigi Fumagalli (President); Pierre Muller
20	<i>Cruzeiro EC v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6278)	–	Lars Hilliger (Sole Arbitrator)
21	<i>Club Raja Casablanca v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6345)	–	Prof. Petros Mavroidis (Sole Arbitrator)
22	<i>Karim Keramuddin v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6388)	–	Prof. Luigi Fumagalli (President); The Hon. Michael Beloff QC; Jose Maria Alonso Puig
23	<i>Joris Vanspringel v. South African Equestrian Federation (SAEF) &amp; Federation Equestre Internationale (FEI)</i> (Case No. 2019-6420)	–	Jeffrey Benz (Sole Arbitrator)
24	<i>Cruzeiro E.C. v. Ramon Dario Abila &amp; Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6422)	–	Juan Pablo Arriagada (President); Mario Rene Archila Cruz; Jordi Lopez Batet
25	<i>Saman Ghoddos v. SD Huesca &amp; Ostersunds FC &amp; Amiens Sporting Club &amp; Federation Internationale de Football Association (FIFA) &amp; Ostersunds FK Elitfotboll AB v. SD Huesca &amp; FIFA &amp; Saman Ghoddos &amp; Amiens Sporting Club</i> (Case Nos. 2019-6463, 2019-6464)	–	Prof. Massimo Coccia (President); Mark Hovell; Prof. Ulrich Haas



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No.	Case	Women appointee(s)	Men appointee(s)
26	<i>Rizerpor Futbol Yatirimlari San. Ve Tic. A.S. v. Jakob Jantscher</i> (Case No. 2019-6502)	–	Marco Balmelli (President); Emin Ozkurt; Joao Nogueira Da Rocha
27	<i>Cruzeiro E.C. v. Independiente del Valle &amp; Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6508)	–	Juan Pablo Arriagada (Sole Arbitrator)
28	<i>Sevilla FC v. AS Nancy Lorraine</i> (Case No. 2019-6525)	–	Luigi Fumagalli (President); Nicholas Stewart QC; Olivier Carrard
29	<i>Hiromasu Fujimori v. Federation Internationale de Natation (FINA)</i> (Case No. 2019-6541)	–	Ken Lalo (Sole Arbitrator)
30	<i>FC Wurzbürger Kickers AG v. Elia Soriano, Korona Spolka Kielce &amp; Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6569)	–	Lars Hilliger (Sole Arbitrator)
31	<i>MKE Ankaragücü SKD v. Johannes Hopf</i> (Case No. 2019-6646)	–	Frans de Weger (President); Rui Botica Santos; Ermin Ozkurt
32	<i>FC Istra 1961 v. Filipe Gabriel Goncalves Ferreira</i> (Case No. 2019-6670)	–	Lars Hilliger (Sole Arbitrator)
33	<i>International Olympics Committee (IOC) v. Mikalai Novikau</i> (Case No. 2019/ADD/1)	–	Murray Rosen QC (Sole Arbitrator)
34	<i>International Olympics Committee (IOC) v. Ruslan Nurudinov</i> (Case No. 2019/ADD/2)	–	Murray Rosen QC (Sole Arbitrator)
35	<i>International Olympics Committee (IOC) v. Stanislau Tsivonchyk</i> (Case No. 2019/ADD/3)	–	Prof. Jens Evald (Sole Arbitrator)
36	<i>International Olympics Committee (IOC) v. Supatchanin Khamhaeng</i> (Case No. 2019/ADD/4)	Carol Roberts (Sole Arbitrator)	–
37	<i>International Olympics Committee (IOC) v. Endri Karina</i> (Case No. 2019/ADD/5)	–	Pekka Ilmivalta (Sole Arbitrator)
38	<i>Club Sportif Sfaxien v. Jose Paulo Sousa da Silva</i> (Case No. 2019-6087)	–	Alexander McLin (Sole Arbitrator)
39	<i>FC Lugano SA v. FC Internazionale Milano S.p.A.</i> (Case No. 2019-6096)	–	Prof. Ulrich Haas (Sole Arbitrator)
40	<i>World Anti-Doping Agency (WADA) v. Romanian National Anti-Doping Agency (RANAD) &amp; Anda-Mihaela Valvoi</i> (Case No. 2019-6112)	Raphaëlle Favre Schnyder (Sole Arbitrator)	–
41	<i>U.S. Citta di Palermo v. Federation Internationale de Football Association (FIFA)</i> (Case No. 2019-6129)	–	Sofoklis Pilavios (President); Pavel Pivovarov; Lars Hilliger

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No.	Case	Women appointee(s)	Men appointee(s)
42	<i>Archad Burahee v. Equatorial Guinea Football Federation</i> (Case No. 2019-6131)	–	Manfred Nan (Sole Arbitrator)
43	<i>Federation de Football des Comores (FFC) v. Confédération Africaine de Football (CAF)</i> (Case Nos. 2019-6132 & 6146)	–	Jacques Radoux (President); François Klein; Patrick Lafranchi
44	<i>Hellas Verona Football Club v. Latvian Football Federation &amp; JFC Skonto</i> (Case No. 2019-6639)	–	João Nogueira da Rocha (President); Marco Balmelli; Gareth Farrelly
45	<i>BC Arsenal v. Russian Basketball Federation (RBF)</i> (Case No. 2019-6636)	–	Prof. Martin Schimke (Sole Arbitrator)
46	<i>Al Arabi SC v. Ashkan Dejagah</i> (Case No. 2019-6626)	–	Frans de Weger (President); Mark Hovell; Jan Råker
47	<i>Antalyaspor A.S. v. Mostapha El Kabir</i> (Case No. 2019-6578)	–	Fabio Iudica (Sole Arbitrator)
48	<i>Al Arabi SC &amp; Sergio Dutra Junior v. Fédération Internationale de Football Association (FIFA)</i> (Case Nos. 2019-6533 & 6539)	–	Frans de Weger (Sole Arbitrator)
49	<i>Wydad Athletic Club v. Confédération Africaine de Football (CAF) &amp; Esperance Sportive de Tunis</i> (Case No. 2019-6483)	–	Jacques Radoux (President); Fabio Iudica; Prof. Ulrich Haas
50	<i>The Football Association (FA) v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2019-6432)	Siobán Healy QC	Hendrik Willem Kesler (President); Prof. Ulrich Haas
51	<i>Olympique des Alpes SA v. Geoffrey Mujangi Bia &amp; Kayserispor Kulübü Derneği</i> (Case No. 2019-6421)	Carine Dupeyron	Jacques Radoux (Président); Olivier Carrard
52	<i>Maria Guadalupe Gonzalez Romero v. International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6319)	The Hon. Annabelle Bennett AC SC	Ercus Stewart (President); Prof. Massimo Coccia
53	<i>Clube Atlético Mineiro v. FC Spartak Moscow &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2019-6315)	–	Alexander McLin (Sole Arbitrator)
54	<i>PFC Lviv LLC v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2019-6294)	–	Prof. Ulrich Haas (President); Siarhei Ilyich; Pekka Aho
55	<i>Guizhou Hengfeng FC v. Bubacarr Trawally</i> (Case No. 2019-6286)	–	Efraim Barak (President); Michele Bernasconi; Anthony Lo Surdo

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No.	Case	Women appointee(s)	Men appointee(s)
56	<i>Kayserispor Kulübü Derneği v. Joel Landry Tsafack Nguemo</i> (Case No. 2019-6209)	Svenja Geissmar (President); Anna Bordiugova	João Nogueira Da Rocha
57	<i>Nogoom FC &amp; Ismaily Sporting Club v. Egyptian Football Association (EFA), Ismaily Sporting Club, Ibrahim Hassan Abdullatif &amp; Nogoom FC</i> (Case No. 6187 & 6189)	Anna Bordiugova	Lars Hilliger (President); Michele Bernasconi
58	<i>Dayana Dimitrova v. International Weightlifting Federation (IWF)</i> (Case No. 6109)	Sylvia Schenk (President)	Jeffrey Benz; Markus Manninen
59	<i>Fédération Camerounaise de Football (FECAFOOT) v. New Stars de Douala</i> (Case No. 2019-6623)	–	Olivier Carrard (President); Didier Poulmaire; François Klein
60	<i>Japan Mountaineering &amp; Sport Climbing Association (JMCSA) v. International Federation of Sport Climbing (IFSC)</i> (Case Nos. 2019-6557 & 2019-6663)	–	Prof. Martin Schimke (President); Hans Nater; Michele Bernasconi
61	<i>Wilfred Kwaku Osei v. Ghana Football Association (GFA)</i> (Case No. 2019-6517)	–	Michele Bernasconi (President); John Adam Didulica; Hendrik Willem Kesler
62	<i>Ivan Ukhov v. International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6168)	–	Stephen Drymer (President); Hamid Gharavi; Romano Subiotto QC
63	<i>Ekaterina Galitskaia v. International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6167)	–	Stephen Drymer (President); Hamid Gharavi; Romano Subiotto QC
64	<i>Svetlana Shkolina v. International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6166)	–	Stephen Drymer (President); Hamid Gharavi; Romano Subiotto QC
65	<i>Yuliya Kondakova v. International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6165)	–	Stephen Drymer (President); Hamid Gharavi; Romano Subiotto QC
66	<i>Lyukman Adams v. International Association of Athletics Federations (IAAF)</i> (Case No. 2019-6161)	Carine Dupeyron	Stephen Drymer (President); Romano Subiotto QC

## C.4 Compilation of CAS cases for 2018

No.	Case	Women appointee(s)	Men appointee(s)
1	<i>International Olympic Committee (IOC) &amp; World Curling Federation (WCF) v. Aleksandr Krushelnitskii</i> (Case No. OG AD 2018-003)	–	The Hon. Mark Williams SC (Sole Arbitrator)
2	<i>International Ice Hockey Federation (IIHF) v. Ziga Jeglic</i> (Case No. OG AD 2018-004)	–	Ken Lalo (Sole Arbitrator)
3	<i>International Olympic Committee (IOC) &amp; International Bobsleigh &amp; Skeleton Federation (FIBT) v. Nadezhda Sergeeva</i> (Case No. OG AD 2018-005)	Prof. Cameron Myler (Sole Arbitrator)	–
4	<i>Virgin Islands Olympic Committee (VIOC) v. International Olympic Committee (IOC)</i> (Case No. OG 2018-001)	Carol Roberts (President)	Prof. Martin Schimke; Bernhard Welten
5	<i>Tatyana Borodulina, Pavel Kulizhnikov, Alexander Loginov, Irina Starykh, Dimitry Vassiliev, Denis Yuskov v. International Olympic Committee (IOC)</i> (Case No. OG 2018-004)	Prof. Laurence Boisson de Chazournes	Mohamed Abdel Raouf (President); Jinwon Park
6	<i>Pavel Abratkiewicz, Victor Sivkov, Anna Vychik, Evgeny Zykov, Anatoly Chelyshev, Danil Chaban, Konstantin Poltavets v. International Olympic Committee (IOC)</i> (Case No. OG 2018-005)	Prof. Laurence Boisson de Chazournes	Mohamed Abdel Raouf (President); Jinwon Park
7	<i>Jeffrey Zina v. Lebanon Olympic Committee (LOC)</i> (Case No. OG 2018-006)	Thi My Dung Nguyen	John Faylor (President); Martin Schimke
8	<i>Lao Toyota Football Club v. Asian Football Confederation (AFC)</i> (Case No. 2018-5500)	–	Marco Balmelli (President); Prof. Massimo Coccia; Mark Hovell
9	<i>Christian Constantin &amp; Olympique des Alpes SA (OLA) v. Swiss Football League (SFL)</i> (Case No. 2018-5501)	–	Olivier Carrard (Sole Arbitrator)
10	<i>Ivan Skobrev v. International Olympic Committee (IOC)</i> (Case No. 2018-5502)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
11	<i>Nikita Kryukov v. International Olympic Committee (IOC)</i> (Case No. 2018-5503)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
12	<i>Alexander Bessmertnykh v. International Olympic Committee (IOC)</i> (Case No. 2018-5504)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens

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13	<i>Artem Kuznetsov v. International Olympic Committee (IOC)</i> (Case No. 2018-5505)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
14	<i>Natalia Matveeva v. International Olympic Committee (IOC)</i> (Case No. 2018-5506)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
15	<i>Tatyana Ivanova v. International Olympic Committee (IOC)</i> (Case No. 2018-5507)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
16	<i>Albert Demchenko v. International Olympic Committee (IOC)</i> (Case No. 2018-5508)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
17	<i>Liudmila Udobkina v. International Olympic Committee (IOC)</i> (Case No. 2018-5509)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
18	<i>Tatiana Burina v. International Olympic Committee (IOC)</i> (Case No. 2018-5510)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
19	<i>Anna Shchukina v. International Olympic Committee (IOC)</i> (Case No. 2018-5511)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
20	<i>Sport Club Internacional v. Hellas Verona Football Club S.p.A</i> (Case No. 2018-5513)	Svenja Geissmar	Marco Balmelli (President); João Nogueira da Rocha
21	<i>Zamalek Sporting Club v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5537)	–	Prof. Martin Schimke (President); David Wu; Luigi Fumagalli
22	<i>José Paolo Guerrero v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5546) <i>World Anti-Doping Agency (WADA) v. FIFA &amp; José Paolo Guerrero</i> (Case No. 2018-5571)	–	The Hon. Michael Beloff QC (President); Prof. Massimo Coccia; Jeffrey Benz
23	<i>Denislav Dimitrov Ivanov v. International Judo Federation (IJF)</i> (Case No. 2018-5570)	–	Jens Evald (Sole Arbitrator)
24	<i>Filip Radojevic v. Fédération Internationale de Natation (FINA)</i> (Case No. 2018-5581)	–	Markus Manninen (President); Romano Subiotto QC; Patrick Lafranchi
25	<i>Shabab Al Ahli Dubai Club v. Shanghai SIPG Football Club</i> (Case No. 2018-5618)	–	Anthony Lo Surdo (Sole Arbitrator)
26	<i>Nicolas Gabriel Franco v. Fédération Internationale de Football Association (FIFA) &amp; Sportovní Klub Slavia Praha</i> (Case No. 2018-5621)	Svenja Geissmar (Sole Arbitrator)	–

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27	<i>Londrina Esporte Clube v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5622)	–	Lars Hilliger (President); José Juan Pintó; Petros Mavroidis
28	<i>Dominique Cuperly v. Club Al Jazira</i> (Case No. 2018-5624)	–	Bernhard Welten (Sole Arbitrator)
29	<i>Hellas Verona FC v. Rade Krunic &amp; FK Borac Čačak</i> (Case No. 2018-5628)	–	Dirk-Reiner Martens (President); Michele Bernasconi; Prof. Massimo Coccia
30	<i>Cyril Sen v. International Table Tennis Federation (ITTF)</i> (Case No. 2018-5641)	–	Andrew de Lotbinière McDougall (Sole Arbitrator)
31	<i>Rochell G.D. Woodson v. Former President, Former Vice Presidents and all Former Members of the Executive Committee of the Liberia Football Association (LFA) and the LFA Elections Committee</i> (Case No. 2018-5658)	–	Hans Nater (Sole Arbitrator)
32	<i>Al Sharjah Football Club v. Leonardo Lima da Silva &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5659)	–	Georg von Segesser (President); Alexander McLin; Efraim Barak
33	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Tatyana Firova</i> (Case No. 2018-5666)	–	Markus Manninen (Sole Arbitrator)
34	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Svetlana Shkolina</i> (Case No. 2018-5667)	–	Markus Manninen (Sole Arbitrator)
35	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Ivan Ukhov</i> (Case No. 2018-5668)	–	Markus Manninen (Sole Arbitrator)
36	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Anna Bulgakova</i> (Case No. 2018-5672)	–	Jacques Radoux (Sole Arbitrator)
37	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Gulfiya Agafonova Khanafeyeva</i> (Case No. 2018-5673)	–	Jacques Radoux (Sole Arbitrator)
38	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Tatyana Lysenko Beloborodva</i> (Case No. 2018-5674)	–	Jacques Radoux (Sole Arbitrator)
39	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Ivan Yushkov</i> (Case No. 2018-5675)	–	Jacques Radoux (Sole Arbitrator)

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40	<i>International Association of Athletics Federations (IAAF) v. Russian Athletics Federation (RUSAF) &amp; Mariya Beshpalova</i> (Case No. 2018-5676)	–	Jacques Radoux (Sole Arbitrator)
41	<i>Juventus Football Club S.p.A. v. Envigado Football Club S.A. &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5683)	–	Sofoklis Pilavios (President); Michele Bernasconi; José Juan Pintó
42	<i>International Association of Athletics Federations (IAAF) v. Russian Athletics Federation (RUSAF) &amp; Vera Ganeeva</i> (Case No. 2018-5704)	–	Jacques Radoux (Sole Arbitrator)
43	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Ekaterina Galitskaia</i> (Case No. 2018-5712)	–	Prof. Jens Ewald (Sole Arbitrator)
44	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Yuliya Kondakova</i> (Case No. 2018-5713)	–	Murray Rosen QC (Sole Arbitrator)
45	<i>Koninklijke Racing Club Genk (KRC Genk) v. Manchester United Football Club</i> (Case No. 2018-5733)	–	Prof. Luigi Fumagalli (President); Frans de Weger; Prof. Ulrich Haas
46	<i>Levi Cadogan v. National Anti-Doping Commission of Barbados (NADCB)</i> (Case No. 2018-5739)	–	Jeffrey Benz (Sole Arbitrator)
47	<i>Worawi Makudi v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5769)	–	Fabio Iudica (President); Boris Vittoz; Prof. Petros Mavroidis
48	<i>Zamalek Sporting Club v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5779)	–	Prof. Martin Schimke (President); David Wu; Prof. Luigi Fumagalli
49	<i>DNN Sports Management LDA v. Baniyas Football Sports Club Company</i> (Case No. 2018-5782)	–	Georg von Segesser (Sole Arbitrator)
50	<i>Youcef Sekour v. Ittihad Riadi de Tanger</i> (Case No. 2018-5792)	–	Alexis Schoeb (Sole Arbitrator)
51	<i>Cruzeiro EC v. FC Zarya Luhansk</i> (Case No. 2018-5805)	–	Diego Ferrari (Sole Arbitrator)
52	<i>Alin Gligor v. AFC UTA Arad</i> (Case No. 2018-5835)	–	Alexis Schoeb (Sole Arbitrator)
53	<i>Clube Atlético Mineiro v. Huachipato SADP &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5838)	–	José Juan Pintó (President); Mark Hovell; Juan Pablo Arriagada
54	<i>Sociedade Esportiva Palmeiras v. Al Shaab Football Club Co. LLC</i> (Case No. 2018-5857)	–	Mark Hovell (President); Rui Botica Santos; Manfred Nan

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55	<i>Al Arabi SC v. Anouar Kali &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5863)	–	Mark Hovell (President); Mikal Brøndmo; Manfred Nan
56	<i>Madisyn Cox v. Fédération Internationale de Natation (FINA)</i> (Case No. 2018-5866)	Raphaëlle Favre Schnyder (Sole Arbitrator)	–
57	<i>Abdelmalek Mokdad v. Mouloudia Club d'Alger &amp; Fédération Algérienne de Football (FAF)</i> (Case No. 2018-5881)	–	Pierre Muller (President); João Nogueira da Rocha; Prosper Abega
58	<i>FC Rubin Kazan v. Denis Gennadievich Tkachuk &amp; Russian Football Union (RFU)</i> (Case No. 2018-5882)	–	Alexander McLin (Sole Arbitrator)
59	<i>Centro Atlético Fénix, Club Atlético Boston River, Club Atlético Cerro, Club Atlético Progreso, Club Atlético River Plate, Danubio Fútbol Club, Defensor Sporting Club, Liverpool Fútbol Club, Cerro Largo FC, Central Español Fútbol Club, Club Atlético Villa Teresa, Racing Club de Montevideo, Club Sportivo Miramar Misiones, Montevideo Wanderers F.C., Club Atlético Juventud v. Fédération Internationale de Football Association (FIFA) &amp; Confederación Sudamericana de Fútbol (CONMEBOL) &amp; Asociación Uruguaya de Fútbol (UAF)</i> (Case No. 2018-5888)	–	Efraim Barak (President); José María Alonso Puig; José Juan Pintó
60	<i>Yves Diba Ilunga v. Al Shoullah Club</i> (Case No. 2018-5896)	–	Alexis Schoeb (Sole Arbitrator)
61	<i>Al Jazira FSC v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5900)	–	Mark Hovell (President); Daniel Lorenz; Frans de Weger
62	<i>Wydad Athletic Club v. Association Omnisports Centre Mbérie Sportif</i> (Case No. 2018-5912)	–	François Klein (Sole Arbitrator)
63	<i>Esteghlal Iran Culture and Sport Private Joint Stock Company v. Football Federation Islamic Republic of Iran (FFI), Iran Football League Organization &amp; Persepolis Football Club</i> (Case No. 2018-5929)	–	Ivaylo Dermendjiev (Sole Arbitrator)
64	<i>Al-Hilal Club v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5933)	–	Mark Hovell (President); Jacopo Tognon; Hendrik Kesler
65	<i>Patricio Heras v. Tennis Integrity Unit/Professional Tennis Integrity Officers (PTIOs)</i> (Case No. 2018-5939)	–	Ken Lalo (Sole Arbitrator)



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66	<i>Valencia Club de Fútbol, S.A.D. v. Fenerbahçe Spor Kulübü</i> (Case No. 2018-5950)	–	Hendrik Willem Kesler (President); Hans Nater; Lars Hilliger
67	<i>Galatasaray v. Union of European Football Associations (UEFA)</i> (Case No. 2018-5957)	–	Fabio Iudica (Sole Arbitrator)
68	<i>FC Rubin Kazan v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2018-5977)	–	Manfred Nan (President); The Hon. Michael Beloff QC; Prof. Luigi Fumagalli
69	<i>Jibril Rajoub v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-6007)	–	Hendrik Willem Kesler (President); Gonzalo Bossart; Prof. Ulrich Haas
70	<i>Cruzeiro E.C. v. Club Tigres</i> (Case No. 2018-6023)	–	Juan Pablo Arriagada (Sole Arbitrator)
71	<i>Sociedade Esportiva Palmeiras v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-6027)	–	Sofoklis Pilavios (President); Daniel Lorenz; Efraim Barak
72	<i>Akhisar Belediye Gençlik ve Spor Kulübü Derneği v. Marvin Renato Emnes</i> (Case No. 2018-6029)	–	Fabio Iudica (President); Markus Bösiger; João Nogueira da Rocha
73	<i>Igor Labuts v. Football Association of Ireland (FAI)</i> (Case No. 2018-6075)	–	Sofoklis Pilavios (President); Mark Hovell; Michele Bernasconi
74	<i>Kwesi Nyantakyi v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-6072)	–	Prof. Martin Schimke (President); Olivier Carrard; The Hon. Michael Beloff QC
75	<i>Alekos Alekou v. FK Poprad</i> (Case No. 2018-6064)	–	Alexis Schoeb (Sole Arbitrator)
76	<i>Maqbull Abdi Karim v. Gor Mahia Football Club</i> (Case No. 2018-6052)	–	André Brantjes (Sole Arbitrator)
77	<i>Kayserispor Kulübü Derneği v. Sibiri Alain Traore</i> (Case No. 2018-6050)	–	Mark Hovell (President); João Nogueira da Rocha; Alexis Schoeb
78	<i>Russian Anti-Doping Agency (RUSADA) v. Andrei Valerievich Eremenko</i> (Case No. 2018-6047)	Sylvia Schenk (Sole Arbitrator)	–
79	<i>Manuel Henrique Tavares Fernandes v. FC Lokomotiv Moscow</i> (Case No. 2018-6045)	–	Alexander McLin (President); João Nogueira da Rocha; Frans de Weger
80	<i>Osiris Guzmán v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-6038)	–	Ricardo de Buen Rodríguez (President); Pedro Tomás; Prof. Gustavo Albano Abreu

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81	<i>Lenka Ferenčuková v. Association of Bodybuilding and Fitness of the Czech Republic &amp; Anti-Doping Committee of the Czech Republic (ADCCR)</i> (Case No. 2018-6025)	–	Ken Lalo (Sole Arbitrator)
82	<i>FC Lugano SA v. FC Internazionale Milano S.p.A.</i> (Case No. 2018-6017)	–	Prof. Ulrich Haas (Sole Arbitrator)
83	<i>Franck Herman Blahoua Betra c. Conseil national pour la lutte contre le dopage de la République hellénique</i> (Case No. 2018-6015)	Raphaëlle Favre Schnyder (Sole Arbitrator)	–
84	<i>Al-Ittihad Alexandria Union Club v. Luis Carlos Almada Soares</i> (Case No. 2018-6005)	–	Prof. Petros Mavroidis (Sole Arbitrator)
85	<i>Club Atlético Banfield v. Juan Ramón Cazares Sevillano, Clube Atlético Mineiro, Club de Alto Rendimiento Especializado Independiente del Valle &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-6002)	–	Ricardo de Buen Rodríguez (President); Diego María Lennon; Efraim Barak
86	<i>Bruce Bird v. Union Cycliste Internationale (UCI)</i> (Case No. 2018-6001)	–	The Hon. Michael Beloff QC (President); Prof. Richard McLaren; Olivier Carrard
87	<i>Football Kenya Federation (FKF) v. Confédération Africaine de Football (CAF)</i> (Case No. 2018-5998)	–	Mark Hovell (President); Emin Özkurt; Jacopo Tognon
88	<i>Mehdi Kerrouche c. Club Sportif Constantinois</i> (Case No. 2018-5994)	–	Jacques Radoux (Sole Arbitrator)
89	<i>World Anti-Doping Agency (WADA) v. South African Institute for Drug-Free Sport (SAIDS) &amp; Ruann Visser</i> (Case No. 2018-5990)	–	Markus Manninen (Sole Arbitrator)
90	<i>Bernard Giudicelli v. International Tennis Federation (ITF)</i> (Case No. 2018-5987)	–	Prof. Philippe Sands QC (Sole Arbitrator)
91	<i>Al Merreikh Sport Club v. Sudan Football Association (SFA)</i> (Case No. 2018-5982)	Anna Bordiugova	Nicholas Stewart QC (President); Hendrik Willem Kesler
92	<i>Paris Saint-Germain Football SASP v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2018-5937)	–	Manfred Nan (President); Pierre Muller; Jacopo Tognon
93	<i>Emanuel Briffa v. Union of European Football Associations (UEFA)</i> (Case No. 2018-5920)	–	Prof. Martin Schimke (President); Jacopo Tognon; Bernhard Welten
94	<i>Kyle Cesare v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2018-5906)	Raphaëlle Favre Schnyder	Manfred Nan (President); Jacopo Tognon

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95	<i>International Surfing Association (ISA) v. International Canoe Federation (ICF)</i> (Case No. 2018-5830)	–	Patrick Lafranchi (President); Jeffrey Benz; Nicholas Stewart QC
96	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Mariya Ponomareva</i> (Case No. 2018-5822)	–	Hans Nater (Sole Arbitrator)
97	<i>AC Milan v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2018-5808)	–	Prof. Ulrich Haas (President); Judge Pierre Muller; Mark Hovell
98	<i>Fenerbahce Futbol AS v. Gregory van der Wiel</i> (Case No. 2018-5807)	–	Prof. Luigi Fumagalli (President); José María Cruz; Prof. Ulrich Haas
99	<i>Samir Arab v. Union Européenne de Football Association (UEFA)</i> (Case No. 2018-5800)	–	Prof. Martin Schimke (President); Manfred Nan; Prof. Denis Oswald
100	<i>Club Estudiantes de Mérida v. Fédération Internationale de Football Association (FIFA) &amp; Andrés Lizardo Angulo Quiñonez</i> (Case No. 2018-5799)	–	José Juan Pintó (President); Efraim Barak; João Nogueira da Rocha
101	<i>Ahmed Abdelhak v. International Handball Federation (IHF)</i> (Case No. 2018-5796)	–	Alexander McLin (Sole Arbitrator)
102	<i>Karim Ibrahim v. International Association of Athletics Federation (IAAF)</i> (Case No. 2018-5785)	–	Murray Rosen QC (Sole Arbitrator)
103	<i>World Anti-Doping Agency (WADA) v. Chinese Taipei Olympic Committee (CTOC) &amp; Chinese Taipei Anti-Doping Agency (CTADA) &amp; Tzu-Chi Lin</i> (Case No. 2018-5784)	–	Jeffrey Benz (Sole Arbitrator)
104	<i>Sergey Fedorovtsev v. Russian Anti-Doping Agency (RUSADA), World Anti-Doping Agency (WADA) &amp; Fédération Internationale des Sociétés d'Avirons (FISA)</i> (Case No. 2018-5754)	–	Prof. Luigi Fumagalli (President); Hamid Gharavi; The Hon. Michael Beloff QC
105	<i>New Stars de Douala v. Deportivo Niefang, Fédération de Football de Guinée Equatoriale (FEGUIFUT) &amp; Confédération Africaine de Football (CAF)</i> (Case No. 2018-5751)	–	José Juan Pintó (President); Prof. Ulrich Haas; Olivier Carrard
106	<i>Henrik Stridh, Nils-Erik Landén &amp; Tomas Montén v. International Ice Hockey Federation (IIHF)</i> (Case No. 2018-5747, 5748 & 5749)	–	Prof. Luigi Fumagalli (President); Edward Canty; Prof. Martin Schimke

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107	<i>Trabzonspor Sportif Yatirim ve Futbol Isletmeciligi A.S., Trabzonspor Sportif Yatirim Futbol Isletmeciligi A.S. &amp; Trabzonspor Kulübü Dernegi v. Turkish Football Federation (TFF), Fenerbahçe Futbol A.S., Fenerbahçe Spor Kulübü &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5746)	–	Prof. Luigi Fumagalli (President); Philippe Sands QC; Patrick Lafranchi
108	<i>BC Lokomotiv Kuban &amp; Ryan Broekhoff v. VTB United League</i> (Case No. 2018-5743)	–	Lars Hilliger (Sole Arbitrator)
109	<i>Marat Shaymordanov, Nikita Fursin, Sergey Shumeyko v. FC Tyumen &amp; Russian Football Union (RFU)</i> (Case No. 2018-5742)	–	András Gurovits (Sole Arbitrator)
110	<i>Cruzeiro E.C. v. Club Atlético Morelia</i> (Case No. 2018-5738)	–	Marco Balmelli (Sole Arbitrator)
111	<i>Cruzeiro E.C. v. Defensor Sporting Club</i> (Case No. 2018-5737)	Margarita Echeverria	Mark Hovell (President); Manfred Nan
112	<i>KS Skënderbeu v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2018-5734)	–	José María Alonso Puig (President); Philippe Sands QC; The Hon. Michael Beloff QC
113	<i>Weightlifting Federation of the Republic of Kazakhstan (WFRK), Karina Goricheva, Nadezhda Nogay &amp; Rustem Sybay v. International Weightlifting Federation (IWF)</i> (Case No. 2018-5722)	–	Prof. Luigi Fumagalli (President); Prof. Philippe Sands QC; Prof. Martin Schimke
114	<i>Adnan Darjal v. Iraq Football Association (IFA)</i> (Case No. 2018-5719)	–	Prof. Philippe Sands QC (Sole Arbitrator)
115	<i>Columbus Sport 99 C.A. v. Ivan Deniz O'Donnell, Marcos Cervero Simonet &amp; Ronald Gillen</i> (Case No. 2018-5711)	–	Ivaylo Dermendjiev (President); Olivier Carrard; José Juan Pintó
116	<i>Pere Hernández Ripoll v. Federación Internacional de Pádel (FIP)</i> (Case No. 2018-5702)	–	Prof. Massimo Coccia (President); Michele Bernasconi; Hans Nater
117	<i>Cruzeiro E.C. v. C.A. Independiente</i> (Case No. 2018-5697)	–	Prof. Gustavo Albano Abreu (Sole Arbitrator)
118	<i>Bernadette Coston v. South African Institute for Drug-Free Sport (SAIDS)</i> (Case No. 2018-5695)	–	Mohamed Abdel Raouf (Sole Arbitrator)
119	<i>Al Sharjah Football Club v. Fellype Gabriel de Mello &amp; Sociedade Esportiva Palmeiras</i> (Case No. 2018-5680)	–	Mark Hovell (President); Manfred Nan; Rui Botica Santos
120	<i>Al Nassr Saudi Club v. Ivan Tomecak &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5677)	–	Mark Hovell (President); Diego Ferrari; Bernhard Welten

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121	<i>AFC Astra v. Toni Gorupec</i> (Case No. 2018-5664)	–	Jacopo Tognon (Sole Arbitrator)
122	<i>Clube Atlético Mineiro v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5663)	–	Prof. Luigi Fumagalli (President); Francisco Müssnich; Frans de Weger
123	<i>Deyvid Franck Silva Sacconi v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5661)	–	Fabio Iudica (President); Ercus Stewart; Prof. Petros Mavroidis
124	<i>Al Arabi SC v. Houssine Kharja &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5657)	–	Mark Hovell (President); Jacopo Tognon; Peter van Minnen
125	<i>Olha Zemliak &amp; Olesia Povh v. Ukrainian Athletic Federation (UAF) &amp; World Anti-Doping Agency (WADA)</i> (Case No. 2018-5654 & 5655)	–	Murray Rosen QC (Sole Arbitrator)
126	<i>Georgios Kostakis v. Hellenic National Council for Combating Doping (ESKAN)</i> (Case No. 2018-5651)	–	Prof. Jens Evald (Sole Arbitrator)
127	<i>Sporting du Pays de Charleroi v. David Dudu Dahan</i> (Case No. 2018-5643)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
128	<i>Sporting du Pays de Charleroi v. David Dudu Dahan</i> (Case No. 2018-5642)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
129	<i>Clube de Futebol União da Madeira v. Fédération Internationale de Football Association (FIFA) &amp; Club Renaissance Sportive de Berkane</i> (Case No. 2018-5635)	–	Mark Hovell (Sole Arbitrator)
130	<i>World Anti-Doping Agency (WADA) v. Hungarian National Anti-Doping Organization (HUNADO) &amp; Darja Dmitrijevna Beklemisicseva</i> (Case No. 2018-5620)	–	Prof. Jens Evald (Sole Arbitrator)
131	<i>World Anti-Doping Agency (WADA) v. United World Wrestling (UWW) &amp; Anzor Boltukaev</i> (Case No. 2018-5619)	Annett Rombach	Prof. Luigi Fumagalli (President); Ken Lalo
132	<i>Jared Higgs v. Bahamas Football Association (BFA)</i> (Case No. 2018-5615)	–	Prof. Cameron Myler (President); Mark Hovell; Prof. Ulrich Haas
133	<i>SA Royal Sporting Club Anderlecht (RSCA) v. Matías Ezequiel Suárez &amp; Club Atlético Belgrano de Córdoba (CA Belgrano)</i> (Case No. 2018-5607 & 5608)	–	Prof. Massimo Coccia (President); Bernard Hanotiau; Gonzalo Bossart
134	<i>Olga Kazankevich v. Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2018-5592)	–	Hans Nater (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
135	<i>Yannick Toapry Boli v. FC Anji Makhachkala</i> (Case No. 2018-5534)	–	Prof. Ulrich Haas (Sole Arbitrator)
136	<i>Etzaz Hussain v. FC Astana &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-6044)	Anna Bordiugova	Prof. Luigi Fumagalli (President); Mika Palmgren
137	<i>Adnan Darjal v. Iraq Football Association (IFA)</i> (Case No. 2018-5876)	–	Prof. Philippe Sands QC (Sole Arbitrator)
138	<i>Adnan Darjal Motar Al-Robiye, Jawad Najm Abdullah Abdullah, Mohammedjawad Ahmed Salih Alsaegh, Firas Nuri Abdulaa Bahralem, Alla Kadhim Jebur Kinani, Nashat Akram Abid Ali Ali Essa, Nozad Qader Ali Ali, Rasha Talib Dheyab Al-Tameemi, Sherzad Kareem Majeed Majeed, Waleed Hameed Shinab Al-Zaidi and Younus Mahmood Khalaf Khalaf v. Iraq Football Association (IFA)</i> (Case No. 2018-5824)	–	Prof. Philippe Sands QC (Sole Arbitrator)
139	<i>Al Masry Sporting Club v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5802)	–	Prof. Martin Schimke (Sole Arbitrator)
140	<i>Civard Sprockel v. Fédération Internationale de Football Association (FIFA) &amp; PFC CSKA-Sofia</i> (Case No. 2018-5647)	–	José Juan Pinto (President); Manfred Nan; Prof. Martin Schimke
141	<i>Rafael Epstein v. FC Lokomotiv Moscow</i> (Case No. 2018-5598)	Anna Bordiugova	Manfred Nan (President); Prof. Martin Schimke
142	<i>Club Al Arabi SC v. KSC Lokeren &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5596)	–	Prof. Luigi Fumagalli (President); Rui Botica Santos; The Hon. Michael Beloff QC
143	<i>Phar Rangers FC v. Ghana Football Association (GFA)</i> (Case No. 2018-5595)	–	Pat Barriscale (President); Jacopo Tognon; Bernhard Welten
144	<i>Kayserispor Kulübü v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5588)	–	Fabio Iudica (President); Ricardo de Buen Rodríguez; Lars Hilliger
145	<i>Club Adanaspor v. Vedran Naglic</i> (Case No. 2018-5586)	–	Prof. Martin Schimke (President); Efraim Barak; Mark Hovell
146	<i>Joshua Taylor v. World Rugby</i> (Case No. 2018-5583)	–	The Hon. Hugh Fraser (President); The Hon. Michael Beloff QC; Alexis Schoeb

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No.	Case	Women appointee(s)	Men appointee(s)
147	<i>Blagovest Krasimirov Bozhinovski v. Anti-Doping Centre of the Republic of Bulgaria (ADC) &amp; Bulgarian Olympic Committee (BOC)</i> (Case No. 2018-5580)	–	Patrick Lafranchi (Sole Arbitrator)
148	<i>Kenneth Joseph Asquez v. FC Manisaspor K.D. &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2018-5552)	–	Lars Hilliger (Sole Arbitrator)
149	<i>Svetlana Karamasheva v. International Association of Athletics Federations (IAAF) &amp; All Russia Athletic Federation (ARAF)</i> (Case No. 2018-5520)	–	Ken Lalo (President); Prof. Luigi Fumagalli; Markus Manninen

### C.5 Compilation of CAS cases for 2017

No.	Case	Women appointee(s)	Men appointee(s)
1	<i>Misha Aloyan v. International Olympic Committee (IOC)</i> (Case No. 2017-4927)	Rabab Yasseen	Prof. Luigi Fumagalli (President); The Hon. Michael Beloff QC
2	<i>FC Shakhtar Donetsk v. Olexandr Vladimirovich Zinchenko, FC UFA &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-4935)	–	Mark Hovell (President); Juan Pablo Arriagada; Manfred Nan
3	<i>FC Lokomotiv Moscow v. Desportivo Brasil Participações Ltda</i> (Case No. 2017-4940)	–	Prof. Martin Schimke (President); Prof. Luigi Fumagalli; Manfred Nan
4	<i>Yulia Naumova v. International Military Sports Council (CISM) &amp; World Anti-Doping Agency (WADA)</i> (Case No. 2017-4944)	–	Prof. Jens Ewald (President); Olivier Carrard; Timour Sysouev
5	<i>Sports Club "Gaz Metan" Medias v. Romanian Football Federation (RFF) &amp; Romanian Professional Football League (RPFL)</i> (Case No. 2017-4946)	–	Bernhard Welten (Sole Arbitrator)
6	<i>Ion Viorel v. Romanian Football Federation (RFF)</i> (Case No. 2017-4947)	–	Jacopo Tognon (Sole Arbitrator)
7	<i>Anouar Hadouir v. Club Moghreb Athletic Tétouan de Football &amp; Royal Moroccan Football Federation (FRMF)</i> (Case No. 2017-4955)	–	Jalal El Ahdab (Sole Arbitrator)
8	<i>Raphaël Hamidi v. Wydad Athletic Club</i> (Case No. 2017-4960)	–	Judge Pierre Muller (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
9	<i>World Anti-Doping Agency (WADA) v. Comitato Permanente Antidoping San Marino NADO (CPA) &amp; Karim Gharbi</i> (Case No. 2017-4962)	–	Murray Rosen QC (Sole Arbitrator)
10	<i>Chunhong Liu v. International Olympic Committee (IOC)</i> (Case No. 2017-4973)	–	Christoph Vedder (Sole Arbitrator)
11	<i>Lei Cao v. International Olympic Committee (IOC)</i> (Case No. 2017-4974)	–	Christoph Vedder (Sole Arbitrator)
12	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Ivan Shablyuyev</i> (Case No. 2017-4978)	–	Markus Manninen (Sole Arbitrator)
13	<i>Rochell G D Woodson v. Liberia Football Association (LFA)</i> (Case No. 2017-4979)	–	Murray Rosen QC (Sole Arbitrator)
14	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Svetlana Vasilyeva</i> (Case No. 2017-4980)	–	Markus Manninen (Sole Arbitrator)
15	<i>Clube Atlético Mineiro v. Udinese Calcio SpA</i> (Case No. 2017-4981)	–	Alexander McLin (Sole Arbitrator)
16	<i>Nesta Carter v. International Olympic Committee (IOC)</i> (Case No. 2017-4984)	–	Ken Lalo (President); Prof. Philippe Sands QC; Prof. Massimo Coccia
17	<i>Cruzeiro E.C. v. C.A. Atenas</i> (Case No. 2017-4994)	–	Ricardo de Buen Rodríguez (Sole Arbitrator)
18	<i>Eid Mohamed Al-Suweidi v. World Anti-Doping Agency (WADA)</i> (Case No. 2017-5000)	–	Prof. Jens Evald (President); Fabio Iudica; Alexander McLin
19	<i>Eskisehirspor Kulübü v. Sebastian Andres Pinto Perurena &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5011)	–	Hendrik Willem Kesler (President); José Juan Pintó; Gerardo Luis Acosta Pérez
20	<i>Elazığspor Kulübü Derneği v. Franco Cängele &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5012)	–	Rui Botica Santos (President); José Juan Pintó; Carlos Del Campo Cólás
21	<i>International Ski Federation (FIS) v. Therese Johaug &amp; Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF)</i> (Case No. 2017-5015) <i>Therese Johaug v. NIF</i> (Case No. 2017-5110)	–	Romano Subiotto QC (President); Markus Manninen; Jeffrey Benz
22	<i>Ihab Abdelrahman v. Egyptian Anti-Doping Organization (EGY-NADO)</i> (Case No. 2017-5016) <i>World Anti-Doping Agency (WADA) v. Ihab Abdelrahman &amp; EGY-NADO</i> (Case No. 2017-5036)	–	Prof. Luigi Fumagalli (President); Olli Rauste; The Hon. Michael Beloff QC



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No.	Case	Women appointee(s)	Men appointee(s)
23	<i>Serghei Tarnovschi v. International Canoe Federation (ICF)</i> (Case No. 2017-5017)	Maidie Oliveau	Dirk-Reiner Martens (President); The Hon. Michael Beloff QC
24	<i>International Association of Athletics Federations (IAAF) v. UAE Athletics Federation &amp; Bethlem Desalegn</i> (Case No. 2017-5021)	–	Jacques Radoux (President); Markus Manninen; Jirayr Habibian
25	<i>Fédération Internationale de Football Association (FIFA) v. Confederação Brasileira de Futebol (CBF) &amp; Cristiano Lopes</i> (Case No. 2017-5022)		Efraim Barak (President); Prof. Michael Geistlinger; Attila Berzeviczi
26	<i>Club Mersin Idman Yurdu Spor Kulübü v. Spas Delev &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5031)	–	Hendrik Willem Kesler (President); Stuart McInnes; João Nogueira da Rocha
27	<i>International Association of Athletics Federation (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Anna Pyatykh</i> (Case No. 2017-5039)		Prof. Jens Evald (Sole Arbitrator)
28	<i>Iurii Anikieiev v. International Draughts Federation (IDF)</i> (Case No. 2017-5042)		Philippe Sands QC (Sole Arbitrator)
29	<i>Maria Farnosova v. International Association of Athletics Federations (IAAF) &amp; All Russia Athletics Federation (ARAF)</i> (Case No. 2017-5045)		Prof. Ulrich Haas (President); Michele Bernasconi; Romano Subiotto QC
30	<i>Anouar Kali v. Al-Arabi Sports Club</i> (Case No. 2017-5046)	–	Jacopo Tognon (Sole Arbitrator)
31	<i>Basketball Club Ticha v. Fédération Internationale de Basketball (FIBA) and Aleksandar Andrejevic</i> (Case No. 2017-5050)	–	Clifford Hendel (Sole Arbitrator)
32	<i>Jarmo Ahjupera v. Ujpest 1885 Futball Kft</i> (Case No. 2017-5051)	–	Sofoklis Pilavios (Sole Arbitrator)
33	<i>Martin Fenin v. FC Istres Ouest Provence</i> (Case No. 2017-5054)		Prof. Ulrich Haas (Sole Arbitrator)
34	<i>Ittihad FC v. James Troisi &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5056) <i>James Troisi v. Ittihad FC</i> (Case No. 2017-5069)	–	Manfred Peter Nan (President); Rui Botica Santos; Mark Hovell
35	<i>Taekwondo Federation of Moldova (TFM) v. National Olympic and Sports Committee of Moldova (NOSC)</i> (Case No. 2017-5057)	–	Prof. Martin Schimke (President); Michele Bernasconi; The Hon. Michael Beloff QC
36	<i>Al-Ittihad FC v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5058)	–	Hendrik Kesler (President); Saleh Al Obeidli; Mark Hovell

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37	<i>Samir Nasri v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2017-5061)	–	Prof. Christoph Vedder (President); Prof. Gustavo Albano Abreu; Clifford Hendel
38	<i>Deutscher Fussball-Bund e.V. (DFB) &amp; 1. FC Köln GmbH &amp; Co. KGaA (FC Köln) &amp; Nikolas Terkelsen Nartey v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5063)	–	Prof. Ulrich Haas (Sole Arbitrator)
39	<i>Jacksen Ferreira Tiago v. Football Association of Penang &amp; Football Association of Malaysia (FAM)</i> (Case No. 2017-5065)	–	Rui Botica Santos (Sole Arbitrator)
40	<i>World Anti-Doping Agency (WADA) v. Africa Zone VI Regional Anti-Doping Organization (RADO), Lesotho National Olympic Committee (LNOC) &amp; Sello Mothebe</i> (Case No. 2017-5066)	–	Clifford Hendel (Sole Arbitrator)
41	<i>Shanxi Fenjiu Basketball Club v. Jeffrey Curtis Ayres</i> (Case No. 2017-5072)	–	Murray Rosen QC (President); Prof. Matthew Mitten; Chi Liu
42	<i>Al Jazira Football Sport Company v. José Mesas Puerta</i> (Case No. 2017-5077)	–	Sofoklis Pilavios (President); Prof. Massimo Coccia; Hendrik Willem Kesler
43	<i>Olympique des Alpes SA v. Genoa Cricket &amp; Football Club</i> (Case No. 2017-5090)	–	Manfred Nan (President); Daniele Moro; The Hon. Michael Beloff QC
44	<i>Club Hajer FC Al-Hasa v. Arsid Kruja</i> (Case No. 2017-5092)	–	Ivaylo Dermendjiev (Sole Arbitrator)
45	<i>Philip Chiyangwa v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5098)	–	Mark Hovell (President); Augustin Senghor; Bernhard Heusler
46	<i>Artur Taymazov v. International Olympic Committee (IOC)</i> (Case No. 2017-5099)	–	The Hon. Michael Beloff QC; (President) Aliaksandr Danilevich; Olivier Carrard
47	<i>Valletta FC v. Apollon Limassol</i> (Case No. 2017-5103)	–	Jacopo Tognon (Sole Arbitrator)
48	<i>Apollon Limassol v. UC Sampdoria</i> (Case No. 2017-5104)	–	Murray Rosen QC (President); Marco Balmelli; Prof. Massimo Coccia
49	<i>FC Shakhtar Donetsk v. Luiz Adriano Souza da Silva</i> (Case No. 2017-5101)	–	Alexander McLin (Sole Arbitrator)
50	<i>Debreceni Vasutas Sport Club (DVSC) v. Nenad Novakovic</i> (Case No. 2017-5111)	Petra Pocrnic Perica	Prof. Ulrich Haas (President); András Gurovits

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No.	Case	Women appointee(s)	Men appointee(s)
51	<i>Arsan Arashov v. International Tennis Federation (ITF)</i> (Case No. 2017-5112)	–	Romano Subiotto QC (President); Prof. Petros Mavroidis; Alexander McLin
52	<i>Elizabeth Juliano, Owner of Horizon; Maryanna Haymon, Owner of Don Principe; Adrienne Lyle and Kaitlin Blythe v. Fédération Equestre Internationale (FEI)</i> (Case No. 2017-5114)	–	The Hon. Michael Beloff QC (President); Prof. Massimo Coccia; Prof. Cameron Myler
53	<i>Eskisehir Spor Kulübü v. Ibrahim Sissoko &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5117)	–	Michele Bernasconi (Sole Arbitrator)
54	<i>Tatyana Chernova v. International Olympic Committee (IOC)</i> (Case No. 2017-5124)	–	David Rivkin (President); Prof. Jens Ewald; Murray Rosen QC
55	<i>Bulgarian Weightlifting Federation (BWF) v. International Weightlifting Federation (IWF)</i> (Case No. 2017-5127)	–	Prof. Luigi Fumagalli (President); Frans de Weger; Prof. Martin Schimke
56	<i>Aliaksandr Khatskevich v. Belarus Football Federation (BFF)</i> (Case No. 2017-5128)	–	Clifford Hendel (President); Manfred Peter Nan; Michele Bernasconi
57	<i>Shaker Alafoo v. Hisham Al Taher, Mehrdad Pahlevanzadeh &amp; Bahrain Mind Sports Association</i> (Case No. 2017-5131)	–	Alexander McLin (Sole Arbitrator)
58	<i>LLC CPF Karpaty v. Volodymyr Hudyma</i> (Case No. 2017-5133)	–	Lars Halgreen (Sole Arbitrator)
59	<i>World Anti-Doping Agency (WADA) v. Confederação Brasileira de Futebol (CBF) &amp; Olívio Aparecido da Costa</i> (Case No. 2017-5139)	–	Romano Subiotto QC (Sole Arbitrator)
60	<i>Fédération Internationale de Football Association (FIFA) v. Fédération Algérienne de Football (FAF) &amp; Walid Abdelli</i> (Case No. 2017-5142)	–	Alexander McLin (President); Prof. Luigi Fumagalli; Alain Zahlan de Cayetti
61	<i>Fédération Internationale de Football Association (FIFA) v. Confederación Sudamericana de Fútbol (CONMEBOL) &amp; José Angulo Caicedo</i> (Case No. 2017-5144)	–	João Nogueira da Rocha (President); Prof. Ulrich Haas; Francisco González de Cossío
62	<i>Club Avenir Sportive d'Oued Ellil &amp; Association Avenir Sportive de l'Union Sportive de Matouia &amp; Club de l'Etoile Sportive d'Al Weslatya v. Fédération Tunisienne de Football (FTF)</i> (Case No. 2017-5147)	–	Prof. Gérard Simon (Sole Arbitrator)
63	<i>Necmettin Erbakan Akyüz v. International Wushu Federation (IWUF)</i> (Case No. 2017-5155)	–	The Hon. Michael Beloff QC (Sole Arbitrator)

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64	<i>World Anti-Doping Agency (WADA) v. Africa Zone V Regional Anti-Doping Organization &amp; Anti-Doping Agency of Kenya (ADAK) &amp; Athletics Kenya (AK) &amp; Sharon Ndinda Muli</i> (Case No. 2017-5157)	–	Prof. Jens Evald (Sole Arbitrator)
65	<i>Football Association of Thailand (FAT) v. Victor Jacobus Hermans</i> (Case No. 2017-5164)	–	Prof. Martin Schimke (President); David Wu; Michele Bernasconi
66	<i>Palestine Football Association v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5166/5405)	–	Prof. Massimo Coccia (President); Prof. Philippe Sands QC; José Juan Pintó
67	<i>Real Club Celta de Vigo v. Olympique Lyonnais</i> (Case No. 2017-5172)	–	Prof. Ulrich Haas (President); José Juan Pintó; François Klein
68	<i>Joseph Odartei Lamptey v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5173)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mark Hovell
69	<i>Tomasz Zieliński v. International Weightlifting Federation (IWF)</i> (Case No. 2017-5178)	–	Prof. Ulrich Haas (President); Jeffrey Benz; Murray Rosen QC
70	<i>Club Antalyaspor v. Sammy Ndjock &amp; Club Minnesota United</i> (Case No. 2017-5180)	–	Manfred Nan (Sole Arbitrator)
71	<i>Akhisar Belediye Gençlik ve Spor Kulübü Derneği v. Ivan Sesar</i> (Case No. 2017-5182)	–	Sofoklis Pilavios (Sole Arbitrator)
72	<i>Elazığspor Kulübü v. Fabio Alves da Silva</i> (Case No. 2017-5183)	–	Mark Hovell (Sole Arbitrator)
73	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Stanislav Emelyanov</i> (Case No. 2017-5193)	–	Murray Rosen QC (Sole Arbitrator)
74	<i>Cruzeiro EC v. FC Zorya Luhansk</i> (Case No. 2017-5195)	–	Ivaylo Dermendjiev (Sole Arbitrator)
75	<i>Clube Atlético Mineiro v. Udinese Calcio S.p.A. &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5202)	–	Prof. Petros Mavroidis (President); Manfred Nan; Lars Halgreen
76	<i>Clube Atlético Mineiro v. Udinese Calcio S.p.A. &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5203)	–	Prof. Petros Mavroidis (President); Manfred Nan; Lars Halgreen
77	<i>FC Koper v. Football Association of Slovenia (NZS)</i> (Case No. 2017-5205)	Svenja Geissmar (President)	Rui Botica Santos; Dominik Kocholl

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78	<i>Genoa Cricket and Football Club v. GNK Dinamo Zagreb</i> (Case No. 2017-5213)	–	Sofoklis Pilavios (President); Stuart McInnes; Patrick Lafranchi
79	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Vasily Kopyev</i> (Case No. 2017-5218)	–	Ken Lalo (Sole Arbitrator)
80	<i>Gaetano Marotta v. Al Ain FC</i> (Case No. 2017-5219)	–	Prof. Petros Mavroidis (President); Olivier Carrard; João Nogueira da Rocha
81	<i>Sporting Clube de Braga v. Club Dynamo Kyiv &amp; Gerson Alencar de Lima Junior</i> (Case No. 2017-5227)	–	Sofoklis Pilavios (President); João Nogueira da Rocha; André Brantjes
82	<i>Miejski Młodzieżowy Klub Sportowy (MMKS) Concordia Elbląg v. Jesús Vicente de los Galanes</i> (Case No. 2017-5230)	–	Bernhard Welten (Sole Arbitrator)
83	<i>Ittihad FC, Saudi Arabia v. Etoile Sportive du Sahel</i> (Case No. 2017-5233)	–	Prof. Philippe Sands QC (President); Prof. Petros Mavroidis; Prof. Luigi Fumagalli
84	<i>Esteghlal Football Club v. Pero Pejić</i> (Case No. 2017-5242)	–	Bernhard Welten (Sole Arbitrator)
85	<i>Oscar Bobb &amp; Associação Juvenil Escola de Futebol Hernâni Gonçalves v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5244)	–	Sofoklis Pilavios (Sole Arbitrator)
86	<i>World Anti-Doping Agency (WADA) v. Africa Zone V RADO &amp; Anti-Doping Agency of Kenya (ADAK) &amp; Eliud Musumba Ayiro</i> (Case No. 2017-5248)	–	Markus Manninen (Sole Arbitrator)
87	<i>Alexandre Ludovic Ribeiro Pereira v. Football Club Zimbru Chisinau</i> (Case No. 2017-5256)	–	Jacopo Tognon (Sole Arbitrator)
88	<i>World Anti-Doping Agency (WADA) v. South African Institute for Drug-Free Sport (SAIDS) &amp; Demarte Pena</i> (Case No. 2017-5260)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
89	<i>KF Skënderbeu v. Albanian Football Association (AFA)</i> (Case No. 2017-5272)	–	Prof. Ulrich Haas (President); Frans de Weger; André Brantjes
90	<i>Mersin İdman Yurdu SK v. Milan Stepanov &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5274)	–	Manfred Nan (President); Stuart McInnes; Edward Canty

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91	<i>FK Sarajevo v. KVC Westerlo</i> (Case No. 2017-5277)	–	Ivaylo Dermendjiev (President); Frans de Weger; Manfred Nan
92	<i>Florent Malouda v. Confédération de football d'Amérique du Nord, d'Amérique centrale et des Caraïbes (CONCACAF)</i> (Case No. 2017-5278)	–	Prof. Petros Mavroidis (President); Bernard Foucher; Michele Bernasconi
93	<i>Cruzeiro E.C. v. Club Tigres</i> (Case No. 2017-5279)	–	Prof. Gustavo Albano Abreu (Sole Arbitrator)
94	<i>Danis Zaripov v. International Ice Hockey Federation (IIHF)</i> (Case No. 2017-5280)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
95	<i>World Anti-Doping Agency (WADA) v. International Ice Hockey Federation (IIHF) &amp; F.</i> (Case No. 2017-5282)	–	Prof. Luigi Fumagalli (President); The Hon. Michael Beloff QC; Prof. Ulrich Haas
96	<i>Daniel Angelici v. Confederación Sudamericana de Fútbol (CONMEBOL)</i> (Case No. 2017-5285)	–	Efraim Barak (President); José María Cruz; José María Alonso Puig
97	<i>Florent Malouda v. Confédération de football d'Amérique du Nord, d'Amérique centrale et des Caraïbes (CONCACAF)</i> (Case No. 2017-5290)	–	Prof. Petros Mavroidis (President); Bernard Foucher; Michele Bernasconi
98	<i>World Anti-Doping Agency (WADA) v. Gil Roberts</i> (Case No. 2017-5296)	–	The Hon. Hugh Fraser (President); The Hon. Michael Beloff QC; Jeffrey Benz
99	<i>Club Estudiantes de Mérida v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5297)	–	Efraim Barak (President); Prof. Massimo Coccia; Álvaro García-Alamán de la Calle
100	<i>Olympique Lyonnais v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2017-5299)	–	Prof. Ulrich Haas (President); Hamid Gharavi; Manfred Nan
101	<i>Sara Errani v. International Tennis Federation (ITF)</i> (Case No. 2017-5301) <i>National Anti-Doping Organisation (Nado) Italia v. Sara Errani and ITF</i> (Case No. 2017-5302)	–	Christoph Vedder (President); Ken Lalo; Jacopo Tognon
102	<i>PFC Levski v. Dustley Roman Mulder</i> (Case No. 2017-5304)	–	Alexander McLin (Sole Arbitrator)
103	<i>Guangzhou Evergrande Taobao FC v. Asian Football Confederation (AFC)</i> (Case No. 2017-5306)	–	Anthony Lo Surdo (President); Efraim Barak; Marco Balmelli
104	<i>Club Real Atlético Garcilaso de Cusco v. Federación Peruana de Fútbol (FPF) &amp; Club Sport Alianza Atlético de Sullana &amp; Club Juan Aurich</i> (Case No. 2017-5311)	–	José Juan Pintó (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
105	<i>José Carlos Ferreira Alves v. Al Ahli Saudi Club</i> (Case No. 2017-5312)	–	Manfred Nan (Sole Arbitrator)
106	<i>World Anti-Doping Agency (WADA) v. Federación Colombiana de Fútbol (FCF) and Yobani Jose Ricardo Garcia</i> (Case No. 2017-5315) <i>World Anti-Doping Agency (WADA) v. Federación Colombiana de Fútbol (FCF) and Daniel Londono Castaneda</i> (Case No. 2017-5316)	–	Romano Subiotto QC (President); Prof. Massimo Cocchia; Michele Bernasconi
107	<i>Aleksei Medvedev v. Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2017-5317)	–	Murray Rosen QC (Sole Arbitrator)
108	<i>United States Anti-Doping Agency (USADA) v. Ryan Bailey</i> (Case No. 2017-5320)	Carol Roberts (President)	The Hon. Michael Beloff QC; Jeffrey Benz
109	<i>FK Olimpik Sarajevo v. Football Association of Bosnia and Herzegovina &amp; MSK Zilina &amp; Slovakian Football Association &amp; Admir Vladavic</i> (Case No. 2017-5322)	–	Ivaylo Dermendjiev (Sole Arbitrator)
110	<i>Fédération Burkinabé de Football v. Fédération Internationale de Football Association (FIFA), South African Football Association, Fédération Sénégalaise de Football &amp; Federação Caboverdiana de Futebol</i> (Case No. 2017-5324)	–	Prof. Martin Schimke (President); Hendrik Willem Kesler; Jean-Philippe Rochat
111	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) and Ekaterina Volkova</i> (Case No. 2017-5331)	–	Prof. Jens Evald (Sole Arbitrator)
112	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) and Elena Slesarenko</i> (Case No. 2017-5332)	–	Prof. Jens Evald (Sole Arbitrator)
113	<i>Jurgen Borg v. Malta Football Association (MFA)</i> (Case No. 2017-5333)	–	Prof. Ulrich Haas (Sole Arbitrator)
114	<i>Al Nassr Saudi Club v. FC Twente 65</i> (Case No. 2017-5336)	–	Fabio Iudica (Sole Arbitrator)
115	<i>Club Sportiv “Gaz Metan” Medias v. Eric de Oliveira Pereira, FC Karpaty Lviv &amp; Clube Atletico Metropolitano</i> (Case No. 2017-5339)	–	Prof. Petros Mavroidis (President); Fabio Iudica; Mark Howell
116	<i>CJSC Football Club Lokomotiv v. Slaven Bilic</i> (Case No. 2017-5341)	–	Prof. Martin Schimke (President); Frans de Weger; Jeffrey Benz
117	<i>FK Sileks v. FK Tabane 1970</i> (Case No. 2017-5350)	–	Prof. Petros Mavroidis (Sole Arbitrator)
118	<i>FK Sileks v. FK Sloga Leskovac</i> (Case No. 2017-5351)	–	Prof. Petros Mavroidis (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
119	<i>FK Sileks v. GFK Dubočica Leskovac</i> (Case No. 2017-5352)	–	Prof. Petros Mavroidis (Sole Arbitrator)
120	<i>FK Sileks v. FK Jedinstvo Bošnjace</i> (Case No. 2017-5353)	–	Prof. Petros Mavroidis (Sole Arbitrator)
121	<i>South African Football Association v. Fédération Internationale de Football Association (FIFA), Fédération Burkinabé de Football, Fédération Sénégalaise de Football &amp; Federação Caboverdiana de Futebol</i> (Case No. 2017-5356)	–	Prof. Martin Schimke (President); Hendrik Willem Kesler; Jean-Philippe Rochat
122	<i>Persepolis Football Club v. Rizespor Futbol Yatirimlari</i> (Case No. 2017-5359)	–	Rui Botica Santos (President); Dominik Kocholl; Michele Bernasconi
123	<i>Club Adanaspor v. Mbilla Etame Serges Flavier</i> (Case No. 2017-5366)	–	Mark Hovell (President); Efraim Barak; Bernhard Welten
124	<i>World Anti-Doping Agency (WADA) v. South African Institute for Drug-Free Sport (SAIDS) &amp; Gordon Gilbert</i> (Case No. 2017-5369)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
125	<i>Club Osmanlispor FK v. Thomas Mark Friedrich</i> (Case No. 2017-5371)	–	Jacopo Tognon (Sole Arbitrator)
126	<i>Japan Triathlon Union (JTU) v. International Triathlon Union (ITU)</i> (Case No. 2017-5373)	–	Murray Rosen QC (Sole Arbitrator)
127	<i>Jaroslav Kolakowski v. Daniel Quintana Sosa</i> (Case No. 2017-5374)	–	Mark Hovell (President); Fabio Iudica; João Nogueira da Rocha
128	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Elizaveta Grechishnikova</i> (Case No. 2017-5376)	Raphaëlle Favre Schnyder (Sole Arbitrator)	–
129	<i>Alexander Legkov v. International Olympic Committee (IOC)</i> (Case No. 2017-5379)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
130	<i>Evgeniy Belov v. International Olympic Committee (IOC)</i> (Case No. 2017-5380)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
131	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Kseniya Agafonova</i> (Case No. 2017-5389)	Raphaëlle Favre Schnyder (Sole Arbitrator)	–
132	<i>Fédération Internationale de Natation (FINA) v. Georgia Anti-Doping Agency (GADA) &amp; Eastern Europe RADO &amp; Irakli Bolkvadze</i> (Case No. 2017-5392)	–	Prof. Jens Evald (Sole Arbitrator)



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No.	Case	Women appointee(s)	Men appointee(s)
133	<i>Techiman City FC v. Ghana Football Association (GFA)</i> (Case No. 2017-5395)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
134	<i>Clube Atlético Mineiro v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5401)	–	Sofoklis Pilavios (President); João Nogueira da Rocha; Pedro Tomás Marqués
135	<i>Club Al-Taawoun v. Darije Kalezic</i> (Case No. 2017-5402)	–	Olivier Carrard (Sole Arbitrator)
136	<i>Bastiaan van Willigen v. Nederlandse Basketball Bond</i> (Case No. 2017-5421)	–	Pieter Kalbfleisch (Sole Arbitrator)
137	<i>Aleksandr Zubkov v. International Olympic Committee (IOC)</i> (Case No. 2017-5422)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
138	<i>Dmitry Trunenkov v. International Olympic Committee (IOC)</i> (Case No. 2017-5423)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
139	<i>Aleksei Negodailo v. International Olympic Committee (IOC)</i> (Case No. 2017-5424)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
140	<i>Alexander Kasyanov v. International Olympic Committee (IOC)</i> (Case No. 2017-5425)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
141	<i>Aleksei Pushkarev v. International Olympic Committee (IOC)</i> (Case No. 2017-5426)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
142	<i>Ilvir Khuzin v. International Olympic Committee (IOC)</i> (Case No. 2017-5427)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
143	<i>Olga Stulneva v. International Olympic Committee (IOC)</i> (Case No. 2017-5428)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
144	<i>Aleksandr Tretiakov v. International Olympic Committee (IOC)</i> (Case No. 2017-5429)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
145	<i>Sergei Chudinov v. International Olympic Committee (IOC)</i> (Case No. 2017-5430)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
146	<i>Elena Nikitina v. International Olympic Committee (IOC)</i> (Case No. 2017-5431)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens

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No.	Case	Women appointee(s)	Men appointee(s)
147	<i>Olga Potylitsyna v. International Olympic Committee (IOC)</i> (Case No. 2017-5432)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
148	<i>Maria Orlova v. International Olympic Committee (IOC)</i> (Case No. 2017-5433)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
149	<i>Maxim Vylegzhanin v. International Olympic Committee (IOC)</i> (Case No. 2017-5436)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
150	<i>Alexey Petukhov v. International Olympic Committee (IOC)</i> (Case No. 2017-5437)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
151	<i>Julia Ivanova v. International Olympic Committee (IOC)</i> (Case No. 2017-5438)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
152	<i>Evgenia Shapovalova v. International Olympic Committee (IOC)</i> (Case No. 2017-5439)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
153	<i>Olga Fatkulina v. International Olympic Committee (IOC)</i> (Case No. 2017-5440)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
154	<i>Alexander Rumyantsev v. International Olympic Committee (IOC)</i> (Case No. 2017-5441)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
155	<i>Yulia Chekaleva v. International Olympic Committee (IOC)</i> (Case No. 2017-5445)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
156	<i>Anastasia Dotsenko v. International Olympic Committee (IOC)</i> (Case No. 2017-5446)	–	Prof. Christoph Vedder (President); Hamid Gharavi; Dirk-Reiner Martens
157	<i>Iván Bolado Palacios v. Fédération Internationale de Football Association (FIFA), Bulgarian Football Union (BFU) &amp; PFC CSKA Sofia</i> (Case No. 2017-5460)	–	Mark Hovell (Sole Arbitrator)
158	<i>Békéscsaba 1912 Futball v. George Koroudjiev</i> (Case No. 2017-5465)	–	Prof. Petros Mavroidis (President); Mika Palmgren; Manfred Nan
159	<i>Alexey Voevoda v. International Olympic Committee (IOC)</i> (Case No. 2017-5468)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens

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No.	Case	Women appointee(s)	Men appointee(s)
160	<i>Ekaterina Lebedeva v. International Olympic Committee (IOC)</i> (Case No. 2017-5469)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
161	<i>Galina Skiba v. International Olympic Committee (IOC)</i> (Case No. 2017-5470)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
162	<i>Anna Shibanova v. International Olympic Committee (IOC)</i> (Case No. 2017-5471)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
163	<i>Ekaterina Smolentseva v. International Olympic Committee (IOC)</i> (Case No. 2017-5472)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
164	<i>Ekaterina Pashkevich v. International Olympic Committee (IOC)</i> (Case No. 2017-5473)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
165	<i>Inna Dyubanok v. International Olympic Committee (IOC)</i> (Case No. 2017-5474)	–	Prof. Christoph Vedder (President); Prof. Michael Geistlinger; Dirk-Reiner Martens
166	<i>Cruzeiro E.C. v. Al Wahda FC</i> (Case No. 2017-5481)	–	Prof. Martin Schimke (Sole Arbitrator)
167	<i>FK Olimpik Sarajevo v. Fédération Internationale de Football Association (FIFA), Football Association of Bosnia and Herzegovina, NK Sestvete and Croatian Football Federation</i> (Case No. 2017-5496)	–	Fabio Iudica (Sole Arbitrator)
168	<i>Bursaspor Kulübü Derneği v. Sebastian Frey</i> (Case No. 2017-5493)	–	Mark Hovell (Sole Arbitrator)
169	<i>Sporting Lokeren Oost-Vlaanderen v. Clube Atlético Monte Azul</i> (Case No. 2017-5455)	–	Prof. Luigi Fumagalli (President); Bernard Hanotiau; Stefan Geir Thorisson
170	<i>Olegs Penkovskis v. Latvian Football Federation (LFF)</i> (Case No. 2017-5338)	–	Lars Hilliger (Sole Arbitrator)
171	<i>Associação Chapecoense de Futebol v. Confederación Sudamericana de Fútbol (CONMEBOL)</i> (Case No. 2017-5334)	–	José María Alonso Puig (President); João Nogueira da Rocha; Jacopo Tognon
172	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Alexander Pogorelov</i> (Case No. 2017-5330)	–	Markus Manninen (Sole Arbitrator)
173	<i>Paige Johnson v. Fédération Equestre Internationale (FEI)</i> (Case No. 2017-5270)	–	Mark Hovell (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
174	<i>Miami FC &amp; Kingston Stockade FC v. Fédération Internationale de Football Association (FIFA), Confederation of North, Central America and Caribbean Association Football (CONCACAF) &amp; United States Soccer Federation (USSF)</i> (Case No. 2017-5264, 5265 & 5266)	–	Efraim Barak (President); Félix de Luis y Lorenzo; Jeffrey Mishkin
175	<i>Clube Atlético Mineiro v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5232)	–	Sofoklis Pilavios (President); João Nogueira da Rocha; Pedro Tomás Marqués
176	<i>[Club A.] v. [Player X.] &amp; [Club B.]</i> (Case No. 2017-5228)	–	Ivaylo Dermendjiev (President); Jan Råker; Stuart McInnes
177	<i>Clara Victoria Patrugan v. Romanian National Anti-Doping Agency</i> (Case No. 2017-5209)	–	András Gurovits (Sole Arbitrator)
178	<i>FEMEXPADEL A.C. v. International Padel Federation (IPF)</i> (Case No. 2017-5200)	–	José Juan Pintó (Sole Arbitrator)
179	<i>Bahrain Football Association (BFA) v. Adnan Hamad Majid</i> (Case No. 2017-5125)	–	Sofoklis Pilavios (President); Boris Vittoz; Mark Hovell
180	<i>Mong Joon Chung v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5086)	–	Prof. Massimo Coccia (President); David W. Rivkin; The Hon. Michael Beloff QC
181	<i>International Federation of American Football (IFAF), USA Football, Football Canada, Japanese American Football Association (JAFA), Panamanian Federation of American Football &amp; Richard MacLean v. Tommy Wiking</i> (Case No. 2017-5025)	Dominique Brown-Berset (President); Jennifer Kirby	Andrew de Lotbinière McDougall
182	<i>Harold Mayne-Nicholls v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5006)	–	Prof. Martin Schimke (President); Bernard Hanotiau; Prof. Luigi Fumagalli
183	<i>Jérôme Valcke v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2017-5003)	–	Prof. Massimo Coccia (President); The Hon. Michael Beloff QC; Prof. Ulrich Haas
184	<i>Julia Ivanova v. International Ski Federation (FIS)</i> (Case No. 2017-4998)	–	Prof. Jan Paulsson (President); Boris Vittoz; The Hon. Michael Beloff QC
185	<i>Maxim Vylegzhanin v. International Ski Federation (FIS)</i> (Case No. 2017-4987)	–	Prof. Jan Paulsson (President); Boris Vittoz; The Hon. Michael Beloff QC

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No.	Case	Women appointee(s)	Men appointee(s)
186	<i>Evgenia Shapovalova v. International Ski Federation (FIS)</i> (Case No. 2017-4986)	–	Prof. Jan Paulsson (President); Boris Vittoz; The Hon. Michael Beloff QC
187	<i>Alexey Petukhov v. International Ski Federation (FIS)</i> (Case No. 2017-4985)	–	Prof. Jan Paulsson (President); Boris Vittoz; The Hon. Michael Beloff QC
188	<i>Evgeniy Belov v. International Ski Federation (FIS)</i> (Case No. 2017-4969)	–	Prof. Jan Paulsson (President); Nicholas Stewart QC; The Hon. Michael Beloff QC
189	<i>Alexander Legkov v. International Ski Federation (FIS)</i> (Case No. 2017-4968)	–	Prof. Jan Paulsson (President); Nicholas Stewart QC; The Hon. Michael Beloff QC
190	<i>Tatyana Chernova v. International Association of Athletics Federations (IAAF)</i> (Case No. 2017-4949)	–	Prof. Jan Paulsson (President); Mika Palmgren; Prof. Massimo Coccia
191	<i>Isidoros Kouvelos v. International Committee of the Mediterranean Games (ICMG)</i> (Case No. 2017-5459)	–	Ivaylo Dermendjiev (President); Efraim Barak; Lino Farrugia Sacco
192	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Anisya Kirdyapkina</i> (Case No. 2017-5398)	–	Manfred Nan (Sole Arbitrator)

## C.6 Compilation of CAS cases for 2016

No.	Case	Women appointee(s)	Men appointee(s)
1	<i>Pavel Sozykin &amp; Russian Yachting Federation (RYF) v. World Sailing (WS) &amp; International Olympic Committee (IOC)</i> (Case No. OG AD 16-001)	Tricia Kavanagh	The Hon. Michael Beloff QC (President); Justice Hugh Fraser
2	<i>International Olympic Committee (IOC) v. Tomasz Zielinski</i> (Case No. OG AD 16-002)	Tricia Kavanagh	Efraim Barak (President); Juan Pablo Arriagada
3	<i>International Olympic Committee (IOC) v. Kleber Da Silva Ramos</i> (Case No. OG AD 16-003)	Tricia Kavanagh (President)	Michael Beloff QC (President); Juan Pablo Arriagada
4	<i>International Olympic Committee (IOC) v. Silvia Danekova</i> (Case No. OG AD 16-004)	–	Justice Hugh Fraser (President); Prof. Michael Geistlinger; Efraim Barak
5	<i>International Olympic Committee (IOC) v. Xinyi Chen</i> (Case No. OG AD 16-005)	–	Prof. Michael Geistlinger (President); Efraim Barak; Juan Pablo Arriagada

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No.	Case	Women appointee(s)	Men appointee(s)
6	<i>International Olympic Committee (IOC) v. Kleber Da Silva Ramos</i> (Case No. OG AD 16-006)	Tricia Kavanagh (President)	The Hon. Michael Beloff QC; Juan Pablo Arriagada
7	<i>International Olympic Committee (IOC) v. Izzat Artykov</i> (Case No. OG AD 16-007)	–	The Hon. Michael Beloff QC (President); Prof. Michael Geistlinger; Justice Hugh Fraser
8	<i>International Olympic Committee (IOC) v. Chag-naadorj Usukhbayar</i> (Case No. OG AD 16-008)	–	Justice Hugh Fraser (Sole Arbitrator)
9	<i>International Olympic Committee (IOC) v. Gabriel Sincaian</i> (Case No. OG AD 16-010)	–	The Hon. Michael Beloff QC (Sole Arbitrator)
10	<i>International Olympic Committee (IOC) v. Misha Aloian</i> (Case No. OG AD 16-011)	–	Prof. Michael Geistlinger (Sole Arbitrator)
11	<i>Yulia Efimova v. Russian Olympic Committee (ROC); International Olympic Committee (IOC); Fédération Internationale de Natation (FINA)</i> (Case No. OG 16-004)	The Hon. Annabelle Bennett (President); Justice Catherine Anne Davani; Rabab Yasseen	–
12	<i>Mangar Makur Chuot Chop &amp; South Sudan Athletics Federation (SSAF) v. South Sudan Olympic Committee (SSNOC)</i> (Case Nos. OG 16-005, 16-007)	Carol Roberts; Margarita Echeverria	Prof. Ulrich Haas (President)
13	<i>Jason Morgan v. Jamaican Athletic Administrative Association (JAAA)</i> (Case No. OG 16-008)	Justice Catherine Anne Davani (President); Andrea Carska-Sheppard; Margarita Echeverria	–
14	<i>Russian Weightlifting Federation (RWF) v. International Weightlifting Federation (IWF)</i> (Case No. OG 16-009)	Carol Roberts; The Hon. Annabelle Bennett	Prof. Ulrich Haas (President)
15	<i>Daniil Andrienko; Aleksander Bogdashin; Alexandra Fedorova; Anastasiia Ianina; Alexander Kornilov; Aleksandr Kulesh; Dmitry Kuznetsov; Elena Oriabinskaia; Julia Popova; Ekaterina Potapova; Alevtina Savkina; Alena Shatagina; Maksim Telitsyn; Anastasiia Tikhanova; Aleksei Vikulin; Semen Yaganov v. Fédération Internationale des Sociétés d’Aviron (FISA); International Olympic Committee (IOC)</i> (Case No. OG 16-011)	Margarita Echeverria Bermúdez	Prof. Ulrich Haas (President); José Juan Pintó
16	<i>Ivan Balandin v. Fédération Internationale des Sociétés d’Aviron (FISA) &amp; International Olympic Committee (IOC)</i> (Case No. OG 16-012)	Rabab Yasseen	Mark Hovell (President); Francisco Müssnich

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No.	Case	Women appointee(s)	Men appointee(s)
17	<i>Anastasia Karabelshikova &amp; Ivan Podshivalov v. Fédération Internationale des Sociétés d'Aviron (FISA) &amp; International Olympic Committee (IOC)</i> (Case No. OG 16-013)	Rabab Yasseen	Mark Hovell (President); Francisco Müssnich
18	<i>Karen Pavicic v. Fédération Équestre Internationale (FEI)</i> (Case No. OG 16-014)	–	Mark Hovell (Sole Arbitrator)
19	<i>Tjipekapora Herunga v. Namibian National Olympic Committee (NNOC)</i> (Case No. OG 16-015)	Andrea Carska-Sheppard (Sole Arbitrator)	–
20	<i>Kiril Sveshnikov, Dmitry Sokolov &amp; Dmitry Strakhov v. Union Cycliste Internationale (UCI)</i> (Case No. OG 16-018)	Justice Catherine Anne Davani (President)	Prof. Ulrich Haas; Mohammed Abdel Raouf
21	<i>Natalia Podolskaya &amp; Alexander Dyachenko v. International Canoe Federation (ICF)</i> (Case No. OG 16-019)	The Hon. Annabelle Bennett (President)	José Juan Pintó; Jinwon Park
22	<i>Vanuatu Association of Sports and National Olympic Committee (VANASOC) &amp; Vanuatu Beach Volleyball Federation v. Fédération Internationale de Volleyball (FIVB) &amp; Rio 2016 Organizing Committee</i> (Case No. OG 16-020)	The Hon. Annabelle Bennett (Sole Arbitrator)	–
23	<i>Elena Anyushina &amp; Alexey Korovashkov v. International Canoe Federation (ICF) &amp; Russian Canoe Federation (RCF)</i> (Case No. OG 16-021)	The Hon. Annabelle Bennett (President)	José Juan Pintó; Jinwon Park
24	<i>Czech Olympic Committee (COC) &amp; Czech Cycling Federation (CCF) v. Union Cycliste Internationale (UCI)</i> (Case No. OG 16-022)	Carol Roberts	Mark Hovell (President); Mohammed Abdel Raouf
25	<i>Ihab Abdelrahman v. Egyptian NADO</i> (Case No. OG 16-023)	Carol Roberts (President); Andrea Carska-Sheppard	Prof. Ulrich Haas
26	<i>Darya Klishina v. International Association of Athletics Federations (IAAF)</i> (Case No. OG 16-024)	The Hon. Annabelle Bennett (President)	Francisco Müssnich; Mohammed Abdel Raouf
27	<i>World Anti Doping Agency (WADA) v. Narsingh Yadav &amp; National Anti-Doping Agency (NADA)</i> (Case No. OG 16-025)	Andrea Carska-Sheppard	Mark Hovell (President); Jinwon Park
28	<i>Carvin Nkanata v. International Olympic Committee (IOC)</i> (Case No. OG 16-026)	Justice Catherine Anne Davani (President); Rabab Yasseen	José Juan Pintó
29	<i>Fédération Française de Natation (FFN); Aurélie Muller; Comité National Olympique et Sportif Français (CNOSF) v. Fédération Internationale de Natation (FINA)</i> (Case No. OG 16-027)	Rabab Yasseen (President)	Prof. Ulrich Haas; José Juan Pintó

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No.	Case	Women appointee(s)	Men appointee(s)
30	<i>Behdad Salimi &amp; National Olympic Committee of the Islamic Republic of Iran (NOCIRI) v. International Weightlifting Federation (IWF)</i> (Case No. OG 16-028)	Carol Roberts (President); Margarita Echeverria	Mohammed Abdel Raouf
31	<i>Mitchell Iles v. Shooting Australia</i> (Case No. A1-2016)	–	Alan Sullivan QC (Sole Arbitrator)
32	<i>Jo-Ann Lim v. Synchronised Swimming Australia Inc. (SSAI)</i> (Case No. A2-2016)	The Hon. Annabelle Bennett (Sole Arbitrator)	–
33	<i>Tess Lloyd &amp; Caitlin Elks v. Australian Sailing</i> (Case No. A3-2016)	The Hon. Tricia Kavanagh (Sole Arbitrator)	–
34	<i>Sarah Klein v. Australian Sports Anti-Doping Authority (ASADA) &amp; Athletics Australia (AA)</i> (Case No. A4-2016)	–	Bruce Collins QC (Sole Arbitrator)
35	<i>World Anti-Doping Agency (WADA) v. International Weightlifting Federation (IWF) &amp; Yenny Fernanda Alvarez Caicedo</i> (Case No. 2016-4377)	–	Jeffrey Benz (President); Markus Manninen; Olivier Carrard
36	<i>Adrian Ivan Zbirnea v. International Weightlifting Federation (IWF)</i> (Case No. 2016-4378)	–	Ken Lalo (President); Jacopo Tognon; Michele Bernasconi
37	<i>Al Ain FC v. Sunderland AFC</i> (Case No. 2016-4379)	–	Ivaylo Dermendjiev (Sole Arbitrator)
38	<i>Besiktas Futbol Yatirimlari Sanayi Ve Ticaret A.Ş. v. Manuel Henrique Tavares Fernandes</i> (Case No. 2016-4381)	–	Jacopo Tognon (Sole Arbitrator)
39	<i>Rizespor Futbol Yatirimlari AS v. David Alberto Depetris &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4384)	–	Fabio Iudica (President); Michael Gerlinger; Hernán Jorge Ferrari
40	<i>Delfino Pescara 1936 v. Royal Standard Liège &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4387)	–	Mark Hovell (Sole Arbitrator)
41	<i>Al-Hilal Al-Saudi Club v. Youssef El Arabi</i> (Case No. 2016-4389)	–	Manfred Nan (Sole Arbitrator)
42	<i>Panthrakikos FC v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4402)	–	Sofoklis Pilavios (President); Prof. Luigi Fumagalli; Hans Nater
43	<i>Al Ittihad Football Club v. Marco Antonio de Mattos Filho</i> (Case No. 2016-4403)	–	Mark Hovell (President); José María Cruz; Prof. Petros Mavroidis



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44	<i>Raja Club Athletic de Casablanca v. Baniyas Football Sports Club &amp; Ismail Benlamalem</i> (Case No. 2016-4408)	–	Rui Botica Santos (President); Didier Poulmaire; Prof. Luigi Fumagalli
45	<i>Fédération Internationale de Football Association (FIFA) v. Confederación Sudamericana de Fútbol (CONMEBOL) &amp; Brian Fernández</i> (Case No. 2016-4416)	–	Prof. Ulrich Haas (President); Prof. Luigi Fumagalli; José Juan Pintó
46	<i>Ramon Castillo Segura v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4426)	–	Prof. Martin Schimke (President); Patrick Lafranchi; Bernhard Heusler
47	<i>Udinese Calcio S.p.A v. Santos Futebol Clube &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4428)	–	Mark Hovell (President); Prof. Petros Mavroidis; Markus Bösinger
48	<i>Tomasz Hamerlak v. International Paralympic Committee (IPC)</i> (Case No. 2016-4439)	Sylvia Schenk	Prof. Michael Geistlinger (President); Prof. Richard McLaren
49	<i>Jhonny van Beukering v. Pelita Bandung Raya &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4441)	–	Lars Hilliger (Sole Arbitrator)
50	<i>Real Racing Club de Santander SAD v. Uniao Desportiva Alta de Lisboa</i> (Case No. 2016-4446)	–	Fabio Iudica (Sole Arbitrator)
51	<i>Real Racing Club de Santander SAD v. Clube Atlético e Cultural Pontinha</i> (Case No. 2016-4447)	–	Fabio Iudica (Sole Arbitrator)
52	<i>Real Racing Club de Santander SAD v. Sport Grupo Sacavenense</i> (Case No. 2016-4448)	–	Fabio Iudica (Sole Arbitrator)
53	<i>Iván Bolado Palacios v. PFC CSKA Sofia</i> (Case No. 2016-4450)	–	Manfred Nan (Sole Arbitrator)
54	<i>Mohamed Youssef Belaili v. Confédération Africaine de Football (CAF)</i> (Case No. 2016-4452)	–	Judge Jean-Paul Costa (President); Judge Chedli Rahmani; Michel Brizoua-Bi
55	<i>International Association of Athletics Federations (IAAF) v. Vera Sokolova</i> (Case No. 2016-4454)	–	Prof. Matthew Mitten (President); Prof. Ulrich Haas; Chi Liu
56	<i>International Association of Athletics Federations (IAAF) v. Elmira Alembekova</i> (Case No. 2016-4455)	–	Prof. Matthew Mitten (President); Prof. Ulrich Haas; Chi Liu
57	<i>International Association of Athletics Federations (IAAF) v. Ivan Noskov</i> (Case No. 2016-4456)	–	Prof. Matthew Mitten (President); Prof. Ulrich Haas; Chi Liu

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58	<i>International Association of Athletics Federations (IAAF) v. Denis Strelkov</i> (Case No. 2016-4457)	–	Prof. Matthew Mitten (President); Prof. Ulrich Haas; Chi Liu
59	<i>Lisa Christina Nemeč v. Croatian Institute for Toxicology and Anti-Doping (CITA) &amp; International Association of Athletics Federations (IAAF)</i> (Case No. 2016-4458)	–	Prof. Ulrich Haas (President); Jeffrey Benz; Markus Manninen
60	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Kristina Ugarova</i> (Case No. 2016-4463)	–	Prof. Michael Geistlinger (Sole Arbitrator)
61	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Ekaterina Sharmina</i> (Case No. 2016-4464)	–	Prof. Michael Geistlinger (Sole Arbitrator)
62	<i>International Association of Athletics Federations (IAAF) v. Mikhail Ryzhov</i> (Case No. 2016-4465)	–	Prof. Matthew Mitten (President); Prof. Ulrich Haas; Chi Liu
63	<i>FC Sochaux Montbéliard v. SC Beira-Mar</i> (Case No. 2016-4468)	–	Olivier Carrard (President); Prof. Gérald Simon; Daniele Moro
64	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Tatyana Chernova</i> (Case No. 2016-4469)	–	Prof. Michael Geistlinger (Sole Arbitrator)
65	<i>Abel Aguilar Tapias v. Hércules de Alicante FC</i> (Case No. 2016-4471)	–	Prof. Petros Mavroidis (President); Pedro Tomas Marqués; José Juan Pintó
66	<i>Liberia Football Association (LFA) v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4473)	–	Prof. Petros Mavroidis (President); Augustin Senghor; Efraim Barak
67	<i>João António Soares de Freitas v. Al Shabab FC</i> (Case No. 2016-4477)	–	Mark Hovell (Sole Arbitrator)
68	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) and Vladimir Kazarin</i> (Case No. 2016-4480)	–	Jacques Radoux (President); Lars Hilliger; Ken Lalo
69	<i>Etoile Sportive du Sahel v. Leopoldo Roberto Markovsky; Clube de Regatas Brasil; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4482)	–	Dirk-Reiner Martens (President); Mahmoud Hammami; Michele Bernasconi
70	<i>OKK Spars Sarajevo v. Fédération Internationale de Basketball (FIBA)</i> (Case No. 2016-4484)	–	Jacques Radoux (President); Prof. Peter Grilc; Alasdair Bell

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71	<i>Al Ittihad FC v. Daniel Gonzales Landler</i> (Case No. 2016-4485)	–	Rui Botica Santos (Sole Arbitrator)
72	<i>International Association of Athletics Federations (IAAF) v. Ekaterina Poistogova</i> (Case No. 2016-4486)	–	Jacques Radoux (President); Efraim Barak; Ken Lalo
73	<i>International Association of Athletics Federations (IAAF) v. Alexey Melnikov</i> (Case No. 2016-4487)	–	Jacques Radoux (President); Efraim Barak; Ken Lalo
74	<i>International Association of Athletics Federations (IAAF) v. All-Russia Athletics Federation (ARAF) &amp; Anastasiya Bazdyreva</i> (Case No. 2016-4488)	–	Hans Nater (Sole Arbitrator)
75	<i>Beijing Renhe FC v. Marcin Robak</i> (Case No. 2016-4489)	–	Prof. Martin Schimke (President); Lars Halgreen; Francesco Macri
76	<i>RFC Seraing v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4490)	–	Bernard Foucher (President); Bernard Hanotiau; Ruggero Stincardini
77	<i>Galatasaray SK v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2016-4492)	–	Prof. Luigi Fumagalli (President); Prof. Bernard Hanotiau; Olivier Carrard
78	<i>Joseph S. Blatter v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4501)	–	Manfred Nan (President); Patrick Lafranchi; Andrew de Lotbinière McDougall
79	<i>Patrick Leeper v. International Paralympic Committee (IPC)</i> (Case No. 2016-4502)	–	Judge Conny Jörneklint (President); Luc Argand; Prof. Ulrich Haas
80	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Vladimir Mokhnev</i> (Case No. 2016-4504)	–	Hans Nater (Sole Arbitrator)
81	<i>Club Entente Sportive Sétifienne v. Franck-Olivier Madou</i> (Case No. 2016-4510)	–	Prof. Petros Mavroidis (President); Jean Gay; Didier Poulmaire
82	<i>Bulgarian Weightlifting Federation (BWF) v. International Weightlifting Federation (IWF)</i> (Case No. 2016-4511)	–	Prof. Michael Geistlinger (President); James Robert Reid QC; Dirk-Reiner Martens
83	<i>World Anti-Doping Agency (WADA) v. Turkish Football Federation (TFF) &amp; Ahmet Kuru</i> (Case No. 2016-4512)	–	Alexander McLin (Sole Arbitrator)

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84	<i>Club Sportif Sfaxien v. Fédération Tunisienne de Football (FTF) &amp; Etoile Sportive du Sahel</i> (Case No. 2016-4516)	–	Alexander McLin (President); François Klein; Michele Bernasconi
85	<i>Bologna FC 1909 S.p.A. v. Gonzalo Luis Madrid Pineiro</i> (Case No. 2016-4517)	–	Sofoklis Pilavios (President); Michele Bernasconi; José Juan Pintó
86	<i>FC Porto v. Hellas Verona FC &amp; Club Atlético River Plate</i> (Case No. 2016-4518)	–	Prof. Ulrich Haas (President); José Juan Pintó; Alasdair Bell
87	<i>FC Porto v. Hellas Verona FC &amp; Club Cerro Porteño</i> (Case No. 2016-4519)	–	Prof. Ulrich Haas (President); José Juan Pintó; Alasdair Bell
88	<i>Maurico Fiol Villanueva v. Fédération Internationale de Natation (FINA)</i> (Case No. 2016-4534)	–	The Hon. Michael Beloff QC; (President) Jacques Radoux; Ken Lalo
89	<i>Dimitri Torbinskiy v. Football Union of Russia (FUR) &amp; Rubin Kazan FC and Rubin Kazan FC v. Dimitri Torbinskiy &amp; FUR</i> (Case Nos. 2016-4539, 2016-4545)	–	Sofoklis Pilavios (Sole Arbitrator)
90	<i>FC Kuban v. FC Dacia</i> (Case No. 2016-4541)	–	Lars Hilliger (Sole Arbitrator)
91	<i>FC Kuban v. FC Real Succes</i> (Case No. 2016-4542)	–	Lars Hilliger (Sole Arbitrator)
92	<i>FC Kuban v. FC Gagauzyia</i> (Case No. 2016-4543)	–	Lars Hilliger (Sole Arbitrator)
93	<i>Al Ain FC v. Sunderland AFC</i> (Case No. 2016-4544)	–	Ivaylo Dermendjiev (Sole Arbitrator)
94	<i>Nikola Mikic v. Manisaspor KD</i> (Case No. 2016-4547)	–	Manfred Nan (Sole Arbitrator)
95	<i>Aris Limassol FC v. Carl Lombé</i> (Case no. 2016-4549)	–	Michael Gerlinger (Sole Arbitrator)
96	<i>Darwin Zamir Andrade Marmolejo v. Club Deportivo La Equidad Seguros S.A. &amp; Fédération Internationale de Football Association (FIFA) and Újpest 1885 FC v. FIFA</i> (Case Nos. 2016-4550, 2016-4576)	–	Fabio Iudica (President); Mark Hovell; Rui Botica Santos
97	<i>U.C. Sampdoria SpA v. José Rodriguez Baster</i> (Case No. 2016-4556)	–	Prof. Petros Mavroidis (Sole Arbitrator)
98	<i>Mitchell Whitmore v. International Skating Union (ISU)</i> (Case No. 2016-4558)	–	Prof. Martin Schimke (President); Christopher Campbell; Prof. Luigi Fumagalli

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99	<i>Al Arabi SC Kuwait v. Papa Khalifa Sankaré &amp; Asteras Tripolis FC</i> (Case No. 2016-4560)	–	Ivaylo Dermendjiev (President); David Wu; Prof. Stavros Brekoulakis
100	<i>World Anti-Doping Agency (WADA) v. Egyptian Anti-Doping Organisation (EGY-NADO) &amp; Radwa Arafa Abd Elsalam</i> (Case No. 2016-4563)	–	Lars Halgreen (Sole Arbitrator)
101	<i>Al Jazira FSC v. FC Lokomotiv</i> (Case No. 2016-4567)	–	Nicolas Ulmer (Sole Arbitrator)
102	<i>Abdelkarim Elmorabet v. Olympic Club Safi &amp; Fédération Royale Marocaine de Football (FRMF)</i> (Case No. 2016-2016-4569)	–	Judge Pierre Muller (Sole Arbitrator)
103	<i>Kees Ploegsma v. PFC CSKA Moscow</i> (Case No. 2016-4573)	–	Lars Hilliger (President); Manfred Nan; Michael Gerlinger
104	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletic Federation (ARAF) &amp; Dr. Sergei Nikolaevich Portugalov</i> (Case No. 2016-4575)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
105	<i>Botafogo de Futebol e Regatas v. Sharjah FC</i> (Case No. 2016-4580)	–	Fabio Iudica (President); Clifford Hendel; Mark Hovell
106	<i>Apollon Football Ltd. v. Partizan FC &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4581)	–	The Hon. Michael Beloff QC (President); Efraim Barak; Prof. Luigi Fumagalli
107	<i>Altay Football Club v. Professional Football League of Kazakhstan &amp; Football Federation of Kazakhstan (FFK)</i> (Case No. 2016-4586)	–	András Gurovits (President); Michael Gerlinger; Theodore Giannikos
108	<i>FC Internazionale Milano v. Sunderland AFC &amp; CAS 2016/A/4589 Sunderland AFC v. FC Internazionale Milano</i> (Case Nos. 2016-4588, 2016-4589)	–	Sofoklis Pilavios (President); Marco Balmelli; Prof. Philippe Sands QC
109	<i>Al Ittihad Saudi v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4595)	–	Manfred Nan (President); Attila Berzeviczi; Prof. Martin Schimke
110	<i>SC FC Steaua Bucuresti v. FC Internazionale Milano SpA</i> (Case No. 2016-4597)	–	Marco Balmelli (Sole Arbitrator)
111	<i>Football Association of Serbia v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2016-4602)	–	Prof. Ulrich Haas (President); José Juan Pintó; Patrick Lafranchi

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112	<i>SC Dinamo 1948 v. FC Internazionale Milano SpA</i> (Case No. 2016-4603)	–	Marco Balmelli (Sole Arbitrator)
113	<i>Ängelholms FF v. Kwara Football Academy</i> (Case No. 2016-4604)	–	Mark Hovell (Sole Arbitrator)
114	<i>Al-Arabi Sports Club Co. For Football v. Matthew Spiranovic</i> (Case No. 2016-4605)	–	Lars Hilliger (President); Hendrik Kesler; Manfred Nan
115	<i>Al-Arabi Sports Club Co. For Football v. Houssine Kharja</i> (Case No. 2016-4606)	–	José Juan Pintó (President); Rui Botica Santos; Prof. Massimo Coccia
116	<i>World Anti-Doping Agency (WADA) v. Indian National Anti-Doping Agency (Indian NADA) &amp; Dane Pereira</i> (Case No. 2016-4609)	–	Prof. Martin Schimke (Sole Arbitrator)
117	<i>Asli Çakir Alptekin v. World Anti-Doping Agency (WADA)</i> (Case No. 2016-4615)	Jennifer Kirby (President)	Dirk-Reiner Martens; Ken Lalo
118	<i>Joshua Simpson &amp; BSC Young Boys v. Manisaspor</i> (Case Nos. 2016-4623, 2016-4624)	–	Fabio Iudica (President); Patrick Lafranchi; Pieter Kalbfleisch
119	<i>World Anti-Doping Agency (WADA) v. Indian National Anti-Doping Agency (NADA) &amp; Mhaskar Meghali</i> (Case No. 2016-4626)	–	Prof. Christoph Vedder (Sole Arbitrator)
120	<i>World Anti-Doping Agency (WADA) v. Indian National Anti-Doping Agency (Indian NADA) &amp; Geeta Rani</i> (Case Nos. 2016-4627, 2016-4628, 2016-5283)	–	Prof. Martin Schimke (Sole Arbitrator)
121	<i>William Brothers v. Fédération Internationale de Natation (FINA)</i> (Case No. 2016-4631)	–	John Faylor (President); Patrice Brunet; Alexander McLin
122	<i>Alexei Lovchev v. International Weightlifting Federation (IWF)</i> (Case No. 2016-4632)	–	The Hon. Michael Beloff QC (President); Prof. Ulrich Haas; Prof. Luigi Fumagalli
123	<i>Barcelona Sporting Club v. Fédération Internationale de Football Association (FIFA) &amp; Federación Ecuatoriana de Fútbol (FEF)</i> (Case No. 2016-4633)	–	Juan Pablo Arriagada Aljaro (President); Ricardo de Buen Rodríguez; Rui Botica Santos
124	<i>Phnom Penh Crown Football Club v. Asian Football Confederation (AFC)</i> (Case No. 2016-4642)	–	Nicholas Stewart QC (President); Bernhard Heusler; Chi Liu

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125	<i>Maria Sharapova v. International Tennis Federation (ITF)</i> (Case No. 2016-4643)	–	Prof. Luigi Fumagalli (President); Jeffrey Benz; David Rivkin
126	<i>Blaza Klemencic v. Union Cycliste Internationale (UCI)</i> (Case No. 2016-4648)	–	Lars Halgreen (President); Conny Jörneklint; The Hon. Michael Beloff QC
127	<i>Klubi Sportiv Skenderbeu v. Union Européenne de Football Association (UEFA)</i> (Case No. 2016-4650)	–	Manfred Nan (President); Prof. Massimo Coccia; José Juan Pintó
128	<i>Ariel Alberto Alvarado Carrasco v. Confederation of North, Central and Caribbean Association Football (CONCACAF)</i> (Case No. 2016-4651)	–	Francisco González de Cossío (Sole Arbitrator)
129	<i>Saudi Arabian Football Federation (SAFF) v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4654)	–	Hendrik Willem Kesler (President); Lars Hilliger; Dirk-Reiner Martens
130	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Stanislav Emelyanov</i> (Case No. 2016-4655)	–	Romano Subiotta QC (President); Ken Lalo; Jeffrey Benz
131	<i>Nikola Kalinić v. FC Dnipro</i> (Case No. 2016-4656)	–	Ivaylo Dermendjiev (Sole Arbitrator)
132	<i>Fédération Internationale de Volleyball (FIVB) v. Confederação Brasileira de Voleibol (CBV) &amp; Maria Elisa Mendes Ticon Antonelli</i> (Case No. 2016-4658)	–	Prof. Martin Schimke (President); The Hon. Michael Beloff QC; Jeffrey Benz
133	<i>FC ASA 2013 Targu Mures v. Romanian Football Federation (RFF)</i> (Case No. 2016-4663)	–	András Gurovits (Sole Arbitrator)
134	<i>Club Real Betis Balompié S.A.D. v. William Lanes de Lima</i> (Case No. 2016-4664)	–	Rui Botica Santos (President); Michele Bernasconi; Ercus Stewart
135	<i>Club Botafogo de Futebol e Regatas v. Club Tijuana Xolointzcuintles de Caliente and Club Tijuana Xolointzcuintles de Caliente v. Club Botafogo de Futebol e Regatas</i> (Case Nos. 2016-4669, 2016-4670)	–	Sofoklis Pilavios (President); Ricardo de Buen Rodríguez; José María Alonso Puig
136	<i>Wydad Athletic Club v. Ruben Albes Yanez</i> (Case No. 2016-4672)	–	Prof. Petros Mavroidis (President); Koffi Sylvain Mensah Attoh; José Juan Pintó
137	<i>Wydad Athletic Club v. Benito Floro Sanz</i> (Case No. 2016-4673)	–	Prof. Petros Mavroidis (President); Koffi Sylvain Mensah Attoh; José Juan Pintó

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138	<i>Sporting Club Olhanense v. Gonzalo Mathias Borges Mastriani &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4675)	–	Lucas Anderes (Sole Arbitrator)
139	<i>Arijan Ademi v. Union of European Football Associations (UEFA)</i> (Case No. 2016-4676)	–	Ken Lalo (President); Jeffrey Benz; Hans Nater
140	<i>Balikesirspor FC v. Ermin Zec</i> (Case No. 2016-4678)	–	Lars Hilliger (President); Prof. Petros Mavroidis; Bernhard Welten
141	<i>Balikesirspor FC v. Ante Kulusic</i> (Case No. 2016-4679)	–	Lars Hilliger (President); Prof. Petro Mavroidis; Bernhard Welten
142	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Natalya Evdokimova</i> (Case No. 2016-4682)	–	Lars Halgreen (Sole Arbitrator)
143	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Andrey Krivov</i> (Case No. 2016-4683)	–	Lars Halgreen (Sole Arbitrator)
144	<i>Russian Olympic Committee (ROC); Lyukman Adams et al. v. International Association of Athletics Federations (IAAF)</i> (Case No. 2016-4684)	–	Prof. Luigi Fumagalli (President); Jeffrey Benz; Judge James Robert Reid QC
145	<i>Kardemir Karabükspor Kulübü Derneği v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2016-4692)	–	Lars Hilliger (Sole Arbitrator)
146	<i>Al Masry Sporting Club v. Jude Aneke Ilochukwu</i> (Case No. 2016-4693)	–	Fabio Iudica (President); Olivier Carrard; João Nogueira da Rocha
147	<i>Elena Dorofeyeva v. International Tennis Federation (ITF)</i> (Case No. 2016-4697)	–	Prof. Ulrich Haas (Sole Arbitrator)
148	<i>Mubarak Wakaso v. FC Rubin Kazan</i> (Case No. 2016-4699)	–	Lars Hilliger (Sole Arbitrator)
149	<i>World Anti-Doping Agency (WADA) v. Lyudmila Vladimirovna Fedoriva</i> (Case No. 2016-4700)	–	Lars Halgreen (Sole Arbitrator)
150	<i>Weightlifting Federation of the Republic of Kazakhstan (WFRK) v. International Weightlifting Federation (IWF)</i> (Case No. 2016-4701)	–	Romano Subiotto QC (President); Michele Bernasconi; Hans Nater
151	<i>International Association of International Federations (IAAF) v. All Russia Athletic Federation (ARAF) &amp; Maksim Dyldin</i> (Case No. 2016-4702)	–	Prof. Luigi Fumagalli (Sole Arbitrator)



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152	<i>Lyukman Adams, et al. v. International Association of Athletics Federations (IAAF)</i> (Case No. 2016-4703)	–	Prof. Luigi Fumagalli (President); Jeffrey Benz; The Hon. James Robert Reid QC
153	<i>Liaoning FC v. Wisdom Fofu Agbo &amp; Chinese Football Association (CFA)</i> (Case No. 2016-4704)	–	Prof. Martin Schimke (President); Michele Bernasconi; Pat Barriscale
154	<i>Al Jazira Football Sports Company v. Cardiff City Football Club &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4705)	–	Lars Hilliger (President); Michele Bernasconi; Mark Hovell
155	<i>Belarus Canoe Association (BCA) &amp; Belarusian Senior Men's Canoe and Kayak team members v. International Canoe Federation (ICF)</i> (Case No. 2016-4708)	–	Prof. Michael Geistlinger (President); Romano Subiotto QC; Prof. Martin Schimke
156	<i>SASP Le Sporting Club de Bastia v. Christian Koffi N'Dri Romaric</i> (Case No. 2016-4709)	–	Fabio Iudica (President); Didier Poulmaire; Efraim Barak
157	<i>Cole Henning v. South African Institute for Drug-Free Sport (SAIDS)</i> (Case No. 2016-4716)	–	Monty Hacker (Sole Arbitrator)
158	<i>Club Atlético Mineiro v. Udinese Calcio S.p.A &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4718)	Margarita Echeverria	Lars Halgreen (President); João Nogueira da Rocha
159	<i>Club Atlético Mineiro v. Udinese Calcio S.p.A &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4719)	Margarita Echeverria	Lars Halgreen (President); João Nogueira da Rocha
160	<i>Royal Standard de Liège v. FC Porto (Player T.)</i> (Case No. 2016-4720)	–	Prof. Ulrich Haas (President); Prof. Luigi Fumagalli; Mark Hovell
161	<i>Royal Standard de Liège v. FC Porto (Player C.)</i> (Case No. 2016-4721)	–	Prof. Ulrich Haas (President); Prof. Luigi Fumagalli; Mark Hovell
162	<i>ACS Poli Timisoara v. Romanian Football Federation (RFF) &amp; Romanian Professional Football League (RPFL)</i> (Case No. 2016-4722)	–	Fabio Iudica (Sole Arbitrator)
163	<i>Marko Livaja v. FC Rubin Kazan</i> (Case No. 2016-4731)	–	Michael Gerlinger (Sole Arbitrator)
164	<i>Sergei Serdyukov v. FC Tyumen &amp; Football Union of Russia (FUR)</i> (Case No. 2016-4733)	–	Marco Balmelli (Sole Arbitrator)
165	<i>Cruzeiro Esporte Clube v. Clube Atlético Paranaense</i> (Case No. 2016-4736)	–	Rui Botica Santos (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
166	<i>Club de Regatas Vasco da Gama v. Pedro Cabral Silva Junior</i> (Case No. 2016-4741)	–	João Nogueira da Rocha (Sole Arbitrator)
167	<i>Russian Paralympic Committee (RPC) v. International Paralympic Committee (IPC)</i> (Case No. 2016-4745)	The Hon. Annabelle Bennett (President)	Efraim Barak; Prof. Ulrich Haas
168	<i>Sibel Özkan Konak v. International Olympic Committee (IOC)</i> (Case No. 2016-4746)	–	The Hon. Michael Beloff QC (Sole Arbitrator)
169	<i>Aline de Souza Facciolla Ferreira v. International Weightlifting Federation (IWF)</i> (Case No. 2016-4758)	–	The Hon. Michael Beloff QC (President); Jeffrey Benz; Prof. Denis Oswald
170	<i>Alexsandra de Aguiar Gonçalves v. International Weightlifting Federation (IWF)</i> (Case No. 2016-4761)	–	The Hon. Michael Beloff QC (President); Jeffrey Benz; Prof. Denis Oswald
171	<i>Diego Dominguez v. Fédération Internationale de l'Automobile (FIA)</i> (Case No. 2016-4772)	–	Ken Lalo (President); Rui Botica Santos; Hans Nater
172	<i>Mersin Idman Yurdu Sk v. Universal Stars Club &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4774)	–	José María Alonso Puig (President); Prof. Petros Mavroidis; Manfred Nan
173	<i>Mersin Idman Yurdu Sk v. Club Unité FC d'Obala &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4775)	–	José María Alonso Puig (President); Prof. Petros Mavroidis; Manfred Nan
174	<i>Dorian Willes v. International Bobsleigh &amp; Skeleton Foundation (IBSF)</i> (Case No. 2016-4776)	–	The Hon. Michael Beloff QC (President); Prof. Martin Schimke; Prof. Luigi Fumagalli
175	<i>Izzat Artykov v. International Olympic Committee (IOC)</i> (Case No. 2016-4777)	–	Prof. Christoph Vedder (President); Jeffrey Benz; Prof. Martin Schimke
176	<i>Mohamed Ali Maalej v. Fédération d'Arabie Saoudite de Football (SAFF)</i> (Case No. 2016-4778)	–	Prof. Ulrich Haas (Sole Arbitrator)
177	<i>Jersey Football Association (JFA) v. Union of European Football Associations (UEFA)</i> (Case No. 2016-4787)	–	José María Alonso Puig (President); Dirk-Reiner Martens; Jan Rärer
178	<i>Genoa Cricket and Football Club S.p.A. v. Danubio Fútbol Club de Uruguay</i> (Case No. 2016-4790)	Svenja Geissmar	Hendrik Willem Kesler (President); Jacopo Tognon

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179	<i>Club X. v. Z.</i> (Case No. 2016-4794)	–	José María Alonso Puig (President); Michele Bernasconi; Herman Verbist
180	<i>Bulgarian Chess Federation v. European Chess Union (ECU)</i> (Case No. 2016-4812)	–	Prof. Philippe Sands QC; Hans Nater; Boris Vittoz
181	<i>Free State Stars Football Club v. Daniel Agyei</i> (Case No. 2016-4814)	–	Ivaylo Dermendjiev (President); Manfred Nan; Prof. Massimo Coccia
182	<i>Edward Takarinda Sadomba v. Club Al Ahli SC</i> (Case No. 2016-4815)	–	Fabio Iudica (President); Manfred Nan; Lucas Anderes
183	<i>Tetiana Gamera v. International Association of Athletics Federations (IAAF) &amp; Ukrainian Athletic Federation (UAF)</i> (Case No. 2016-4817)	–	Prof. Ulrich Haas (Sole Arbitrator)
184	<i>Stoke City Football Club v. Pepsi Football Academy</i> (Case No. 2016-4821)	–	Alexander McLin (Sole Arbitrator)
185	<i>Nilmar Honorato da Silva v. El Jaish FC &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4826)	–	Prof. Ulrich Haas (President); Michele Bernasconi; Prof. Massimo Coccia
186	<i>Carlos Iván Oyarzun Guíñez v. Union Cycliste Internationale (UCI); UCI Anti-Doping Tribunal (UCI-ADT); Pan American Sports Organization (PASO); Chilean National Olympic Committee (CNOC)</i> (Case No. 2016-4828)	–	Jacques Radoux (President); Jeffrey Benz; Romano Subiotto QC
187	<i>Equatorial Guinea's Football Federation (FEGUI-FUT) v. Confédération Africaine de Football (CAF) &amp; Fédération Malienne de Football (FMF)</i> (Case No. 2016-4831)	–	Michele Bernasconi (President); Carlos del Campo Colás; Prof. Stavros Brekoulakis
188	<i>World Anti-Doping Agency (WADA) v. Organización Nacional Antidopaje del Ecuador (ONADE) &amp; Monica Maria Cajamarca Illescas</i> (Case No. 2016-4834)	–	Conny Jörneklint (Sole Arbitrator)
189	<i>Raúl Gonzalez Riancho v. FC Rubin Kazan</i> (Case No. 2016-4836)	–	Mark Hovell (President); Efraim Barak; Michele Bernasconi
190	<i>Sergio Navarro Barquero v. FC Rubin Kazan</i> (Case No. 2016-4837)	–	Mark Hovell (President); Efraim Barak; Michele Bernasconi

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191	<i>Alex Pallarés Piquer v. FC Rubin Kazan</i> (Case No. 2016-4838)	–	Mark Hovell (President); Efraim Barak; Michele Bernasconi
192	<i>Anna Chicherova v. International Olympic Committee (IOC)</i> (Case No. 2016-4839)	–	Judge Mark Williams SC (President); Dominik Kocholl; Mark Hovell
193	<i>International Skating Union (ISU) v. Alexandra Malkova; Russian Skating Union (RSU); Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2016-4840)	–	The Hon. Michael Beloff QC (President); Hans Nater; Jeffrey Benz
194	<i>Hamzeh Salameh &amp; Nafit Mesan FC v. SAFA Sporting Club &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4843)	–	Olivier Carrard (President); Prof. Massimo Cocchia; Jirayr Habibian
195	<i>Fabien Whitfield v. Fédération Internationale de Volleyball (FIVB)</i> (Case No. 2016-4845)	–	Prof. Matthew Mitten (President); Patrice Brunet; Lars Hilliger
196	<i>Amazulu FC v. Jacob Pinehas Nambandi; Fédération Internationale de Football Association (FIFA); National Soccer League South Africa (NSL)</i> (Case No. 2016-4846)	–	Prof. Martin Schimke (President); Judge Rauf Soulio; Manfred Nan
197	<i>Club Ittihad Riadi de Tanger de Basket-ball v. Danilo Mitrovic</i> (Case No. 2016-4851)	–	Olivier Carrard (Sole Arbitrator)
198	<i>Zamalek Sporting Club v. Karim Alhassan</i> (Case No. 2016-4852)	–	Marco Balmelli (President); Pedro Tomás Marqués; Mark Hovell
199	<i>International Association of International Federations (IAAF) v. All Russia Athletic Federation (ARAF) &amp; Albina Mayorova</i> (Case No. 2016-4853)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
200	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (RUSAF) &amp; Alexandr Khiutte</i> (Case No. 2016-4854)	–	Prof. Jan Paulsson (Sole Arbitrator)
201	<i>Gassan Waked v. Al Shabab Club (Rafinha)</i> <i>Gassan Waked v. Al Shabab Club (Tagliabue)</i> <i>Gassan Waked v. Al Shabab Club (Berrio)</i> (Case Nos. 2016-4855, 2016-4856, 2016-4857)	–	Nicholas Stewart QC (President); Prof. Gustavo Albano Abreu; Georg von Waldenfels
202	<i>Delfino Pescara 1936 v. Envigado CF</i> (Case No. 2016-4858)	–	José Juan Pintó (Sole Arbitrator)
203	<i>Hong Kong Pegasus FC v. Niko Tokic</i> (Case No. 2016-4859)	–	Alexander McLin (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
204	<i>Vladimir Sakotic v. FIDE World Chess Federation (FIDE)</i> (Case No. 2016-4871)	–	Clifford Hendel (President); Ivaylo Dermendjiev; Michele Bernasconi
205	<i>Club Africain v. Seidu Salifu</i> (Case No. 2016-4874)	–	Alexander McLin (Sole Arbitrator)
206	<i>Liaoning Football Club v. Erik Cosmin Bicfalvi</i> (Case No. 2016-4875)	–	Lars Hilliger (President); Rui Botica Santos; Michele Bernasconi
207	<i>International Association of Athletics Federations (IAAF) v. Russian Athletic Federation (ARAF) &amp; Petr Trofimov</i> (Case No. 2016-4883)	–	Prof. Jan Paulsson (Sole Arbitrator)
208	<i>FC Ural Sverdlovsk v. Toto Tamuz</i> (Case No. 2016-4884)	–	Sofoklis Pilavios (Sole Arbitrator)
209	<i>Michaël Ciani v. Sporting Clube de Portugal</i> (Case No. 2016-4885)	Laurence Burger	Prof. Luigi Fumagalli (President); João Nogueira da Rocha
210	<i>Olga Abramova v. International Biathlon Union (IBU)</i> (Case No. 2016-4889)	Jennifer Kirby	Romano Subiotto (President); Michele Bernasconi
211	<i>FC Torpedo Moscow v. Adam Kokoszka</i> (Case No. 2016-4898)	–	Prof. Lukas Handschin (Sole Arbitrator)
212	<i>Al Jazira FC Sports Company v. Hugo Garcia Martorell</i> (Case No. 2016-4899)	–	Fabio Iudica (President); Olivier Carrard; Pieter Kalbfleisch
213	<i>Club Atlético Vélez Sarsfield v. The Football Association Ltd.; Manchester City FC; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4903)	–	Efraim Barak (President); Prof. Gustavo Albano Abreu; Prof. Ulrich Haas
214	<i>Sport Luanda e Benfica FC v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4910)	–	Jacopo Tognon (Sole Arbitrator)
215	<i>World Anti-Doping Agency (WADA) v. World Squash Federation (WSF) &amp; Nasir Iqbal</i> (Case No. 2016-4919)	–	Dirk-Reiner Martens (President); The Hon. Michael Beloff QC; Anton Jagodic
216	<i>Maria Dzhumadzuk; Irina Shulga; Equestrian Federation of Ukraine v. Federation Equestre Internationale (FEI)</i> (Case Nos. 2016-4921, 2016-4922)	Vesna Bergant Rakocevic	Prof. Jens Evald (President); The Hon. James Robert Reid QC
217	<i>Paolo Barelli v. Fédération Internationale de Natation (FINA)</i> (Case Nos. 2016-4924, 2016-4943)	–	Romano Subiotto QC (President); Judge James Robert Reid QC; Jan Räker

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No.	Case	Women appointee(s)	Men appointee(s)
218	<i>Redha Benhadj Djilali c. Club Sportif Constantinois</i> (Case No. 2016-4848)	–	François Klein (Président); Jean Gay; Daniele Moro
219	<i>Margarita Goncharova et al. v. International Paralympic Committee (IPC)</i> (Case No. 2016-4770)	–	Allan Sullivan QC (President); Jeffrey Benz; Paul David QC
220	<i>Kuwait Shooting Federation (KSF) v. International Shooting Sport Federation (ISSF)</i> (Case No. 2016-4727)	–	Mark Hovell (President); Reto Annen; Patrick Lafranchi
221	<i>Alex Schwazer v. International Association of Athletics Federation (IAAF), Italian National Anti-Doping Organization (NADO Italia), Federazione Italiana di Atletica Leggera (FIDAL) &amp; World Anti-Doping Agency (WADA)</i> (Case No. 2016-4707)	–	Prof. Michael Geistlinger (President); José Juan Pinto; Prof. Ulrich Haas
222	<i>Gordon Derrick v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2016-4579)	–	José María Alonso Puig (President); Romano Subiotto QC; Nicolas Ulmer
223	<i>Hakan Calhanoglu v. Trabzonspor FC &amp; Fédération Internationale de Football Association (FIFA) &amp; Trabzonspor FC v. Hakan Calhanoglu</i> (Case No. 2016-4495 & 4435)	–	Mark Hovell (President); Michael Gerlinger; Hendrik Willem Kesler
224	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF) &amp; Mariya Savinova-Farnosova</i> (Case No. 2016-4481)	–	Hans Nater (Sole Arbitrator)
225	<i>Sergiu Ciobanu v. Athletic Association of Ireland Limited (AI) &amp; Olympic Council of Ireland (OCI)</i> (Case No. 2016-4657)	–	The Hon. Michael Beloff QC (Sole Arbitrator)
226	<i>Al Fujairah Sports Club v. Hassan Yebda</i> (Case No. 2016-4902)	–	The Hon. Michael Beloff QC (Sole Arbitrator)

C.7 Compilation of CAS cases for 2015

No.	Case	Women appointee(s)	Men appointee(s)
1	<i>Australian Sports Anti-Doping Authority (ASADA), on behalf of Australian Canoeing (AC) and the Australian Sports Commission (ASC) v. Tate Smith</i> (Case No. A1-2015)	–	The Hon. Jerrold Cripps QC (Sole Arbitrator)

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2	<i>Australian Sports Anti-Doping Authority (ASADA), on behalf of Cycling Australia v. Jeone Park</i> (Case No. A2-2015)	The Hon. Annabelle Bennett (Sole Arbitrator)	–
3	<i>Sheikh Khalid Al Qassimi &amp; Abu Dhabi Racing Team v. Fédération Internationale de l'Automobile (FIA), Qatar Motor and Motorcycle Federation (QMMF) &amp; Nasser Al-Attiyah</i> (Case No. 2015-3872)	–	Prof. Jan Paulsson (President); Prof. Luigi Fumagalli; Prof. Denis Oswald
4	<i>Football Association of Albania (FAA) v. Union des Associations Européennes de Football (UEFA) &amp; Football Association of Serbia (FAS)</i> (Case No. 2015-3874)	–	Prof. Massimo Coccia (President); Philippe Sands QC; Prof. Martin Schimke
5	<i>Football Association of Serbia (FAS) v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2015-3875)	–	Prof. Massimo Coccia (President); Efraim Barak; Prof. Martin Schimke
6	<i>Pésci MFC v. Reggina Calcio</i> (Case No. 2015-3877)	–	Herbert Hübel (President); Gyula Dávid; Niall Meagher
7	<i>Malaysian Tenpin Bowling Congress (MTBC) v. Asian Bowling Federation (ABF)</i> (Case No. 2015-3879)	–	Prof. Ulrich Haas (Sole Arbitrator)
8	<i>FC Steaua Bucuresti v. Gabriel Muresan</i> (Case No. 2015-3880)	–	Jacopo Tognon (President); Bernhard Welten; Mark Hovell
9	<i>Fatma Omar v. International Paralympic Committee (IPC)</i> (Case No. 2015-3881)	Prof. Laurence Boisson de Chazournes	Prof. Michael Geistlinger (President); Michele Bernasconi
10	<i>Al Nassr Saudi Club v. Jaimen Javier Ayovi Corozo</i> (Case No. 2015-3883)	–	Georg von Segesser (Sole Arbitrator)
11	<i>FC Goverla v. Football Federation of Ukraine (FFU)</i> (Case No. 2015-3886)	–	Prof. Petros Mavroidis (Sole Arbitrator)
12	<i>Danilyuk Mikhail v. Football Club Shinnik</i> (Case No. 2015-3889)	–	Prof. Michael Geistlinger (Sole Arbitrator)
13	<i>Kasimpasa Spor Kulübü v. Fernando Varela Ramos</i> (Case No. 2015-3891)	–	Lars Halgreen (President); Frans de Weger; Gerardo Luis Acosta Pérez
14	<i>Roberto Alexander Del Pino v. Union Internationale Motonautique (UIM)</i> (Case No. 2015-3892)	–	The Hon. Michael Beloff QC (President); José Juan Pintó; Prof. Luigi Fumagalli

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15	<i>Khazar Lankaran Football Club v. Eder Jose Oliveira Bonfim</i> (Case No. 2015-3894)	–	José Juan Pintó Sala (President); Dirk-Reiner Martens; Michele Bernasconi
16	<i>F. v. Athletics Kenya (AK)</i> (Case No. 2015-3899)	–	James Reid QC (Sole Arbitrator)
17	<i>Club Samsunspor v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-3903)	–	Prof. Luigi Fumagalli (President); Lucas Anderes; Hans Nater
18	<i>Changchun Yatai FC v. Jorge Samuel Caballero</i> (Case No. 2015-3904)	–	Efraim Barak (Sole Arbitrator)
19	<i>Vasily Kraynikovskiy v. European Karate Federation (EKF)</i> (Case No. 2015-3905)	–	The Hon. Michael Beloff QC (Sole Arbitrator)
20	<i>Al Ittihad Club v. FC Girondins de Bordeaux</i> (Case No. 2015-3907)	–	Michele Bernasconi (Sole Arbitrator)
21	<i>Clube Atlético Mineiro v. FC Dynamo Kyiv</i> (Case No. 2015-3909)	–	Efraim Barak (President); Prof. Gustavo Albano Abreu; François Klein
22	<i>Iago Gorgodze v. International Paralympic Committee (IPC)</i> (Case No. 2015-3915)	–	Conny Jörneklint (President); Michele Bernasconi; Philippe Sands QC
23	<i>Robson Vicente Gonçalves v. Hapoel Tel Aviv FC</i> (Case No. 2015-3922)	–	Marco Balmelli (Sole Arbitrator)
24	<i>Fábio Rochemback v. Dalian Aerbin FC</i> (Case No. 2015-3923)	–	Efraim Barak (Sole Arbitrator)
25	<i>Traves Smikle v. Jamaican Anti-Doping Commission (JADCO)</i> (Case No. 2015-3925)	–	Prof. Matthew Mitten; Jeffrey Benz; Prof. Ulrich Haas
26	<i>FC Gelsenkirchen-Schalke 04 v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2015-3926)	–	Lukas Handschin (Sole Arbitrator)
27	<i>Hatem Ben Arfa v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-3930)	–	Prof. Luigi Fumagalli (President); Didier Poulmaire; Michele Bernasconi
28	<i>Galatasaray Sportif Sinaï A.S. v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2015-3944)	–	Lars Hillinger (Sole Arbitrator)
29	<i>Sigfus Fossdal v. International Powerlifting Federation (IPF)</i> (Case No. 2015-3945)	–	Ken Lalo (Sole Arbitrator)
30	<i>FC Lokomotiv v. Leonid Stanislavovich Kuchuk &amp; Football Union of Russia (FUR)</i> (Case No. 2015-3946)	–	Bernhard Welten (President); Dirk-Reiner Martens; Efraim Barak



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31	<i>KAS Eupen v. Ibrahima Sory Camara</i> (Case No. 2015-3947)	–	François Klein (Sole Arbitrator)
32	<i>Al Ittihad Club v. Raúl Caneda &amp; Al Nassr Riyadh</i> (Case No. 2015-3950)	–	Hendrik Willem Kesler (President); Marc Beaumont; Prof. Luigi Fumagalli
33	<i>Al Ittihad Club v. Carlos Corberan &amp; Al Nassr Riyadh</i> (Case No. 2015-3951)	–	Hendrik Willem Kesler (President); Saleh Alobeidli; Prof. Luigi Fumagalli
34	<i>Stade Brestois 29 &amp; John Jairo Culma v. Hapoel Kiryat Shmona FC &amp; Fédération Internationale de Football Association (FIFA)</i> (Case Nos. 2015-3953, 2015-3954)	–	Marco Balmelli (President); Paul Mauriac; Prof. Luigi Fumagalli
35	<i>Vitória Sport Clube de Guimarães &amp; Ouwo Moussa Maazou v. Fédération Internationale de Football Association (FIFA) &amp; Etoile Sportive du Sahel</i> (Case Nos. 2015-3955, 2015-3956)	–	Prof. Gérald Simon (President); João Nogueira da Rocha; Michele Bernasconi
36	<i>FC Sportul Studentesc CA v. FC Petrolul Ploiesti &amp; Mares George Alexandru</i> (Case No. 2015-3957)	–	Ivaylo Dermendjiev (Sole Arbitrator)
37	<i>CD Universidad Católica &amp; Cruzados SADP v. Genoa Cricket and Football Club S.p.A.</i> (Case No. 2015-3959)	–	Prof. Ulrich Haas (President); Hernán Jore Ferrari; Mark Hovell
38	<i>Samuel Inkoom v. Andrew Evans &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-3961)	–	Manfred Nan (Sole Arbitrator)
39	<i>Cirio José Sanchez v. Enzo Nicolas Pérez</i> (Case No. 2015-3962)	–	José María Alonso Puig (President); Michele Bernasconi; Hernán Jorge Ferrari
40	<i>S.C.S. Fotbal Club CFR 1907 Cluj S.A. v. Romanian Football Federation (RFF)</i> (Case Nos. 2015-3963-3968)	–	Mark Hovell (Sole Arbitrator)
41	<i>K. v. Turkish Athletics Federation (TAF) &amp; World Anti-Doping Agency</i> (Case No. 2015-3970)	Andrea Carska-Sheppard	His Honour James Robert Reid QC (President); Jeffrey Benz
42	<i>R. v. Turkish Athletics Federation (TAF) &amp; World Anti-Doping Agency (WADA)</i> (Case No. 2015-3971)	Andrea Carska-Sheppard	His Honour James Robert Reid QC (President); Jeffrey Benz
43	<i>Nassir Ali N. Alshamrani v. Asian Football Confederation (AFC)</i> (Case No. 2015-3975)	–	Sofoklis Pilavios (President); João Nogueira da Rocha; Judge Rauf Soulio

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No.	Case	Women appointee(s)	Men appointee(s)
44	<i>CD Nacional v. CA Cerro</i> (Case No. 2015-3981)	–	Pedro Tomás Marqués (President); João Nogueira da Rocha; Michele Bernasconi
45	<i>Patrick Leugueun Nkenda v. AEL Limassol FC</i> (Case No. 2015-3993)	Svenja Geissmar	Lars Hilliger (President); Didier Poulmaire
46	<i>Al Ittihad Club v. Diego de Souza Andrade; Diego de Souza Andrade v. Al Ittihad Club &amp; Fédération Internationale de Football Association (FIFA)</i> (Case Nos. 2015-3999, 2015-4000)	–	Fabio Iudica (President); Pavel Pivovarov; Manfred Nan
47	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF), Sergey Kiryapkin &amp; Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2015-4005)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mika Palmgren
48	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF), Vuliya Zaripova &amp; Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2015-4006)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mika Palmgren
49	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF), Sergey Bakulin &amp; Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2015-4007)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mika Palmgren
50	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF), Olga Kaniskina &amp; Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2015-4008)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mika Palmgren
51	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federaiton (ARAF), Valeriy Borkin &amp; Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2015-4009)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mika Palmgren
52	<i>International Association of Athletics Federations (IAAF) v. All Russia Athletics Federation (ARAF), Vladimir Kanaikan &amp; Russian Anti-Doping Agency (RUSADA)</i> (Case No. 2015-4010)	–	Prof. Luigi Fumagalli (President); Romano Subiotto QC; Mika Palmgren
53	<i>Nur Cemre Kaymak v. Azerbaijan Taekwondo Federation (ATF) &amp; World Taekwondo Federation (WTF)</i> (Case No. 2015-4018)	–	Luc Argand (President); Prof. Denis Oswald; Boris Vittoz
54	<i>E. v. Turkish Athletics Federation (TAF) &amp; World Anti-Doping Agency (WADA)</i> (Case No. 2015-4024)	Andrea Carska-Sheppard	His Honour James Robert Reid QC (President); Jeffrey Benz

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No.	Case	Women appointee(s)	Men appointee(s)
55	<i>FC Sportul Studentesc SA v. Valentin Marius Lazar, Daniel-Cornel Lung, Sebastian Marinel Ghinga, Leonard Dobre, Octavian Dorin Ormenisan, Sebastian Cioranu Codrut &amp; Andrei Lungu</i> (Case Nos. 2015-4026-4033)	–	Marco Balmelli (Sole Arbitrator)
56	<i>Udinese Calcio S.p.A. v. Österreichischer Fussball-Verband (ÖFB)</i> (Case No. 2015-4027)	–	Bernard Welten (Sole Arbitrator)
57	<i>Nashat Akram v. Dalian Aerbin Football Club</i> (Case No. 2015-4039)	–	Rui Botica Santos (President); Manfred Nan; Kok-Keng Lau
58	<i>Gabriel Fernando Atz v. PFC Chernomorets Burgas</i> (Case No. 2015-4042)	–	Manfred Nan (Sole Arbitrator)
59	<i>Damián Lizio &amp; Bolivar Club v. Al-Arabi SC</i> (Case Nos. 2015-4046, 2015-4047)	Svenja Geissmar	Prof. Luigi Fumagalli (President); Juan Pablo Arriagada
60	<i>Romela Aleksander Begaj v. International Weightlifting Federation (IWF)</i> (Case No. 2015-4049)	–	John Faylor (President); Sofoklis Pilavios; Michele Bernasconi
61	<i>Martin Sus v. Czech Republic Football Association (CRFA)</i> (Case No. 2015-4053)	Sylvia Schenk	Prof. Ulrich Haas (President); Michele Bernasconi
62	<i>Maritimo de Madeira Futebol SAD v. Al-Ahli Sports Club</i> (Case No. 2015-4057)	–	Prof. Petros Mavroidis (President); Olivier Carrard; Jalal El Ahdab
63	<i>World Anti-Doping Agency (WADA) v. Thomas Bellchambers, et al., Australian Football League (AFL) &amp; Australian Sports Anti-Doping Authority (ASADA)</i> (Case No. 2015-4059)	–	The Hon. Michael Beloff QC (President); Romano Subiotto QC; The Hon. James Spigelman AC QC
64	<i>São Paulo Futebol Club v. Centro Esportivo Social Arturzinho</i> (Case No. 2015-4061)	–	Rui Botica Santos (Sole Arbitrator)
65	<i>Silvio Danailov &amp; Vladimir Šacotić &amp; Sava Stoislavlević v. Fédération Internationale des Echecs (FIDE)</i> (Case No. 2015-4062)	–	Romano Subiotto QC; Hans Nater; Michele Bernasconi
66	<i>World Anti-Doping Agency (WADA) v. Czech Anti-Doping Committee (CADC) &amp; Remigius Machura, Jr.</i> (Case No. 2015-4063)	–	Prof. Martin Schimke (Sole Arbitrator)
67	<i>Yeli Sissoko, Ligue Régionale de Bamako, Club Olympique de Bamako &amp; Djoliba Athletic Club v. Fédération Malienne de Football (FEMAFoot)</i> (Case No. 2015-4069)	–	Jacques Radoux (President); Olivier Carrard Prosper Abega
68	<i>Everton Ramos da Silva v. Al Nassr FC; Al Nassr FC v. Everton Ramos da Silva and Shanghai Shenxin FC</i> (Case Nos. 2015-4081, 2015-4087)	–	Lars Halgreen (President); Jirayr Habibian; Frans de Weger

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No.	Case	Women appointee(s)	Men appointee(s)
69	<i>Hønefoss Ballklubb v. Heiner Mora Mora &amp; Belén FC</i> (Case No. 2015-4083)	–	Dirk-Reiner Martens (President); Lars Halgreen; José Juan Pintó
70	<i>Bernardo Rezende &amp; Mario da Silva Pedreira Junior v. Fédération Internationale de Volleyball (FIVB)</i> (Case No. 2015-4095)	–	Alasdair Bell (Sole Arbitrator)
71	<i>Fotbal Club CFR 1907 Cluj S.A. v. Romanian Football Federation (RFF)</i> (Case No. 2015-4097)	–	Manfred Nan (Sole Arbitrator)
72	<i>PFC CSKA Moscow v. Fédération Internationale de Football Association (FIFA) &amp; FC Midtjylland A/S</i> (Case No. 2015-4105)	–	Marco Balmelli (Sole Arbitrator)
73	<i>Saudi FC Al-Ittihad Jeddah Club v. Eduardo Uram</i> (Case No. 2015-4112)	–	Hendrik Willem Kesler (President); Michele Bernasconi; Rui Botica Santos
74	<i>Al Shaab FC v. Aymard Guirie</i> (Case No. 2015-4122)	–	Bernhard Welten (Sole Arbitrator)
75	<i>Neftci Professional Football Klub v. Emile Lokonda Mpenza</i> (Case No. 2015-4124)	–	Lars Hilliger (President); Manfred Nan; Mark Hovell
76	<i>Ian Chan v. Canadian Wheelchair Sports Association (CWSA) &amp; Canadian Centre for Ethics in Sport (CCES)</i> (Case No. 2015-4127)	–	Prof. Richard McLaren (Sole Arbitrator)
77	<i>Demir Demirev, Stoyan Enev, Ivaylo Filev, Maya Ivanove, Milka Maneva, Ivan Markov, Dian Minchev, Asen Muradiov, Ferdi Nazif, Nadezha-May Nguen &amp; Vladimir Urumov v. International Weightlifting Federation (IWF)</i> (Case No. 2015-4129)	–	Judge James Reid QC (President); Luc Argand; Prof. Ulrich Haas
78	<i>Kayserispor Kulübü Dernegi v. James Troisi</i> (Case No. 2015-4135)	–	Bernhard Welten (President); Jan Räker; Mark Hovell
79	<i>Olympique Lyonnais v. AS Roma</i> (Case No. 2015-4137)	–	Dirk-Reiner Martens (Sole Arbitrator)
80	<i>Al Nassr Saudi Club v. Trabzonspor FC</i> (Case No. 2015-4139)	–	Marco Balmelli (President); Pedro Tomás Marqués; Stuart McInnes
81	<i>Newell's Old Boys v. Al Ain FC</i> (Case No. 2015-4144)	–	Mark Hovell (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
82	<i>Sheffield Wednesday FC v. Louletano Desportos Clube &amp; Internacional Clube de Almancil &amp; Associação Académica de Coimbra</i> (Case Nos. 2015-4148; 2015-4149; 2015-4150)	–	Prof. Petros Mavroidis (Sole Arbitrator)
83	<i>Panathinaikos FC v. Union des Associations Européennes de Football (UEFA) &amp; Olympiakos FC</i> (Case No. 2015-4151)	–	Mark Hovell (President); Manfred Nan; Jan Råker
84	<i>Al-Gharafa SC v. Nicolas Fedor &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4153)	–	Mark Hovell (President); Ercus Stewart; Efraim Barak
85	<i>World Anti-Doping Agency (WADA) v. Hasan Mohamed Mahmoud abd El-Gawad &amp; Egyptian Anti-Doping Organization</i> (Case No. 2015-4155)	–	Alexander McLin (Sole Arbitrator)
86	<i>Qingdao Zhongneng Football Club v. Blaz Sliskovic</i> (Case No. 2015-4158)	–	Rui Botica Santos (Sole Arbitrator)
87	<i>World Anti-Doping Agency (WADA) v. International Weightlifting Federation (IWF) &amp; Davit Gogia</i> (Case No. 2015-4160)	–	Jacques Radoux (President); Alexander McLin; Mark Hovell
88	<i>Vladimir Sliskovic v. Qingdao Zhongneng Football Club</i> (Case No. 2015-4161)	–	Rui Botica Santos (Sole Arbitrator)
89	<i>Liga Deportiva Alajuelense v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4162)	–	Prof. Ulrich Haas (President); José Juan Pintó; Ricardo de Buen Rodríguez
90	<i>Niksa Dobud v. Fédération Internationale de Natation (FINA)</i> (Case No. 2015-4163)	–	The Hon. Michael Beloff QC (President); Jeffrey Benz; Prof. Massimo Coccia
91	<i>Al Ain FC v. Esporte Clube Vitória &amp; Club Atlético Lanús</i> (Case No. W2015-4166)	–	João Nogueira da Rocha (Sole Arbitrator)
92	<i>Al Ain FC v. Club Atlético Colón de Santa Fé &amp; Club Atlético Lanús</i> (Case No. 2015-4167)	–	João Nogueira da Rocha (Sole Arbitrator)
93	<i>Fawcett (Kimberly) Smith v. International Triathlon Union (ITU)</i> (Case No. 2015-4174)	–	Prof. Matthew Mitten (Sole Arbitrator)
94	<i>Club Atlético River Plate v. AS Trencin &amp; Iván Santiago Diaz</i> (Case No. 2015-4176)	–	Ricardo de Buen Rodríguez (President); Gustavo Albano Abreu; Bruno De Vita
95	<i>Hapoel Haifa FC &amp; Ali Khatib v. Football Club Jabal Al Mukabber</i> (Case No. 2015-4177)	–	Prof. Martin Schimke (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
96	<i>Club Royal Wahingdoh FC v. Othello Banei</i> (Case No. 2015-4179)	–	Prof. Petros Mavroidis (President); Judge James Murphy; Georg von Segesser
97	<i>Water Polo Australia (WPA) &amp; Joseph Henry Kayes v. Fédération Internationale de Natation (FINA)</i> (Case No. 2015-4181)	–	Ivaylo Dermendjiev (Sole Arbitrator)
98	<i>Jobson Leandro Pereira de Oliveira v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4184)	–	Hendrik Kesler (President); Prof. Philippe Sands QC; Prof. Ulrich Haas
99	<i>FK Bohemians Praha v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4186)	–	Sofoklis Pilavios (President); Michele Bernasconi; Patrick Lafranchi
100	<i>Charles Fernando Basílio da Silva v. FC Lokomotiv Moscow</i> (Case No. 2015-4187)	Yasna Stavreva	José Juan Pintó (President); Prof. Luigi Fumagalli
101	<i>British Swimming, Adam Peaty, Francesca Halsall, Jemma Lowe and Chris Walker-Hebborn v. Fédération Internationale de Natation (FINA)</i> (Case No. 2015-4189)	–	Prof. Luigi Fumagalli (President); Michele Bernasconi; Dirk Reiner Martens
102	<i>Mohammed Shafi Al Rumaithi v. Fédération Equestre Internationale (FEI)</i> (Case No. 2015-4190)	–	The Hon. Michael Beloff QC (Sole Arbitrator)
103	<i>Guyana Football Federation (GFF) v. Fédération Internationale de Football Association (FIFA) &amp; St. Vincent and the Grenadines Football Federation (SVGFF)</i> (Case No. 2015-4193)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
104	<i>FK Senica v. PFC Ludogorets 1945 &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4195)	–	Manfred Nan (Sole Arbitrator)
105	<i>Nikola Radjen v. Fédération Internationale de Natation (FINA)</i> (Case No. 2015-4200)	–	Prof. Michael Geistlinger (President); Prof. Massimo Cocchia; Ken Lalo
106	<i>Brazilian Football Confederation (CBF) v. Fédération Internationale de Football Association (FIFA) &amp; Confederación Sudamericana de Fútbol (CONMEBOL)</i> (Case No. 2015-4203)	–	Sofoklis Pilavios (President); Prof. Philippe Sands QC; Marco Balmelli
107	<i>Hapoel Beer-Sheva FC v. Ibrahim Abdul Razak; Ibrahim Abdul Razak v. Hapoel Beer Sheva FC</i> (Case Nos. 2015-4206; 2015-4209)	–	Fabio Iudica (President); Ken Lalo; Rui Botica Santos

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No.	Case	Women appointee(s)	Men appointee(s)
108	<i>Horse Sport Ireland (HSI) &amp; Cian O'Connor v. Fédération Equestre Internationale (FEI)</i> (Case No. 2015-4208)	–	Jeffrey Benz (President); Prof. Philippe Sands QC; Nicholas Stewart QC
109	<i>Karam Gaber v. United World Wrestling (FILA)</i> (Case No. 2015-4210)	–	Romano Subiotto QC (President); Michele Bernasconi; Andrew de Lotbinière McDougall
110	<i>Khazar Lankaran Football Club v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4213)	–	Prof. Petros Mavroidis (President); Jan Råker; Raymond Hack
111	<i>Nömme JK Kalju v. FK Olympic Sarajevo</i> (Case No. 2015-4214)	–	Lars Hilliger (Sole Arbitrator)
112	<i>Fédération Internationale de Football Association (FIFA) v. Korea Football Association (KFA) &amp; Kang Soo Il</i> (Case No. 2015-4215)	–	Rui Botica Santos (President); Efraim Barak; Peter van Minnen
113	<i>Zamalek SC v. Ricardo Alves Fernandes</i> (Case No. 2015-4217)	–	Bernhard Welten (President); Mark Hovell; Prof. Gustavo Abreu
114	<i>Club Samsunspor v. Aminu Umar &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4220)	–	Bernhard Welten (Sole Arbitrator)
115	<i>Italian Canoe Federation (ItCF), Italian National Olympic Committee (CONI), British Olympic Association (BOA), British Canoeing (BC) v. International Canoe Federation (ICF), Russian Canoe Federation (RCF), Russian Olympic Committee (ROC), National Olympic Committee &amp; Sports Confederation of Denmark, Danish Canoe Federation (DCF), French Canoe Federation (FFCK)</i> (Case No. 2015-4222)	–	José María Alonso Puig (President); Michele Bernasconi; Prof. Ulrich Haas
116	<i>Ignatius Leong v. World Chess Federation (FIDE)</i> (Case No. 2015-4223)	Judge Carole Barbey	Klaus Reichert (President); Prof. Massimo Coccia
117	<i>Fovu Club de Baham v. Canon Sportif de Yaoundé</i> (Case No. 2015-4229)	–	Prof. Gérald Simon (Sole Arbitrator)
118	<i>Al-Gharafa S.C. v. FC Steaua Bucuresti &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4232)	–	Sofoklis Pilavios (Sole Arbitrator)
119	<i>World Anti-Doping Agency (WADA) v. Martin Johnsrud Sundby &amp; Fédération Internationale de Ski (FIS)</i> (Case No. 2015-4233)	Jennifer Kirby	Prof. Luigi Fumagalli (President); The Hon. Michael Beloff QC

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No.	Case	Women appointee(s)	Men appointee(s)
120	<i>FC Steaua Bucuresti &amp; Mirel Radoi v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2015-4246)	–	Mark Hovell (Sole Arbitrator)
121	<i>UC AlbinoLefte v. SC Beira Mar Futebol SAD, U.S. Sassuolo Calcio s.r.l. &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4248)	–	Mark Hovell (President); Prof. Petros Mavroidis; Prof. Ulrich Haas
122	<i>Al-Ittihad FC v. Ghassan Waked</i> (Case No. 2015-4250)	–	Mark Hovell (President); Clifford Hendel; Lars Nilsson
123	<i>El Gouna Sporting Club v. El Dakhlia Sporting Club &amp; Egyptian Football Association (EFA)</i> (Case No. 2015-4254)	Rabab Yasseen	Manfred Nan (President); Mohamed Abdel Raouf
124	<i>Vladislav Oskner v. Fédération Internationale de Gymnastique (FIG)</i> (Case No. 2015-4255)	–	John Faylor (President); Victor Berezov; Prof. Denis Oswald
125	<i>Feyenoord Rotterdam N.V. v. Union des Associations Européennes de Football (UEFA)</i> (Case No. 2015-4256)	–	Alexander McLin (President); Manfred Nan; Jeffrey Benz
126	<i>Calcio Catania S.p.A. v. Montevideo Wanderers FC</i> (Case No. 2015-4257)	–	Prof. Petros Mavroidis (Sole Arbitrator)
127	<i>Al Hilal Saudi Club v. Asian Football Confederation (AFC) &amp; Al Ahli Club</i> (Case No. 2015-4260)	–	Marco Balmelli (Sole Arbitrator)
128	<i>Iván Bolado Palacios v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4266)	–	Prof. Petros Mavroidis (President); Prof. Massimo Coccia; Frans de Weger
129	<i>Club Kabuscorp do Palanca v. Rivaldo Vitor Borba Ferreira &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4271)	–	Lars Halgreen (President); Bernhard Heusler; Mark Hovell
130	<i>World Anti-Doping Agency (WADA) v. Sri Lanka Anti-Doping Agency (SLADA) &amp; Rishan Pieris</i> (Case No. 2015-4272)	–	Alexander McLin (Sole Arbitrator)
131	<i>World Anti-Doping Agency (WADA) v. Sri Lanka Anti-Doping Agency (SLADA) &amp; Don Dinuda Dilshani Abeyssekara</i> (Case No. 2015-4273)	–	Alexander McLin (Sole Arbitrator)
132	<i>Budapest Honvéd FC v. Kain Kandia Emile Traoré</i> (Case No. 2015-4280)	–	Alexander McLin (Sole Arbitrator)
133	<i>Kuwait Karate Federation, Kuwait Shooting Federation (KSF) &amp; Khaled Jassim Mohammad Almudhaf v. International Olympic Committee (IOC)</i> (Case No. 2015-4282)	–	Prof. Martin Schimke (President); Boris Vittoz; Hans Nater



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No.	Case	Women appointee(s)	Men appointee(s)
134	<i>Al Nassr Riyadh Football Club v. Shavkatjon Mulladjanov</i> (Case No. 2015-4283)	–	Michael Gerlinger (Sole Arbitrator)
135	<i>World Anti-Doping Agency (WADA) v. Russian Anti-Doping Agency (RUSADA) &amp; Serguei Prokopeniev</i> (Case No. 2015-4285)	–	Prof. Michael Geistlinger (Sole Arbitrator)
136	<i>Sebino Plaku v. Wroclawski Klub Sportowy Slask Wroclaw S.A.</i> (Case No. 2015-4286)	–	Ercus Stewart (President); Mark Hovell; Piotr Nowaczyk
137	<i>El Jaish Sports Club v. Giovanni Funicello</i> (Case No. 2015-4288)	–	Ivaylo Dermendjiev (Sole Arbitrator)
138	<i>Kuwait Shooting Federation, Saud Abdulrahman Ahmed Habeeb, Pourya Mohammadreza Norouziyan &amp; Elham Hossein Harijani v. International Olympic Committee (IOC) &amp; International Shooting Sport Federation (ISSF)</i> (Case No. 2015-4289)	–	Prof. Martin Schimke (President); Boris Vittoz; Hans Nater
139	<i>Boris Galchev v. SC Dinamo 1948</i> (Case No. 2015-4296)	–	Bernhard Welten (Sole Arbitrator)
140	<i>Jan Lach v. World Archery Federation (WAF)</i> (Case No. 2015-4303)	–	Prof. Philippe Sands QC (Sole Arbitrator)
141	<i>Tatyana Andrianova v. All Russia Athletics Federation (ARAF)</i> (Case No. 2015-4304)	–	Prof. Ulrich Haas (Sole Arbitrator)
142	<i>United States Parachute Association (USPA) &amp; James Hayhurst v. Fédération Aéronautique Internationale (FAI) &amp; National Aeronautics Association (NAA)</i> (Case No. 2015-4309)	–	Prof. Richard McLaren (President); The Hon. John Charles Thomas; Hans Nater
143	<i>Al Hilal Saudi Club v. Abdou Kader Mangane</i> (Case No. 2015-4310)	–	Prof. Petros Mavroidis (Sole Arbitrator)
144	<i>John Kenneth Hilton v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4312)	–	Efraim Barak (President); Mark Hovell; Prof. Ulrich Haas
145	<i>Gazelle FC v. Fédération Tchadienne de Football</i> (Case Nos. 2015-4315, 2015-4393)	–	Bernard Foucher (Sole Arbitrator)
146	<i>Bulgarian Weightlifting Federation (BWF) v. International Weightlifting Federation (IWF)</i> (Case No. 2015-4319)	–	Prof. Martin Schimke (Sole Arbitrator)
147	<i>Dubai Cultural Sports Club v. André Alves dos Santos</i> (Case No. 2015-4322)	–	José María Alonso Puig (President); Michele Bernasconi; Prof. Petros Mavroidis

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148	<i>Al-Ittihad FC v. Ghassan Waked</i> (Case No. 2015-4326)	–	Prof. Luigi Fumagalli (President); András Gurovits; José Juan Pintó
149	<i>FC Dinamo Minsk v. Christian Udubuesi Obodo</i> (Case No. 2015-4327)	–	José Juan Pintó (Sole Arbitrator)
150	<i>Tema Youth Football Club v. Ghana Football Association (GFA)</i> (Case No. 2015-4328)	–	Mark Hovell (President); Marco Balmelli; Bernhard Welten
151	<i>MKS Cracovia SSA v. Bojan Puzigaca &amp; Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4333)	–	Patrick Lafranchi (President); Prof. Petros Mavroidis; Mark Hovell
152	<i>Genoa Cricket and Football Club S.p.A. v. NK Lokomotiva Zagreb</i> (Case No. 2015-4335)	–	Prof. Petros Mavroidis (Sole Arbitrator)
153	<i>Al-Jazira Football Sports Company v. Ricardo de Oliveira</i> (Case No. 2015-4342)	–	Prof. Petros Mavroidis (Sole Arbitrator)
154	<i>Trabzonspor v. Turkish Football Federation (TFF), Union of European Football Association (UEFA) &amp; Fenerbahçe</i> (Case No. 2015-4343)	–	Romano Subiotto QC (President); Georg von Segesser; Bernhard Welten
155	<i>Gaziantepspor Kulübü Derneği v. Darvydas Serinas</i> (Case No. 2015-4346)	–	Fabio Iudica (President); Rui Botica Santos; Manfred Nan
156	<i>Mersudin Akhmetovic v. FC Volga Nizhniy Novgorod &amp; Russian Football Union (RFU)</i> (Case No. 2015-4350)	–	Prof. Petros Mavroidis (Sole Arbitrator)
157	<i>Vsl Pakruojo FK, Darius Jankauskas, Arnas Mikaitis, Sigitas Olberkis, Valdas Pocevicus, Alfredas Skroblas, Donatas Strockis, Diogo Gouveia Miranda, C.H. Alexandru &amp; Taras Michailiuk v. Lithuanian Football Federation (LFF)</i> (Case No. 2015-4351)	–	Prof. Luigi Fumagalli (President); Sofoklis Pilavios; José Juan Pintó
158	<i>J. &amp; Anti Doping Denmark (ADD) v. International Paralympic Committee (IPC)</i> (Case No. 2015-4355)	–	Prof. Michael Geistlinger (President); Prof. Philippe Sands QC; Michele Bernasconi
159	<i>Kedah Football Association v. Adriano Pellegrino</i> (Case No. 2015-4358)	Thi My Dung Nguyen	Rui Botica Santos (President); Edward Canty
160	<i>Al-Ittihad FC v. João Fernando Nelo</i> (Case No. 2015-4360)	–	Prof. Luigi Fumagalli (Sole Arbitrator)
161	<i>Akhisar BelediyesporGençlik ve Spor Kulübü v. Severin Brice Bikoko</i> (Case No. 2015-4361)	–	Ivaylo Dermendjiev (Sole Arbitrator)

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No.	Case	Women appointee(s)	Men appointee(s)
162	<i>Mikhail Danilyuk v. Football Union of Russia (RFU) &amp; Football Club Shinnik</i> (Case No. 2015-4368)	–	Nicholas Stewart QC (Sole Arbitrator)
163	<i>Musa Hassan Bility v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4311)	–	Hendrik Kesler (President); Muchadeyi Masunda; Bernhard Heusler
164	<i>David Martin Nakhid v. Fédération Internationale de Football Association (FIFA)</i> (Case No. 2015-4279)	Svenja Geissmar	Jacques Radoux (President); Bernhard Welten
165	<i>Victor Javier Añino Bermudez v. Club Elazigspor Kulübü</i> (Case No. 2015-4055)	–	Prof. Martin Schimke (President); Mark Hovell; Daniel Lorenz
166	<i>Traves Smikle v. Jamaica Anti-Doping Commission (JADCO)</i> (Case No. 2015-3925-0)	–	John Coates (Sole Arbitrator)
167	<i>World Anti-Doping Agency (WADA) v. Belarus Athletic Federation (BAF) &amp; Vadim Devyatovskiy</i> (Case No. 2015-3977)	–	Judge James Reid QC (President); Prof. Massimo Coccia; Jeffrey Benz

## APPENDIX D

### PCA cases

The data in Table D.1 have been compiled by reviewing case information published on the website of the PCA.<sup>782</sup> Case information for each year is contained in the Tables D.2 to D.9.

#### *D.1* Composition of tribunals/role of women arbitrators in PCA cases, 2015 to 2022

Year	Total Cases	Total Appts	Composition of 3-Member Tribunals				Sole Arbitrator		President or Sole Arbitrator	
			W/W/W (%)	W/W/M (%)	W/M/M (%)	M/M/M (%)	M (%)	W (%)	M (%)	W (%)
2022	2	6	0 (0)	0 (0)	1 (50)	1 (50)	0 (0)	0 (0)	1 (50)	1 (50)
2021	8	22	0 (0)	0 (0)	3 (37.5)	4 (50)	1 (12.5)	0 (0)	6 (75)	2 (25)
2020	24	68	0 (0)	1 (4.2)	5 (20.8)	16 (66.7)	2 (8.3)	0 (0)	21 (87.5)	1 (4.2)
2019	18	54	0 (0)	1 (5.6)	7 (38.9)	10 (55.6)	0 (0)	0 (0)	15 (83.3)	3 (16.7)
2018	15	46	0 (0)	1 (6.7)	7 (46.7)	7 (46.7)	0 (0)	0 (0)	12 (80)	3 (20)
2017	10	33	0 (0)	1 (10)	3 (30)	6 (60)	0 (0)	0 (0)	7 (70)	3 (30)
2016	14	38	0 (0)	0 (0)	4 (28.6)	7 (50)	3 (21.4)	0 (0)	14 (100)	0 (0)
2015	15	47	0 (0)	2 (13.3)	0 (0)	13 (86.7)	0 (0)	0 (0)	13 (86.7)	2 (13.3)

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782. As noted above, the data compiled in Appendices B and D concerning PCA cases includes only those cases available at <<https://pca-cpa.org/en/cases/>> (as accessed on July 1, 2022). The data in Appendices B and D concerning PCA cases have not been confirmed by the PCA. The data do not include confidential cases for which no information has been made publicly available. For information on the PCA's full caseload, including the number of unreported cases, please refer to the PCA Annual Reports, available at <<https://pca-cpa.org/en/about/annual-reports/>> (last accessed Aug. 11, 2022).

## D.2 Compilation of PCA cases from 2022

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>Fieldfare Argentina S.R.L. v. Compañía Administradora del Mercado Mayorista Eléctrico S.A.</i> (2022-10)	Carmen Núñez-Lagos (Presiding Arbitrator)	Alberto B. Bianchi; Gustavo Parodi
2	<i>Yves Martine Garnier v. The Dominican Republic</i> (2022-01)	–	Rt. Hon. Lord Collins of Mapesbury (Presiding Arbitrator); Dr. Hamid Gharavi; Prof. Raúl Vinuesa

## D.3 Compilation of PCA cases from 2021

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>Liberty Seguros, Compañía de Seguros y Reaseguros S.A. (Spain) v. Bolivarian Republic of Venezuela</i> (2021-35)	Prof. Héléne Ruiz Fabri	Prof. Campbell McLachlan QC (Presiding Arbitrator); Dr. Charles Poncet
2	<i>Holcim Investments (Spain), S.L. v. the Republic of Ecuador</i> (2021-31)	–	Eduardo Siqueiros Twomey (Presiding Arbitrator); Dr. Horacio A. Grigera Naón; Prof. Marcelo Kohen
3	<i>Mr. Goh Chin Soon (Singapore) v. People's Republic of China</i> (2021-30)	Lucy Reed (Presiding Arbitrator)	Dr. Michael J. Moser; Professor Zachary Douglas QC
4	<i>Zurich Insurance Company Ltd &amp; Zurich South America Invest AB v. Plurinational State of Bolivia</i> (2021-05)	–	Hugo Perezcano Díaz (Presiding Arbitrator); David Cairns; Prof. Muthucumaraswamy Sornarajah
5	<i>J.P. Beemsterboer Food Traders B.V. (Netherlands) v. Caribbean Grain Srl (Dominican Republic)</i> (2021-23)	–	Matthias Kuscher (Sole Arbitrator)
6	<i>Servicios Petroleros Igapó S.A. v. Empresa Pública de Hidrocarburos del Ecuador EP PETROECUADOR</i> (2021-29)	Dyalá Jiménez Figueres (Presiding Arbitrator)	José Martínez de Hoz; Eduardo Damião Gonçalves
7	<i>S.C. PA&amp;CO International S.R.L. (Romania) v. Î.S. "Administrația de Stat a Drumurilor" (Moldova)</i> (2021-04)	–	Dr. Gerold Zeiler (Presiding Arbitrator); Adrian Rațiu; Richard Appuhn

No.	Case	Woman appointee(s)	Man appointee(s)
8	<i>Shaya Ecuador S.A. (formerly Kamana Services S.A.) v. Empresa Pública de Hidrocarburos del Ecuador EP Petroecuador (formerly known as Empresa Pública de Exploración y Explotación de Hidrocarburos Petroamazonas EP)</i> (2021-03)	–	Prof. Antonio Hierro (Presiding Arbitrator); Prof. Gustavo Parodi; Prof. Andrés Jana Linetzky

#### D.4 Compilation of PCA cases from 2020

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>Raimundo J. Santamarta Devis v. República Bolivariana de Venezuela</i> (2020-56)	–	Dr. Claus von Wobeser (President); Prof. Marcelo Gustavo Kohen; Prof. Eduardo Siqueiros Twomey
2	<i>EcuadorTLC S.A. (Ecuador) v. The Republic of Ecuador</i> (2020-45)	Ms. Dyalá Jiménez Figueres (President)	Mr. David M. Orta; Prof. Juan Pablo Cárdenas Mejía
3	<i>Consorcio Cementero del Sur S.A., Yura Inversiones Bolivia S.A., Grupo de Inversiones Gloria Bolivia S.A., Sociedad Boliviana de Cemento S.A. c. Estado Plurinacional de Bolivia</i> (2020-47)		Prof. Diego P. Fernandez Arroyo (Presiding Arbitrator); Oscar Garibaldi; Prof. Jorge Vinuales
4	<i>Ullum 1 Solar S.A.U. y Ullum 2 Solar S.A.U. v. Compañía Administradora del Mercado Mayorista Eléctrico S.A.</i> (2020-38)	–	Prof. Alejandro Garro (Sole Arbitrator)
5	<i>Jordanian Insurance Company v. UN Organization</i> (2020-37)		Alexis Mourre (Presiding Arbitrator); Dr. Salaheddin Al-Bashir; Professor Laurence Boisson de Chazournes
6	<i>GPIX LLC v. The Republic of India</i> (2020-36)	Ms. Juliet Blanch	Prof. Doug Jones AO; Mr. Justice A K Sikri
7	<i>Fiambalá Solar S.A. v. Compañía Administradora del Mercado Mayorista Eléctrico S.A.</i> (2020-31)	–	José Martínez de Hoz (President); Federico Campolieti; Jorge Labanca
8	<i>Arbitration pursuant to Article 32 of the Constitution of the Universal Postal Union (The State of Qatar v. The United Arab Emirates)</i> (2020-28)		Professor Gian Luca Burci (President); Professor Ove Bring; Ambassador James Droushiotis
9	<i>Arbitration pursuant to Article 32 of the Constitution of the Universal Postal Union (The State of Qatar v. The Kingdom of Saudi Arabia)</i> (2020-27)		Sir Michael Wood KCMG (President); Professor Ove Bring; Ambassador James Droushiotis

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No.	Case	Woman appointee(s)	Man appointee(s)
10	<i>Arbitration pursuant to Article 32 of the Constitution of the Universal Postal Union (The State of Qatar v. The Kingdom of Bahrain) (2020-25)</i>		Sir Michael Wood KCMG (President); Professor Ove Bring; Ambassador James Droushiotis
11	<i>SITA Information Networking Computing UK Limited v. Iran Airtours (2020-23)</i>	–	Mr. Jean Marguerat (Sole Arbitrator)
12	<i>Patel Engineering Limited (India) v. The Republic of Mozambique (2020-21)</i>	–	Prof. Juan Fernández-Armesto (President); Prof. Guido Santiago Tawil; Mr. Hugo Perezcano Díaz
13	<i>Aecon Construction Group Inc. (Canada) v. The Republic of Ecuador (2020-19)</i>	Ms. Carole Malinvaud (President)	Prof. Dr. Guido Santiago Tawil; Prof. Pierre-Marie Dupuy
14	<i>Enerlimp S.A. v. Compañía Administradora del Mercado Mayorista Eléctrico S.A. (2020-18)</i>	–	Dr. Eduardo Silva Romero (President); Dr. Roque J. Caivano; Prof. Raúl Vinuesa
15	<i>1. Raiffeisenbank International AG (Austria) 2. Raiffeisenbank Austria D.D. (Croatia) v. The Republic of Croatia (2020-15)</i>	–	Sir Christopher Greenwood (President); Prof. Bernard Hanotiau; Prof. Sean D. Murphy
16	<i>Mota-Engil Ingeniería y Construcción S.A.—Sucursal Paraguay v. República del Paraguay—Ministerio de Obras Públicas y Comunicaciones (2020-14)</i>	–	Mr. José Emilio Nunes Pinto (President); Prof. Guido S. Tawil; Dr. Claus von Wobeser
17	<i>Bacilio Amorrtu (USA) v. The Republic of Peru (2020-11)</i>	–	Judge Ian Binnie, CC, QC (President); Prof. Bernard Hanotiau; Mr. Toby Landau QC
18	<i>Nord Stream 2 AG v. The European Union (2020-07)</i>	–	Prof. Ricardo Ramírez Hernández (President); Prof. Philippe Sands QC; Justice David Unterhalter SC
19	<i>Sharr Beteiligungs GmbH (Germany) v. Privatization Agency of Kosovo (2020-02)</i>	Ms. Maria Vicien-Milburn	Mr. Stephen L. Drymer; Mr. Bartosz Kruzewski
20	<i>Azucarera del Guadafeo S.A. and Joaquín Francisco Martín Montero (Spain) v. Dominican Republic (2020-01)</i>	Loretta Malintoppi	José Miguel Júdece (President); Antonio Hierro
21	<i>The State of Qatar v. The Arab Republic of Egypt (2020-26)</i>	–	Sir Michael Wood KCMG (President); Professor Ove Bring; Ambassador James Droushiotis

No.	Case	Woman appointee(s)	Man appointee(s)
22	<i>Trasta Energy Limited (United Arab Emirates) v. The State of Libya</i> (2020-09)	–	Prof. Pierre Tercier (Presiding Arbitrator); Prof. Laurent Aynès; Prof. Marcelo Kohen
23	<i>Akgun Insaat Makina Sanayii ve Dis Ticaret Ltd. Sti. (Turkey) v. Federal Democratic Republic of Ethiopia</i> (2020-08)	–	Dr Michael Hwang S.C. (President); Sir David A R Williams KNZM, QC; Prof. Philip J. McConaughay
24	<i>Korea Western Power Company Limited (Republic of Korea) v. The Republic of India</i> (2020-06)	Jean Kalicki (Presiding Arbitrator); Prof. Brigitte Stern	Kaj Hobér

### D.5 Compilation of PCA cases from 2019<sup>783</sup>

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>Leopoldo Castillo Bozo v. Republic of Panama</i> (Case No. 2019-40)	Gabriela Álvarez Avila (President) replaced by Deva Villanúa	Rodrigo Barahona Israel; Gabriel Bottini
2	<i>Chevron Overseas Finance GmbH v. The Republic of the Philippines</i> (Case No. 2019-25)	–	Prof. Dr. Albert Jan van den Berg (President); Stanimir A. Alexandrov; Alexis Mourre
3	<i>IC Power Development Asia Development Ltd. v. Republic of Guatemala</i> (Case No. 2019-43)	–	Prof. Dr. Albert Jan van den Berg (President); Prof. Raul E. Vinuesa; Prof. Guido Santiago Tawil
4	<i>Panamericana Televisión S.A., et al v. The Republic of Peru</i> (Case No. 2019-26)	Raquel A. Rodriguez	José Miguel Júdece (President); Yves Derains
5	<i>The Renco Group v. Republic of Peru</i> (Case No. 2019-46)	–	Judge Bruno Simma (President); Prof. Horacio Grigera Naón; J. Christopher Thomas QC
6	<i>Schindler Holding AG v. Republic of Korea</i> (Case No. 2019-44)	Loretta Malintoppi	Laurence Shore (President); Neil Kaplan QC

783. Prior versions of this report included the party-appointed members of *Alcosa v. Kuwait*; however, as this case was discontinued before the appointment of a president, we have removed it from our data.



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No.	Case	Woman appointee(s)	Man appointee(s)
7	<i>Olympic Entertainment Group AS v. Republic of Ukraine</i> (Case No. 2019-18)	–	Neil Kaplan QC (President); J. Christopher Thomas QC; Prof. Michael Pryles
8	<i>Ukraine v. The Russian Federation</i> (Case No. 2019-28)	–	Professor Donald McRae (Presiding Arbitrator); Judge Gudmundur Eiriksson; Judge Rüdiger Wolfrum; Judge Vladimir Golitsyn; Sir Christopher Greenwood, GBE, CMG, QC
9	<i>Jason Yu Song v. People's Republic of China</i> (Case No. 2019-39)	Professor Jane Willems	Dr. Tai-Heng Cheng (Presiding Arbitrator); Professor Jan Paulsson
10	<i>Antonio del Valle Ruiz and others v. The Kingdom of Spain</i> (Case No. 2019-17)	Prof. Gabrielle Kaufmann-Kohler (President)	Prof. William Park (Co-Arbitrator); Mr. Alexis Mourre (Co-Arbitrator)
11	<i>The Renco Group, Inc. &amp; Doe Run Resources, Corp. v. The Republic of Peru &amp; Activos Mineros S.A.C.</i> (Case No. 2019-47)	–	Judge Bruno Simma (Presiding Arbitrator); Prof. Horacio Grigera Naón; J. Christopher Thomas QC
12	<i>Khadamat Integrated Solutions Private Limited (India) v. The Kingdom of Saudi Arabia</i> (Case No. 2019-24)	–	Eric A. Schwartz (Presiding Arbitrator); Franco Ferrari; Rolf Knieper
13	<i>PJSC Gazprom v. Ukraine</i> (Case No. 2019-10)	Professor Brigitte Stern	Professor Pierre Mayer (Presiding Arbitrator); Mr. John Beechey CBE
14	<i>S.C. PA&amp;CO International S.R.L. (Romania) v. Î.S. "Administrația de Stat a Drumurilor" (Moldova)</i> (Case No. 2019-35)	–	Christophe Dugué (Presiding Arbitrator); James Dow; Jan Erik Spangenberg
15	<i>1. NIB, S.A.—National Investment Bank (São Tomé e Príncipe), 2. Superior Investments LLC (E.U.A.), 3. Dr. Paulo Miguel Corte-Real Mirpuri (Portugal) vs. República Democrática de São Tomé e Príncipe</i> (Case No. 2019-16)	Julie Bédard (President); Valeria Galíndez	Eduardo Silva Romero
16	<i>A. v. UN Organization</i> (Case No. 2019-04)	–	Professor August Reinisch (Sole Arbitrator)
17	<i>Ge Gao, Hongwei Meng, Zihong Meng and Ziheng Meng (China) v. INTERPOL</i> (Case No. 2019-19)	Loretta Malintoppi (Presiding Arbitrator)	Professor Guglielmo Verdirame QC; Professor Jean E. Kalicki

No.	Case	Woman appointee(s)	Man appointee(s)
18	<i>(1) Crescent Petroleum Company International Limited (2) Crescent Gas Corporation Limited v. National Iranian Oil Company</i> (Case No. 2019-03)	–	Professor Laurent Aynès (Presiding Arbitrator); Dr. Charles Poncet; Professor Dr. Klaus Sachs

## D.6 Compilation of PCA cases from 2018

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>1. Alberto Carrizosa Gelzis, 2. Felipe Carrizosa Gelzis, 3. Enrique Carrizosa Gelzis v. The Republic of Colombia</i> (Case No. 2018-56)	–	John Beechey CBE (President); Prof. Franco Ferrari; Christer Söderlund
2	<i>1. Mason Capital L.P. (U.S.A.) 2. Mason Management LLC (U.S.A.) v. Republic of Korea</i> (Case No. 2018-55)	The Rt. Hon. Dame Elizabeth Gloster	Prof. Dr. Klaus Sachs (President); Prof. Pierre Mayer
3	<i>Tennant Energy, LLC v. Government of Canada</i> (Case No. 2018-54)	–	Cavinder Bull SC (President); R. Doak Bishop; Sir Daniel Bethlehem QC
4	<i>Elliott Associates, L.P. (U.S.A.) v. Republic of Korea</i> (Case No. 2018-51)	–	Dr. Veijo Heiskanen (President); Oscar M. Garibaldi; J. Christopher Thomas QC
5	<i>Khaitan Holdings (Mauritius) Limited v. Republic of India</i> (Case No. 2018-50)	Prof. Brigitte Stern	Prof. Campbell McLachlan QC (President); Francis Xavier SC
6	<i>Alcor Holdings Ltd. (UAE) v. The Czech Republic</i> (Case No. 2018-45)	–	Christopher Greenwood QC (President); Richard Wilmot-Smith QC; Prof. Donald McRae
7	<i>1. The Estate of Julio Miguel Orlandini-Agreda, 2. Compañía Minera Orlandini Ltda. v. The Plurinational State of Bolivia</i> (Case No. 2018-39)	–	Dr. Stanimir A. Alexandrov (President); Prof. Dr. Guido Santiago Tawil; Dr. José Antonio Moreno Rodríguez
8	<i>1. Mr. Gokul Das Binani, 2. Mrs. Madhu Binani (India) v. Republic of North Macedonia</i> (Case No. 2018-38)	Funke Adekoya (President); Prof. Brigitte Stern	Prof. Robert Volterra
9	<i>(1) Prof. Christian Doutremepuich (France) (2) Antoine Doutremepuich (France) v. Republic of Mauritius</i> (Case No. 2018-37)	Prof. Maxi Scherer (President)	Prof. Olivier Caprasse; Prof. Jan Paulsson

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No.	Case	Woman appointee(s)	Man appointee(s)
10	<i>Conseil Economique Des Pays Musulmans (Switzerland) v. The State of Kuwait</i> (Case No. 2018-35)	Jean E. Kalicki (President)	Kewal Singh Ahuja; Attila M. Tanzi
11	<i>Diag Human SE and Mr. Josef Stava v. The Czech Republic</i> (Case No. 2018-20)	–	Prof. Bernard Hanotiau (President); Daniel M. Price; Prof. Rolf Knieper
12	<i>Fynerdale Holdings B.V. (Netherlands) v. Czech Republic</i> (Case No. 2018-18)	Prof. Laurence Boisson de Chazournes	Prof. Dr. Rüdiger Wolfrum (President); Prof. Francisco Orrego Vicuña (until 2 October 2018); Dr. Wolfgang Kühn (as of 16 October 2018)
13	<i>1. Sunlodges Ltd (BVI), 2. Sunlodges (T) Limited (Tanzania) v. The United Republic of Tanzania</i> (Case No. 2018-09)	–	Dr Veijo Heiskanen (President); David A. R. Williams QC; Ucheora Onwuamaegbu
14	<i>OOO Manolium Processing v. The Republic of Belarus</i> (Case No. 2018-06)	Prof. Brigitte Stern	Juan Fernández-Armesto (President); Stanimir A. Alexandrov
15	<i>Review Panel established under the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean</i> (Case No. 2018-13)	Cecilia Engler	Prof. Donald MacKay (President); Prof. Erik J. Molenaar

### D.7 Compilation of PCA cases from 2017

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>Iberdrola Energía, S.A. (Spain) v. The Republic of Guatemala</i> (Case No. 2017-41)	Prof. Dr. Gabrielle Kaufmann-Kohler (President)	Pierre-Marie Dupuy; J. Christopher Thomas, QC
2	<i>Consutel Group S.P.A. in liquidazione (Italia) v. La République algérienne démocratique et populaire</i> (Case No. 2017-33)	–	Alexis Mourre (President) ; Prof. Attila Tanzi ; Prof. Ahmed Mahiou
3	<i>ICL Europe Coöperatief U.A. (the Netherlands) v. The Federal Democratic Republic of Ethiopia</i> (Case No. 2017-26)	Judge Joan E. Donoghue (President)	Robert H. Smit; Prof. Sean D. Murphy (substitute arbitrator for the late Prof. David D. Caron)

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4	<i>Bank Melli Iran (Iran) and Bank Saderat Iran (Iran) v. The Kingdom of Bahrain</i> (Case No. 2017-25)	–	Prof. Dr. Rudolf Dolzer (President); Prof. Emmanuel Gaillard; The Rt. Hon. Lord Collins of Mapesbury
5	<i>(i) NJSC Naftogaz of Ukraine (Ukraine) et al. v. The Russian Federation</i> (Case No. 2017-16)	Prof. Maja Stanivuković	Judge Ian Binnie, C.C., QC (President); Dr. Charles Poncet
6	<i>Mr. Oleg Vladimirovich Deripaska (Russian Federation) v. The State of Montenegro</i> (Case No. 2017-07)	Jean E. Kalicki (President); Prof. Brigitte Stern	Prof. Zachary Douglas QC
7	<i>Gunvor SA (Switzerland) v. The Government of the Republic of Zambia (Ministry of Mines, Energy and Water Development)</i> (Case No. 2017-19)	–	Michael Nolan QC (President); Michael Tselentis QC; Collins Namachanja
8	<i>International Management Group v. European Union, represented by the European Commission</i> (Case No. 2017-04)	–	Laurent Jaeger (President); Pascal Hollander; Dr. Christian W. Konrad
9	<i>International Management Group v. European Union, represented by the European Commission</i> (Case No. 2017-03)	–	Laurent Jaeger (President); Pascal Hollander; Dr. Christian W. Konrad
10	<i>Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation)</i> (Case No. 2017-06)	–	Judge Jin-Hyun Paik (President); Judge Boualem Bouguetaia; Judge Alonso Gómez-Robledo; Prof. Vaughan Lowe QC; Judge Vladimir Golitsyn

### D.8 Compilation of PCA cases from 2016

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>Glencore Finance (Bermuda) Limited v. Plurinational State of Bolivia</i> (Case No. 2016-39)	–	Prof. Ricardo Ramírez Hernández (President); Prof. John Y. Gotanda; Prof. Philippe Sands
2	<i>Gold Pool JV Limited v. The Republic of Kazakhstan</i> (Case No. 2016-23)	–	Prof. Albert Jan van den Berg (President); David A.R. Williams, QC; Gabriel Bottini
3	<i>Michael Ballantine and Lisa Ballantine v. Dominican Republic</i> (Case No. 2016-17)	Marney L. Cheek	Prof. Ricardo Ramírez Hernández (President); Prof. Raúl Emilio Vinuesa

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No.	Case	Woman appointee(s)	Man appointee(s)
4	<i>Resolute Forest Products Inc. v. The Government of Canada</i> (Case No. 2016-13)	Prof. Céline Lévesque	Judge James R. Crawford AC (President); Ronald A. Cass
5	<i>Albacora, S.A. v. La República del Ecuador</i> (Case No. 2016-11)	Loretta Malintoppi	J. Eloy Anzola (President); José Emilio Nunes Pinto;
6	1.Manuel García Armas 2.Pedro García Armas 3.Sebastián García Armas 4.Domingo García Armas 5.Manuel García Piñero 6.Margaret García Piñero 7.Alicia García González 8.Domingo García Cámara 9.Carmen García Cámara v. República Bolivariana de Venezuela (Case No. 2016-08)	–	José Emilio Nunes Pinto (President); Enrique Gómez-Pinzón; Dr. Santiago Torres Bernárdez
7	<i>Cairn Energy PLC &amp; Cairn UK Holdings Limited v. The Republic of India</i> (Case No. 2016-07)	–	Dr. Laurent Lévy (President); Stanimir A. Alexandrov; J. Christopher Thomas QC
8	<i>Bangladesh Accord Arbitrations</i> (Case No. 2016-36)	–	Donald Francis Donovan (President); Graham Dunning QC; Prof. Hans Petter Graver
9	<i>Bangladesh Accord Arbitrations</i> (Case No. 2016-37)	–	Donald Francis Donovan (President); Graham Dunning QC; Prof. Hans Petter Graver
10	<i>Mr. Mohamed Ismail Reygal (Somalia) v. The United Nations High Commissioner for Refugees (UNHCR)</i> (Case No. 2016-28)	–	Judge Fatsah Ouguerouz (Sole Arbitrator)
11	(1) <i>Mr. Josias Van Zyl (South Africa)</i> , (2) <i>The Josias Van Zyl Family Trust (South Africa)</i> , (3) <i>The Burmilla Trust (South Africa) v. The Kingdom of Lesotho</i> (Case No. 2016-21)	–	Peter Leon (President); Judge Frederik Daniël Jacobus Brand; Michael Tselentis QC
12	<i>Conciliation between The Democratic Republic of Timor-Leste and The Commonwealth of Australia</i> (Case No. 2016-10)	Dr. Rosalie Balkin	H.E. Ambassador Peter Taksøe-Jensen (Chairman); Judge Abdul G. Koroma; Prof. Donald McRae; Judge Rüdiger Wolfrum
13	<i>Consortio Sogeosa-Tilmon (Costa Rica) v. El Instituto Tecnológico de Costa Rica</i> (Costa Rica) (Case No. 2016-06)	–	Diego Brian Gosis (Sole Arbitrator)
14	<i>D. v. Energy Community</i> (Case No. 2016-03)	–	Prof. Albert Jan van den Berg (Sole Arbitrator)

## D.9 Compilation of PCA cases from 2015

No.	Case	Woman appointee(s)	Man appointee(s)
1	<i>PJSC Ukrafta v. The Russian Federation</i> (Case No. 2015-34)	Prof. Gabrielle Kaufmann-Kohler (President); Prof. Brigitte Stern	Daniel M. Price
2	<i>Stans Energy Corp. and Kutsisay Mining LLC v. The Kyrgyz Republic (I)</i> (Case No. 2015-32)	–	Prof. Karl-Heinz Böckstiegel (President); The Honorable Colin L. Campbell QC; Stephen Jagusch QC
3	<i>Aberon and others v. The Russian Federation</i> (Case No. 2015-29)	–	Prof. Donald M. McRae (President); Judge Bruno Simma; Dr. Eduardo Zuleta Jaramillo
4	<i>Aeroport Belbek LLC and Igor Kolomoisky v. The Russian Federation</i> (Case No. 2015-07)	–	Prof. Pierre Marie-Dupuy (President); Sir Daniel Bethlehem QC; Dr. Václav Mikulka
5	<i>PJSC CB PrivatBank and Finance Company Finilon LLC v. The Russian Federation</i> (Case No. 2015-21)	–	Prof. Pierre-Marie Dupuy (President); Daniel Bethlehem QC; Dr. Václav Mikulka
6	<i>Stabil and others v. The Russian Federation</i> (Case No. 2015-35)	Prof. Gabrielle Kaufmann-Kohler (President); Prof. Brigitte Stern	Daniel M. Price
7	<i>Everest Estate LLC and others v. The Russian Federation</i> (Case No. 2015-36)	–	Andrés Rigo Sureda (President); W. Michael Reisman; Rolf Knieper
8	<i>Indian Metals &amp; Ferro Alloys Ltd. v. Republic of Indonesia</i> (Case No. 2015-40)	–	Neil Kaplan QC (President); James Spigelman; Prof. Muthucumaraswamy Sornarajah
9	<i>Arbitration under the Timor Sea Treaty (Timor-Leste v. Australia)</i> (2015-42)	–	H.E. Judge Abdulqawi Ahmed Yusuf (Chairman); Prof. Sean D. Murphy; Prof. Ivan Shearer AM

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No.	Case	Woman appointee(s)	Man appointee(s)
10	<i>The 'Enrica Lexie' Incident (Italy v. India)</i> (2015-28)	–	H.E. Judge Vladimir Golitsyn (President); H.E. Judge Jin-Hyun Paik; H.E. Judge Patrick L. Robinson; Professor Francesco Francioni; H.E. Judge P. Chandrasekhara Rao (until 11 October 2018); Dr. Pemmaraju Sreenivasa Rao (as of 26 November 2018)
11	<i>Mr. Kristian Almås and Mr. Geir Almås v. The Republic of Poland</i> (2015-13)	–	Judge James R. Crawford, AC (Presiding Arbitrator); Prof. Ola Mestad; Prof. August Reinisch
12	<i>1. Iberdrola, S.A. (España) 2. Iberdrola Energía, S.A.U. (España) c. El Estado Plurinacional de Bolivia</i> (2015-05)	–	Bernardo Sepúlveda-Amor (Árbitro Presidente); Rafael García-Valdecasas; Gabriel Bottini
13	<i>Financial Performance Holdings B.V. (the Netherlands) v. The Russian Federation</i> (2015-02)	–	Stanimir A. Alexandrov; David R. Haigh, Q.C.; Dr. Raúl Emilio Vinuesa
14	<i>Maynilad Water Services, Inc. (Philippines) v. Republic of the Philippines</i> (2015-37)	–	Kap-You (Kevin) Kim (Presiding Arbitrator); V.V. Veeder, QC; Justice Roberto A. Abad (Retired)
15	<i>Indian Potash Limited (India) v. Agriculture Inputs Company Limited (Nepal)</i> (2015-17)	–	Dr. Kamal Hossain (Presiding Arbitrator); Honourable Justice (Retired) S.N. Jha; Honourable Judge (Retired) Raghav Lal Vaidya

## APPENDIX E

### Data collected by Lucy Greenwood<sup>784</sup>

#### *E.1* Historical arbitrator appointment data<sup>785</sup>

Institution	Year	Total Women appts (%)	Women party appts (%)	Women instit'nal appts (%)	Women co-arbitrator appts (%)
ICC	1995	22 (2)	–	–	–
	1990	5 (1)	–	–	–
LCIA	2011	22 (6.5)	–	–	–
	1998	1 (1.5)	–	–	–
SCC	2013	33 (14)	–	19 (15)	–
	2012	51 (17)	–	–	–
	2011	8.4	–	(6.5)	–

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784. Lucy Greenwood is an international arbitrator, who has published a number of commentaries on the issue of gender diversity in international arbitration. For more information, see <<http://www.greenwoodarbitration.com>> (last accessed Aug. 18, 2022). **Note:** these data have not been confirmed by the members of the Task Force.

785. Lucy Greenwood collected these data by contacting individual arbitral institutions. At the time she collected this information, the institutions responded to her inquiries to the best of their ability; however, many were not tracking significant information at the time of their responses. There therefore may be some discrepancies between the data in this table and the historical data recorded by the institutions. In addition, because not all institutions control for repeat appointments, the historical data may not be accurate. With respect to the ICSID data prior to 2010, Ms. Greenwood reviewed all published names of ICSID arbitrators sitting on tribunals and determined their gender in order to gather the data in the table.



*E.2* Table on number of women participants at arbitration conferences in 2020<sup>786</sup>

	Speakers		Panelists		Moderators		Keynote speakers		Chairs	
	M	W	M	W	M	W	M	W	M	W
All events	61%	39%	60%	40%	59%	41%	71%	29%	63%	37%
Excluding diversity/ young-practnr. events	63%	37%	62%	38%	61%	39%	75%	25%	68%	33%
Only diversity/ young practnr. events	46%	54%	47%	53%	44%	56%	50%	50%	25%	75%
Face to face events	65%	35%	65%	35%	58%	45%	75%	25%	72%	28%
Virtual events	59%	41%	58%	42%	60%	40%	68%	32%	58%	42%

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786. This dataset was compiled by Lucy Greenwood and Freshfields Bruckhaus Deringer (Alexandra Einfeld and Olga Sendetska). The dataset is based on a review of 355 conferences and events in 2020, reflecting geographic diversity.

## APPENDIX F

### Data from the PluriCourts Investment Treaty Arbitration Database

#### F.1 “Top 25” women arbitrators in ISDS cases<sup>787</sup>

No.	Arbitrator	Nationality	Chair	Claimant appointee	Respondent appointee	Annulment committee	Total appointments
1	Brigitte Stern	France	4	1	109	1	115
2	Gabrielle Kaufmann-Kohler	Switzerland	43	17	2	1	64
3	Jean Kalicki	US	11	0	6	4	21
4	Laurence Boisson de Chazournes	Switzerland	0	2	13	0	15
5	Loretta Malintoppi	Italy	1	0	9	3	13
6	Teresa Cheng	Hong Kong	3	0	0	8	11
7	Yas Banifatemi	France	3	3	2	0	8
8	Anna Joubin-Bret	France	0	0	8	0	8
9	Lucy Reed	US	5	0	1	0	6
10	Vera van Houtte	Belgium	3	1	0	2	6
11	Lucinda Low	US	3	0	1	2	6
12	Joan Donoghue	US	2	1	0	2	5
13	Inka Hanefeld	Germany	2	0	1	2	5
14	Nina Vilkova	Russia	2	1	1	0	4
15	Sabine Konrad	Germany	2	1	1	0	4
16	Nayla Comair-Obeid	Egypt	2	0	0	1	3
17	Maja Stanivukovic	Serbia	0	0	3	0	3
18	Hélène Ruiz Fabri	France	0	0	3	0	3
19	Melanie van Leeuwen	Netherlands	1	1	0	0	2
20	Fern Smith	US	0	0	2	0	2

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787. The data are reproduced from Malcolm Langford, Daniel Behn, and Laura Létourneau-Tremblay, *Empirical Perspectives on Investment Arbitration: What Do We Know? Does it Matter?*, ISDS ACADEMIC FORUM WORKING GROUP 7 PAPER (March 15, 2019) in PLURI-COURTS INVESTMENT TREATY ARBITRATION DATABASE, PUBLICATIONS.

THE ICCA REPORTS

No.	Arbitrator	Nationality	Chair	Claimant appointee	Respondent appointee	Annulment committee	Total appointments
21	Antonias Dimolitsa	Greece	0	0	0	2	2
22	Teresa Giovannini	Switzerland	0	0	2	0	2
23	Carolyn Lamm	US	0	1	1	0	2
24	Judith Gill	UK	1	1	0	0	2
25	Mónica Pinto	Argentina	0	0	1	1	2

## APPENDIX G

### G.1 Average proportion of women arbitrator appointments, 1990-2021<sup>788</sup>

Year	% women arbitrator appointments	Data source (institution)
1990	1.0	Table E.1 (ICC)
1995	2.0	Table E.1 (ICC)
1998	1.5	Table E.1 (SCC)
2006	3.9	Table A.1 (ICSID)
2010	7.2	Table A.1 (ICC)
2011	7.5 <sup>789</sup>	Table A.1 (ICC) Table E.1 (LCIA, SCC)
2012	12.5 <sup>790</sup>	Table A.1 (ICC, ICSID, LCIA) Table E.1 (SCC)
2013	11.9 <sup>791</sup>	Table A.1 (DIS, ICC, ICSID, LCIA) Table E.1 (SCC)
2014	10.5	Table A.1 (DIS, ICC, ICSID, LCIA)
2015	12.6	Table A.1 (DIS, HKIAC, ICC, ICDR, ICSID, LCIA, SCC, Swiss Arbitration Centre, VIAC) Table B.1 (CAS, PCA)
2016	14.6	Table A.1 (CEPANI, DIS, HKIAC, ICC, ICDR, ICSID, LCIA, SCC, SIAC, Swiss Arbitration Centre, VIAC) Table B.1 (CAS, PCA)

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788. Other than where specified, the % data in this Table G.1 is calculated by aggregating all of the data from the institutions listed from Tables A.1 and B.1 (as applicable). For example, the figure of 26.1% for 2021 is calculated as follows: 26.1% = (aggregate total appointments of women arbitrators by CEPANI, CRCICA, DIS, HKIAC, IAC, ICAC, ICC, ICDR, ICSID, LCIA, MIAC, SCC, SIAC, and VIAC in 2021) / (aggregate total appointments by CEPANI, CRCICA, DIS, HKIAC, IAC, ICAC, ICC, ICDR, ICSID, LCIA, MIAC, SCC, SIAC, and VIAC in 2021).

789. 7.5% = [(% ICC data from Table A.1) + (% LCIA data from Table E.1) + (% SCC data from Table E.1)] / 3.

790. 12.5% = [(total appointments of women in ICC, ICSID and LCIA cases in Table A.1) / (total appointments in ICC, ICSID and LCIA cases in Table A.1)] + (% SCC data from Table E.1) / 2.

791. 11.9% = [(total appointments of women in DIS, ICC, ICSID and LCIA cases in Table A.1) / (total appointments in DIS, ICC, ICSID and LCIA cases in Table A.1)] + (% SCC data from Table E.1) / 2.

THE ICCA REPORTS

Year	% women arbitrator appointments	Data source (institution)
2017	19.7	Table A.1 (CEPANI, DIS, HKIAC, ICAC, ICC, ICDR, ICSID, LCIA, SCC, SIAC, Swiss Arbitration Centre, VIAC) Table B.1 (CAS, PCA)
2018	20.8	Table A.1 (CEPANI, DIS, HKIAC, ICAC, ICC, ICDR, ICSID, LCIA, SCC, SIAC, Swiss Arbitration Centre, VIAC) Table B.1 (CAS, PCA)
2019	22.8	Table A.1 (CEPANI, DIS, HKIAC, ICAC, ICC, ICDR, ICSID, LCIA, SCC, SIAC, Swiss Arbitration Centre, VIAC) Table B.1 (CAS, PCA)
2020	24.8	Table A.1 (CEPANI, CRCICA, DIS, HKIAC, IAC, ICAC, ICC, ICDR, ICSID, LCIA, MIAC, SCC, SIAC, Swiss Arbitration Centre, VIAC) Table B.1 (CAS, PCA)
2021	26.1	Table A.1 (CEPANI, CRCICA, DIS, HKIAC, IAC, ICAC, ICC, ICDR, ICSID, LCIA, MIAC, SCC, SIAC, VIAC) Table B.1 (PCA)

## APPENDIX H

### Best practice/initiatives

This Appendix captures activities and initiatives undertaken by members of the Task Force and other institutions for promoting gender diversity in the international arbitration community.

#### *H.1* Australian Centre for International Commercial Arbitration (ACICA)

*i.* **Number of women staff in lead positions:**

The Australian Centre for International Commercial Arbitration (ACICA) is led by a board of directors. Nine of 27 board members (33%) are women. Ten board members are also members of the Executive. Five of the 10 executive directors are women which means that ACICA has achieved gender parity on the Executive. The current ACICA President, Georgia Quick, two of the three Vice Presidents, Judith Levine and Gitanjali Bajaj, and the Secretary-General, Deborah Tomkinson, are women.

*ii.* **Women's initiatives:**

ACICA is a signatory to the ERA Pledge. ACICA is in the process of establishing a diversity and inclusion committee which it hopes to launch in 2022.

*iii.* **Training on unconscious bias:**

Whilst ACICA does not currently have any established or scheduled training on unconscious bias, it is interested in teaming up with ArbitralWomen to roll out the ArbitralWomen Diversity Toolkit™ seminar in Australia.

*iv.* **Mentoring for women practitioners & other inclusion initiatives:**

As mentioned under 'Women's Initiatives' above, ACICA intends to set up a diversity and inclusion committee this year. This committee will consider mentoring and inclusion initiatives for women practitioners.

*v.* **Publication on women practitioners and related statistics:**

In March 2021, ACICA, with the support of FTI Consulting, the WA Arbitration Initiative, Francis Burt Chambers and the Australian Bar Association, published the inaugural Australian Arbitration Report. This report presented the results of a survey on Australian-related arbitration proceedings from 2016 to 2019. This report found that, in Australia-related arbitration, tribunal members in

international arbitration were marginally more likely to be women compared with those in domestic arbitration. Secondly, tribunal members were more than twice as likely to be women if they were nominated by an institution rather than nominated by the parties. Notwithstanding that institution-appointed arbitrators are much more likely to be women, the proportion is still very small (less than 20% overall). More specifically, the results of the Australian Arbitration Survey show that, where parties indicated the gender of the arbitrator, less than 10% of arbitrators appointed were women: for international arbitrations, 92% of arbitrators were men and 8% were women; and for domestic arbitrations, 93% of arbitrators were men and 7% were women. When broken down to the Rules that applied to the arbitrations, in reported arbitrations under the ACICA Rules, 12% of tribunal members were women.

ACICA is in the process of compiling internal case statistics on tribunal appointments in arbitrations that proceed under the ACICA Arbitration Rules. Significant effort has been directed at improving diversity of appointments since the institution signed the ERA Pledge in 2016. E.g., over the last two years (2020 and 2021), approximately 20% of arbitrators appointed in ACICA cases have been women.

*vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**

ACICA makes a concerted effort towards diversity on its panels at events that it either hosts or co-sponsors. One of the key events on ACICA's calendar is the ACICA/CIArb Australia International Arbitration Conference which is held at the beginning of Australian Arbitration Week each year. At the 2021 ACICA/CIArb International Arbitration Conference, 46% of speakers were women (19 of 41). Of the ACICA and ACICA45 (ACICA's young members' group) webinars available on the ACICA website from the last 12 months, 10 of the 20 speakers listed (50%) are women.

*vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

As mentioned in the 'Female Staff in Lead Positions' above, 9 of 27 board members (33%) are female and five of the 10 executive directors (50%) are female. ACICA has a number of other committees and task forces constituted as follows:

*State Committees*

- Western Australia State Committee: 3 of 11 members (27%) are female.
- New South Wales State Committee: 3 of 10 members (30%) are female.
- Queensland State Committee: 3 of 10 members (30%) are female.
- South Australia State Committee: 3 of 10 members (30%) are female.

- Victorian State Committee: 5 of 11 members (45%) are female.
- Overall State Committee composition: 17 of 53 members (32%) are female.

*ACICA Council*

- 3 of 18 members (17%) are female.

*Practice & Procedures Board*

- 4 of 11 members (36%) are female.

*ACICA Users Council*

- 4 of 10 members (40%) are female.

*ACICA Judicial Liaison Committee*

- 4 of 16 members (25%) are female.

*ACICA Rules Committee*

- 4 of 13 members (31%) are female.

viii. **Use of gender-neutral terms in documents:**

ACICA recently published the ACICA Arbitration Rules 2021 which came into effect on 1 April 2021. Where possible, the ACICA Rules refer to ‘the arbitral tribunal’, rather than to ‘the arbitrator’ so as to reduce the need to use gendered pronouns. Where reference to ‘the arbitrator’ is necessary, the ACICA Rules refer to ‘he or she’. For example, article 13.3 provides: “*If within 30 days after the appointment of the second arbitrator the two arbitrators have not agreed to nominate for confirmation by ACICA the Chairperson, he or she shall be appointed by ACICA.*” As in this example, ACICA also adopts the use of ‘*Chairperson*’ and other gender-neutral language throughout the Rules and the website.

ix. **Networking opportunities for women practitioners:**

Due to COVID-19, ACICA has had limited opportunities for face-to-face networking functions in 2021 and 2022. In March 2022, ACICA facilitated “The Female Factor” workshop with Cortex Capital which looked at the science behind persuasive advocacy online, including specific factors relevant to female advocates. ACICA in-person functions are generally well attended by female practitioners. ACICA ran 24 events (virtually, hybrid or in person) from 1 July 2021 to 30 June 2022. In total, 1,689 registrations were recorded, and 658 of those registrations identify as female. This translates to 39% female representation. There was no noticeable correlation between whether the events were online or in person.



x. **Young practitioners' group:**

ACICA's Young Practitioners Group is ACICA45. A review of the ACICA45 membership shows that 120 of 280 registered members (43%) are female. Of the speakers at webinars organized and presented by ACICA45 over the last 12 months, 50% were female.

xi. **Coaching moot teams:**

ACICA is not involved in coaching moot teams.

## H.2 Burford Capital

i. **Number of women staff in lead positions:**

Our Chief Strategy Officer, Co-Chief Operating Officer, Chief Marketing Officer, Managing Director & Chief Innovation Officer, Chief Compliance Officer, Deputy General Counsel, Director of Global Public Policy and Managing Director-Litigation Finance IP are women. At year-end 2021, women represented 35% of our senior management (VP or above).<sup>792</sup>

ii. **Women's initiatives:**

The Equity Project: A groundbreaking initiative designed to close the gender gap in law by providing an economic incentive for change through an initial \$50 million capital pool earmarked for financing commercial litigation and arbitration matters led by women.

iii. **Mentoring for women practitioners & other inclusion initiatives:**

Employees are part of the InterLawConnect mentoring programme which is dedicated to supporting the career development of lawyers from all strands of diversity (LGBT+, Race & Ethnicity, Disability, Gender and Social Mobility).

iv. **Publication on women practitioners and related statistics:**

All senior members of Burford have their profile published on burfordcapital.com. As part of the Chambers submission process Burford supplies the proportion of male and female staff.

v. **Numbers of men and women panelists at events (incl. co-sponsored events):**

- 2021: 40 male speakers, 26 female speakers
- 2020: 91 male speakers, 65 female speakers

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792. . Burford Capital, 2021 Sustainability report, <<https://www.burfordcapital.com/media/2663/burford-capital-2021-sustainability-report.pdf>> (last accessed Aug. 18, 2022).

- vi.*     **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
Twelve.
- vii.*    **Use of gender-neutral terms in documents:**  
Yes.
- viii.*   **Networking opportunities for female practitioners:**  
Yes—Burford’s Equity Project LinkedIn group was created to share ideas and promote conversation around closing the gender gap in law. We share our latest updates and relevant articles around the initiative to help close the gender gap in law.
- ix.*     **Yearly internal women meeting**  
During IWD celebrations Burford holds an internal forum for discussion on gender equality in the business of law.
- x.*      **Young practitioners’ group:**  
No.
- xi.*     **Coaching moot teams:**  
No.

### *H.3* Belgian Centre for Arbitration and Mediation (CEPANI)

- i.*       **Number of women staff in lead positions:**  
One of the two Vice-Presidents is a woman, Prof. Maud Piers.  
The current Secretary General is a woman, Ms Emma Van Campenhoudt.  
The Appointments Committee of CEPANI is composed of three members: the President of CEPANI and two other members, one of which is a woman.
- ii.*     **Women’s initiatives:**  
CEPANI is a signatory to the ERA Pledge. CEPANI has recently created a Working Group on Diversity and Inclusion in charge of (among others) making suggestions of women’s initiatives.
- iii.*    **Training on unconscious bias:**  
Not yet.

- iv.* **Mentoring for women practitioners & other inclusion initiatives:**  
No mentoring program yet. As already mentioned, CEPANI has recently created a Working Group on Diversity and Inclusion in charge of (among others) making suggestions of inclusion initiatives. The last Board of Directors decided to place a policy statement on the home page of the CEPANI website and to create a permanent D&I standing committee to assist CEPANI in putting all suggestions and initiatives in practice. The many initiatives suggested will be set into practice by the end of this year at the latest.
- v.* **Publication on women practitioners and related statistics:**  
Yes, gender statistics since 2016 and age statistics since 2006 (in the CEPANI annual report).
- vi.* **Numbers of man and women panelists at events (incl. co-sponsored events):**  
There is no systematic rule, but CEPANI pays attention to having a significant number of women in all conference panels since the past five years.
- vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
Yes—in the Board, the Bureau, and the Academic Committee. Number of women in working groups varies between 1 and 9 depending on the size of the working groups (from 5 to 12 members).
- viii.* **Use of gender-neutral terms in documents:**  
It is the case in the English version of the rules, efforts must be made with the Dutch and French version. Article 6 paragraph 2 Vienna Rules states: “To the extent the terms used in the Vienna Rules refer to natural persons, the form chosen shall apply to all genders. In practice, the terms in these rules shall be used in a gender-specific manner.”
- ix.* **Networking opportunities for women practitioners:**  
No specific women related events in 2021 but support for various initiatives. VIAC organizes numerous live and online events that serve as networking opportunities for female and male practitioners alike.
- x.* **Young practitioners’ group:**  
Yes—CEPANI40. The two current co-chairs are women.

- xi.* **Coaching moot teams:**  
No but CEPANI has been supporting the Brussels Pre-Moot which took place from 2013 to 2019.

#### *H.4* German Arbitration Institute (DIS)

- i.* **Number of women staff in lead positions:**  
Two of three management positions (66.6 %) (2021).
- ii.* **Women’s initiatives:**  
The DIS-ERA Pledge Gender Champion Initiative (founded in 2019). DIS is signatory to the ERA Pledge.
- iii.* **Training on unconscious bias:**  
Currently not.
- iv.* **Mentoring for women practitioners & other inclusion initiatives:**  
DIS/DIS40 Mentoring Program (open to young female and male practitioners).
- v.* **Publication on women practitioners and related statistics:**  
DIS Statistics on female representation in arbitral appointments.
- vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**  
DIS-staff as Panelists at Events in 2021: 25 in total, out of which 14 were female (56%).
- vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
Yes, inter alia in the ICCA Cross Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings.
- viii.* **Use of gender-neutral terms in documents:**  
Not yet.
- ix.* **Networking opportunities for women practitioners:**  
Currently not.
- x.* **Young practitioners’ group:**  
DIS 40 (Initiative for young arbitrators).

- xi.* **Coaching moot teams:**  
Currently not.

## *H.5* Freshfields Bruckhaus Deringer LLP

- i.* **Number of women staff in lead positions:**

Across the arbitration practice: six female partners, including three Heads of Regions: Sylvia Noury QC—London; Noiana Marigo—US; and Erin Miller Rankin—MENA. Across the firm: in 2022 there are 112 (Partners, Consultants held out as Partners, Global Managing and Executive Directors) and this has risen from 102 in 2021.

- ii.* **Women’s initiatives:**

Equal Representation in Arbitration Pledge: Sylvia Noury QC, Head of International Arbitration in London, founded The Pledge in 2015. She currently co-chairs it with Justin D’Agostino of HSF, and previously with Samantha Bakstad of BP. This initiative sees members of the arbitration community committed to improve the profile and representation of women in international arbitration, to increase the number of female arbitrators on an equal opportunity basis, and to seek to achieve a fair representation of women. As of 20 June 2022, there were 5,071 signatories of The Pledge, including 978 signatures from organizations. The Pledge has several regional and other initiatives in which members of the firm have taken on leadership roles: Noiana Marigo co-chairs the LatAm Subcommittee, with Sofia Klot and Marta García Bel as secretaries; Sofia and Marta co-founded the Young Practitioners Subcommittee, with Marta currently acting as secretary; Amani Khalifa is co-chair and Stephanie Mbonu is secretary of the Africa Subcommittee; Sylvia Noury QC is co-chair and Ashley Jones is secretary of the Corporate Subcommittee; Ashley Jones is secretary of the Global Steering Committee; and Kate Apostolova is co-chair and Ewa Kondracka is secretary of the Asia Pacific Subcommittee. Briana Young of HSF is currently acting secretary of both the Global Steering Committee and Corporate Subcommittee while Ashley Jones is on maternity leave.

*EDGE (Every Day Gender Equality) commitment:* developed by our Women’s Network in London in collaboration with colleagues across the firm and aims to promote gender equality across the firm globally. The initiative aims to empower our people to take very practical, everyday actions in their working lives that will cause incremental, tangible changes that will in turn foster true equality. Individuals across the firm have signed up to EDGE (2000+ across the firm globally since launch), committing to 10 everyday actions.

Global Sponsorship Programme (GSP): for high performing mid/senior-level women associates globally. One-year programme of sponsorship, coaching and

learning and development opportunities, and over 100 women have taken part so far. Our 5th cohort took place in 2021. Of the 11 women promoted to partnership in 2021, four were graduates; and of the 10 women promoted to counsel, seven were graduates. We have just finished the 6th cohort with nominations for the 7th due to take place in autumn 2022. Of the 11 women who were promoted to partnership this year, seven were graduates; and of the 14 women who were promoted to counsel, six were graduates.

Moving Forward campaign: a project to bring together insights on the future of work 100 years after women were able to become lawyers in the UK.<sup>793</sup>

Women’s Networks: our employee-led groups are firm-wide in all the regions we operate in, providing an opportunity to network, offer skills-based sessions for our women, and enable them to develop their external network through events with clients.<sup>794</sup>

30% Club: we are committed to supporting wider change beyond the firm, and our work externally with the 30% Club demonstrates this as we are founding members in the UK, US, Hong Kong, and Italy.<sup>795</sup> We also participate in the 30% Club’s cross-firm mentoring scheme in the UK.

*iii.* **Training on unconscious bias:**

Global learning: in December 2021, we launched a global digital learning module offering an “introduction to diversity and inclusion.” The course is available to all colleagues and is now a mandatory course as part of each new joiner’s induction globally. The global diversity and inclusion team also run bespoke sessions for colleagues on topics including inclusive behaviours, allyship, microaggressions and affirmations, and unconscious bias.

*iv.* **Mentoring for women practitioners & other inclusion initiatives:**

Mentoring: our programme is led at varying levels across different offices, from practice groups to office-wide, or organized by our women’s networks.

Reverse mentoring: an opportunity for professionals from across the firm’s 15 employee networks, or anyone who identifies as being from an underrepresented group, to connect with a senior colleague, learn from each other, and share perspectives. We ran our 3rd cohort in 2021 which featured our largest cohort yet—with 52 pairs from 15 offices across all of our regions. In 2022 we are currently

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793. For more information, see <<http://www.freshfields.com/movingforward>> (last accessed Aug. 18, 2022).

794. You can see how we celebrated the 2021 International Women’s Day at <<https://www.freshfields.com/en-gb/about-us/responsible-business/diversity-and-inclusion/case-studies/what-defines-great-leaders/>>.

795. For more information, see <<https://30percentclub.org/>> (last accessed Aug. 18, 2022).

running our 4th cohort which sees 32 pairs taking part across all our five regions globally.

*Future Leaders program:* we launched our global pilot programme for Black and racially diverse colleagues in autumn of 2021. It provides high-quality, bespoke training interventions supporting our colleagues' development and focusing on building their career. Twenty-four junior/mid-level colleagues from across legal and business services took part from across the firm. We are currently reviewing its offering so we can tailor it to the feedback received, ahead of launching the second cohort.

*Parental policies:* we review on an on-going basis our maternity, paternity, and shared-parental leave offering across our offices to ensure we are supporting our people before, during, and after this critical time in their career. We have introduced and enhanced a number of policies in 2021 and 2022 in the UK: introduced new family-forming benefits in partnership with Carrot Fertility which is available to all UK colleagues (also available in the U.S. and MENA), covering all paths to parenthood; "New Parent Leave" increased to three months for all new parents (regardless of gender, with extended leave for carrying parents) and qualifying periods have been reduced, among other changes; and increased pregnancy loss support in partnership with UK-based charity Sands.

*Menopause policy:* we aim to break the taboo surrounding menopause and its impact on women in the workplace. In the UK, we are a signatory to the Menopause Workplace Pledge and in 2022 we introduced a UK policy supporting colleagues managing menopause at work.

*Creating a feedback culture:* regular feedback from our diverse professionals enables us to monitor and adapt our diversity and inclusion strategy. This feedback is gathered in a number of ways: internally through exit interviews; through our employee networks and our employee engagement survey; and via external surveys with organizations.

*Recognizing contributions:* as part of our commitments which we announced in March 2021, we have introduced a global approach for giving recognition to those who contribute time to D&I related work and have built it into all appraisals globally.

*Intersectional events:* hosted by our employee networks, these events explore the often-interwoven nature of race, gender, sexual orientation, social background and disability in our society. Examples include our Intersectional Book Club, Intersectional Film Festival, and a variety of "lunch and learn" sessions. Our mental health and disability networks hosted a joint panel event in 2021 during our UK offices' introduction of hybrid working and an agile working policy. For global Pride month in 2022, we have a particular focus on intersectionality, celebrating the diversity within the LGBTQ+ community. For example, we hosted Out

Leadership’s Out Women panel event, focusing on LGBTQ+ women in finance, and their Juneteenth event, focusing on Black and POC trans women.

*External partnerships:* we have joined Out Leadership, the global LGBTQ+ business network, and WeConnect International, who connect organizations to female-owned businesses.

v. **Publication on women practitioners and related statistics:**

All partners and counsel in the arbitration practice (and firm-wide) have their profile published on Freshfields.com. We submit information on the proportion of male and female practitioners to Chambers as part of the Chambers directory submissions process. We submit an annual report on the diversity of our UK-based employees. We also publish an external report to accompany this.<sup>796</sup>

We produce our UK pay gap report each year.<sup>797</sup> In addition to publishing our gender pay gap, we also choose to share our ethnicity pay gap. In 2021, we went further and shared our LGBTQ+ and disability pay gaps for the first time. Although the population size is small, we want to be transparent with our data to promote real change.

We launched global targets in relation to gender, ethnicity, and LGBTQ+ representation in 2021.<sup>798</sup> Recently in 2022, we published our inaugural Diversity and Inclusion Annual Report to highlight the progress we have made against our targets.<sup>799</sup>

We are proud to have achieved Mansfield Rule 4.0 in the U.S. in 2021, we are proud to be taking part again in 2022 in Mansfield Rule 5.0.<sup>800</sup> We are also part of a pilot in the UK with 12 other law firms seeking certification.<sup>801</sup> By participating in the rule, we have agreed to consider at least 30% women, lawyers of color, LGBTQ+ lawyers, and lawyers with disabilities for leadership and

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796. For more information, see <<https://view.pagetiger.com/Responsible-business/rb19>> (last accessed Aug. 18, 2022).

797. For more information, see <[https://www.freshfields.com/4958ba/globalassets/about-us/rb/report-pdfs/08603\\_bs\\_div\\_pay\\_gap\\_report\\_2021.pdf](https://www.freshfields.com/4958ba/globalassets/about-us/rb/report-pdfs/08603_bs_div_pay_gap_report_2021.pdf)> (last accessed Jun. 21, 2022).

798. For more information, see <[https://www.freshfields.us/news/2021/03/freshfields-launches-new-five-year-diversity-commitments-and-targets-6059/#:~:text=The%20new%20global%20targets%20for,or%20non%2Dbinary\)%20by%202023](https://www.freshfields.us/news/2021/03/freshfields-launches-new-five-year-diversity-commitments-and-targets-6059/#:~:text=The%20new%20global%20targets%20for,or%20non%2Dbinary)%20by%202023)> (last accessed Aug. 18, 2022).

799. For more information, see <<https://diversity-and-inclusion.freshfields.com/>> (last accessed, Jun. 17, 2022)

800. For more information, see <<https://www.diversitylab.com/pilot-projects/mansfield-rule-5-us-uk-canada/>> (last accessed Aug. 18, 2022).

801. For more information, see <<https://www.diversitylab.com/pilot-projects/mansfield-rule-5-us-uk-canada/>> (last accessed Aug. 18, 2022).



governance roles, partner promotions, formal client pitch opportunities, and senior lateral positions.

*vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**

Men: 37

Women: 30

Note: these figures are approximate numbers from the 12-month period from September 2020 to September 21 and only pertain to our arbitration practice

*vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

30: The following members of our global arbitration practice belong to at least one working group, task force, committee or board: Sylvia Noury QC, Noiana Marigo, Erin Miller Rankin, Kim Rosenberg, Caroline Richard, Natalia Zibibbo, Maria Julia Milesi, Amanda Neil, Amani Khalifa, Samantha Tan, Kate Apostolova, Vasuda Sinha, Brianna Gorence, Ketevan Betaneli, Ashley Jones, Sofia Klot, Ella Davies, Laura Lozano, Samantha Lord Hill, Sarah-Jane Fick, Rosario Galardi, Madeline Snider, Stuti Gadodia, Marta García Bel, Hinda Rabkin, Tala Fahoum, Daniela Cala Perez, Shannon O’Neill, Ewa Kondracka and Stephanie Mbonu.

*viii.* **Use of gender-neutral terms in documents:**

Yes.

*ix.* **Networking opportunities for women practitioners:**

Yes—including through our Women’s Network.

*x.* **Young practitioners’ group:**

Our Women’s network has a senior and junior version.

*xi.* **Coaching moot teams:**

Yes—our US, London, Moscow, Vienna, Hong Kong, and Frankfurt offices.

## *H.6* Hanotiau & van den Berg

*i.* **Number of women staff in lead positions:**

– Partners: 2 out of 8

– Counsel: 2 out of 2

– Administration/HR/Accounting: 3 out of 3

*ii.*     **Women’s initiatives:**

Various lawyers at the firm have signed the ERA Pledge.

Niuscha Bassiri is the ambassador for Arbitration Lunch Match in Brussels, and a member of German Female Lawyers Association.

Niuscha Bassiri, Iuliana Iancu, Emily Hay, Gladys Bagasin, and Iris Raynaud are members of ArbitralWomen.

Iuliana Iancu and Emily Hay are founding members of ARBinBRIEF, a practical video guide featuring conversations between female arbitrators, available as a resource on [www.arbinbrief.com](http://www.arbinbrief.com).

*iii.*     **Training on Unconscious Bias:**

HVDB supports the training of its associates on unconscious bias, including attendance at training on Virtual Advocacy and the Female Factor in collaboration with ERA Pledge.

*iv.*     **Mentoring for women practitioners & other inclusion initiatives:**

Niuscha Bassiri offers in-house mentoring for all associates (including female practitioners) informally as well as through organized career enhancement sessions.

Iuliana Iancu is a Mentor in the Young ITA Mentorship Program and was a Group Advisor in the Young ICCA Mentoring Program (2020-2021) and continues to offer informal mentoring to former female Young ITA mentees. Iuliana Iancu also co-founded the Young Romanian Arbitration Practitioners, a group which aims to raise the profile of young arbitration practitioners of Romanian nationality by organizing, inter alia, events with “sister” organizations of young arbitration practitioner groups in neighboring countries.

Emily Hay is Director of the Young ICCA Mentoring Program (2020-2022) and a Mentor in the ArbitralWomen Mentorship Program.

Gladys Bagasin is Vice-Chair for the Impact Program (Mentorship) of Racial Equality for Arbitration Lawyers and a Group Advisor in the Young ICCA Mentoring Program (2021-2022). She also acts as an informal mentor for several young female lawyers from the Philippines and Georgetown alumni.

Tarunima Vijra is a Mentor in the Young ITA Mentoring Program.

*v.*     **Publication on women practitioners and related statistics:**

All lawyers at the firm have a profile published on the firm’s website, as well as other public databases.

*vi.*     **Numbers of men and women panelists at events (incl. co-sponsored events):**

Gender diversity at or around 50/50 is a requirement for the participation and in the composition of panels for events.

- Recent examples of events organized or co-sponsored by the firm:
- Iuliana Iancu and Emily Hay were on the all-female Steering Committee and moderators for two ICC YAF Events (14 May 2021 and 18 January 2022): “Read Between the Lines. The Unwritten Rules of a Career in International Arbitration,” with 50% female panelists.
  - Iuliana Iancu organized an event for the Club Español de Arbitraje (25 February 2021) titled “Arbitration: an insurance policy. Insurance and insured claims in arbitration” with 45% female panelists.
  - Iuliana Iancu and Emily Hay co-organized an event for the Club Español de Arbitraje (21 February 2020): “Jurisdiction and Evidence in Sports Arbitration” with 40% female panelists.
- vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**
- Niuscha Bassiri is member of the CEPANI Diversity Working Group, International Board of the Finnish Arbitration Institution, Advisory Board of the Indian Review of International Arbitration, Appointing Committee of the German Institution of Arbitration (DIS), Advisory Board of CyberArb, Editorial Board of the Journal of International Arbitration, IBA Investment Arbitration Sub-Committee, IBA Rules and Guidelines Sub-Committee, CIAM Award Scrutiny Commission, ICC Commission on Arbitration, ICC Task Force Addressing Issues of Corruption in International Arbitration, ICC Task Force on Emergency Arbitrator Proceedings, ICC Institute of World Business Law, ICCA-IBA Joint Task Force on Data Protection in International Arbitration Proceedings, SIAC Users Council and a former Vice-President of the Belgian Chapter of Club Español de Arbitraje.
  - Iuliana Iancu is ICC YAF Representative for Europe and Russia, a member of the ICC Commission on Arbitration and ADR, the ICC Working Group on revising the ICC Commission Report on IT Issues in International Arbitration, a founding member of the Romanian Chapter of the Club Español de Arbitraje, Vice President of the Belgian Chapter of the Club Español de Arbitraje, a founding member of the Young Romanian Arbitration Practitioners.
  - Emily Hay is a member of the ICC Commission on Arbitration and ADR, the ICC Task Force Addressing Issues of Corruption in International Arbitration, ICCA-IBA Joint Task Force on Data Protection in International Arbitration Proceedings, Rapporteur to the ICCA Judiciary Committee, administrator of MetaverseLegal, and member of a Business at the OECD Anti-Corruption Committee.
  - Gladys Bagasin is the Assistant Secretary for the University of the Philippines Alumni Association of Washington DC/Maryland/Virginia.

*viii.* **Use of gender-neutral terms in documents:**

No.

*ix.* **Networking opportunities for women practitioners:**

Aside from informal internal networking opportunities, HVDB encourages all associates to pursue networking opportunities locally, regionally, and internationally in the arbitration community, both in person and online.

*x.* **Young practitioners' group:**

Iuliana Iancu leads regular meetings of the firm's young practitioners, at which associates make presentations and discuss topics of interest in international arbitration. Our young practitioners are active members of the international arbitration community and are involved in a variety of young practitioner groups such as Young ICCA, ICC YAF, CEPANI40, CEA-40, Colombian Very Young Arbitration Practitioners, Young ITA, Young Arbitral Women Practitioners, YIAG, and Young Romanian Arbitration Practitioners.

*xi.* **Coaching moot teams:**

Our associates are regularly involved in coaching moot teams, in particular for the Willem C. Vis International Commercial Arbitration Moot. Members of the firm also act as arbitrator for Vis Moot Pre-Moots and other moot competitions in Europe and Asia, including under the auspices of the ICC, Jessup, FDI, LCIA, and CIETAC.

## *H.7* Hong Kong International Arbitration Centre (HKIAC)

*i.* **Number of women staff in lead positions:**

As of 15 June 2022, four out of five lead positions at Secretariat (Secretary-General Sarah Grimmer, Deputy Secretary-General/Chief Representative Shanghai Office Dr. Ling Yang, Business Development Director Ms. Kirti Ladharam, Special Counsel Ms. Kiran Sanghera).

In 2020, four out of five lead positions at Secretariat (Secretary-General Sarah Grimmer, Deputy Secretary-General/Chief Representative Shanghai Office Dr. Ling Yang, Chief Representative Seoul Office Ms. Kellie Yi, Business Development Director Ms. Karen Tan).

*ii.* **Women's initiatives:**

Women in Arbitration (WIA) is an initiative established by HKIAC in 2018 committed to the promotion and success of female practitioners in international arbitration and related practice areas in China. A link to a report of the recent work of the WIA can be found at <<https://www.hkiac.org/women-arbitration-wia/2020-wia-annual-report>>. The WIA Committee, established in August 2020, is

responsible for shaping the policies and activities of the WIA to promote gender diversity in arbitration and related areas in China. The WIA Committee members are based in various locations to extend the reach of WIA's work. Apart from organizing events on how to get first appointment as an arbitrator and the future of female legal professionals, WIA also launched the WE GROW Mentorship and Coaching Programme in 2021.

WIA received 53 applications and kicked-off the programme with 10 mentees. HKIAC also signed the ERA Pledge in October 2016; HKIAC operates an internal policy of including at least one qualified female candidate on shortlists for appointment whenever possible. HKIAC has issued guidelines for organizations participating in Hong Kong Arbitration Week formalizing its approach to encouraging diversity. The guidelines encourage diversity at arbitration events, including gender diversity, amongst panel speakers. The guidelines have been adopted by HKIAC for all of its events and extend to events where HKIAC is the venue sponsor for events organized by other bodies. HKIAC has an internal policy where all male panels are not permitted at events it organizes or co-organizes.

- iii.*    **Training on unconscious bias:**  
No internal training; HKIAC hosts events on unconscious bias on occasion.
- iv.*     **Mentoring for women practitioners & other inclusion initiatives:**  
Yes, via Women in Arbitration.
- v.*      **Publication on women practitioners and related statistics:**  
Yes, through annual statistics published on HKIAC's website.<sup>802</sup> HKIAC maintains publicly accessible Panel and List of Arbitrators which as of June 1, 2022, respectively, contain profiles of approximately 82 out of 545 (15.0%) and 91 out of 339 (26.8%) female arbitrators.<sup>803</sup>
- vi.*     **Numbers of men and women panelists at events (incl. co-sponsored events):**  
Men: 134 in 2021 (46.4%)  
Women: 155 in 2021 (53.6%)  
Men: 133 in 2020 (44%)  
Women: 169 in 2020 (56%)

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802. For more information, see <<https://www.hkiac.org/about-us/statistics>> (last accessed Aug. 18, 2022).

803. For more information, see <<https://www.hkiac.org/arbitration/arbitrators/panel-and-list-of-arbitrators>> (last accessed Aug. 18, 2022).

- vii. **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
As at 1 June 2022, 7 out of 25 HKIAC Council Members; 3 out of 8 members of HKIAC Appointments Committee; 4 out of 9 members of HKIAC Proceedings Committee; 2 out of 6 members of HKIAC Finance & Administration Committee.
- viii. **Use of gender-neutral terms in documents:**  
Yes.
- ix. **Networking opportunities for women practitioners:**  
Yes, HKIAC regularly hosts networking events, e.g., (i) WIA+ Series: Female Uniqueness & Art; (ii) WIA+ Series: How to Get Your First Appointment as an Arbitrator; (iii) WIA+ Series: The Future of Female Legal Professionals; and (iv) Interactive Webinar Workshop—Virtual Advocacy and the Female Factor.
- x. **Young practitioners’ group:**  
HK45 (2021-2023 term), 1 out of 3 co-chairs women; 7 out of 11 members women. Overall: 43:57 male: female committee members. Examples of events in 2021:  
– Virtual Fireside Chats Series organized to showcase female leaders from different jurisdictions and backgrounds continued in 2021. HK45 members interviewed—five female leaders: Natalie Reid, Sapna Jhangiani QC, Yas Banifatemi, Adriana Braghetta and Yoshimi Ohara.  
– HK45 co-hosted a webinar with the Rising Arbitrators Initiative on the topic “The Rising Arbitrator’s Challenge: Navigating the Promise and Perils of Your First Appointments.” Three out of five speakers were female, and the webinar discussed, *inter alia*, gender diversity in first appointments.  
HK45 co-hosted a webinar with Women in Law Hong Kong (WILHK) on the topic “Empowering People to Progress Their Careers.” Six out of seven speakers were female, and they shared their experience and thoughts on how to empower each of us to overcome any stumbling blocks or hurdles in our careers, with a focus on arbitration and in-house careers.
- xi. **Coaching moot teams:**  
No formal HKIAC initiative.

## H.8 IBA Arbitration Committee

- i. **Number of women staff in lead positions:**
- 1 Co-Chair
  - 1 Senior Vice-Chair
  - 4 out of 8 Vice-Chairs

- 15 out of 31 officers
  
- ii.*    **Women’s initiatives:**  
The IBA Arbitration Committee has one Diversity and Inclusion Officer  
The IBA Arbitration Committee does not have any women’s initiatives but participate in several initiatives that aim at promoting gender diversity.
  
- iii.*    **Training on unconscious bias:**  
No.
  
- iv.*    **Mentoring for women practitioners & other inclusion initiatives:**
  - The IBA Arbitration Committee does not have any mentoring program
  - The IBA Arbitration has three groups dedicated to regional inclusion (i.e., Asia Pacific Arbitration Group; Africa Arbitration Group; and Eastern Europe Arbitration Group)The IBA Arbitration Committee has recently put in motion an initiative aiming at promoting cross-regional/cultural participation in all its projects.
  
- v.*     **Publication on women practitioners and related statistics:**  
The IBA Arbitration Committee strives to have nearly an equal number of female contributors to the IBA Arbitration News.
  
- vi.*    **Numbers of men and women panelists at events (incl. co-sponsored events):**  
The IBA Arbitration Committee strives to have nearly an equal number of female speakers in all its events.
  
- vii.*   **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**
  - 53% of the Subcommittee on IBA Arbitration Guidelines and Rules
  - 64.8% of the Recognition and Enforcement of Arbitral Awards Subcommittee
  - 52% of the Investment Arbitration Subcommittee
  - 50% of the IBA Arb40 Subcommittee
  - 40% of the International Commercial Arbitration Case Law Subcommittee
  - 54% of the ESG Arbitration Subcommittee
  - 45% of the In-house Counsel Group
  - 35% of the Arbitration News Working Group
  - 30% of the Insolvency and International Arbitration Working Group
  - 33% of Africa Arbitration Group

*viii.* **Use of gender-neutral terms in documents:**

Yes.

*ix.* **Networking opportunities for women practitioners:**

The IBA Arbitration Committee does not have organized women related events but has been supporting many events held by other initiatives around the world. Furthermore, the IBA has a committee fully dedicated to women’s participation in legal practice.

*x.* **Young practitioners’ group:**

IBA Arb40 subcommittee which is co-headed by one female officer.

*xi.* **Coaching moot teams:**

The IBA Arbitration Group does organizes coaching moot teams.

## *H.9* International Centre for Dispute Resolution (AAA-ICDR)

*i.* **Number of women staff in lead positions:**

The President and CEO and the Chair of the AAA-ICDR’s Council are both women. As of May 2022 approximately 40% of the Council members are women. More than 45% of AAA-ICDR executives are women as well.

*ii.* **Women’s initiatives:**

The AAA-ICDR’s ongoing commitment to promoting diversity and inclusion is demonstrated through activities of the following three groups:

- *AAA-ICDR Diversity & Inclusion Committee* is a long-standing staff committee that coordinates initiatives, promotes events, builds coalitions, and collaborates with firms and organizations to increase awareness on the benefits of diversity and inclusion in ADR.
- *Diversity & Inclusion Committee of the AAA-ICDR Council* provides advice and recommendations to the AAA-ICDR to increase diversity and inclusion of women, minorities, and other individuals and groups that historically have not been included in meaningful participation in the ADR field.
- *I.D.E.A.S. ERG* (Inclusion, Diversity, Equity, Acceptance, and Support Employee Resource Group) is the AAA-ICDR’s internal diversity initiative group that shares resources and opportunities for staff to build and strengthen cultural awareness, sensitivity, understanding, and unity in order to forge stronger connections with colleagues.

As part of AAA-ICDR’s mission to improve diversity and inclusion within the fields of arbitration and mediation, these are initiatives taking place which focus on diversity and inclusion in terms of gender and ethnicity:



- *AAA-ICDR Panelist Pipeline*: two significant programs reach up-and-coming diverse professionals and law students. The programs provide training to equip them with the tools to proceed to a career in ADR and the mentorship to encourage and guide them to do so. These programs are:
  - *The Higginbotham Fellows Program* offers an intensive, week-long training program for up-and-coming diverse ADR practitioners. Since inception in 2009, the Program has inducted 148 Fellows. Almost all Fellows who have applied have advanced to the Panel appointments, with a majority selected to serve on cases. Fellows come from the various states of the United States and other countries.
  - *Diversity Student ADR Summit*, launched in 2019 as the 1.5-day program for diverse law students provides an in-depth understanding of what it really takes to become a successful arbitrator and/or mediator.
- *Diverse Lists*: the AAA-ICDR has the ability with the assistance of its algorithms to provide arbitrator lists to the parties comprising at least 20% diverse panelists where parties’ arbitrator qualifications are met. In 2019, 93% of arbitrator lists were at least 20% diverse in terms of gender and/or ethnicity. In 2020 and in 2021, that number went up respectively to 94% and 95%.
- *Panel Recruitment*: Executives from each of the AAA’s divisions actively recruit women and minority candidates who meet the criteria established for the panels. In 2019, 38% of new panel members were women and/or minorities. In 2020, the AAA-ICDR efforts in this regard resulted in the increase to 51%. The proportion of women and minorities on the AAA’s roster has grown steadily from 23% in 2017 to 27% in 2020, and to 29% in 2021.
- *Diversity and Inclusion Partnerships*: The AAA-ICDR champions like-minded organizations in their diversity and inclusion efforts and builds coalitions with them providing information, education, and resources. For example, a partnership with National Association of Minority and Women Owned Law Firms (NAMWOLF), an involvement with National Bar Association or a support of American Bar Association Margaret Brent Awards. More information is at <https://www.adr.org/diversity-and-inclusion/outreach>.

The AAA-ICDR is signatory to the Equal Representation in Arbitration Pledge. Some AAA-ICDR staff also signed the pledge in their individual capacity.

*iii.* **Training on unconscious bias:**

To advance a greater level of comprehension of diversity and inclusion, the AAA-ICDR launched an important 12-hour curriculum in 2017 to provide staff an opportunity to understand and examine implicit bias, learn how to resolve diversity-related conflicts, and understand the organizational benefits of promoting a diverse and inclusive workplace that fosters collaboration and innovation. Approximately 50% of employees voluntarily enrolled in the program, and in 2018 the training

became required for all staff and executives. Since launching this initiative, AAA-ICDR staff have completed more than 2,000 cumulative hours of training related to diversity and inclusion.

In 2017, the AAA-ICDR Foundation provided a financial grant in support of ArbitralWomen’s Unconscious Bias Toolkit’s educational series and mentorship to promote equality, diversity, access to justice, and leadership opportunities for women.

In 2021, all Roster members were required to complete an Arbitrator Continuing Education program, offered free of charge, titled Impartiality: Do You Know Where Your Biases Are?

*iv.* **Mentoring for women practitioners & other inclusion initiatives:**

Up-and-coming diverse professionals who participate in the Higginbotham Fellows program are assigned a mentor at the conclusion of that program.

At the Diversity Student ADR Summit, law students learn about connecting with mentors in addition to how to gain relevant experience, network, and build a good reputation in the field.

As part of its inclusion outreach, the AAA-ICDR has contributed designated funding for diversity projects/programs to be funded by the AAA-ICDR Foundation for qualified grantees. More information about awarded grants is <<https://www.aaaicdrfoundation.org/grants>>. Through the AAA-ICDR donation, the Diversity Scholarship Fund has been established with the mission to encourage diversity and inclusion within the field of ADR by supporting the pursuit of knowledge and skill development through training experiences that encourage inclusive leadership growth in the field of ADR. In 2021 Scholarships totaled \$39,605. To apply, go to <<https://www.aaaicdrfoundation.org/diversity-scholarship-fund>>.

*v.* **Publication on women practitioners and related statistics:**

Selected statistics are published through Annual Reports. The AAA-ICDR regularly presents its diversity data to the Equal Representation in Arbitration Pledge.

*vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**

In 2019, 57% of speakers at the AAA-ICDR events were women or identified as diverse. We continue to ensure diversity among our speakers at the AAA-ICDR programs. More than 50% of the faculty who delivered these programs in 2021 were diverse.

*vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

Approximately 40% of the individuals on the AAA’s Board and the AAA-ICDR Council are women. Consideration is given to designating women to all related committees as well. 75% of new AAA-ICDR Council members for 2019 were diverse in terms of gender and ethnicity. In 2022, 100% of newly elected Council members were 100% diverse. 30% of the AAA-ICDR Foundation’s Board of Directors are women. 67% members of the Committee managing the AAA-ICDR’s internal diversity initiative I.D.E.A.S. ERG are women. Four out of six members of the ICDR Young and International’s Executive Board are women.

*viii.* **Use of gender-neutral terms in documents:**

Gender references in documents are either avoided or indicated as “he/him or she/her.”

*ix.* **Networking opportunities for women practitioners:**

The AAA-ICDR provides for networking, which is, formally or informally, part of various events that support diversity-related programs. Examples of such programs include co-sponsoring, organizing, hosting, providing speakers or funding, marketing, or otherwise supporting:

- ABA Commission on Women in the Profession: Margaret Brent Awards Luncheon
- ABA Diversity Committee Forum Arbitral Women Implicit Bias Tool Box Training
- ABA Litigation Sections Professional Success Summit for the Advancement of Racially and Ethnically Diverse Litigators
- ABA Mediation Week: The Importance of Selecting Diverse Neutrals
- ABA Women in Dispute Resolution Webinar
- ArbitralWomen
- Chinese American Bar Association
- Construction Institute’s Women Who Build Summit
- CORE Training for NAMWOLF Members
- Diversity Symposium New York Law School
- Getting Started in ADR: A How-To For Women Attorneys
- Haitian American Lawyers Association of New York and Marino Legal Entertainment Law Event
- Hispanic Bar Association regional events
- La Raza Lawyers of California–Central California Chapter Judicial Reception
- LGBT Bar Association Annual Meeting
- Minority Corporate Counsel Association Annual Conference
- NAMWOLF Annual Meeting

- National Association of Minority and Women Owned Law Firms
- National Bar Association Annual Conference
- National Asian Pacific American Bar Association Conference
- NYSBA Dispute Resolution Section Fall Meeting
- Women’s Construction Initiative Event—Good Foundations: Strategies for Self Advocacy
- Women in Construction Virtual Conference
- Women-Owned Law and New York Women’s Bar Association Event
- More information about the AAA-ICDR support of diversity-related events is <<https://www.adr.org/diversity-and-inclusion/outreach>>

x. **Young practitioners’ group:**

ICDR Young and International ICDR-Y&I. Over 2,800 ADR practitioners under 40 have the opportunity to attend Y&I free-of-charge networking and educational events globally. It provides networking opportunities and serves as a platform for young international professionals to voice their opinion on issues of commercial and public interest arbitration. In 2020-2021, to overcome challenges of COVID-19, the group’s discussions moved online. Thirty-nine educational events on important ADR topics including diversity and inclusion problems took place in a webinar format. To become Y&I Member, please visit <<https://www.icdr.org/young-and-international>>.

xi. **Coaching moot teams:**

Several members of the ICDR team have coached various moot teams. The AAA-ICDR hosts Practice Moot and Lecture Series since 2008. Nineteen law student teams from seven countries around the globe attended it in 2019. Despite the challenges of the pandemic the ICDR was able to continue the proud tradition of quality education and friendly competition and to hold the 14th Moot virtually in February of 2021. In all, 122 teams/universities from all over the globe applied to participate. Sixty teams from 25 countries selected to participate. The Moot was co-Hosted by ArbitralWomen.

## *H.10* International Centre for Settlement of Investment Disputes (ICSID)

i. **Number of women staff in lead positions:**

ICSID has a female Secretary-General, one (of two) female Deputy Secretaries General, and four (of six) female team leads. As a result, its leadership team has six females in a group of nine.

- ii.*     **Women’s initiatives:**  
ICSID has participated in various women’s initiatives, as have individual staff members. For example, the SG is on this task force, and on the WWA Latam and REAL advisory boards. ICSID has an internal practice of trying to suggest one or more female candidates when asked to suggest a ballot or list of potential arbitrators, and we track this in-house to ensure we meet the practice.
- iii.*     **Training on unconscious bias:**  
All ICSID staff have taken at least two modules of World Bank training on identifying and responding to unconscious bias, and further modules are available at no charge to staff. ICSID itself has had two “brainstorm” sessions on inclusion and diversity.
- iv.*     **Mentoring for women practitioners & other inclusion initiatives:**  
All staff in ICSID (male and female) are given a mentor when they first join the Centre. In addition, many staff act as mentors to younger professionals, including female practitioners.
- v.*      **Publication on women practitioners and related statistics:**  
ICSID tracks and publishes the number of female arbitrators appointed in cases and their appointing party. This is published bi-annually in our statistics report, along with statistics on regional diversity.
- vi.*     **Numbers of men and women panelists at events (incl. co-sponsored events):**  
In 2021 ICSID did over 150 presentations. Approximately 80% of these were presented by females in the group.
- vii.*    **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
Female ICSID staff, in particular our managers, are very active in legal professional groups, including the IBA, ASIL, ICCA, and others. In addition, a number of our female staff represent ICSID on World Bank committees and in working groups such as UNCITRAL working groups.
- viii.*   **Use of gender-neutral terms in documents:**  
ICSID publications follow gender neutral terminology. In addition, ICSID proposed gender neutral terminology in its rules amendment, and this has been discussed by member State delegates.

- ix.*     **Networking opportunities for women practitioners:**  
Prior to the pandemic, ICSID and Young ICSID hosted in-person events at least monthly, which included networking opportunities. This will resume once we can hold in-person events again. Since the pandemic, we hosted on average 1-2 events per week by remote means, many of which included networking opportunities at the end of the formal session.
- x.*       **Young practitioners’ group:**  
Young ICSID is the young practitioners group within ICSID. Young ICSID is headed by three female counsel from within the Centre, who organize and plan all relevant programming and publications over the year. They also liaise with other young practitioner groups and do joint programming.
- xi.*     **Coaching moot teams:**  
Two staff members coached moot teams in 2020.

## *H.11* International Chamber of Commerce International Court of Arbitration (ICC)

- i.*       **Number of women staff in lead positions:**  
32 female (and 15 male) in lead positions at ICC.
- ii.*     **Women’s initiatives:**  
Information was provided in last year’s ICCA report about a staff-driven initiative “World Business Women” (WBW). In 2020, like each year since its foundation in 2012, WBW organized an internal event on IWD. WBW also participated to the IWD campaign on social media.
- iii.*    **Training on unconscious bias:**  
None in 2020.
- iv.*     **Mentoring for women practitioners & other inclusion initiatives:**  
In terms of other inclusion initiatives, World Business Pride (WBP) was launched very recently. Gender and sexual identity is focal to the WBP mission and WBP is establishing alliances with existing groups, such as World Business Women (WBW). In the same vein of inclusion initiatives, ICC’s Governance Principles requires among others that all ICC structures indicate the composition of the membership in order to assess whether diversity is achieved, the terms of office of their members, whether multiple mandates is allowed, indicate the duration of a mandate, and provide also for succession planning rules to ensure a smooth transition between leadership position holders. The same is being gradually introduced

in other core documents, such as the amended Institute statutes which provide that in all matters pertaining to its organization and management, the Institute shall be guided by the principles of diversity and inclusion. Also, the Governance Principles require publicity of ICC working bodies on our website.

- v. **Publication on women practitioners and related statistics:**  
ICC annual statistical report includes gender statistics.
- vi. **Numbers of men and women panelists at events (incl. co-sponsored events):**  
No numbers available. However, ICC has been very active in the recent years in balancing gender representation on panels and has in general succeeded to do so.
- vii. **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
The Court is constituted of 96 men and 97 women. Both women and men are equally represented on the Bureau of the Court with 9 female vice presidents, and 8 male vice-presidents in addition to the president. The ICC Commission on Arbitration and ADR is chaired by a woman and 3 Vice Chairs out of 7 are women. The Commission's 2 Task Forces and 1 Working Group are chaired by 3 women and 2 men. The combined membership of the Commission and its Task Forces comprises 342 women and 814 men. The Commission's Secretariat is fully staffed by 2 women. The ICC ADR Centre is managed by a woman and recently appointed new members to the ADR Standing Committee bring the number of women to 6 out of 14 members. The president is a woman and 1 out of 3 vice presidents is a woman.
- viii. **Use of gender-neutral terms in documents:**  
Where applicable we use in our documents "he/she," "him/her."
- ix. **Networking opportunities for women practitioners:**  
None exclusively for women but ICC organizes numerous inclusive networking opportunities, including of course for women.
- x. **Young practitioners' group:**  
ICC YAF Representatives and head of chapters in various regions represent 44 women and 38 men.
- xi. **Coaching moot teams:**  
Some dispute resolution staff members coach in their personal capacity.

## *H.12* International Commercial Arbitration Court at the Ukrainian Chamber of Commerce (ICAC)

- i.* **Number of women staff in lead positions:**  
Three. This includes two ICAC Vice Presidents and the Secretary General of the ICAC.
- ii.* **Women’s initiatives:**  
Traditionally, ICAC demonstrates a very healthy proportion of women in its list, events, working groups as well as in lead positions. So, ICAC has no specialized initiatives, trainings or support programs.
- iii.* **Training on unconscious bias:**  
n/a.
- iv.* **Mentoring for women practitioners & other inclusion initiatives:**  
Traditionally, ICAC demonstrates a very healthy proportion of women in its list, events, working groups as well as in lead positions. So, ICAC has no specialized initiatives, trainings or support programs.
- v.* **Publication on women practitioners and related statistics:**  
ICAC gender policy statistics is being presented in the ICAC Annual Reports.
- vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**  
The ICAC traditionally hosts its annual arbitration conference—*The International Arbitration Readings*. In 2020 the Readings took place in a hybrid format—online and offline—featuring the total of 10 panelists, 50% of whom were female speakers.  
In 2020 the ICAC co-sponsored the *Ukrainian Arbitration Forum*. The total number of panelists at the Forum were 30, 40% of whom were females. There were two speakers on behalf of the ICAC, one of whom was a female speaker.
- vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
There were 31 women (25,4%) in the ICAC Recommendatory list of arbitrators; four women (40%) in the ICAC Presidium and four women (100%) in the ICAC Secretariat.  
In 2020 the ICAC established three Working groups. All mentioned groups are led by women. The Ist WG consists of three male members and two female members;



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the IIrd WG consists of three male members and three female members; the IIIrd WG consists of four male members and one female member.

- viii.* **Use of gender-neutral terms in documents:**  
Yes.
- ix.* **Networking opportunities for women practitioners:**  
ICAC strived to provide sufficient networking opportunities for female practitioners at national and international mixed gender events. The ICAC however does not hold specific female in arbitration focused events.
- x.* **Young practitioners' group:**  
n/a.
- xi.* **Coaching moot teams:**  
n/a.

### *H.13* International Council for Commercial Arbitration (ICCA)

- i.* **Number of women staff in lead positions:**
- 1 President
  - 1 Vice President
  - 19 Governing Board members
  - 1 Executive Director
  - 1 Deputy Executive Director
- ii.* **Women's initiatives:**  
ICCA adopted a Transition Plan in 2011 intended to renew membership of ICCA's Governing Board. As a result, between 2011 and 2022, membership of the Governing Board increased from 7% to 47% women.  
We created an "Inclusiveness Committee" in 2019 to examine issues of gender and other diversity, and ensure adequate participation of women and other historically under-represented groups in ICCA.  
The ICCA Governing Board adopted a Diversity and Inclusion Policy, Diversity and Inclusion Implementation Plan, and Non-Discrimination and Harassment Policy in May 2020.
- iii.* **Training on unconscious bias:**  
No.

- iv.* **Mentoring for women practitioners & other inclusion initiatives:**  
Young ICCA runs a structured Mentoring Program under the auspices of ICCA. A guiding principle of this Program is gender balance among mentees, which is consistently achieved.
- v.* **Publication on women practitioners and related statistics:**  
ICCA is striving to increase the number of female contributors to the ICCA International Handbook on Commercial Arbitration and the ICCA Yearbook Commercial Arbitration; we ensure that contributions to our membership publications reflect a gender balance.
- vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**  
ICCA has a policy of achieving gender equality in speakers at ICCA Congresses. At recent ICCA Congresses, the ratio of female to male speakers has been 45% to 55%.
- vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**
- 1 President
  - 1 Vice President
  - 19 Members of ICCA’s Governing Board (47% of total)
  - 9 [Co-]Chairs of ICCA Project Groups (64% of total)
  - 50% of Judiciary Committee
  - 47% of Task Force on Data Protection in International Arbitration
  - 29% of ICCA Guillermo Aguilar-Alvarez Memorial Prize Advisory Board
  - 56% of Working Group on Cybersecurity in International Arbitration
  - 59% of Task Force on Damages in International Arbitration
  - 40% of Working Group on African Arbitral Practice
  - 38% of Working Group on Chinese Arbitration Practice
- viii.* **Use of gender-neutral terms in documents:**  
Yes.
- ix.* **Networking opportunities for women practitioners:**  
No.
- x.* **Young practitioners’ group:**  
Young ICCA was launched in 2010. It currently has a membership of 11,591, of which 49% identify as female. It has three Co-Chairs, using a rotating system to ensure that a cycle of two male Co-Chairs and one female Co-Chair is always

followed by a cycle of two female Co-Chairs and one male Co-Chair, and vice versa.

- xi.* **Coaching moot teams:**  
No.

#### *H.14* London Court of International Arbitration (LCIA)

*i.* **Number of women staff in lead positions:**

In 2021 the LCIA had 39 staff (including three contractors). Nine women staff are in lead positions (out of 10 staff in leading positions)—These roles are the (i) Director General, (ii) Registrar, (iii) Deputy Registrar, (iv) Head of Membership and Events, (v) HR and Operations Manager, (vi) Accounts Office and Systems Development Manager, (vii) Financial Controller, (viii) Governance, Risk and Compliance Manager, and (ix) Strategic Project Manager.

*ii.* **Women’s initiatives:**

All LCIA Users’ Council led events include an element to encompass champion the importance of gender diversity as do the numerous presentations throughout the year to international law firms and companies.

*iii.* **Speaking Engagements:**

Clyde & Co Arbitration Tea Time with Jacomijn van Haersolte-van Hof

- Seventy-five delegates attended the one-hour session where Jackie was interviewed by Georg Scherpf (Clyde & Co) on the current challenges to institutional arbitration, online hearings, costs as well as her path to arbitration.

Harvard International Arbitration Law Students Association (HIALSA): 7th Harvard International Arbitration Conference

- Jackie was invited to be a keynote speaker to conduct the closing remarks for the Seventh Harvard International Arbitration Conference, on Saturday 6 March. The conference scheduled for March 5-6, 2021 focused upon Post-Pandemic Arbitration: Opportunities, Challenges and Transformations and the news article with Jackie’s transcript can be found at <<https://www.lcia.org/News/post-pandemic-arbitration-opportunities-challenges-and-transfo.aspx>>. HIALSA appreciated Jackie’s ‘tremendously insightful’ closing remarks, that not only summarised the conference but also explained much about the general state of arbitration in these unprecedented times.

King’s College London—Arbitration Practice Seminars

- Eliana Tornese (Registrar) was invited to speak at King’s College London by Dr Manuel Penades (Associate Professor in International Commercial Law & Independent Arbitrator, Dispute resolution consultant) in a session touching upon “The role of arbitration institutions in the conduct of arbitration proceedings.” There were up to 100 attendees in the session which covered the wide range of valuable actions through which an institution contributes toward the successful progression of arbitration proceedings. The aim was to explain the value that institutions bring to the process and why choosing institutional arbitration over non-institutional options is beneficial in many cases.

Presentation to Master students at Leiden University

- Eliana presented in a similar vein to the above King’s College event to around 20 students.

Presentation to students Universidad de Villanueva in Madrid

- A Counsel in the casework team presented in a similar vein to the above King’s College event to students.

Launch of the 5th Queen Mary University of London (QMUL) and White & Case International Arbitration Survey:

- Jackie spoke at the launch of the 2021 Survey, alongside Clare Connellan, Dipen Sabharwal QC and Abby Cohen Smutny as well as Professor Norah Gallagher, on arbitration trends from the institution’s perspective.

GAR Live: Energy Disputes 2021 conference

- Jackie was a “judge” virtually alongside Matt Gearing QC, Fountain Court Chambers, in the interactive session within the conference: GAR Live Debate. Junior practitioners (Charlie Morgan, Herbert Smith Freehills, Tolu Obamuroh, White & Case, and Hafsa Zayyan, Quinn Emanuel Urquhart & Sullivan) debated the motion: “This house believes that the days of the energy industry as IA’s major customer are numbered.” In Oxford Union style, the teams of debaters argued in favour of, or against, a motion. The judges then grilled the debaters on their stated positions before deliberating and delivering their verdicts.

Association of Young Arbitrators (AYA): African Arbitration Academy Supported Event

- Once again, the LCIA supported the AYA on the first day of the African Arbitration Academy along with Stephenson Harwood for a group of around 35 selected African young arbitrators.

- Wing Shek (Deputy Registrar) gave a presentation about the LCIA and focused on LCIA Casework facts, figures, and the Rules, with an interactive and engaging Q & A session with the participants at the end.
- Jackie was interviewed by Kamal Shah in a Q&A ‘fireside chat’ and answered questions that were sent into AYA in advance:
  1. Please tell us a bit about your background (childhood, academic and/or professional)?
  2. How did you get into international arbitration? How did you get your first brief and/or arbitration appointment?
  3. What key attributes, qualities and/or experiences have contributed to your rise to the top?
  4. In an increasingly competitive international market, what can young African practitioners do to stay competitive with their peers from other parts of the world?
  5. Can you please tell us a bit about your mentors and how they were helpful to you during your career? Conversely, as a mentor what advice(s) do you give to your mentee(s)?
  6. What plan(s) does LCIA have for promoting arbitrations seated in Africa and appointing African arbitrators generally – not just arbitrations in cases involving African parties?
  7. What plans do you have for involving and or appointing young African Arbitration practitioners in LCIA Arbitrations?
  8. How do we join the LCIA African User’s Council or participate in its activities? Does LCIA offer internship opportunities to young practitioners?

ERA & YPSC’s series “Push for Parity” season 2, supported by YIAG.

- YIAG supported the YPSC’s series of “Push for Parity” webinars in 2020 and participated in their first webinar. Given the success of the series, they decided to launch Season 2 to drill down on the practical skills needed to excel as an arbitrator at key moments in the proceeding. It included a three-part series covering how to handle (i) arbitrator interviews, (ii) deliberations, and (iii) writing the award.
  - Panel 1—Setting the stage: arbitrator interviews, conflicts and disclosures  
Speakers: 1/3 male / 2/3% female (2/4)
  - Panel 2—The art of deliberations: tips from behind the scenes  
Speakers: 100% female (5)
  - Panel 3—Drafting Effective Awards: Insights from Practice  
Speakers: 100% female (4)

*iv.* **Training on unconscious bias:**  
None in 2021.

- v. **Mentoring for women practitioners & other inclusion initiatives:**  
There are currently no formal programs but there are informal activities.
- vi. **Publication on women practitioners and related statistics:**  
The LCIA has produced statistics on gender diversity each year over the past decade, including most recently the Annual Casework Report 2021.
- vii. **Numbers of men and women panelists at events (incl. co-sponsored events):**
- LSE-LCIA Pre-Moot
- Volunteer Arbitrators: out of 144 arbitrators 64% male / 36% female (92/52)
- ‘Institutional Rules—Reflecting on the Latest Changes to Arbitration’—co-hosted with Norton Rose Fulbright (LIDW member-hosted event)
- Speakers: 20% male / 80% female (1/4)
- ‘Emerging markets and India—arbitration and mediation’—co-hosted with CEDR, Nishith Desai Associates and Norton Rose Fulbright (LIDW member-hosted event)
- Speakers: 40% male / 60% female (2/3)
- LCIA Live: Insights from the Institution (For Russian/CIS users & lawyers)
- Speakers: 2/3 male / 1/3 female (2/1)
- LCIA-CI Arb London Branch Annual Joint Seminar: update to the LCIA Rules one year on
- Speakers: 75% male / 25% female (3/1)
- Meet the LCIA African Users’ Council
- Speakers: 50% male / 50% female (3/3)
- Insights from the Institution—co-hosted by Signature Litigation
- Speakers: 50% male / 50% female (2/2)
- Meet the Latin American and Caribbean Users’ Council
- Speakers: 2/3 male / 1/3 female (4/2)
- Meet the European Users’ Council
- Speakers: 57% male / 43% female (4/3)

- viii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**
- Jacomijn van Haersolte-van Hof, is on the ICCA Cross Institutional Task Force on Gender Diversity, and the ERA Global Steering Committee
  - Wing Shek, Deputy Registrar, is on the ERA Young Practitioners Sub-Committee
  - There are female practitioners on the LCIA Court (16 out of 43 are female), LCIA Board (6 out of 16 are female), LCIA Users Councils (10 out of 30 are female), YIAG Co-Chairs (2 female and 2 male) and YIAG Regional Representatives (13 out of 25 are female)
- ix.* **Use of gender-neutral terms in documents:**  
The LCIA Rules refer to “him or her.” The LCIA recently changed its communication style to address correspondence to “Dear All” and avoid using gendered language unless the addressee has indicated a preference.
- x.* **Networking opportunities for women practitioners:**  
There were no formal networking events but there were informal activities.
- xi.* **Young practitioners’ group:**  
The Young International Arbitration Group (YIAG) is an LCIA sponsored association for practitioners, students and younger members of the arbitration community. YIAG aims to promote the understanding and use of international arbitration law and practice by providing opportunities for its members to exchange views on topical issues in international commercial arbitration. Currently, there are over 11,400 members from more than 143 countries. Membership is open to students, practitioners and younger members of the arbitration community. The upper age limit for membership, for which there is no subscription, is 40 years.  
The YIAG co-chairs are diverse (including gender parity).  
YIAG Webinar: ‘Managing stress in the international arbitration arena’
- Speakers: 57% male / 43% female (4/3)
- YIAG Tylney on Zoom
- Co-Chairs 50% male and 50% female
- YIAG Winter Social
- Attendance: 45 people including relatively senior and in-house lawyers
- xii.* **Coaching moot teams:**  
The LCIA runs the annual pre-moot in conjunction with LSE.

### *H.15* Skadden, Arps, Slate, Meagher & Flom LLP

*i.* **Number of women staff in lead positions:**

Skadden is deeply committed to the success of our women attorneys and recognizes that gender diversity offers a broad range of perspectives and enables us to best meet client needs. Supporting this concept at every level, our leadership reflects the very inclusion we seek to promote. Women comprise 37% of the attorneys serving on the Firm’s Policy Committee, its highest governing body, and approximately 25% of both Skadden’s office leaders and practice leaders. Globally, women account for 40% of the firm’s attorneys, approximately 25% of the firm’s partners, and 30% of the firm’s counsel. Skadden’s latest classes of new partners and new counsel were, respectively, 35% and 48% women. Also, Skadden’s International Litigation and Arbitration Group for the Americas is led by a women partner.

*ii.* **Women’s initiatives:**

Skadden’s Global Women’s Initiative Committee (“GWIC”) actively recommends, implements and monitors policies and initiatives that support the continued development and advancement of women attorneys. GWIC is comprised of 20 women and men partners located in offices across the U.S. and internationally, and its mission is to help the firm attract and develop a pipeline of successful women attorneys at all levels, enhance Skadden’s leadership standing in the legal community, and generate activities to deepen both internal and external relationships. Skadden has implemented several initiatives focused on advancing women attorneys, including:

- **Women’s Leadership Forum:** This program is offered to a small cohort of high-performing women senior associates and counsel. The program, introduced in 2013, is designed to provide leadership workshops, individual coaching, and peer support to accelerate professional development. The forum has been hosted in the U.S., European and Asian offices, with more recent cohorts connecting attorneys across offices and regions, made possible by offering programming virtually.
- **Women’s Midlevel Associates Conference:** First introduced in 2017, the conference focuses on cultivating a sense of community. The conference includes workshops, keynote conversations and panel presentations by Skadden partners, counsel, alumnae and external speakers, and small group discussions with peers on a wide variety of topics that are important to ongoing development and success at the Firm.
- **Career Sponsorship Program:** Launched in 2017, the Career Sponsorship Program provides a framework to help sponsors (partners) and protégés (associates and counsel, including women, attorneys of color and LGBTQ+)



attorneys) forge and sustain connections through client work and other interactions that impact each protégé's career progression. Protégés also have access to self-assessment tools and career planning as well as one-on-one coaching. Across the three cohorts of protégés who have participated in the program, 70% have been women.

Skadden also takes pride in its efforts to implement work-life policies and resources related to well-being. It is our hope that these internal support structures provide necessary tools for all of our attorneys, including our women attorneys, to thrive and be successful inside and outside of the workplace. Select policies that Skadden has implemented are listed below.

- Flexible Return Months (FRM): A program designed for new parents as they transition back to work after taking parental leave. This program allows for a more flexible work schedule as parents balance responsibilities at home and work.
- Mindful Return: Skadden makes a four-week online program available for new and expecting Skadden parents, which offers opportunities for community building, assistance through transition and childcare resources.
- Caregiver Pandemic Relief: Attorneys who are caregivers of children and other dependents have the ability to devise an individualized, structured and consistent schedule.

Skadden recognizes that excellence and diversity are inextricably intertwined. As such, we are always seeking to recruit, retain and promote a diverse group of attorneys and staff throughout the firm, and our progress in advancing gender diversity can be seen in external recognitions. In 2021, we were honored to receive the Women in Law Empowerment Forum's Gold Standard Certification for the eleventh consecutive year, and to be ranked by Seramount (formerly Working Mother Media) as one of the Best Law Firms for Women. While we have made strides in identifying opportunities to raise the profile of individual attorneys and opportunities to enhance our women's initiatives broadly, Skadden continues to drive efforts in the recruitment, retention and advancement of women at top ranks of the firm.

*iii.* **Training on unconscious bias:**

The firm provides annual DEI training that addresses implicit bias. Additionally, the Attorney Recruiting team has gone through interview training and worked with an outside consultant to combat implicit bias in hiring. To address implicit bias in recruitment, work allocation, performance reviews, mentoring and/or promotions, part of Skadden's global talent management strategy has included the application of an equity lens in evaluating firm processes and resources. In these efforts we have partnered with diversity, equity and inclusion experts to present resources and programming on unconscious bias and antiracism, and to also

advise on talent management best practices to achieve firmwide goals. The firm also provides an antiracism toolkit, a collection of resources designed to encourage members of the firm community to engage in continual learning, advocacy as allies and upstanders, and leadership with impact to promote a diverse, equitable and inclusive environment.

*iv.* **Mentoring for women practitioners & other inclusion initiatives:**

One initiative developed and implemented by the GWIC is the Women Partners Mentoring Groups. Based on feedback collected from recently promoted partners, the groups were formed to provide additional support during the transition and integration into partnership. Feedback suggested that we identify ways to increase support for new women partners navigating this crucial time through networking, skill-building and guidance, and in response, we piloted the mentoring groups in 2020. The groups meet virtually and in informal settings to strengthen their personal connections to one another and create a space for general conversations and questions about career development and navigating aspects of partnership.

In 2021, in an effort to create a more structured support network of peers, the GWIC introduced a new initiative, Counsel Connect. Counsel Connect groups were created to facilitate connectivity across our Counsel women globally, with the goal of building impactful relationships, creating opportunities for collaboration and idea sharing, and expanding peer networks. Each curated group is comprised of approximately six to seven women Counsel from across offices, practices and class years and they virtually meet to connect on career development and other general conversation.

In addition to the GWIC initiatives, associates are partnered with two mentors in their practice group and engage in a variety of activities to cultivate and deepen their relationship both inside and outside of the office. Midlevel and senior associates also conduct bimonthly trainings with junior associates to share techniques and best practices for legal writing, and strategies for developing their careers and navigating the firm. These sessions are exclusively for associates to create a space among peers where questions can be addressed in a collegial setting

*v.* **Publication on women practitioners and related statistics:**

Over one-third of the publications by Skadden attorneys that focus on the practice of International Litigation and Arbitration were authored or co-authored by women, including associates, counsel, and partners and contributors from Germany, the United Kingdom, and the United States. These publications include, but are not limited to, “GDPR Enforcement: A Changed Landscape” for PLC Magazine; “40 Under 40 International Arbitration” for Wolters Kluwer’s Law International; and “German Economy Threatens Wave Of Lawsuits” for Börsen-Zeitung.

In terms of press coverage, more than half of the 2021 publications on Skadden’s International Litigation and Arbitration practice discuss women attorneys, and more than a third of the different attorneys mentioned are women. These references again encompass women at various stages, including associates, counsel, and partners, and in different Skadden offices from across the globe. The outlets covering our women IA attorneys include, but are not limited to, ARTnews; British Virgin Islands International Arbitration Centre; Ciar Global; CIArb; Global Arbitration Review; Handelsblatt; and Law360.

vi. **Numbers of men and women panelists at events (incl. co-sponsored events):**

Women in Skadden’s International Arbitration (“IA”) group are often invited to share their expertise in external speaking engagements and to sit on panels hosted by outside organizations. External speaking engagements and panels featuring IA attorneys in 2021 include:

- International Council for Commercial Arbitration (ICCA) 2020 Congress
- 19th ICC Miami Conference on International Arbitration, organized by the International Chamber of Commerce and International Court of Arbitration
- India ADR Week 2021, organized by the Mumbai Centre for International Arbitration
- ABA Arbitration Skills Masterclass, organized by the ABA Section of International Law
- New York Arbitration Week, organized by the Chartered Institute of Arbitrators and New York International Arbitration Center
- GAR Interactive: BITs 2021, organized by the Global Arbitration Review
- USMCA Workshop: Implications and Compliance With a Focus on the Automotive and Energy Industry, organized by the Southwestern Institute for International and Comparative Law of The Center for American and International Law
- Introducing the IBA Arbitration Committee’s Toolkit on Insolvency and Arbitration, organized by the International Bar Association
- Practical Perspectives on Cross-Border Insolvency and Arbitration, organized by Paris Arbitration Week
- Arbitration & Insolvency: When Theory Meets Practice, organized by the Young International Arbitration Group; Institute for Transnational Arbitration (ITA); Center for Conciliation and Arbitration of the Chamber of Commerce

Our attorneys are also called upon to impart their knowledge to their Skadden colleagues at internal events. In 2021, our IA women attorneys presented on a number of topics including:

- Trends and Developments in M&A Disputes

- Key Developments in U.S. and International Arbitration in 2020
- The United States-Mexico-Canada Agreement: Six Months Later
- Impacts of COVID 19 on Complex Construction Projects: An On Site Perspective (co-hosted with BDO)
- Cross-Border Insolvency Webinar: When Insolvency Meets Arbitration: Addressing Disputes in the Context of Corporate Restructurings
- This Month in Intellectual Property: Updates on Interim Relief in IP Arbitration
- NYIAC Virtual Talks: Global Perspectives on the IBA Toolkit on Insolvency and Arbitration
- New ICC Rules—Changes and Implications.

*vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

IA women attorneys are members of and play important roles (including as chairs, advisors, officers and directors) in a number of working groups, task forces, committees, associations and boards, including the following organizations:

- American Arbitration Association
- American Branch of the International Law Association
- American Society of International Law
- Arbitral Women
- Arbitration Committee of the International Bar Association
- Arbitration International
- Canadian Arbitration Congress
- Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada
- Chamber of Conciliation
- Chartered Institute of Arbitrators
- Comitê Brasileiro de Arbitragem
- Council on Foreign Relations
- CPR International Committee on Arbitration
- DIS Advisory Board
- Dispute Resolution Committee of the American Bar Association
- ICC Arbitration Committee of the Canadian Chamber of Commerce
- ICC Commission on Arbitration and ADR
- ICC International Court of Arbitration
- ICC National Committee (Germany)
- ICCA Governing Board
- International Bar Association’s Arbitration Committee
- International Court of Arbitration of the International Chamber of Commerce
- International Institute for Conflict Prevention and Resolution
- JURIS Journal of Enforcement of Arbitration Awards

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- JUSTICE
- Korean Commercial Arbitration Board International’s Panel of International Arbitrators
- Mediation and Arbitration CIESP/FIESP
- New York City Bar Association
- New York International Arbitration Center
- Shanghai Arbitration Commission
- The Institute for Transnational Arbitration
- Working Group on Cybersecurity in International Arbitration, formed by the International Council for Commercial Arbitration
- Young Arbitrators Forum
- Young Canadian Arbitration Practitioners

Within Skadden, over one-third of the Firm’s committee members in the United States are women. A similar composition is reflected in the Firm’s Policy Committee, its highest governing body, where 37% of the serving attorneys are women.

*viii.* **Use of gender-neutral terms in documents:**

The Firm updated a number of communications and documents to be more inclusive and include gender-neutral language, including our mentor handbook and welcome letters.

*ix.* **Networking opportunities for women practitioners:**

U.S.-based associates in the Firm’s IA group were given the opportunity to travel to Europe to shadow different partners at hearings before the London Court of International Arbitration. They also attend the ASIL Annual Meeting in Washington, D.C. One of Skadden’s IA Partners co-chairs ASIL’s 2023 Annual Meeting and has involved associates in her planning to give them additional opportunities for exposure to colleagues in their field.

*x.* **Young practitioners’ group:**

Our affinity networks for attorneys facilitate relationship building and provide a forum for professional and leadership development. All play a key role in the firm’s attorney mentoring, career development, networking, workplace inclusion and social responsibility objectives.

Our 10 affinity networks are open to all attorneys who are interested in participating, including the Women’s Initiatives Network (WIN), a network designed to support the development of our women attorneys, offer a forum for its members to network with, mentor and sponsor other women attorneys within and across practices and offices and connect with women leaders both in and outside the Firm. The network encourages members to participate in recruiting activities, promote client outreach and business development programs, engage in pro bono

legal services and other philanthropic activities, identify professional development opportunities, and foster communication with firm leaders. Our affinity networks have hosted authors, activists, public officials, and media and entertainment figures such as:

- Glennon Doyle, activist and author of New York Times bestselling memoir *Untamed*
- Fatima Goss Graves, president and CEO of the National Women’s Law Center and a co-founder of the TIME’S UP Legal Defense Fund
- Heather McGhee, New York Times bestselling author of *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*
- Jocelyn Samuels, vice chair of the Equal Employment Opportunity Commission
- Esmeralda Santiago, producer, author of *When I Was Puerto Rican*, George Foster Peabody Award recipient and former actress
- Anna Malaika Tubbs, author of New York Times bestselling book *The Three Mothers: How the Mothers of Martin Luther King, Jr., Malcolm X, and James Baldwin Shaped a Nation*
- Elizabeth Weitzman, an award-winning author and film critic, in a discussion of how popular culture has reflected and redefined our views of women in law.

*xi.*     **Coaching moot teams:**

N/A

*H.16* Stockholm Chamber of Commerce (SCC)

*i.*     **Number of women staff in lead positions:**

All 10 staff except one is female. All lead positions are held by women.

*ii.*    **Women’s initiatives:**

Deep dive report on all appointments during 2015-2019 with a focus on gender and other diversity grounds. Participation in several seminars and events.

*iii.*   **Training on unconscious bias:**

One session with the team and one with the board to go through results of diversity report, conclusions, and actions.

*iv.*    **Mentoring for women practitioners & other inclusion initiatives:**

No formal event during 2020. Planned via SWAN for 2021. (SWAN = Swedish Women in Arbitration Network. SCC participates via board representation.)

- v. **Publication on women practitioners and related statistics:**  
Annual statistics. Specific gender report. <<https://sccinstitute.com/about-the-scc/news/2021/new-scc-report-temperature-check-on-diversity-in-arbitration/>>.
- vi. **Numbers of men and women panelists at events (incl. co-sponsored events):**  
Such statistics are not kept. However, the SCC strives to achieve gender balance on all of the events it sponsors or co-sponsors.
- vii. **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
The SCC strives to ensure gender balance in working groups and task forces, such as in its committee for rules revisions, policy development, etc.
- viii. **Use of gender-neutral terms in documents:**  
We don't use gendered terms in any formal documents. We have for instance actively exchanged Chairman for Chairperson and Skiljeman ("Arbitrator man") for skiljedomare ("arbitrator judge").
- ix. **Networking opportunities for women practitioners:**  
Last year was colored by COVID and most events were digital and open to all. We did co-organize a couple of webinars with SWAN which were focused on women, however.
- x. **Young practitioners' group:**  
A number of events organized together with YAS, young arbitrators Sweden.
- xi. **Coaching moot teams:**  
SCC staff has not coached any moot teams.

### *H.17* Three Crowns LLP

- i. **Number of women staff in lead positions:**  
Partners: 3 of 12 (25%)  
Counsel: 2 of 6 (33.3%)  
Business Support Heads: 1 of 5 (20%)
- ii. **Women's initiatives:**  
Partners Liz Snodgrass, Carmen Martinez Lopez, and Kathryn Khamsi lead a women's group at Three Crowns which includes all female fee-earners, legal support, and business service staff. Our pro bono work regularly focuses on issues

of gender equity. By way of example, we recently started work with an NGO on a report that is due to be submitted to a prominent international organization and is intended to address diversity issues in how appointments are made within this organization. The firm supports interested women lawyers' membership of ArbitralWomen, and one of our associates recently established a networking initiative with this group. The firm and numerous of its lawyers are signatories to the ERA Pledge, and one of our associates a member of the ERA Pledge Young Practitioners Subcommittee.

*iii.* **Mentoring for women practitioners & other inclusion initiatives:**

Mentoring is integral to the culture of the firm. In addition to extensive informal mentoring, in order to ensure equal access all associates are able to participate in formal mentoring schemes.

*iv.* **Publication on women practitioners and related statistics:**

Biographies for all associates are included on the Three Crowns website. Diversity statistics are provided on request, including in all legal directories. We recently undertook a pay equity review. All of our fee-earners are promoted on our website's news and insights section and through LinkedIn and our firm intranet for any activity that they have been involved in e.g. blogs, panel participants, and academic work. We complete the SRA survey every two years. We complete the ARS and U.S. Economic Census in Washington, DC.

*v.* **Female practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

We do not compile statistics on this metric, but anecdotally are aware that female lawyers actively participate in a variety of organizations internationally, including but not limited to: the American Society of International Law, the Spanish Arbitration Club, the Green Pledge, the ICC Task Force on Climate Change and Arbitration, Legal Response International, and the International Institute for Conflict Prevention & Resolution.

*vi.* **Use of gender-neutral terms in documents:**

Our policies and employment contracts are gender neutral, the exception being the maternity policy.

*vii.* **Coaching moot teams:**

Lawyers in all of our offices have been involved in assisting and coaching moot teams.



## *H.18* Vienna International Arbitral Centre (VIAC)

- i.*     **Number of women staff in lead positions:**  
Two (SG, Deputy SG); we have nine staff members out of which eight are female.
- ii.*    **Women’s initiatives:**  
We support Arbitral Women and are signatories to the ERA Pledge as well as local initiatives such as “Women in Law.”
- iii.*   **Training on unconscious bias:**  
No specific trainings offered in 2020.
- iv.*    **Mentoring for women practitioners & other inclusion initiatives:**  
Not institutionalized but done regularly as part of career planning for staff members.
- v.*     **Publication on women practitioners and related statistics:**  
Yes; in our annual reports as well as on our website in the statistics section.
- vi.*    **Numbers of men and women panelists at events (incl. co-sponsored events):**  
We strive to have a 50:50 ratio for our events but there are no detailed numbers.
- vii.*   **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**  
VIAC Board: 5 out of 15 are female  
VIAC International Advisory Board: 8 out of 30 are female  
Task Force Construction Arbitration: 20 out of 50 are female  
Task Force Private Clients: 6 out of 12 are female  
Task Force Investment Arbitration Rules: 5 out of 8 are female  
Task Force Commercial Rules Revision: 5 out of 8 are female  
Task Force VIAC Portal: 5 out of 8 are female
- viii.*   **Use of gender-neutral terms in documents:**  
Yes; e.g., we use the term “chairperson” in our rules instead of “chairman” and in our letters use gender neutral language.
- ix.*    **Networking opportunities for women practitioners:**  
No specific women related events in 2020 but support for various initiatives. Last year was colored by COVID and most events were digital and open to all. We did

co-organize a couple of webinars and made sure that in those gender parity was observed.

x. **Young practitioners' group:**

The Austrian Arbitration Association (ArbAUT) has a youngster group “Young Austrian Arbitration Practitioners” with which VIAC has close ties and organizes events frequently.<sup>804</sup>

xi. **Coaching moot teams:**

VIAC supports Austrian Vis Moot teams by arranging for visits at the Secretariat and participating in Austrian Pre-Moots.

### *H.19* White & Case LLP

i. **Number of women staff in lead positions:**

The representation of women in the partnership has increased from 12% at January 1, 2010 to 22% at June 30, 2022.

ii. **Women's initiatives:**

White & Case's partner-led Global Women's Initiative (GWI), is accountable to the Firm's Executive Committee, with annual objectives pursuant to our five-year Diversity and Inclusion Strategic Plan. The GWI encompasses all women lawyers at the firm—nearly 1,100 worldwide—and has a three-prong strategy:

- Working with our regional and global leaders to develop and implement talent management programs to promote the retention and advancement of women;
- Instituting and supporting local Women's Networks to offer professional and business development activities in our offices around the world, including partnering with a number of our global clients to conduct business-based professional development programs; and
- Driving competency and talent as the fundamental considerations for allocating opportunity, and for granting promotions and conversions, by mitigating potential for bias in processes and decision making systems.

The Initiative aims to achieve a meaningful increase in the percentage of women in partnership and leadership roles, reflecting a strong percentage of senior-level women retained.

Talent management is the centerpiece of the Global Women's Initiative. It is powerful for two reasons. It:

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804. For more information, see <<http://www.yaap.at/>> (last accessed Aug. 18, 2022).

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- Focuses the attention of our Regional Section Heads (the 19 partners heading White & Case’s regional sections—RSHs) on women with the potential to advance, and
- Delivers a clear and consistent message to women that they have this potential. The former goes a long way to getting women the opportunities and flexibility they need to stay on track and the latter is the most powerful tool we have to retain them.

The Firm operates several programs for ensuring a diverse pipeline of talented lawyers at all levels.

White & Case’s talent management reviews are carried out on a quarterly basis, reviewing the possible career outcome and progression of all women lawyers above mid-level associate. The relevant HR Manager, Regional COO, HR Director, and RSH meet to discuss career designations, pipeline, and headcount of their groups with a particular focus on diversity as well as talent management. This enables the Firm to track progression and have a long-term view of White & Case’s pipeline. We run structured, annual career conversations for senior associates globally. Each Senior Associate meets with either their HR Manager, a partner, or their RSH, to reflect on their performance ranking (i.e., greatly below, below, meets, above, greatly above). These data are then used to monitor promotion rates, work allocation, and retention.

Our Regional Section Heads and Business Services Leaders are required to address diversity specifically in their annual business plans. The business plans cover:

- current percentage and number of women lawyers in the section and anticipated changes in future years, including estimates as to the percentage and number of women to be put forward for promotion; and
- how the section can further the Firm’s goals to increase the number of women partners and of color partners, and improve its ability to attract, develop and support diversity within all levels of lawyers.

Regional Section Heads and Business Services Leaders are accountable to the Executive Committee for progress against stated action plan goals.

The Chair of the Global Women’s Initiative Committee, Chair of the Global Diversity Initiative Committee, a member of the Firm’s Executive Committee, and the Global Head of Diversity and Inclusion meet with each of RSHs annually, to review the performance of their individual women lawyers, and assess the depth and breadth of the Firm’s diverse partnership pipeline.

Semi-Annual Gender Diversity Scorecards tracking hiring, retention and advancement by gender across regional sections are produced and distributed to the Executive Committee, Regional Section Heads, and Global Practice Leads. Other gender data are also presented to Regional Section Heads on a regular basis, including utilization, work allocation, and retention data by gender.

All of the agencies on our preferred suppliers lists are mandated to provide gender-balanced shortlists when recruiting for all roles, including lateral partners, and where there may not be possible to share the reasons with us. This is a condition of working with our Firm.

For lateral legal hires, we are part of the OnRamp program, which is a returnship program for experienced women lawyers who have left the workforce for various reasons and are looking to return.

To help increase our gender diversity in our business services team, particularly Technology and Finance, we have partnered with FairyGodBoss, a career advice and job search site that focuses on women professionals. We are the first law firm to do so.

*iii.* **Unconscious bias training:**

The Firm provides diversity and inclusion education programs for all colleagues. In 2018, we conducted a global rollout of a mandatory unconscious bias education program, ‘Driving Innovation: Cultivating Engaged and Inclusive Teams.’ The interactive presentation featured acted scenarios addressing workplace issues, developed from interviews conducted globally with lawyers and staff across the Firm. In 2019, we launched a second unconscious bias and cultural competence training in a number of our U.S. offices and we launched inclusive leadership training and anti-racism training for all partners, all Business Services leaders and some senior associates in 2021. Within six months of our antiracism training and inclusive leadership training beginning, 73 percent of partners and 53 percent of associates had attended.

*iv.* **Mentoring for women practitioners & other inclusion initiatives:**

We run a market-leading global Coaching Program for the career progression of women lawyers. The program offers associates and counsel the opportunity to receive individual, executive coaching and participate in group-coaching sessions on topics chosen by those women. Participants are also able to choose a partner mentor to support them in applying what they have discussed with their coach to the Firm and their particular team, clients and opportunities as they wish. In 2022, 19 percent of women lawyers at the Firm are receiving coaching through this program.

Our Global Women’s Initiative Sponsorship Program runs over an 18-month period, pairing talented women lawyers with partner sponsors to support their career trajectory. Results from the pilot program showed that 80 percent of participants were on track for partnership at completion of their sponsorship. We launched the second cohort of the program in November 2020 – and they finished in June 2022, so we are currently analyzing results.

In 2021, we piloted our Women Partners' Forum, for women with between two and nine years of experience as contract partners. Participants heard from some of the top thinkers on law, business and academia, as well as successful White & Case partners. They also participated in group coaching sessions, where they discussed practical applications with fellow cohort members under the guidance of a professional coach.

The Senior Development Program helps participants create and refine their personal business development plans. Each participant is assigned a partner mentor, who meets with them bi-monthly or quarterly to support in refining and implementing their BD plan, and to help them to address any training and development needs they have identified. The mentor is asked to be mindful of any issues they indicate they experience as a woman, LGBT+, or person of color at the Firm, and adapt their approach accordingly. Aimed at progressing high performing associates on partner track, participants must be nominated.

We partner with Goldman Sachs on the Latitude Mentoring Program. Aimed at associates with three to six years' experience, the program helps mentees develop the skills, behaviors, and personal insights to help them achieve their career goals and fulfil their personal potential. Designed to nurture and retain diverse professionals within the broader legal sector, this mentoring initiative covers a range of areas including gender, disability, LGBT+, ethnicity, and social mobility.

In addition, as one of the finalist firms for Morgan Stanley's Leadership & Excellence in Inclusion and Diversity (LEID) Awards, White & Case has been invited to send associates to join Morgan Stanley's inaugural cohort program for Black and Hispanic/Latinx associates. This program is designed for associates from law firms to learn more about Morgan Stanley and its different business divisions, business practices, etc.

White & Case also provides free access to parental leave coaching through an expert provide; in addition, the firm has implemented an enhanced, gender-neutral Paid Parental Leave Policy across all its U.S. offices.

v. **Publication on women practitioners and related statistics:**

The biographies and experience of our female practitioners are published on the Firm website—[www.whitecase.com](http://www.whitecase.com). Our statistics are contained in external benchmarking activities and listings which include American Lawyer Diversity Scorecard, The Lawyer UK 200, Chambers directory and, in the UK, our gender pay gap reports.

We also regularly put forward our women lawyers and work towards supporting women for awards. We received:

- 2022 Women in Business Law Awards Americas: North East U.S. Law Firm of the Year

- 2022 Women in Business Law Awards Europe: Central European Firm of the Year, United Kingdom Firm of the Year, France Firm of the Year, Career Development—International Firm of the Year, Diverse Women Lawyers—International Firm of the Year, and Work-life Balance—International Firm of the Year
- 2021 Women in Business Law Awards Europe: Minority Women Lawyers—International Firm of the Year, International Pro Bono Firm of the Year, and Work-life Balance—International Firm of the Year
- 2020 winner of Facebook’s Law Firm Diversity Champion Award. Selected from among 40 firms considered, and evaluated on: staffing legal matters with women and of color lawyers, and giving those lawyers meaningful leadership opportunities; diversity programs and strategy; and diversity makeup of incoming partner class
- 2021, 2020 and 2019 Mansfield Rule Certification Plus from Diversity Lab, confirming that White & Case has “affirmatively considered at least 30 percent women, of color and LGBT+ attorneys for leadership and governance roles, equity partner promotions, and senior lateral positions” and that at least 30% of roles are currently held by individuals who identify as women, of color and / or LGBT+, following receiving 2018 Mansfield Rule Certification in its inaugural year
- 2020 Women in Law Empowerment Forum (WILEF) certification as a Gold Standard Firm in the U.S. and UK for the prior 12-month reporting period. We are one of 19 firms that qualified on every criterion in the US, and we are one of only five firms that qualified for both U.S. and UK certification
- 2020 Tipping the Scales from the Diversity & Flexibility Alliance, for having 50% or more women in our 2020 US-based new partner class

*vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**

We do not track this information.

*vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

Women make up:

- 38% of the Firm’s global management,
- 25% of the Executive Committee,
- 21% of our Regional Section Heads,
- 21% of our Global Practice Leaders, and
- 27% of our Office Executive Partners.

*viii.* **Use of gender-neutral terms in documents:**

Yes. Internally, our employment policies use “their” rather than “he” or “she” to ensure they are inclusive of all genders. We are currently in the process of reviewing all our precedents to ensure they are also gender neutral.

*ix.* **Networking opportunities for women practitioners:**

The grassroots activities of our local office Women’s Networks support the goals of our talent management program and facilitate women supporting each other. White & Case has 25 Women’s Networks around the world, with representation across 40 offices. The goals of these Networks include:

- Helping our women develop the knowledge, skills, and experience required for success at the Firm, including client management, business development, and leadership training;
- Providing exposure to role models (men and women) from both inside and outside the Firm;
- Providing opportunities to connect with our clients; and
- Fostering a sense of community among our women and heightening their connection with the Firm.

In addition to events run by our Local Women’s Networks, our offices sponsor or host events, including client and alumni events. In addition, prior to the COVID-19 pandemic, we began holding periodic videoconferences, which feature interviews, presentations and panel events led by women partners, women associates, outside experts, and clients. The events became much more accessible for those working flexibly, part-time, or away from the office, and meant that our colleagues in other regions could also attend.

*x.* **Young practitioners’ group:**

Some of our Local Women’s Networks run mentoring circles to support female practitioners early in their careers. We also sponsor a number of external organizations.

*xi.* **Coaching moot teams:**

Many of our partners and associates have participated as coaches and arbitrators in moot competitions over the years. White & Case is the Global Partner of the Philip C. Jessup International Law Moot Court Competition; it also is the sponsor of the Jessup International Rounds, as well as of local rounds in a dozen countries. In addition, White & Case is involved in the Willem C. Vis International Commercial Arbitration Moot, most recently hosting the Frankfurt Vis Prep Rounds and the Paris Vis Pre-Moot in the spring of 2022.

## *H.20 Women Way in Arbitration Latam (WWA Latam)*

*i.* **Number of women staff in lead positions:**

WWA Latam's Board of Directors is comprised of eight female members from Argentina (3), Uruguay (1), Chile (1), Colombia (1), United States (1) and México (1). During, 2022 two members of the board of directors will be replaced by representatives from Costa Rica and Panamá.

*ii.* **Women's initiatives:**

During 2022, WWA Latam is working on two main projects. The first is the creation of a Task Force on the impact of the Covid-19 pandemic on diversity in the region. The second is the creation of an Integration Working Group to include representatives of different gender, cultures, geographies, and disabilities, with a view to extending the work of WWA Latam beyond gender under representation in international arbitration to reach other causes of discrimination created by other forms of unconscious bias and/or actual or perceived disabilities.

*iii.* **Training on unconscious bias:**

At the end of 2021, WWA Latam co-organized and participated in a number of events that addressed from many perspectives the subject of unconscious bias. For example, we organized international mediation and arbitration event with UCEL University as part of the UNCITRAL LAC day in Latin America. During the event, members of UNCITRAL Secretariat discussed the legislative timeline in the drafting of the UNCITRAL framework on mediation and arbitration, including the UNCITRAL Transparency Standards. We also held a round table with academicians, coaches of moot court teams, arbitrators, and young legal practitioners discussing the importance of moot court competitions in the education of young lawyers on a career in international arbitration. This event raised awareness on the importance of educating students and young practitioners on mediation and arbitration and highlighted the need for achieving gender balance in the pool of counsel and arbitrator/mediators.

WWA Latam also co-organized with Arbitral Women and the ERA Pledge the diversity session with the ICC International Court of Arbitration in December 2021 at the Miami Conference. Together with the President of the ICC, Ms. Claudia Salomon, the panelists discussed various aspects of diversity challenges in international arbitration.

In February 2022, WWA Latam organized with Madrid International Arbitration Centre (CIAM) a webinar on Diversity in International Arbitration, where we addressed diversity as a motor for the promotion of arbitration in Ibero America.

In March 2022, for the IWD2022, WWA Latam launched the Integration + Campaign (#BetterTogether) under the main message that diversity adds value to



the whole practice and thus it is not a matter of interest of one or another group only. Therefore, it needs the commitment and the joint work of each and all.

In March 2022, WWA Latam participated in the JAMS Diversity Panel at the California International Arbitration Week (CIAW).

In May 2022, WWA Latam co-organized with ICC Panama in the context of the International Arbitration Conference ICC PANARB2022 a diversity workshop with two sections addressing the effect of gender roles and biases in international arbitration. The various panels exchanged hypotheses, experiences, and conclusions concerning ways to reduce the effects of gender biases in international arbitration.

In June 2022, WWA Latam provided institutional support to the *CEA Mujeres* event taking place within the XVI CEA International Congress, as part of the efforts made to create synergies among gender diversity organizations.

For August 2022, we are co-organizing together with the Panamá Bar a panel on Diversity and Construction, Energy and Mining Disputes, which will take place at the International Panama Advocacy Congress 2022.

**iv. Mentoring for women practitioners & other inclusion initiatives:**

WWA Latam routinely meets with WWA members who seek professional advice or want to propose activities with the association.

**v. Publication on women practitioners and related statistics:**

- Members of the Executive Committee participated as authors in the publication: Volumen 100 Biblioteca de Arbitraje del Estudio Mario Castillo Freyre—100 Arbitraje—“Arbitraje: La mujer en el Arbitraje,” Coordinadores: Laura Castro Zapata Mariela Güerinoni Romero Coordinadoras (Perú): “*Technology + Transparency: the key to success,*” by Verónica Sandler Obregón.
- The co-founders of WWA Latam were invited to contribute a chapter on gender diversity in arbitration for inclusion in the CAM Book 30th anniversary—Center of Arbitration and Mediation—Santiago, Chile.
- Members of WWA Latam participated as authors in the publication: Arbitration in Argentina, Kluwer Arbitration 2020, The Netherlands, “*Arbitration Agreement,*” by Verónica Sandler Obregón, “*Arbitrability of Substantive Disputes*” by María Inés Corrá; “*MERCOSUR Arbitration*” by Adriana Pucci; “*Human Rights and Foreign Investment Arbitration*” by Mónica Pinto (co-author).
- Members of the Executive Committee participated as author in the work “*La diversidad como objetivo en las organizaciones vinculadas al mercado legal. Situación, beneficios y desafíos*” [Diversity as a goal of the legal market organizations. Scenarios, benefits and challenges] at As Prácticas Organizacionais

de Diversidade e Inclusão. Cenário da America Latina,” Arraes, San Pablo, 2021, by María Inés Corrá (co-author).

*vi.* **Numbers of men and women panelists at events (incl. co-sponsored events):**

- WWA Latam’s policy is to propose gender-integrated panels.
- Generally, in the events organized or in which WWA participates, there is gender balance among panelists.

*vii.* **Women practitioners in working groups, task forces, committees, boards, on behalf of employer or in personal capacity:**

Executive Board (Current participation)

- Verónica Sandler Obregón (co-founder): Member of the Task Force on Disability Inclusion in International Arbitration, Member of the Board of Director of the Center of Arbitration and Mediation CEMA Argentina.
- María Inés Corrá (co-founder): President of ICC Arbitration Commission Argentina and member ex officio of the ICC Global Arbitration Commission; General Secretary and member of the Board of Latin American Arbitration Association (ALArb); member on behalf of WWA in the ICCA Cross Institutional Task Force in Arbitral Appointments and Proceedings; Diversity and Inclusion Officer of the IBA Public Law Committee.
- Sandra González (co-founder): Vice President, ICC Court of Arbitration, Vice President Chapter Rioplatense—CEA (Club Español del Arbitraje)
- Cecilia Azar, Vice President, ICC Court of Arbitration and Member of the Steering Committee of Racial Equality for Arbitration Lawyers (REAL)
- Macarena Letelier, Executive Director of Santiago Arbitration and Mediation Centre (CAM Santiago); Co-chair for Latham Global Steering Committee—ERA Pledge
- Irma Rivera: Mentor in CEA Mujeres
- María Inés Sola: President Investment and Commercial Committee—ICC Argentina

WWA Latam has several working groups, including: Women Arbitrators Group, Women Counsel Group, Women Expert Group, Young Women Practitioners Group and Networking & Events Group. All working groups are staffed by female members and are led by distinguished women practitioners in the field.

*viii.* **Use of gender-neutral terms in documents:**

- No policy in this regard. Our communications are primarily directed to and authored by women, all of whom are free to use Spanish, Portuguese, and English (the principal languages of the LATAM area) as each sees fit.

- WWA follows the usage rules in Spanish suggested by the Spanish Royal Academy on the use of inclusive language.

*ix.* **Networking opportunities for women practitioners:**

- At the end of 2022, WWA Latam plans to launch an international directory of Latin American women in arbitration. This directory will include member introductory videos, as well as resume information.
- In February 2022, WWA Latam executed an Institutional and Cooperation Agreement with Madrid International Arbitration Centre (CIAM) in order to foster gender diversity in arbitral appointments and improve geographic diversity in the international arbitration practice.
- In June of 2022 WWA Latam signed an Institutional Support Agreement with the Inter-American Commercial Arbitration Commission (CIAC) to promote at local chambers the development of gender-balanced lists of arbitrators.

*x.* **Young practitioners' group:**

- Event co-organized by WWA Latam and CEA -40 on “Arbitration by Default,” in which a practical workshop was held. The event was organized by the WWA Youth Group.
- Participation by the members of the WWA Youth Group as editors and contributors in the Bulletin ICC Miami Conference - Report for the ICC Bulletin—Workshop on Diversity 2021.

*xi.* **Coaching moot teams:**

WWA Latam supports what is arguably today the most important Spanish-language international commercial arbitration competition: the *Competencia Internacional de Arbitraje—CIArb* (ciarbitraje.org), as well as other international moot competitions, inviting female members to participate as arbitrators and female students as “mooties.” The 2021 data for the CIArb Competition shows that among 48% of invited arbitrators at the elimination rounds were male and 52% were female. The president of panel for the final hearings of the competition was also a female arbitrator.

# APPENDIX I

## Suggested checklist of data to be recorded by arbitral institutions

<b>1. Number of annual nominations/appointments</b>	
<i>Total number of men and women nominated or appointed</i>	
Number of women	
Number of men	
<b>2. Number of repeated nominations</b>	
<i>Total number of repeat appointments (men and women)</i>	
Number of repeat appointments for women and number of repeat appointments for each woman	
Number of repeat appointments for men and number of repeat appointments for each man	
<b>3. Role of arbitrators nominated</b>	
<i>Total number of men and women nominated as sole arbitrator</i>	
Number of women nominated as sole arbitrator	
Number of men nominated as sole arbitrator	
<i>Total number of men and women nominated as chair</i>	
Number of women nominated as chair	
Number of men nominated as chair	
<i>Total number of men and women nominated as co-arbitrator</i>	
Number of women nominated as co-arbitrator	
Number of men nominated as co-arbitrator	
<i>Total number of men and women nominated as emergency arbitrator</i>	
Number of women nominated as emergency arbitrator	
Number of men nominated as emergency arbitrator	
<b>4. Authority of designator of the arbitrators</b>	
<i>Total number of men and women nominated by the parties</i>	
Number of women nominated by the parties and in which role	
Number of men nominated by the parties and in which role	
<i>Total number of chairs nominated by co-arbitrators</i>	
Number of female chairs nominated by co-arbitrators	
Number of male chairs nominated by co-arbitrators	

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<i>Total number of sole/chair/co-arbitrator/emergency arbitrator nominated by the Institution</i>	
Number of women as sole/chair/co-arbitrator/emergency arbitrator nominated by the Institution, including repeated nominations	
Number of men as sole/chair/co-arbitrator/emergency arbitrator nominated by the Institution, including repeated nominations	
<b>5. Composition of Arbitral Tribunals</b>	
Number of tribunals with 1 or more women	

## APPENDIX J

### Checklist of potential opportunities to address gender diversity and tools to overcome bias

#### *J.1* Checklist of potential opportunities to address gender diversity

##### **Promote qualified women**

Encourage participants in the arbitral process to ensure that, wherever possible:

- Committees, governing bodies, and conference panels in the field of arbitration include a fair representation of women;
- Lists of potential arbitrators or tribunal chairs that are provided to or considered by parties, counsel, in-house counsel, or otherwise include a fair representation of female candidates;
- States, arbitral institutions, and national committees include a fair representation of female candidates on rosters and lists of potential arbitrator appointees, where possible;
- Where they have the power to do so, counsel, arbitrators, representatives of corporates, states, and arbitral institutions appoint a fair representation of female arbitrators;
- Gender statistics for appointments (split by party and other appointment) are collated and made publicly available; and
- Senior and experienced arbitration practitioners support, mentor/sponsor, and encourage women to pursue arbitrator appointments and otherwise enhance their profiles and practice.

##### **Find and consider qualified female candidates**

- Spend five minutes longer when drawing up a list of potential arbitrators to think of some suitably experienced women;
- Make use of various resources that list qualified female candidates and highlight their credentials, allowing users to identify names of candidates to consider when nominating or appointing arbitrators;<sup>811</sup> and

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811. Various resources are listed at Section IVA(iii) of the Report.

- Consider using “blind” CVs of potential candidates by removing any identifying information, to ensure that those who will select an arbitrator make a selection without any risk of bias.

### **Commit to do more**

- Make diversity a business decision and ensure that your firm reflects the diversity of your clients;
- Establish goals, benchmarks and time periods to reach those goals;
- Take inspiration from the Linda Gerstel “action-based checklist: Account, Awareness, Access, Ask, and Appoint”;<sup>812</sup>
- Take inspiration from the various initiatives provided in the Cross-Institutional Report on Gender Diversity in Arbitral Tribunals;<sup>813</sup>
- Take inspiration from the 10 Pledge Resolutions;<sup>814</sup>
- Establish mentoring programs for female lawyers and parenthood return programs;<sup>815</sup> and
- Report regularly about progress, achievements, and promotions. It is important to celebrate victories and inspire other stakeholders. It is likewise crucial to show progress and encourage younger generations to succeed. Reporting about promotions is equally essential to prove that change is possible and is happening.

### **Promote yourself**

- Be brave; be proactive; be patient; never give up;
- Apply to join rosters;
- Seek opportunities to contribute to working groups;
- Seek opportunities to speak at conferences;
- Publish on various topics and mainly in your area of expertise;
- Post on international listserves and on social media;
- Find a mentor or a sponsor;
- Show your availability to work any time;
- Stand out in a tangible area of law, or on the basis of unique skills such as languages or other specific know-how;

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812. Linda Gertsel’s checklist is discussed at Section IVB(ii)(c) of the Report.

813. *See generally*, Section IV of the Report.

814. For more information, see <[https://assets.website-files.com/58a4313f62641fda6d995826/5e15ccca274eec00dabbe1dc\\_08123\\_PG\\_DR\\_ERA%20pledge\\_2020.pdf](https://assets.website-files.com/58a4313f62641fda6d995826/5e15ccca274eec00dabbe1dc_08123_PG_DR_ERA%20pledge_2020.pdf)> (last accessed Aug. 18, 2022).

815. On mentoring, *see* Sections IIIA(ii) and IVD(iv) of the Report.

- Be visible, participate in events, workshops, webinars, cocktails;
- Be vocal and actively communicate your achievements;
- Develop your network;
- Keep your online profile up-to-date;
- Accept a limited number of small tasks or an administrative secretary task or a task of secretary to a working group—you will learn a lot;
- Deliver when you commit to a task and show that you are reliable; and
- Promote your colleagues who will promote you in turn.

## **J.2 Checklist of tools to overcome bias**

### **Explore available initiatives<sup>816</sup>**

- The ArbitralWomen Diversity Toolkit;
- Alliance for Equality in Dispute Resolution;
- Harvard Implicit Association Tests; and
- Training with psychologists specialized in implicit biases.

### **Become aware of your own biases**

- Call out and address unconscious or implicit bias when you see it;
- Organize training in your workplace;
- Prior to making a decision about a person or role, write down your reasoning and be aware of those reasons that may reflect personal biases;
- Solicit input from others and be open to diverse views on issues;
- Ask people to justify their decisions so that they are not driven solely by instinct; and
- Collect and analyze data to help keep track of decisions that may be influenced by unconscious bias.

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816. *See generally* Section IVA(iii) of the Report.





## APPENDIX K

### 2021/2022 Interview Questionnaire

1. Please describe your background (e.g. law firm / academia / government / institutional).
2. Where were you working when you had your first ‘break’ into acting as an arbitrator?
3. What were the factors that enabled you to obtain that first appointment?
4. Who were you appointed by? (Claimant, Respondent, institution, other?)
5. In retrospect, what were the career decisions or other opportunities that equipped you with the necessary experience and skills to be appointed to your first tribunal?
6. What were the challenges that you faced in obtaining that first appointment? How did you overcome them?
7. What are the opportunities and challenges relevant to securing subsequent appointments?
8. What is your advice to women who are qualified to practice as an arbitrator, but who are struggling to secure their first appointment or consistent appointments?
9. What is your advice to women who wish to become arbitrators, but who are looking to build the necessary experience and reputation?
10. Please provide us with any other thoughts or comments about the opportunities that women can exploit today in order to advance their careers in arbitration.



# Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings

## 2022 Update

This Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings (2022 Update) publishes statistics on the appointment of female arbitrators and identifies opportunities to promote gender diversity in international arbitration. The Report reflects extensive data from almost all major arbitral institutions and includes a survey of more than 70 women arbitrators.

The Report starts by noting the moral, economic and social imperatives to address gender discrimination, as well as the practical advantages of choosing from a broad pool of qualified arbitrator candidates. It then assesses the extent to which qualified women are being appointed as arbitrators, reviewing trends in data published by arbitral institutions. To better understand these trends, the Report considers the factors that require attention to increase gender diversity in arbitral tribunals and the senior ranks of international arbitration practitioners more generally. Finally, the Report highlights opportunities to promote gender diversity, compiling advice for those in the position of appointing arbitrators; qualified women seeking to promote their availability to act as arbitrators; less-experienced aspiring female arbitrators; employers in the position of nurturing and generating future female talent; and in-house counsel who recognize that it may be in their interests to have more diverse arbitrator panels.

We hope this Report will be used widely as a source of data on arbitral appointments, as well as by those who share our vision for a more diverse international arbitration community.

## The ICCA Reports No. 8



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**MARCIE DICKSON**  
FOUNDER & CEO



A respected and experienced business executive, Marcie Dickson is pursuing her vision to make alternative dispute resolution more transparent, inclusive, and diverse—by opening it up beyond the small club of insiders who dominate the industry. Leveraging nearly 20 years of business development experience—including as the only Black female Chief Marketing & Business Development Officer in ADR nationally and one of only a handful in the legal industry—Marcie now leads an experienced team and a prominent and diverse panel of neutrals at Alterity ADR.

Bloomberg Law, Forbes, The American Lawyer, Law360, and the American Bar Association have recognized Dickson’s work. She is a guest host of the ABA Dispute Resolution Section podcast, “Resolutions” and serves as a steering committee member of the Equal Representation in Arbitration Pledge (ERA) and Black In-House Counsel. Additionally, Dickson is an active member of several organizations, including the Atlanta International Arbitration Society, the National Association of Women Lawyers, the National Bar Association, the American Marketing Association, and the Legal Marketing Association (LMA). Marcie is an executive member of the Atlanta Business Chronicle Leadership Trust and Forbes Business Council and serves as an editorial advisory council member of Southern Lawyer and Harvard Business Review.

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## 5. Gender, race, or both? The need for greater consideration of intersectionality in international arbitration

**Kabir A.N. Duggal and Rekha Rangachari<sup>1</sup>**

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### 1. INTRODUCTION

It is common knowledge nowadays – or at least it should be – that international arbitration faces a diversity issue, as does most, if not all, of the corporate world. The issue of diversity takes varied forms in international arbitration. For example, there is a dearth of women in leading positions, insufficient consideration for people with disabilities, a taboo on conversations involving LGBTQ+ representation, English as the dominant language acting as a barrier to entry, and onwards. In international arbitration, arbitrator appointments are often reserved for the ‘westernized, white, old men’, or the proverbial ‘male, pale and stale’ – the prevailing status quo.<sup>2</sup>

Although there is increased awareness today, many scholars and panelists have addressed the lack of diversity in international arbitration, whether on

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<sup>1</sup> The views expressed herein are personal and do not reflect the views of NYIAC, Arnold & Porter, or its clients. The author reserves the right to change position particularly with a view towards increasing diversity. The authors also disclose that they are both involved in several of the diversity initiatives discussed in the article including ArbitralWomen, Equal Representation Pledge, Racial Equality for Arbitration Lawyers (REAL) among others. The authors acknowledge with gratitude the excellent research assistance by the following students from Columbia Law School: Elora Neto Godry Farias, Ankita Sangwan, and Cagatay Ersoy.

<sup>2</sup> Joseph Mamounas, ‘Does “Male, Pale, and Stale” Threaten the Legitimacy of International Arbitration? Perhaps, but There’s No Clear Path to Change’ (Kluwer Arbitration Blog, 10 April 2014) <<http://arbitrationblog.kluwerarbitration.com/2014/04/10/icca-2014-does-male-pale-and-stale-threaten-the-legitimacy-of-international-arbitration-perhaps-but-theres-no-clear-path-to-change/>> accessed 17 November 2021.

appointments or legal teams.<sup>3</sup> Arbitral institutions are in parallel playing a critical role to address the talent pipeline and build awareness around diversity. While these steps are welcome, an issue that merits further consideration is intersectionality: the combination of one or more diverse attributes (e.g., a woman of color who grapples with both gender and race issues).

Issues relating to diversity are complex and can involve several different dimensions in the context of international arbitration, including: (i) gender; (ii) race, ethnic, linguistic, or national origin; (iii) age; (iv) disability; (v) sexual orientation; (vi) socio-economic factors; and (vii) educational and professional background.<sup>4</sup> These diversity elements must then be considered under an intersectionality lens. We therefore focus this chapter on intersectionality, particularly gender and race, to tease out how we can incorporate intersectionality in the oft-cultivated diversity discussions now in session.

We begin by defining the terms ‘diversity’ and ‘inclusion’ (Section 2) and examine the current debate regarding gender, ethnic minority and racial representation (Section 3I). We then unwrap intersectionality and its corollary issues (Section 4) and present recommendations and efforts for integrating intersectionality into diversity and inclusion initiatives, through awareness and introduction of a ‘diversity matrix’ in workplace standards for hiring and promotion (Section 5). We conclude by appreciating that there is still much to do to move the diversity needle for future generations (Section 6).

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<sup>3</sup> See, e.g., Andrea K. Bjorklund, et al., ‘The Diversity Deficit in International Investment Arbitration’ (2020) 21 *J. World Inv. & Trade* 410 <<https://perma.cc/JKF4-5PH6>> accessed 6 October 2021; Susan D. Franck, et al., ‘The Diversity Challenge: Exploring the “Invisible College” of International Arbitration’ (2015) 53 *Colum. J. Transnational* 429; Ricardo Dalmaso Marques, ‘To Diversify or Not to Diversify. Report on the Session Who Are the Arbitrators’ in Albert J. van den Berg (ed.), *Legitimacy: Myths, Realities, Challenges* (Kluwer Law International 2015); Maria R. Volpe et al., ‘Barriers to Participation: Challenges Faced by Members of Underrepresented Racial and Ethnic Groups in Entering, Remaining, and Advancing in the ADR Field’ (2008) 35 *Fordham Urb. L.J.* 119, 139; Ingrid A. Müller, ‘Diversity and Lack Thereof Amongst International Arbitrators – Between Discrimination, Political Correctness and Representativeness’ (2015) *TDM* 4.

<sup>4</sup> Kabir Duggal and Amanda Lee, ‘A 360-degree, kaleidoscopic view of diversity and inclusion or the lack thereof in international arbitration’, *American Review of Int. Arb.* (forthcoming).

## 2. DIVERSITY AND INCLUSION IN INTERNATIONAL ARBITRATION

Our inquiry starts by broadly defining diversity, a ubiquitous term with many hues.<sup>5</sup> Anchored in simple terms, diversity is ‘variation’.<sup>6</sup> Variations or differences may be based on several factors including gender, race, age, sexual orientation, nationality, social and economic class, among others. Diversity emerges by identifying these differences in a particular field, group, or organization.<sup>7</sup> Allied in conversation with diversity, ‘inclusion’ presents another facet, distinct but within the same orbit. Andrés Tapia famously defined the distinction as ‘Diversity is the mix, inclusion is making the mix work’.<sup>8</sup> Mary-Frances Winters also discussed this distinction:

[D]iversity is about counting heads; inclusion is about making heads count. Another way to distinguish between diversity and inclusion is to define diversity as a noun describing a state and inclusion as a verb or action noun, in that to include requires action. Expanding on these ideas, I define inclusion as creating an environment that acknowledges, welcomes, and accepts different approaches, styles, perspectives, and experiences, so as to allow all to reach their potential and result in enhanced organizational success. Perhaps the most salient distinction between diversity and inclusion is that diversity can be mandated and legislated, while inclusion stems from voluntary actions.<sup>9</sup>

Inclusion is thus a way to create sustainable diversity. For international arbitration to thrive and maintain legitimacy, it must create avenues for diverse lawyers to succeed. Another layer to this debate is the recognition that diversity cannot be seen in simple categories but requires deeper and more thoughtful introspection. For example, discussions on arbitrators from the western world might ignore considerations of lawyers of color or other

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<sup>5</sup> Chris Taylor, ‘Diversity and inclusion’ (2020) 36(3) Parks Stewardship Forum 432.

<sup>6</sup> ‘Diversity’, Merriam-Webster <<https://www.merriam-webster.com/dictionary/diversity>> accessed 28 October 2021(‘the condition of having or being composed of differing elements: VARIETY’).

<sup>7</sup> Andrea K. Bjorklund, et al., ‘The Diversity Deficit in International Investment Arbitration’ (2020) 21 Journal of World Investment & Trade 410, 415 <<https://perma.cc/JKF4-5PH6>> accessed 6 October, 2021.

<sup>8</sup> Mary-Frances Winters, ‘From Diversity to Inclusion: An Inclusion Equation’, in Bernardo M. Ferdman and Barbara R. Deane (eds), *Diversity at Work: The Practice of Inclusion* (Jossey-Bass 2014).

<sup>9</sup> Ibid.

minority lawyers in the western world, inclusive of the challenges that they face. Professor Bjorklund noted:

People are multifaceted – and their unique attributes, especially in regard to differences in decision-making, cannot always be reduced to simple categories such as geographic region. Thus nationality, ethnicity, race, educational attainment and experience, legal training (common and/or civil law expertise, Islamic law expertise, etc.), age, work experience (government, private sector, or both of these), social and economic class, development status of the arbitrator’s home State, repeat appointments by either investors or host States, religion, disability, and language proficiency are other factors that can be used to signal and define diversity and inclusivity in adjudicative decision-making.<sup>10</sup>

We begin with the current debates surrounding diversity in international arbitration, focusing on gender and race. We also explore how the international community has risen to the challenge of including diversity as a chief topic of concern and attention, though much work is still needed to improve the system. When we see diversity from multiple lenses, intersectionality can come to the forefront – the different elements of an individual’s identity that can be discriminated against, and in turn lead to different and more acute kinds of discrimination – and allow for meaningful, all-knowing change.

### 3. CONSIDERING GENDER AND RACIAL REPRESENTATION IN INTERNATIONAL ARBITRATION

Before delving into the issue of intersectionality, let’s begin with an overview of issues surrounding gender and racial representation in international arbitration.

#### 3.1 Gender Representation in International Arbitration

The scarcity of women as international arbitrators is a systemic problem abutting principles of party autonomy and party choice in their decision maker. Stakeholders of international arbitration have taken efforts to address this lack of representation. For example, in 2015, the arbitration community adopted a pledge to act on the under-representation of women in international arbitra-

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<sup>10</sup> Andrea K. Bjorklund, et al., ‘The Diversity Deficit in International Investment Arbitration’ (2020) 21 *Journal of World Investment & Trade* 410, 420 <<https://perma.cc/JKF4-5PH6>> accessed 6 October 2021.

tion.<sup>11</sup> Since then, leading arbitral institutions annually publish data on gender representation in the appointment of arbitrators. This step has been a welcome metric on inclusion, providing visibility and tracking as the system evolves. For example, the data confirms that the number of female arbitrators has increased, albeit incrementally, over the past few decades.<sup>12</sup> Notwithstanding, we are still far from the goal of gender parity. For example, in analyzing data released by leading arbitral institutions, a leading international arbitrator, Professor Lucy Greenwood, concluded that female arbitrator appointments were less than 20% of the total number in 2016. Looking at more recent statistics from 2016 to 2019, there has been limited increase in the number of women arbitrators appointed to cases.<sup>13</sup> The London Court of International Arbitration's (LCIA's) 2017 data confirms 24% of the total appointments were women, a mere 3% increase from 2016.<sup>14</sup> While institutions are doing a commendable job in collecting and publishing data, international arbitration will only improve where more stakeholders embrace efforts to move the needle.

One of the main reasons for the 'pipeline leak'<sup>15</sup> is that arbitrators are usually senior professionals in the field – senior partners in leading law firms, well-known law school professors or scholars. Female representation in the upper echelons of these fields is still limited because women (and other minorities) face difficulties in sustaining and reaching the upper ranks in their fields. While a significant number of women and minorities join big law firms on graduation from law school, they leave their careers at different stages due

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<sup>11</sup> ArbitralWomen, 'Launch of the Equal Representation in Arbitration (ERA) Pledge' (Arbitralwomen.org, 30 May 2016) <<https://www.arbitralwomen.org/launch-of-the-equal-representation-in-arbitration-era-pledge/>> accessed 12 October 2021.

<sup>12</sup> Samaa A. F. Haridi, 'Towards Greater Gender and Ethnic Diversity in International Arbitration' (2015) 2 Bahrain Chamber for Dispute Resolution International Arbitration Review 305, 306 ('Comparing figures reported by the International Chamber of Commerce Court of International Arbitration ("ICC") in 1990 to estimated figures in commercial cases in 2012, the percent of female arbitrator appointments has increased by a staggering 700%. As a result of this remarkable increase, many representatives of the "old guard" in the field congratulate themselves on the well-achieved equality').

<sup>13</sup> ICCA, *Report of the Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings* (2020) ICCA Reports No.8 117–119 <[https://cdn.arbitration-icca.org/s3fs-public/document/media\\_document/ICCA-Report-8-Gender-Diversity\\_0.pdf](https://cdn.arbitration-icca.org/s3fs-public/document/media_document/ICCA-Report-8-Gender-Diversity_0.pdf)> accessed 6 October 2021; Kabir Duggal and Amanda Lee, 'A 360-degree, kaleidoscopic view of diversity and inclusion or the lack thereof in international arbitration', *American Review of Int. Arb.* (forthcoming).

<sup>14</sup> The London Court of International Arbitration, *Facts and Figures* (Casework Report, 2017).

<sup>15</sup> Samaa A. F. Haridi, 'Towards Greater Gender and Ethnic Diversity in International Arbitration' (2015) 2 Bahrain Chamber for Dispute Resolution International Arbitration Review 305, 312.

to a variety of reasons. A recent report from the National Association for Law Placement (NALP) reflects how the number of female partners in the United States has increased slowly, from 12.27% in 1993 to 24.17% in 2019.<sup>16</sup> But it is still difficult for women to reach the upper ranks of their fields, termed a ‘pipeline leak’ by commentators to highlight how inclusion practices at workplaces have not corrected the attrition rate of women leaving their careers.<sup>17</sup> Similar issues exist across transnational legal systems, where the representation of women in the upper ranks remains low.<sup>18</sup> The international arbitration community (and the legal profession) needs to look inward and give critical consideration to how we can create better structures for women to both enter the profession and rise through the ranks.

Another reason for the limited number of female arbitrators is the role of bias, conscious and unconscious. Parties tend to nominate arbitrators from a small, limited pool which emphasizes subjective bias through repeat appointments. As scholars have noted, international arbitration can be viewed as a ‘gated’ community – since the proceedings are often confidential, there is limited access to information and consequently fewer networking opportunities.<sup>19</sup> Business often happens behind closed doors, making it difficult for women and other minorities to penetrate this wall.<sup>20</sup> Moreover, there is a tendency for outside counsel to hire from the ‘old boys network’, selecting those similar to themselves. Along this line of reasoning, if counsel and arbitration teams are predominantly men, it is not surprising that men are predominantly

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<sup>16</sup> National Association for Law Placement, ‘2019 Report on Diversity in U.S. Law firms’ (Nalp.org, 2019) <[https://www.nalp.org/uploads/2019\\_DiversityReport.pdf](https://www.nalp.org/uploads/2019_DiversityReport.pdf)> accessed 17 November 2021.

<sup>17</sup> Samaa A. F. Haridi, ‘Towards Greater Gender and Ethnic Diversity in International Arbitration’ (2015) 2 Bahrain Chamber for Dispute Resolution International Arbitration Review 305, 312.

<sup>18</sup> Andrea de Palatis, ‘The battle for diversity is far from won’ (Legal 500) <<https://www.legal500.com/fivehundred-magazine/diversity-and-inclusion/the-battle-for-diversity-is-far-from-won/>> accessed 17 November 2021.

<sup>19</sup> Maria R. Volpe et al., ‘Barriers to Participation: Challenges Faced by Members of Underrepresented Racial and Ethnic Groups in Entering, Remaining, and Advancing in the ADR Field’ (2008) 35 Fordham Urban Law Journal 119, 139 (‘ADR is perceived as a “gated” community. The field seems closed to outsiders since many ADR activities occur behind closed doors, and it is hard to see what is going on inside. Because of the barriers related to career paths and access to information about the field, the walls around the field seem impenetrable for all, and especially for young individuals in underrepresented racial and ethnic groups who might be interested in pursuing a career in the field’).

<sup>20</sup> Ibid.

nominated as arbitrators.<sup>21</sup> There may be no malice or ill will in such reflexive, gut instincts, but it demonstrates the need to be aware of unconscious bias throughout the arbitral process if the system is to improve.

### 3.2 Racial Representation and Ethnic Minorities in International Arbitration

Like gender, lack of racial representation is another serious issue in international arbitration. Unlike gender, however, arbitral institutions do not often release data on racial representation in arbitration appointments, instead focusing, if at all, on nationality. Racial representation has two dimensions: first, most arbitrators tend to come from certain western countries, and second, there are countries that have multiple ethnic and racial minorities that are often not identified separately. Racial representation requires conscious consideration of both factors.

In a recent survey by Queen Mary University of London and White & Case, respondents noted their disappointment with a lack of progress in ethnic diversity and stated that more opportunities are needed for growth that provides a level playing field and greater visibility.<sup>22</sup>

While the same tensions that exist for gender exist within the race context (e.g., pipeline issues and bias), many leading arbitral institutions headquartered in Europe focus resources on administering a broad range of arbitral disputes across target regions including Africa and Asia.<sup>23</sup> In parallel, international arbi-

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<sup>21</sup> Samaa A. F. Haridi, 'Towards Greater Gender and Ethnic Diversity in International Arbitration' (2015) 2 Bahrain Chamber for Dispute Resolution International Arbitration Review 305, 314 ('The appointment process also permits subconscious bias to influence who becomes an arbitrator. For example, many acknowledge the existence of an "old boys club", and the tendency of outside counsel is to appoint arbitrators who are similar to them. If the makeup of the top arbitration teams is 89% male, it is hardly surprising that male arbitrators are predominantly selected').

<sup>22</sup> White & Case, '2021 International Arbitration Survey: Adapting arbitration to a changing world' (White and Case, 2021) <<https://www.whitecase.com/sites/default/files/2021-06/qmul-international-arbitration-survey-2021-web-single-final-v2.pdf>> accessed 17 November 2021 ('Ethnic diversity, in particular, continues to be an area where respondents feel there is a distinct need for improvement. As in our 2018 survey, the statement that recent progress has been made in relation to ethnic diversity had the least agreement among the five listed aspects of diversity, with only 31% of respondents agreeing. Some interviewees expressed their frustration and dismay at the lack of progress in this area. One perception was that, unless there is a level playing field in terms of opportunities for engagement and visibility within the arbitration community, it is difficult to see how greater diversity can be achieved in arbitral appointments').

<sup>23</sup> Andrew Mizner, 'African Adversity in International Arbitration' (ICLG, 21 February 2018) <<https://iclg.com/alb/7968-african-adversity-in-international-arbitration>> accessed 17 November 2021.



tration is at a turning point with the rise of local and regional arbitral centers supported by their governments (e.g., the Mauritius International Arbitration Centre).<sup>24</sup> Government-supported dispute resolution programs are also vying to gain popularity and expand the visibility of their centers – to bolster a local venue for international arbitration (e.g., in Kenya and Rwanda).<sup>25</sup> Other organizations have passed policies to spotlight leading talent in regions and demonstrate the under-representation of arbitrators akin to ‘African Promise’.<sup>26</sup>

To continue building meaningful progress, the international arbitration community needs to focus on collecting research that accurately differentiates between geography and race in parallel with identifying pathways for diversity and inclusion initiatives to endure, succeed and change the international law landscape for the better.

#### 4. A NEW FRONTIER IN INTERNATIONAL ARBITRATION: THE ISSUE OF INTERSECTIONALITY IN INTERNATIONAL ARBITRATION

This section addresses the concept of intersectionality and the issues encountered by people with multiple aspects of diversity. These terms are then aligned to the larger diversity issues in international arbitration.

To illustrate the need for conversations about intersectionality, NALP published a 2019 report on diversity in US law firms. We saw from those numbers that some progress has been made regarding female representation in law firms. But the report acutely focused on women as partners in law firms – representing 12.27% in 1993 – and omitting any mention of women of color as partners. The 2019 statistics demonstrate growth of female practitioners, 24.17% of female partners with 46.77% female associates. In contrast, only 3.45% of these partners and only 14.48% of these associates were women of

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<sup>24</sup> Ibid.

<sup>25</sup> Herbert Smith Freehills, ‘Commercial Arbitration in Africa: Present and Future’ (Herbert Smith Freehills, 1 February 2017) <<https://www.herbertsmithfreehills.com/latest-thinking/commercial-arbitration-in-africa-present-and-future>> accessed 17 November 2021.

<sup>26</sup> Jack Ballantyne, ‘African Promise aims to promote diversity on tribunals’ (Global Arbitration Review, 8 October 2019) <<https://globalarbitrationreview.com/diversity/african-promise-aims-promote-diversity-tribunals>> accessed 17 November 2021 (‘The “African Promise”, which was launched last month, asks signatories to commit to improving the profile and representation of African arbitrators, especially in arbitrations connected to Africa. Its authors believe Africans be appointed as arbitrators on an equal opportunity basis’).

color. ‘Intersectionality’ exists at the annulus, demonstrative in the attorney who is both female and of color, a hyphenated identity.

In international arbitration, this lack of representation and limited accounting looks similar, amplifying issues present in domestic contexts with international power structures. Consider these questions: Are women arbitrators being hired from only western countries? Are the women arbitrators mostly white? Where are the women arbitrators of color? These questions and resulting lack of representation can be extended to LGBTQ+ women of color, LGBTQ+ men of color, disabled lawyers who are non-native English speakers, and the like – categories of intersectional diversity broadly defined.

#### 4.1 What is ‘Intersectionality’?

In 1989, Professor Kimberlé Crenshaw coined the term ‘intersectionality’ in her work entitled ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Policies’.<sup>27</sup> She brought attention to the double discrimination faced by black women from a race and gender perspective and the lack of measures being adopted to address this issue. For instance, there are anti-racist laws which protect black men and there are anti-sexism laws which protect women, but there are no laws protecting black women as a different minority category. Black women have a different lived experience with different needs of protection compared to white women.<sup>28</sup> As Professor Crenshaw stated: ‘Racial and gender discrimination overlapped not only in the workplace but in other arenas of life; equally significant, these burdens were almost completely absent from feminist and anti-racist advocacy.’<sup>29</sup> Intersectionality was, therefore, an attempt to make feminism, anti-racist activism, and anti-discrimina-

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<sup>27</sup> Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Policies* (University of Chicago Legal Forum 1989, no. 1).

<sup>28</sup> Ibid.

<sup>29</sup> Kimberlé Crenshaw, ‘Why intersectionality can’t wait’ (2015) (Washington Post, 24 September 2015) <<https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/>> accessed 22 October 2021. As Professor Crenshaw explains, intersectionality extends beyond just black women: ‘Intersectional erasures are not exclusive to black women. People of color within LGBTQ movements; girls of color in the fight against the school-to-prison pipeline; women within immigration movements; trans women within feminist movements; and people with disabilities fighting police abuse – all face vulnerabilities that reflect the intersections of racism, sexism, class oppression, transphobia, able-ism and more. Intersectionality has given many advocates a way to frame their circumstances and to fight for their visibility and inclusion.’ Ibid.

tion law ‘highlight the multiple avenues through which racial and gender oppression were experienced so that the problems would be easier to discuss and understand’.<sup>30</sup>

Intersectionality focuses on the double/multiple barrier faced by women of color (and other lawyers who possess more than one diverse attribute) where their identities encompass different categories of minorities and, thereby, they can become targets of double/multiple disadvantages.<sup>31</sup> These perspectives are often omitted from efforts to tackle discrimination.<sup>32</sup> Intersectionality discusses all potential blocks in parallel and comprehensively – acknowledging that while each disadvantage exists on its own, the same person can be subject to multiple forms of prejudice.<sup>33</sup> Put a different way, intersectionality acknowledges that different forms of discrimination may intersect with each other and result in overlapping and reinforcing barriers to access and opportunity.<sup>34</sup>

Intersectionality recognizes that there are people within the same minority group who face different barriers (for example within women, women of color or LGBTQ+ women). As Ritesh Rajani, the Human Resources Diversity and Engagement Partner at IBM for the Asia-Pacific region, stated:

It’s not always that every aspect of a person’s identity is on the oppressed side – it is a mix of oppressions and privileges. I am privileged to have a high level of education, and to have grown up in a metro city, in an English-speaking family and school. As an LGBT+ person, there was a phase I was oppressed when it came to my sexual orientation – oppression in terms of not being able to talk about my sexuality for a long time and remaining silent. However, my privileges eventually made up for it, and I can express myself differently now. For example, if someone were to harass me today, my reaction might be completely different from an LGBT+ person from a smaller town, from a different economic class, perhaps who (*sic*) in the closet. While drafting policies for an organisation on reporting same-sex harassment, I have to be cognisant of the fact that not everyone is in a position of privilege

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<sup>30</sup> Ibid.

<sup>31</sup> The term ‘double jeopardy’ was introduced in the early 1970s by Beale to characterize discrimination based on race and gender: F. Beale, ‘Double jeopardy: To be black and female’, in T. Cade (ed.), *The Black Woman* (New York: New American Library 1979) 90.

<sup>32</sup> Community Business, ‘Intersectionality and Multiple Identities’ (Community Business, 29 March 2018) <<https://www.communitybusiness.org/latest-news-publications/intersectionality-and-multiple-identities>> accessed 22 October 2021.

<sup>33</sup> Bridie Taylor, ‘Intersectionality 101: what is it and why is it important?’ (Woman Kind, 24 November 2019) <<https://www.womankind.org.uk/intersectionality-101-what-is-it-and-why-is-it-important/>> accessed 22 October 2021.

<sup>34</sup> The Opportunity Agenda, ‘Ten Tips for Putting Intersectionality into Practice’ (The Opportunity Agenda, 2017) <<https://www.opportunityagenda.org/explore/resources-publications/ten-tips-putting-intersectionality-practice>> accessed 22 October 2021.

and influence and feels that they could report/speak out about same-sex harassment due to the intersections of their identities.<sup>35</sup>

Another key concept of intersectionality is that it connects individual and group experiences of discrimination to broader systems of privilege and lack of privilege. As explained by Shreya Atrey, Professor of Law and international human rights advocate:

There is no essential core to the positions of difference (of Black men, white women, Black women etc.); instead the core is of complexity in the relationships of power between people. Seen this way, there are no pure categories of difference but only patterns of relationships defined both in terms of privilege and disprivilege. Furthermore, these patterns are seen not in identarian terms alone, as a form of positive or negative attribution of qualities of characteristics, but in structural terms. Identity politics in the intersectional frame is thus interested in individual experience because it tells something useful about how people experience the systemic nature of racism etc.<sup>36</sup>

## 4.2 Intersectionality in International Arbitration

Often when a discussion on discrimination in the field of international arbitration goes live, the focal topics are gender and race.<sup>37</sup> Notwithstanding, groups represented by other distinct diversity categories should have equal space at the table. At a baseline, we focus on the dominant themes of gender and race to highlight the robust role intersectionality needs to play in diversity and inclusion efforts. Where the international community has looked at diversity from a single lens, diversity efforts ignore the role of hyphenated identities and are thereby insufficient, failing to provide equal opportunities to groups like women of colour, etc.<sup>38</sup>

Organizations such as ArbitralWomen and the ERA Pledge have done commendable work to promote greater representation of women in international

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<sup>35</sup> Community Business, 'Intersectionality and Multiple Identities' (Community Business, 29 March 2018) <<https://www.communitybusiness.org/latest-news-publications/intersectionality-and-multiple-identities>> accessed 22 October 2021.

<sup>36</sup> Shreya Atrey, 'The Humans of Human Rights: From Universality to Intersectionality' (SSRN, 26 March 2020) <<https://ssrn.com/abstract=3542773>> accessed 21 October 2021.

<sup>37</sup> Tania Gupta, 'Intersectionality in Appointment of Arbitrators: The "Grey" Approach to Highlighting Invisibilities in Feminism' (RMLNLU Arbitration Law Blog, 21 July 2020) <<https://rmlnluseal.home.blog/2020/07/21/intersectionality-in-appointment-of-arbitrators-the-grey-approach-to-highlighting-invisibilities-in-feminism/>> accessed 18 November 2021.

<sup>38</sup> See Section 2 of this chapter.

arbitration. However, when we look at the statistics on gender, while the arbitral community is moving towards the appointment of more female arbitrators, there is little attention paid to the backgrounds of the women being appointed. The international community therefore avoids opining on the comprehensive definition of people with multiple diversity definitions (e.g., ethnic minority women, white lesbian women, black gay men) who face greater barriers to entry. Professors Karton and Polonskaya from Queen's University note that between 2012 and 2017, a total of 951 appointments were made in ICSID; only three appointed arbitrators were female, non-white, and from a developing state.<sup>39</sup> Furthermore, they were members of annulment committees and all three were administratively appointed by ICSID.<sup>40</sup> The research failed to find appointments to ordinary ICSID panels, and no arbitrators with similar characteristics were appointed by parties or by other arbitrators. Out of 951 appointments in Professor Karton's data set, only 106 (11%) were female arbitrators, and of these, 53 appointments were directed to Arbitrators Brigitte Stern and 15 to Gabrielle Kaufman-Kohler, both white and European. Only 38 appointments (4% of the total) went to other female arbitrators.<sup>41</sup>

Intersectionality must play a greater role in international arbitration with a push for more empirical research in international commercial arbitration to track and define the problem. Where intersectionality issues are present in domestic systems, these issues translate and are reflected with greater dimension on the global stage of arbitration – where arbitrators often come from the western world and are law firm partners, college professors, etc. The NALP data shared in previous sections reaffirms that women of color formed a small part of women partners in US law firms. The limited data available charts a story about access broadening, even shifting, from white men to white women without achieving broad and enduring equality for women of colour and other minority groups. This is especially important because efforts taken to include white women in the field might not be the same efforts needed to include black women where a difference of experience may be in play. If we continue ignoring intersectionality, we ignore the varied and kaleidoscopic definitions of diversity that then fail to enter mainstream conversation – exacerbating diversity issues and affecting the legitimacy of the arbitral process. Data, critically missing on intersectional diversity in international commercial

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<sup>39</sup> Joshua Karton and Ksenia Polonskaya, 'True Diversity is Intersectional: Escaping the One-Dimensional Discourse on Arbitrator Diversity' (Kluwer Arbitration Blog, 10 July 2018) <<http://arbitrationblog.kluwerarbitration.com/2018/07/10/true-diversity-is-intersectional-escaping-the-one-dimensional-discourse-on-arbitrator-diversity/>> accessed 22 October 2021.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

arbitration, is the main path towards defining the problem, tracking progress, and evolving the system of international disputes.<sup>42</sup>

Another root of the problem with intersectionality may be due to affinity bias, the often unconscious tendency to gravitate towards those who are like us, whether in appearance, background, beliefs, or otherwise.<sup>43</sup> Perhaps when parties are being counseled by white women, these same women appoint candidates with similar characteristics through their affinity bias. According to Amanda Lee: ‘If the outcome of the gender diversity revolution is a generation of leading pale, “stale” and female arbitrators, we may try to blame a lack of access, lack of opportunities and affinity bias. We will only have ourselves to blame’.<sup>44</sup> She then suggests that we should embrace and celebrate intersectionality by acknowledging our privileges and challenging this affinity bias. She also notes that sometimes female arbitrators are well-known in their home jurisdiction but somehow cannot overcome the entrance barrier to international arbitration, and thus, it is up to the arbitral community to play a role in recognizing and promoting talent no matter where it is found.<sup>45</sup>

The arbitral community has made progress when it comes to gender inequality, but a lot is yet to be done to achieve true gender equality. By ignoring race and other minority definitions of diversity, we substitute one problem for another and forever leave someone behind (e.g., non-white females).<sup>46</sup> Thus, intersectionality must go hand in hand with any conversation on diversity.

## 5. EFFORTS FOR CREATING AN INCLUSIVE ENVIRONMENT

The past decade has shown that the discussion of diversity and inclusion in international arbitration has gained increasing importance and with active

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<sup>42</sup> Tania Gupta, ‘Intersectionality in Appointment of Arbitrators: The “Grey” Approach to Highlighting Invisibilities in Feminism’ (RMLNLU Arbitration Law Blog, 21 July 2020) <<https://rmlnluseal.home.blog/2020/07/21/intersectionality-in-appointment-of-arbitrators-the-grey-approach-to-highlighting-invisibilities-in-feminism/>> accessed 18 November 2021.

<sup>43</sup> Lean In, ‘50 Ways to Fight Bias, Lean In’ (Lean In Org, 2021) <<https://leanin.org/education/what-is-affinity-bias>> accessed 22 October 2021.

<sup>44</sup> Amanda J. Lee, ‘Children of the Revolution: Boldly Going Towards New Gender Diversity Frontiers in International Arbitration’, in Stavros Brekoulakis (ed.), *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management* (Kluwer Law International 2021, Volume 87 Issue 3) 404.

<sup>45</sup> *Ibid.*

<sup>46</sup> Andrea K. Bjorklund, et al., ‘The Diversity Deficit in International Investment Arbitration’ (Brill, 22 June 2020) <<https://doi.org/10.1163/22119000-12340177>> accessed 22 May 2022.

steps taken by key stakeholders. While a valiant start, we need to focus now on intersectionality. We offer below suggestions to create more meaningful progress, intersectionality top of mind alongside diversity and inclusion.

### 5.1 Focus on Inclusion: Why Inclusion Matters

As discussed previously, the terms ‘diversity’ and ‘inclusion’ are used interchangeably,<sup>47</sup> but are two separate concepts. We understand ‘diversity’ through social categories that identify and differentiate between human beings. On the other hand, ‘inclusion’ is ‘the act of including or the state of being included’<sup>48</sup> and is ‘the extent to which each person in an organization feels welcomed, respected, supported, and valued as a team member’.<sup>49</sup>

Consequently, although diversity and inclusion are distinct concepts, they are closely associated and inextricably linked. It is therefore not enough to stress having diversity in international arbitration. People must also feel that they are included in the international arbitration community. ‘There needs to be a culture of belonging.’<sup>50</sup> Otherwise, despite all efforts, the current situation – being diverse but not inclusive – will remain unchanged. We cannot get the benefit that a diverse environment brings (e.g., more informed and creative decisions, faster problem-solving, and legitimacy) without inclusion.<sup>51</sup>

<sup>47</sup> Spark Team, ‘Diversity And Inclusion: What’s The Difference, And How Can We Ensure Both?’ (ADP, 2019) <<https://www.adp.com/spark/articles/2019/03/diversity-and-inclusion-whats-the-difference-and-how-can-we-ensure-both.aspx>> accessed 18 November 2021 (‘People sometimes use these terms interchangeably, but they are quite distinctly different. . . . You can certainly hire in diversity – whether it’s more women, more Latinos or African-Americans – but if your culture does not embrace different perspectives, you will not be able to retain diversity. Inclusion requires that everyone’s contributions be valued, that individuals, regardless of the diversity dimension, have the opportunity to do their best work and advance’).

<sup>48</sup> ‘Inclusion’ (Merriam-Webster) <<https://www.merriam-webster.com/dictionary/inclusion>> accessed 18 November 2021 (defining inclusion).

<sup>49</sup> ‘Diversity and Inclusion’ (SHRM) <<https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/introdiversity.aspx>> accessed 18 November 2021 (defining inclusion).

<sup>50</sup> Mohamed Sweify, ‘Reflections on Diversity of ADR: Insights from the New York Arbitration Week’ (*NYSBAR*, 1 December 2019) <[http://nysbar.com/blogs/ResolutionRoundtable/2019/12/reflections\\_on\\_diversity\\_of\\_ad.html](http://nysbar.com/blogs/ResolutionRoundtable/2019/12/reflections_on_diversity_of_ad.html)> accessed 18 November 2021.

<sup>51</sup> Hanna Roos, ‘Diversity Checklist For International Arbitration (Part one)’ (*Practical Law Arbitration Blog*, 2 July 2021) <<http://arbitrationblog.practicallaw.com/diversity-checklist-for-international-arbitration-part-one/>> accessed 18 November 2021.

## 5.2 Ways to Improve Diversity and Inclusion for Intersectional Identities

Although there has been progress within diversity in the international arbitration community, these developments will only have lasting, self-sustaining change where intersectionality is readily emphasized and incorporated. Following the path of ‘progress is progress’ has resulted in the visible inclusion of women on arbitral panels, but the problem of achieving parity across intersections of gender and other aspects of diversity remains.<sup>52</sup> In order to provide solutions, we have to fully embrace the idea of *intersectional* representation in *international* arbitration. We therefore have to (a) make the community aware of the intersectional issue, (b) collect data on intersectional issues, and (c) integrate intersectional solutions into existing diversity and inclusion initiatives.

We propose that we must first start with bringing the intersectionality discourse into the mainstream.<sup>53</sup> In the international arbitration context, intersectionality is not widely known and is therefore overlooked.<sup>54</sup> For it to be implemented in practice, arbitral institutions, parties, and practitioners have to appreciate its importance. Intersectional diversity on tripartite panels enables (if not ensures) unique perspectives distinct from colleagues with a singular diversity characteristic.<sup>55</sup> Intersectional identities may also face different obstacles to ‘entry points’ in the field than candidates with singular diversity

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<sup>52</sup> Tania Gupta, ‘Intersectionality in Appointment of Arbitrators: The “Grey” Approach to Highlighting Invisibilities in Feminism’ (RMLNLU Arbitration Law Blog, 21 July 2020) <<https://rmlnluseal.home.blog/2020/07/21/intersectionality-in-appointment-of-arbitrators-the-grey-approach-to-highlighting-invisibilities-in-feminism/>> accessed 18 November 2021.

<sup>53</sup> Ksenia Polonskaya, ‘Diversity in the Investor-State Arbitration: Intersectionality Must Be Part of the Conversation’ (2018) 19(1) Melbourne Journal of International Law 259 <<http://classic.austlii.edu.au/au/journals/MelbJIL/2018/9.html#fn163>> accessed 19 November 2021.

<sup>54</sup> Ibid (‘This paper argues that the current discourse on diversity in investment arbitration is incomplete. The existing discourse is driven by some aspects of diversity such as, for example, gender or nationality, but seems not to examine the way these categories overlap. Accordingly, the existing studies can be considered a starting point to further our understanding and appreciation of diversity in the context of international investment arbitration. In particular, the current discourse on diversity does not take into consideration intersectionality in evaluating diversity in investment arbitration panels’).

<sup>55</sup> Ibid (‘While both possibilities are entirely plausible, they do not diminish the importance of intersectionality at the arbitral bench because candidates with overlapping characteristics (1) may bring a unique perspective to the bench distinctive from candidates with a singular diversity characteristic...’).



characteristics.<sup>56</sup> Keeping this in mind, it is important for the community to realize that the issues of diversity and intersectionality go together, and the debate must progress on this topic. Law schools, organizations and arbitral institutions can help by hosting more conferences and panel discussions on this issue (e.g., staged by Young Arbitral Women Practitioners<sup>57</sup> and the Asian International Arbitration Centre (AIAC) in collaboration with Racial Equality for Arbitration Lawyers (REAL)).<sup>58</sup>

Once intersectionality gains prominence, we must generate data to understand the extent of the problem. We can see from above that we have valuable data from the leading arbitral institutions but rarely do the metrics reveal insight on intersectional diversity.<sup>59</sup> Leading arbitral institutions have been a driving force behind female arbitrator appointments and mapping data of gender-based and geographic appointments. In turn, with the community's emphasis on intersectionality, these institutions can also lead the way in collecting more data to chart the role of hyphenated identities. While data collection is a hard task dependent on arbitrators and stakeholders,<sup>60</sup> confidentiality

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<sup>56</sup> Tania Gupta, 'Intersectionality in Appointment of Arbitrators: The "Grey" Approach to Highlighting Invisibilities in Feminism' (RMLNLU Arbitration Law Blog, 21 July 2020) <<https://rmlnluseal.home.blog/2020/07/21/intersectionality-in-appointment-of-arbitrators-the-grey-approach-to-highlighting-invisibilities-in-feminism/>> accessed 18 November 2021.

<sup>57</sup> Steve Adams, 'Intersectionality of Race, Culture and Gender in International Arbitration: Lessons from Interdisciplinary Scholarship' (Global Arbitration News, 3 November 2021) <<https://globalarbitrationnews.com/event/intersectionality-of-race-culture-and-gender-in-international-arbitration-lessons-from-interdisciplinary-scholarship/>> accessed 19 November 2021.

<sup>58</sup> Asian Arbitration International Centre, 'Diversity in Arbitration Week 2021: Charting the Way – Tackling Intersectionality and Beyond – #LetsGetReal' (Asian Arbitration International Centre, 9 July 2021) <<https://www.aiac.world/events/551/Diversity-in-Arbitration-Week-2021--Charting-the-Way---Tackling-Intersectionality-and-Beyond--->> accessed 19 November 2021.

<sup>59</sup> Joshua Karton and Ksenia Polonskaya, 'True Diversity is Intersectional: Escaping the One-Dimensional Discourse on Arbitrator Diversity' (Kluwer Arbitration Blog, 10 July 2018) <<http://arbitrationblog.kluwerarbitration.com/2018/07/10/true-diversity-is-intersectional-escaping-the-one-dimensional-discourse-on-arbitrator-diversity/>> accessed 22 October 2021 ('Just bringing intersectionality into the discourse on arbitrator diversity would be a step forward. But we can do even more to reform the arbitrator appointment process. First, any reforms must be empirically based. Addressing both the obstacles that intersectional candidates experience in seeking arbitral appointments and the perspectives that intersectional arbitrators bring to the deliberations requires more data than we currently have').

<sup>60</sup> Kabir Duggal and Amanda Lee, 'A 360-degree, kaleidoscopic view of diversity and inclusion or the lack thereof in international arbitration', *American Review of Int. Arb.* (forthcoming).

may play an important role (and provide apt security) to unearth more about the arbitral process – towards getting it right.<sup>61</sup>

Allied with awareness and data, we need concrete actions. One step may be for law firms and practitioners to maintain internal reports on their diversity initiatives (e.g., internal diversity and inclusion committees that closely and regularly monitor inclusion efforts) – ensuring that inclusion issues are recognized, monitored, managed, and mitigated. They may also monitor the progress of existing or newly formed subgroups and provide answers to crucial intersectionality and inclusion questions (e.g., whether black female arbitrators are appointed less often than white female arbitrators or whether promotions are limited for women who speak English as a second language).

Acknowledging entry-level barriers, another issue is the selection and promotion to mid-level and senior positions. Diversity and inclusion internal committees can also serve as a necessary, countervailing force to ensure that hiring and promotion standards consider intersectionality.

Finally, utilizing a ‘diversity matrix’ concept in law firm hiring and promotions and arbitral appointments may best integrate intersectionality in the diversity debate. This initiative was introduced by US investors to enhance diversity on corporate boards. As explained and first proposed by Ksenia Polonskaya:

The petition made by the Public Fund Fiduciaries to the US Securities and Exchange Commission proposes the introduction of the so-called ‘matrix’ approach to disclosure. The proposal requests the Commission to introduce a provision that will require ‘registrants to indicate, in a chart or matrix, each nominee’s gender, race, and ethnicity, in addition to the skills, experiences, and attributes described above’. Cross-fertilisation of experiences may be useful in the context of investment arbitration. Of course, in investment arbitration, claimants are often one-time litigants. Accordingly, such a requirement imposed on parties is unlikely to induce systemic benefits for diversity candidates. Instead of imposing a ‘diversity matrix’ on the parties, it may be more appropriate to require a legal counsel to fill in the diversity matrix. Of course, such a requirement will have to be implemented by ICSID or United Nations Commission on International Trade Law (‘UNCITRAL’). In particular, it may be required that law firms or individual practitioners disclose information about candidates as per a ‘diversity matrix’ framework that they recommend to their clients for each case. Such disclosure can be made to AIs and published after the completion of the dispute. If law firms do not recommend diversity candidates to the parties, they must explain why.<sup>62</sup>

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<sup>61</sup> Ibid.

<sup>62</sup> Ksenia Polonskaya, ‘Diversity in the Investor-State Arbitration: Intersectionality Must Be Part of the Conversation’ (2018) 19(1) *Melbourne Journal of International Law* 259 <<http://classic.austlii.edu.au/au/journals/MelbJIL/2018/9.html#fn163>> accessed 19 November 2021.

This proposal mitigates the single-lens approach to diversity, considering all differences. This approach can also create a positive, upward stream in the selection process for and by stakeholders – where counsel come from various backgrounds, they will choose and appoint arbitrators from various backgrounds.

While there is still much work to be done, we have seen remarkable progress in recent years, giving hope that true diversity can be achieved in its myriad definitions. Together we can take concrete steps to solve the multifaceted problem of diversity, inclusion and intersectionality.

## 6. CONCLUSION

While many efforts have been made towards decreasing the gap in the lack of diversity within international arbitration – publication of data by arbitral centers, pledges taken by the arbitral community, inclusive measures adopted by law firms – the time has come to address intersectionality. Are we really moving forward towards gender equality or are we creating a new problem, i.e., celebrating white female appointments and ignoring women of color in the process? Should we be content that any change is being made at all, or should more drastic actions be taken? Unfortunately, we do not attempt to answer all questions. Any positive change is better than no change, but the goal remains not to substitute one problem for another. In order for intersectionality to have a role, we as a community must focus on it and then address it in open conversation and debate. We can begin with grassroots organizing to create curated, safe spaces that in time unearth the variety of intersections of identity. Once mapped, we can create the pipelines and pathways toward systemic change across all stakeholder classes – from law students, to those entering the practice, to upward mobility and selection as an arbitrator.

We must think outside the box and strive to create change in our small spaces, locally and regionally, before we jump to international efforts – mapping along the way key strategies and data to build an ever-revolving wheel of impact. These will be the key take-aways for future conversations and generations. Stay tuned.