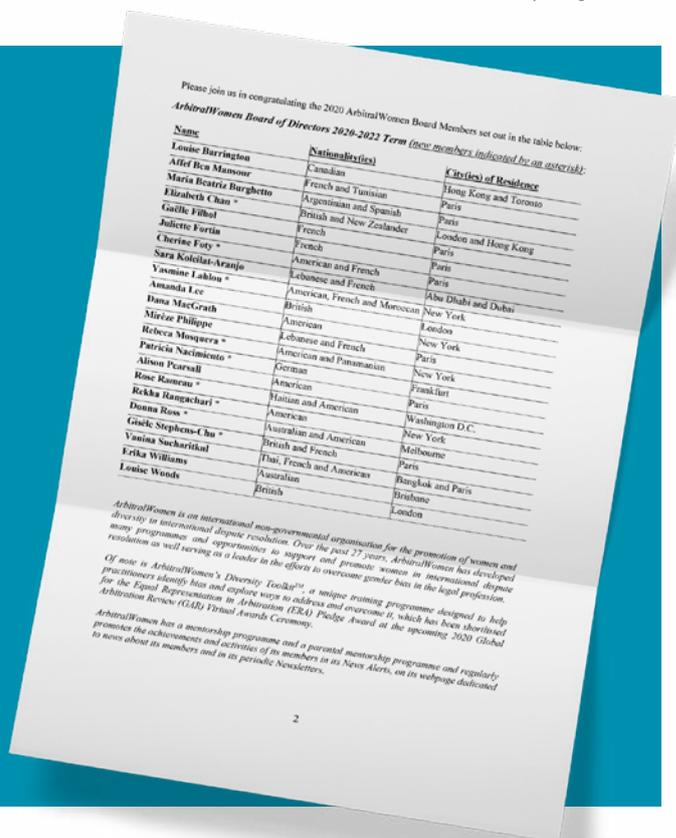


## We continue to promote women and diversity and welcome our new 2020-2022 Board of Directors!



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### In this issue, we feature an interview of ArbitralWomen Board

Member **Rose Rameau**, recently awarded the Mayre Rasmussen Award for the Advancement of Women in International Law; share information on Reed Smith's Women's Initiative Network; report on the EC response to **Katherine Simpson's** submission on the underrepresentation of women on the CETA's arbitrator roster; feature an article by ArbitralWomen Board Member **Vanina Sucharitkul** on the potential negative impact of a ban on double-hatting in the ICSID / UNCITRAL joint Draft Code of Conduct on gender diversity; highlight ArbitralWomen's funding of moot competition teams with testimonials from teams that ArbitralWomen sponsored in 2020; publish our members' reports on events held earlier this year; and recap some news from our News Page that you may have missed.

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# President's Column



**This is our second** ArbitralWomen Newsletter to be published during the global Covid-19 pandemic. These are still very difficult times for many. Our condolences to those of you who have lost loved ones to the coronavirus or to other illnesses during this period.

At the same time, during this pandemic we have seen incredible examples of resilience and strength among those in the dispute resolution community. During the lockdown period, several new virtual initiatives were launched by women, for women, such as [ArbitralWomen Connect](#) and [Mute Off Thursdays](#). Other dispute resolution initiatives are broader in scope and not necessarily gender focused, such as [TagTime](#) and [Digital Coffee Break in Arbitration](#). Most recently we have seen the launch of charitable joint initiative in dispute resolution called [Arbitration Idol](#), a joint initiative by [Careers in Arbitration](#), [Digital Coffee Break in Arbitration](#) and [Tales of the Tribunal](#) to raise money for UNICEF by providing to those who donate access to a virtual coffee meeting with a leader in the arbitration field.

These initiatives are all aimed at bringing people together and allowing them to connect and learn from each other, thereby also furthering diversity in international dispute resolution, during a period when in-person networking and conferences are impossible. We applaud such initiatives and anticipate they will continue long after the in-person limitations required by the pandemic are lifted.

This is the first Newsletter published under the leadership of our new **2020-2022 ArbitralWomen Board of Directors**. Notwithstanding the pandemic, we held our elections in accordance with the schedule outlined at our virtual Annual General Meeting in January 2020. Thanks to the tireless work of 2018 ArbitralWomen Board Secretary and 2020 ArbitralWomen Vice President **Louise Woods** and others, the elections were carried out precisely on schedule and the results announced in late June 2020. The new Board took up its mandate as of 1 July 2020. A link to the press release announcing the women leaders who comprise the 2020 ArbitralWomen Board can be found [here](#).

We now turn to the contents of this Newsletter. We start with an inspiring interview by ArbitralWomen Board

Member **Affef Ben Mansour** of **Rose Rameau**, a trailblazer in international arbitration and diversity who recently was honoured with the prestigious Mayre Rasmussen Award for the Advancement of Women in International Law by the American Bar Association. **Rose Rameau** is one of the members elected to the new 2020 ArbitralWomen Board, and we welcome her to our leadership.

We also include an article on **Reed Smith's Women's Initiative Network (WinRS)** as part of ArbitralWomen's continuing series on Women's Initiatives in the Workplace. We report on the response by the European Commission on the various submissions by ArbitralWomen member **Katherine Simpson** regarding the lack of gender diversity in the initial arbitrator roster published by CETA (also reported on our News Page [here](#)). We also previously reported on her initiative to identify qualified female candidates for the CETA roster of arbitrators in our News Page article: [CETA Arbitrator Roster – Where Are the Women?](#)

This Newsletter includes a report on **ArbitralWomen's 2020 Moot Funding programme** to support teams competing in moot competitions, led this year by **Affef Ben Mansour**. We are pleased to be able to publish testimonials of their moot experience from eight teams.

Finally, we include reports on dispute resolution events submitted by our members and friends that took place across the globe in places such as Douala, Dubai, London, New York, Paris and Tel Aviv just before the surge of the Covid global pandemic and lockdowns that followed. We also share some news from ArbitralWomen's News Page that you may have missed.

We thank all our members and friends who have contributed submissions to this Newsletter, making it possible for us to share news about activities and initiatives in dispute resolution across the globe. We also thank our Newsletter Co-Directors **Maria Beatriz Burghetto** and **Erika Williams** for the countless hours dedicated to leading the team preparing this Newsletter.

*Dana MacGrath, Omni Bridgeway  
ArbitralWomen President*

# Women Leaders in Arbitration

## Rose Rameau

**Rose Rameau is a trailblazer** in international arbitration, with more than 19 years of experience as an attorney. Recently, Rose was honored with the prestigious *Mayre Rasmussen Award for the Advancement of Women in International Law* by the American Bar Association's International Law Section. She was recognized for her longstanding efforts and dedication to fostering inroads and opportunities for women to succeed and attain leadership

positions in international law. She will receive the Award during a virtual event of the ABA International Law Section on 22 July 2020.

Before the lockdown, **Affef Ben Mansour** met with **Rose** in Paris to discuss her journey to becoming a renowned legal practitioner, an international arbitrator and a Fulbright Scholar in International Arbitration at the University of Ghana School of Law. Rose's expertise spans across three con-

tinents, as she is a registered member of the Ghanaian Bar, an "Avocat" of the Paris Bar, and a member of multiple state bars in the United States (Washington DC, New Jersey and Florida).

As a Caribbean-American woman of Haitian descent, Rose has created opportunities for herself when other conventional avenues were blocked and broke new ground that has opened doors for other women to take center stage in international law.

**You are the founder of Rameau Law firm, a boutique international law firm based in Washington DC. You are involved in a variety of international disputes, including land and territorial boundary disputes, investor-state disputes, arbitral dispute resolution before courts and tribunals, international commercial arbitration, Foreign Corrupt Practices Act-related disputes, and anti-corruption investigation. Tell us how did you get involved in international dispute resolution?**

My first exposure to dispute resolution was in 1999 when I was selected to represent Syracuse University College of Law in the Willem C. Vis Moot competition. Preparation for the competition was instrumental in helping me develop my legal research, writing, and oral advocacy skills. Participating in the competition provided me with an invaluable opportunity to gain practical experience in working on complex international law issues. In fact, researching and interpreting the CISG, UNIDROIT Principles, and Vienna Convention on the Law of Treaties laid the foundation for my career as international legal practitioner and arbitrator.

**After your graduation, did you start practicing international law or international arbitration in a law firm?**

Gender and racial discrimination are not limited to the dramatic moments that make headlines. As such, despite my knowledge and background in commercial, international arbitration and international law, I was not able to secure a position with an international law firm after I graduated law school and passed the bar. Discouraged, but not deterred, I accepted a position as an Assistant Public Defender for some years to gain trial experience. Eventually, I was confident enough to open my own practice in Tampa, Florida, where I began to handle cases using several dispute resolution mechanisms, including mediation and arbitration.

**You lived and practiced as a lawyer and an academic on three continents. From Tampa, Florida, to Paris, France, and even Africa, how did you manage to cross those borders?**

Actually, I returned to Paris in 2010. The first time I studied in Paris was in 1994-1995, so Paris was not new to me and, prior to Paris, I studied in Spain during my undergraduate years.

After practicing in Tampa for a number of years, it was time to really dive into international law. I then realised that the best thing to do was to return to Europe. It was not an easy decision because by then I was divorced with a child. In 2010, I obtained an LL.M in French European and International Business Law from Université Panthéon Assas (Paris II). Shortly thereafter, I took the Paris Bar and was admitted in 2012 to practice in Paris. In France, I found that being a woman in the legal profession had an expiration date: in my late 30s, many thought I was too old to have a "collaboration" (an associate position). I opened my practice in Paris while I attended an arbitration programme in Switzerland to further hone my experience



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*I do not claim to know everything, but rather I find ways to help solve problems and offer solutions that are customised to my mentees.*

in international arbitration. I attended the Swiss Arbitration Academy (SAA) and obtained the title of Arbitration Practitioner and also a Certificate in International Arbitration from the Universities of Luzern and Neüchatel and the SAA. In addition, I began to lecture at Paris II and Créteil University. I was a busy bee.

A big part of international arbitration is networking, so I find myself going to a lot of conferences and meeting new people. In particular, I maintained my involvement in the ABA Section of International Law and was a Member of the ABA SIL Lawyers' Practising Abroad Committee, and later took a leadership position as Vice-Chair of the ABA SIL Africa Committee and Vice-Chair of the International (Natural Resources) Committee. Then, one day, the opportunity came where I learnt that the US State Department was looking for Fulbright Scholars for Sub-Saharan Africa.

I became a Fulbright Scholar and moved to the Republic of Ghana where I taught investor-state and commercial arbitration to the master's students at the University of Ghana. I must say that being a Fulbright Scholar is one of my most cherished accomplishments. I fell in love with Ghana and shortly after finishing my Fulbright, I became a practicing lawyer in Ghana.

**You were awarded the 2020 ABA Mayre Rasmussen award for the Advancement of Women in International Law. As a mentor, what are your thoughts on ArbitralWomen's mentorship programme, which assists younger members in their career development by connecting them to more experienced members? Did you have a mentor in the field of international arbitration?**

I think ArbitralWomen's Mentorship Programme is an excellent initiative. Just imagine, if I could have had a mentor involved in international arbitration just after my participation in the Willem C. Vis Moot in Vienna, back in 1999! I would certainly be further in my career. But I did not, and I had to create my own non-traditional pathway. I am truly a black woman who built her seat at the table.

If anything, my mother was my mentor. She believed in me more than I believed in myself at times. She taught me to not take no for an answer. She told me, "*Se Bondye sel ki gen dènye mo a*"— which translates as, "It is God who has the last word." I carry these words in my heart when people say no and I keep moving forward.

Not having had a mentor in international arbitration inspired me to be what I needed as a young professional in law. During my experience as a professor in Ghana, I had an "open door policy." I let my students understand that they can come to me with questions not only about the course I was teaching, but questions on social and economic issues.

As a mentor, I do not claim to know everything, but rather I find ways to help solve problems and offer solutions that are customised to my mentees.

Currently, I run my own *ad hoc* mentorship programme and I am also part of the *Club Español del Arbitraje*, "CEA Mujeres Mentoring Programme." I look forward to participating in the ArbitralWomen Mentorship Programme.

**Since we met in Paris, the in-person award ceremony in New Orleans has been cancelled due to COVID-19, arbitration institutions have closed their offices to work remotely but arbitration and mediation proceedings have not been suspended. How are you coping with this "new normal"? What are the challenges you are facing as an arbitrator and as counsel?**

We are all learning how to cope in a COVID-19 economy. Across the globe, businesses are experiencing challenges due to employees being self-quarantined to slow the spread of the virus. The pandemic has caused many people who would typically meet face-to-face to now meet online. As such, I am now a Zoom avid user.

Many businesses are now seeking to determine whether they are obligated to perform under their contracts or whether they can invoke a *force majeure* clause to excuse non-performance or a hardship clause to terminate or renegotiate their contracts.

Arbitral institutions demonstrated their flexibility to adapt to the "new normal" from the beginning of the pandemic. For instance, the ICC adopted on 9 April 2020 a Guidance Note on Possible Measures Aimed at Mitigating the Effects of the Covid-19 pandemic on arbitration proceedings; the Africa Arbitration Academy has also adopted a Protocol on Virtual Hearings, which provides useful guidance.

As an arbitrator, I did not anticipate that *force majeure* clauses would become essential in arbitral institutions procedural rules because such clauses are usually inserted in commercial contracts. Party autonomy is key also in arbitration. When parties choose an institution and its rules, they are bound by it. Therefore, due to the threats of more and/or future pandemics, I think arbitral institutions should amend their arbitration rules to include *force majeure* clauses that would allow tribunals to revert to virtual arbitration hearings where the tribunal or the parties are unable to travel for an in-person hearing, without the threat of issuing unenforceable awards that may violate party autonomy and due process of the parties.

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*Arbitral institutions should amend their arbitration rules to include force majeure clauses that would allow tribunals to revert to virtual arbitration hearings where the tribunal or the parties are unable to travel for an in-person hearing.*

# Women's Initiatives in Their Workplace

## Reed Smith's Women's Initiative network (WinRS)



Laurence Equilbey conducting her orchestra at the La Seine Musicale auditorium on 25 September 2019

*“Reed Smith’s Women’s Initiative is designed to ensure that women not only have a place at the table, but that they are also often at the head of the table.”*

that empowers women attorneys to position themselves for promotion to counsel and partner. Mentorship and sponsorship programmes are offered at all levels for the firm’s women lawyers engaged in the promotion process. The results speak for themselves: women make up approximately 44 percent of

### Reed Smith has been guided

by this motto for several years now, thanks to its Women’s Initiative network (WinRS), which conducts innovative strategies to promote gender balance.

Reed Smith has achieved a firm culture that enables meaningful support, retention and advancement of women attorneys. Year after year, Reed Smith has been recognised as an industry leader in advancing and supporting the firm’s women attorneys and has received the highest awards and accolades for the advancement of women in the legal sector, including the Women in Law Empowerment Forum (WILEF) Gold Standard certification, for the past nine years.

Since its inception in 2000, WinRS has created a number of unique programmes that are specifically designed to support women attorneys throughout the arc of their legal careers. The

**PipelineRS programme** is an example of the firm’s initiatives: a programme



Laurence Equilbey during the WinRS annual event on 25 September 2019, accompanied by Mirèze Philippe, ArbitralWomen co-founder (left) and Hanna Abdou, associate, Reed Smith Paris (right)



the Reed Smith Executive Committee, 43 percent of the firm's management team, 25 percent of partners, 40 percent of counsel and 54 percent of associates.

Reed Smith is also constantly working on improving its work/life integration culture, including offering generous parental leave to both men and women. In recent years, 50 percent of attorneys who took leave following the birth or adoption of a child were men. The **ReturnRS programme** is aimed at supporting all lawyers (both men and women) before, during and after a leave of absence, including parental leave, to allow for adaptation to life as a parent.

In Paris, WinRS is focused on internal-facing events and initiatives, including intra-office mentoring, workshops and training, as well as client-facing

events encouraging women attorneys to invite their female clients and contacts to events centred around impactful and/or inspiring women professionals.

The 2019, WinRS Paris annual client event took place on 25 September at the music and performing arts center "La Seine Musicale," with over 40 women guests joining Reed Smith attorneys. The event was attended by clients and colleagues, some of whom had travelled from the UK to Paris for this event, and by ArbitralWomen co-founder and ICC International Court of Arbitration Special Counsel, Mirèze Philippe. Guests had the honour of meeting the famous French conductor **Laurence Equibey**, who conducted the general rehearsal of the concert "Memories of Scotland" played by the Insula Orchestra. Equibey

is one of very few women conductors in the world. She always has been very much involved in fighting misogyny in the world of culture and the arts and she is behind the publication of the brochure "Where Are the Women?" This annual brochure, published by the Society of Dramatic Authors and Composers, features the percentage of women soloists, directors, conductors and choreographers in theatre organisations.

Following the concert, Equibey spoke with guests about how she handles management in a predominantly male environment. Her powerful testimony reminded the participants that women have always had to fight to "have a place at the table" and why solidarity between women remains so important today.



Laurence Equibey speaking in front of Reed Smith's attorneys and women guests on 25 September 2019 after the concert.



Attendees to Laurence Equibey's post-concert address, on 25 September 2029

## Reed Smith's achievements include:

### Women in Law Empowerment Forum

Gold Standard Certified Firm

### Working Mother

Best Law Firms for Women

### Mansfield Rule

Certified Plus Firm

### Yale Law Women

Top Ten Family Friendly Firm

### ChIPs and Diversity Lab

Inclusion Blueprint Champion

- Assisting teams from disadvantaged socio-economic backgrounds to participate in the Vis East Moot in 2019 and 2020, via ArbitralWomen's moot funding programme. The teams received funds to cover their moot registration fees.
- In 2019, Reed Smith was, for the ninth consecutive year, ranked by the Women in Law Empowerment Forum (WILEF) as Gold Standard certified, recognising Reed Smith's long-standing commitment to women's career advancement, diversity and inclusion. Reed Smith is one of only two firms in the United States to have met WILEF's criteria each year since the organisation began its certification process for law firms in 2011. WILEF grants Gold Standard status to major firms that meet objective criteria concerning the number of women among equity partners, in firm leadership positions, and in the ranks of their most highly compensated partners. Reed Smith is one of 11 firms to receive the U.S. award every year since the award's inception. In 2019, WILEF inaugurated its first UK awards. Reed Smith was one of only nine firms to receive UK certification, making the firm one of only three firms to meet the requirements for both U.S. and UK certifications.
- Signing the Equal Representation in Arbitration Pledge, underlining Reed Smith's continued commitment to improve the profile and representation of women in arbitration, and to appoint women as arbitrators on an equal opportunity basis.
- Earning the highest designation of Mansfield Plus certification. Mansfield Rule certification measures whether law firms have affirmatively considered at least 30 percent women, LGBTQ+, and minority lawyers for promotions, senior level hiring, and leadership and governance roles in the firm.
- Earning a place on *Working Mother's* annual list of the "Best Law Firms for Women" for the eighth consecutive year. The list celebrates the U.S. firms with 50 or more attorneys that are most successful in retaining and promoting women lawyers.
- The first law firm to become a member of the Association of National Advertisers' #SeeHer movement in 2019. The movement aims to increase accurate portrayals of women and girls in advertising and media.
- Named a 2018 "Top Ten Family Friendly Firm" by Yale Law Women and awarded Category Honours in "Leadership and Promotions: Executive Committee Consisted of At Least 35% Women." To compile the list, Yale Law Women surveyed firms on the 2018 Vault Top 100 Law Firms list, collecting data on family accommodations and parental leave policy, as well as indicators of gender equality in partnership promotions and composition of leadership committees.
- Received the 2018 ChIPs Honour Roll Award for advancing gender diversity and inclusion, ranking sixth out of 35 firms. The award is based on the inaugural "Inclusion Blueprint" survey, developed by ChIPs and Diversity Lab, to evaluate firms based on actions they are taking to close persistent gender gaps in law.

# Response by the European Commission on “CETA Arbitrator Roster – Where Are the Women?”

10 May 2020

Readers may recall our interview of ArbitralWomen member **Dr. Katherine Simpson** who, in January 2020, called on the Parties to the Comprehensive Economic and Trade Agreement between Canada, the European Union and its Member States (CETA) to remedy the serious under-representation of women in the agreed roster of arbitrators for dispute settlement under Article 29 of the CETA (“CETA List”).

The interview of Katherine Simpson, entitled, “**CETA List of Arbitrators – Where are the Women?**” was first published in January 2020 by ArbitralWomen on our News Page. Thereafter, ArbitralWomen published an updated interview of Katherine Simpson in our previous Issue (April 2020, Issue N°39, pages 4-8).

In response to the underrepresentation of women on the CETA List (where 50% of the Canadian, 20% of the EU, and 0% of the Chairperson roster nominees were female), Simpson provided the Treaty Parties the professional credentials of 70 women with specialised knowledge of international trade law whose skills and qualifications matched at least one person nominated to the CETA List. Her substantial research demonstrated what many already know to be true: there is no shortage of qualified women in international trade law or in international dispute resolution.

Simpson also pointed out that there are no legal barriers preventing the Parties from remedying the gender imbalance because Article 29 of the CETA sets fifteen (15) as a minimum number of roster members and the list can be amended at any time. Simpson proposed that the CETA Joint Committee add additional female roster members until gender parity is achieved.

ArbitralWomen very recently learned that by letter dated 24 April 2020, the European Commission responded to Simpson’s CETA List submissions and that the European Commission has given permission for its response letter, which is available on Simpson’s website, to be shared publicly.

The European Commission’s response letter states, in part:

*“Your letter has received the full attention of the President and Commissioner Hogan, and reflections are currently ongoing on how best to promote gender balance both in the drawing of the list of arbitrators as well as in composing an arbitration panel in a specific case. ... The said reflection will be completed shortly and you will be kept informed of developments in this regard.”*

ArbitralWomen welcomes the European Commission’s willingness to reflect on how best to promote gender balance in both the CETA List generally and in composing arbitral tribunals in specific cases.

Simpson’s advocacy and persistence is an excellent example of what can be achieved when you “Walk the Talk” as discussed in the recent article by ArbitralWomen’s co-founder **Mirèze Philippe**, reported on our News Page.

As Simpson discussed in her interview with ArbitralWomen, treaty-based lists of arbitrators, like the CETA List, serve as a public verification of the listed person’s credentials, and these appear to be backed by public accountability. Moving toward gender parity in all dispute resolution arbitrator rosters will be a significant step toward achieving

gender parity in international dispute resolution generally.

There now is reason to believe that the CETA Joint Committee will create a balanced roster. In the response, the European Commission also stated in its response that, “*under Article 29.8.1, the CETA Joint Committee may review the list of arbitrators at any time.*” Already beginning to “walk the talk”, Simpson has advised ArbitralWomen that a draft decision of the CETA Joint Committee setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal envisioned in the CETA, published on 7 May 2020, refers to the importance of making appointments with a view toward gender equality. With Simpson’s list of 70 women with specialised knowledge of international trade law, Simpson urges that the CETA Joint Committee should have no difficulty identifying women for these roles.

We are pleased to share this good news and congratulate **Katherine Simpson** on her work to highlight the gender diversity issues with respect to the CETA List.

Submitted by Dana MacGrath, ArbitralWomen President and Omni Bridgeway Investment Manager and Legal Counsel



 [Dr. Katherine Simpson interview](#)

 [ArbitralWomen Newsletter Issue 39](#)

 [Click to read article “Walk the Talk”](#)

 [Professional credentials of 70 women](#)

 [European Commission response letter](#)

# ICSID and UNCITRAL Draft Code of Conduct's Potential Ban on Multiple Roles Could Have A Severe Impact on Gender Diversity

On 1 May 2020, ICSID and UNCITRAL released the long-awaited Draft Code of Conduct for Adjudicators in Investor-State Dispute Settlement ("ISDS"). This commentary addresses the potential ban on double-hatting, in Article 6, and its impact on gender diversity. The specific draft provision is detailed below.

**Article 6. Limit on Multiple Roles**  
*Adjudicators shall [refrain from acting]/ [disclose that they act] as counsel, expert witness, judge, agent or in any other relevant role at the same time as they are [within X years of] acting on matters that involve the same parties, [the same facts] [and/or] [the same treaty].*

Comment 66 of the Draft Code of Conduct defines double-hatting as "the practice by which one individual acts simultaneously as an international arbitrator and as a counsel in separate ISDS proceedings." The comment further states that for some, any concurrent representation creates a conflict of interest and therefore should be prohibited. For others, double-hatting is "problematic only in circumstances, where the facts or parties are related." Moreover, Comment 67 states that "[a]n outright ban is easier to implement, by simply prohibiting any participation by an individual falling within the scope of prohibition."

Any sort of blanket ban on double-hatting would have the unwelcome effect of reinforcing the existing dominance of a relative handful of male arbitrators mostly from Western Europe and North America in the field of ISDS. In a prior study of 249 known investment treaty cases up to May 2010, only 6.5%

## Distribution by gender from 1 January 2012 to 31 December 2019

Arbitrators in registered arbitral proceedings under ICSID Convention and Additional Facility Rules only in which tribunals have been fully constituted.



were women. A recent survey of 353 registered ICSID cases from 2012-2019 reveals that out of 1,055 appointments, only 152 appointments were women – just 14.4%. More striking, of all individuals appointed across all cases, 35 individuals were female and only two female arbitrators together comprise 45.3% of appointments of women. Thus, the underrepresentation of women in investment arbitration remains a dire problem.

Few, if any, would disagree that the international arbitration community as a whole benefits from diversity across all its members. It has been well acknowledged that gender diversity contributes to reaching better results due to the wealth that each talented individuals, men and women, bring to the tribunal. Indeed, concerns over the lack of diversity have prompted efforts to increase the pool of female arbitrators through the launch of the Equal Representation in Arbitration Pledge (the "ERA Pledge") in 2016. Various arbitral institutions, law firms, corporations, and stakeholders have signed the ERA Pledge and committed to increase, on an equal opportunity basis, the number of women appointed as arbitrators with the ultimate goal of full parity. With over 4,000 signatories, the ERA Pledge serves as a testament to the international arbitration community's recognition of the underrepresentation of women in international arbitration tribunals. In investment arbitration, however, these individual arbitrators

would be primarily drawn from the ranks of counsel who must continue to practice unless and until they receive sufficient appointments to make full-time service as arbitrators economically feasible. Indeed, according to the 2019 ICSID Annual Report, 31% of female appointments were first-time appointees.

Barring individuals serving as counsel in ISDS proceedings from serving as arbitrators in investment disputes would reduce the overall pool of potential arbitrators, notably women, and deprive the parties of the ability to select the arbitrator of their choice. Of particular concern, an outright ban would undermine the efforts of the international arbitration community, including ArbitralWomen, to increase the number of females in arbitral tribunal panels. Representation of women in ISDS tribunals is particularly important because arbitrators render decisions that affect the public. ISDS decisions thus should reflect the make-up of those affected by their decisions. Therefore, any prohibition of multiple roles that would negatively impact diversity should be discouraged. Narrowly tailored disclosures, similar to the International Bar Association Guidelines on Conflict of Interest, would be more suitable and in line with international practice. It would also promote party autonomy, the hallmark of arbitration, and most notably the freedom to appoint arbitrators of choice.

**Over the last two decades, the figures show that the appointment of female arbitrators is on the rise, but significant improvements are still needed.**

**Imposing a ban on dual hatting would be tantamount to reversing any progress made on gender diversity by the international arbitration community, including ICSID and UNCITRAL, over the past years.**

Submitted by Vanina Sucharitkul, ArbitralWomen Board Member, FCI Arb, International arbitrator, Senior Lecturer at Université Paris Descartes, Paris

# Moot Competitions Funding

## Support for Student Teams competing in International Moot Competitions



Each year **ArbitralWomen** provides support for a number of teams competing in alternative dispute resolution moot competitions by covering the registration fees for such competitions. Teams may apply if they are constituted of at least half female participants, and the awards are given to those applicants with the greatest need, normally teams from developing countries that do not have sufficient funding or resources.

The moot competitions provide law students with an invaluable opportunity, effectively to handle a major international arbitration, from pleadings to argument, invariably involving tricky issues, both procedural and substantive. The students, who are chosen by their universities to compete, work very hard, over long hours, on top of their normal curriculum. Many of our members assist as coaches in their jurisdiction, and/or sit as arbitrators in the competitions, and are always impressed by the quality of these students' work and performance.

While in the first few years we were able to fund only a few teams, in the past few years we have received some support from law firms, other organisations as well as individuals, which has allowed us to assist more teams. **This year ArbitralWomen was able to fund 11 teams.**

**Karen Mills**, together with a team, has administered these awards each

year. Since August 2018, **Juliette Fortin** and **Affef Ben Mansour** took over from Karen, who has continued to advise the new team.

### Recipients and Sponsors for the year 2019/2020:

We received 24 applications from Brazil (CPR Mediation Moot Funding), Cambodia, Costa Rica, Egypt, India, Japan, Lebanon, Myanmar (Birmanian), Nepal, the Netherlands, Nigeria, Northern Cyprus, Turkey, Ukraine, United States, and Vietnam.

The applicants requested funding support to participate in the following Moots: Vis East, Vis Moot, Frankfurt Investment Arbitration Moot Court, FDI Moot, the 2020 CPR International Mediation Competition and the International Commercial Mediation Competition. Due to the Covid-19 pandemic, some of them were cancelled, others could take place before the worldwide lockdown, and the Vis East and Vis Moot took place virtually. This first-time virtual moot gave an opportunity to the students and to a number of practitioners to experience virtual hearings (See the mooties' testimonials on the following pages in this issue).

Eleven teams were awarded funding for their registration fees, with the support of five law firms, in alphabetical order: Al-Tamimi (Dubai), Clyde & Co

(Paris), Reed Smith LLP (Paris), White & Case (Paris), Zulficar (Cairo), one company (Jus Mundi <https://jusmundi.com/en/>) and **Samaa Haridi** (ArbitralWomen member, Partner, Hogan Lovells, New York City, US) and ArbitralWomen's own funds. One team was awarded a support by a Shahid Law Firm (Cairo) for their travel expenses as their registration to the Moot was free of charge.

We were very glad that two law firms, Reed Smith (Paris) and White & Case LLP (Paris) renewed their support for the second consecutive year!

We wish, once again, to thank the sponsors for their very kind assistance, which has made it possible for these teams to participate, and hope that they, as well as others, will be kind enough to sponsor teams for the next and many coming years.

We look forward to the next session of moots and we hope that more international law firms will consider participating in this highly valuable program by helping ArbitralWomen sponsor more teams in the future.

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Submitted by Affef Ben Mansour, ArbitralWomen Board Member, Independent Dispute Resolution Lawyer, Paris, France and Juliette Fortin, ArbitralWomen Board Member, Senior Managing Director, FTI Consulting, Paris, France

## University of Law and Economics, Phnom Penh, Cambodia



Left to right: Sathavy Borey, Seavhrong Thiv, Srey Nuch Sambo and Rathida Lim

**With support from** ArbitralWomen, our team had the great opportunity to participate in the 27th Willem C. Vis International Commercial Arbitration Moot. Financial difficulties back then made our journey almost impossible to pursue, but with the support of ArbitralWomen, our all-female team's registration for the Vis Moot in Vienna was secured. ArbitralWomen is our first priority in seeking financial assistance as it regularly sponsors female law students around the world in their moot court competition endeavors.

Since we aspire to pursue future careers in commercial arbitration, participation in the Vis Moot was an eye-opening experience. From the outset, we have learnt a lot from the Vis Moot, from basic understanding of international commercial arbitration to enhanced professional skills. After the conclusion of the Vis Moot, we noticed that we have improved not only our legal writing skills through the drafting of legal memorandums, but also our advocacy skills. Through the Vis Moot, we experienced firsthand advocacy against opposing counsel from different countries around the world, and in front of arbitrators of various nationalities and backgrounds in an international context. These remarkable experiences and improvements will be crucial and beneficial for our future legal professions.

Despite the cancellation of the

oral hearings in Vienna, our team was able to join the first virtual moot in history. Although exciting, this first virtual moot brought forth new challenges, which already complicate the on-going COVID-19 situation. We were unable to leave our homes, and the strength of the internet connection we had was below the standard requirement for the virtual pleading platform. During the pleading phase, the unstable internet connection disconnected us from the platform several times, which negatively affected our performance. These challenges complicated our attempts at clear communication with the opposing counsel and the arbitrators, especially when handling questions. Had these interruptions not occurred, we

believe our performance could have been much better. Regardless of all the challenges we have been through, we were still able to conclude our participation and we appreciate this opportunity to participate in our and the world's first virtual moot.

We wish to take this opportunity to express our utmost gratitude to ArbitralWomen and Reed Smith LLP (Paris) whose invaluable support enabled our team to take part in the moot court journey. We firmly believe that our knowledge and experience gained from moot participation will pave the way for us to pursue our careers in the field of international commercial arbitration. Nonetheless, acknowledging that women participation in international commercial arbitration is still limited especially in Cambodia, we would like to take advantage of this opportunity to contribute and share what we have learned to others especially women who want to direct their career paths in the field of international commercial arbitration or international dispute resolution.

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Submitted by team members: Sathavy Borey, Seavhrong Thiv, Srey Nuch Sambo and Rathida Lim



Left to right: Sathavy Borey, Channraksmeychhoukroth Dany (coach) and Seavhrong Thiv

## Institut de droit des affaires internationales (Paris 1 – Cairo University)

### “A rollercoaster of emotions”

is the simplest representation of our mooting journey throughout this year! Since last August, our team has been preparing for its participation in the 27<sup>th</sup> Willem C. Vis Moot by contacting potential sponsors and supporters. Honestly speaking, at many moments we thought that participating in this Vis Moot will be impossible.

ArbitralWomen was one of the very first organisations announcing their support of our team and definitely one of the entities that made our participation possible in the first place. After months of hard work, we finally arranged everything for our trip and were looking forward to our first mooting experience abroad, after participating in several mooting competitions on the national level.

Unfortunately, Covid-19 happened so the actual competition was canceled



Noureldin Elhayatmy, Youssef Makhoulouf,  
Sarah Samir, Yomna Elrouby

and replaced by virtual hearings. Soon after we knew about this, we were contacted by ArbitralWomen once again, and were offered the help of **Samaa Haridi** (ArbitralWomen member,

Partner, Hogal Lovells, New York City, US) who helped us a lot with the hard task of preparing for the oral hearings online and who also introduced us to Dana MacGrath who gave us a lot of fruitful tips and advice for our online hearings.

The emotional support and the chance to meet with such exceptional individuals were the highlights of our virtual mooting experience and helped us a lot as future lawyers, not only as mooties. This year was challenging for us on so many levels since we are also students of a double degree program. ArbitralWomen's support and help compensated for our canceled trip to Vienna and the in-person experience we were looking forward to!

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Submitted by Paris 1 – Cairo University  
Vis Moot team

## Kathmandu School of Law, Nepal

**Our team from the** Kathmandu School of Law in Nepal is grateful to ArbitralWomen for their sponsorship which enabled us to participate in the Willem C. Vis (East) International Commercial Arbitration Moot 2019-2020 and ultimately receive “Honorable Mention” for the Respondent Memoranda. The journey until the completion of the First Virtual Vis East (VVE) competition was difficult. It would have been immensely difficult for us to make the people we are associated with understand what we are doing, why we are doing and how much cost it will incur. The sponsorship we received from ArbitralWomen made it a lot easier. It lifted the financial burden from us and we had one less thing to worry about. Thus, we could invest our time in the moot rather than worrying about the costs. That was a huge morale boost for us to

take part in the competition and give our best performance.

Due to the unfortunate outbreak of Covid-19 and sudden cancellation of pre-moots around the world, we also had to take a last-minute decision to participate in the pre-moot being conducted in our neighboring country, India. Taking part in the pre-moot was one of the best decisions we made since the guidance we received there helped us a lot with our oral arguments for the virtual rounds. We also made very meaningful connections and networks through the pre-moot.

It really broke our hearts to learn that the final rounds in Hong Kong were postponed due to the corona virus outbreak. We had sacrificed so much for living that one moment of pleading before the renowned arbitrators and meeting the participants from all around the world. For one moment, we felt like all the sleep-

less nights, all the hard work, and all the time we invested by sacrificing so much was going to go in vain. However, after the announcement of virtual rounds we felt relieved. We still had the chance to plead our arguments that we had been preparing for the last six months. Since Nepal had already announced the possibility of national lockdown during the start of virtual rounds, we also had difficulty in managing technicalities since we had to plead our arguments from our homes. Nevertheless, we managed to carry out our virtual pleadings quite smoothly. We are grateful for the organisers' support.

The Vis East moot definitely provides a huge platform for young arbitration enthusiasts and it was a great opportunity for us to acquire knowledge, build connections and understand the international commercial arbitral proceedings by being a

part of it. The moot was particularly significant for us because the problem focused on hydropower. This is one of the industries attracting most investment in Nepal and Big law firms are focused on advising on project financing. The experience acquired in the moot has given us the advantage of knowing the industrial standard of hydropower, understanding how the agreements associated with it work, and are arranged and given us an overall perspective on its legal aspects. This has enabled one of our team members to get an internship in a band-1 law firm. This is a clear indicator that the programme is a success. The honorable mention is one of the biggest achievements any Nepali team has received in the competition. We are proud to be the first team that was able to receive this mention for our law school representing our country, Nepal.

The journey of this moot was filled with a lot of ups and downs. But now



Left to right: Sangeeta Dangal, Rosy Shrestha, Priyanka Sharma and Nirwan Jung Karki

as we look back upon our journey, we feel grateful that we made the decision of taking part in this moot. Now we know that every hardship we faced was only making us stronger to be better prepared for our future to become the best lawyers. Thank

you ArbitralWomen and White & Case LLP (Paris), for helping us experience this journey that we will cherish for a lifetime!

Submitted by Kathmandu School of Law Vis Moot team

## University of Mandalay, Myanmar



Left to right: Thiha Kyaw Zin, Louise Barrington, Sandar Lin (front), Marck Macaraeg, Susan Wintermuth, Airnge Myint Lwin, Khaing Shwe Yee, Nan Yadanar Lin, Myo Su Thant

**In early September, when our team was first formed in the University of Mandalay, the most common words we heard from our alumni and the**

director of Vis East Moot Organization were: "This would be really hard but after that, you'll see it's all worth it." **THEY ARE RIGHT!** The struggle in this tough

six-month period was way more than 100% worth it.

Unlike the previous events, this year seems to be more exciting with more challenging problems. There have been many uncertainties this year as well, for example, various violent protests in Hong Kong and most important of all, COVID-19 pandemic. Due to the threatening COVID-19 attack, we had to participate in the first ever virtual international moot competition. Even though we could not be in Hong Kong, the VVE (Virtual Vis East) still made our efforts effective. The spirit of the moot did not seem to change at all.

Despite all of the sudden strikes of ups and downs, the learning process through competition has had a great impact on our improvement in advocacy skills and knowledge of arbitration and our international commercial network. We value each and every moment we witnessed.

We participated in this exciting journey in exchange of fun and free holidays. The fund from ArbitralWomen helped ease any additional worry. We all were happy and started jumping for joy while we were in a group study as soon as we saw an email from ArbitralWomen that our team was chosen for sponsorship. This took a lot of weight off our shoulders and gave us a light to keep moving forward for participating in the 17<sup>th</sup> Willem C. Vis East International Commercial Arbitration Moot Competition, 2020. Such support has motivated and encouraged us not only in this competition but also in

the future. We can also be involved in improving the arbitration mechanism in Myanmar from our experience in this competition.

During the competition, we have met very active and talented teams. The feedback and suggestions from the panel have been very helpful for us. This gave us more insight into how problems are resolved through arbitration.

Participating in this competition helped us to meet amazing coaches and mentors. Special thanks to **Louise Barrington** for bringing us a lot closer to arbitration through the Capacity Building Program in Yangon, Myanmar.

Moreover, our sincere regards to **Zhang Yulin, Jagmeet Makkar, Erin Wenger** and **Nathaniel Emil Legacion**, and all the teachers and professors from our university for inspiring and guiding us throughout the Vis journey.

Again and sincerely, because of ArbitralWomen's support to our team, we were able to embark on this unforgettable Vis East Moot journey.

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Submitted by the University of Mandalay Vis East Moot Team 2020 comprised of Airnge Myint Lwin, Khaing Shwe Yee, Sandar Lin, Thiha Kyaw Zin, Myo Su Thant, Nan Yadanar Lin

## University of Lagos, Nigeria

“It’s one step for us, but a giant leap for our system”



Left to right: Ajibade Shalom, Olutoye Blessing, Otitoola Olufolajimi, Omolumo Adeife

**Arbitration law is not one** readily exposed to students in countries like Nigeria, it does not even have a really steady place in our learning syllabus which means learning arbitration here is an out of class exercise (mainly through personal research and competitions). We do not criticise the system but instead appreciate the scholarship granted to the University of Lagos to enable us participate in the 27<sup>th</sup> Vis Moot. Those experiences were priceless. ArbitralWomen is truly

one of such giants that have lent their shoulders to us that we may see and learn for the future.

Every step leading up to our participation has been in itself a veritable learning experience. To begin with, we had the pleasure of being selected to represent the University of Lagos (referred to by the team as Unilag) from a pool of other students who were also very willing. This indeed imbibed in us the value of hard work, healthy competition and passion in

things we do – values that really kept us going all through the journey. The memorial writing stage was simply an exposure to another world – an unfamiliar terrain which meant more work, less play, no one was going to slow the calendar down for us nor were we afforded any advantage by the school setting. We practically as a team knew very little of international commercial arbitration, but with research, discussions and brainstorming during the memorial writing stage it has become a familiar terrain which we aim to arouse interest in within our fellow students.

Under the peculiar circumstances that befell the world in the run up to the event, we had the opportunity to moot online against schools such as the Universities of Marburg and Munich before the competition itself, in test rounds held over Skype. It was such a wonderful avenue for testing our knowledge of the subject.

Further, during the competition proper, we had the pleasure of going against Hamad Bin Khalifa University, University of Tehran, Vrije Universiteit and West Bengal University. Every proceeding provided its own lessons – those learned from opposing counsel as well as valuable observations and comments of the arbitrators. We can assert with confidence that the coun-

try has more students knowledgeable in international commercial arbitration than it had yesterday.

Participating in this competition meant a lot not only to the team members alone but the whole system itself. We are the second team to ever participate in the moot from the University of Lagos and this placed the ultimate duty on us to indeed demonstrate that year in year out

participation is possible. We had our goals, maybe we didn't meet them but this drives us to continue in helping to spread the knowledge of arbitration among our fellow students. On this note, Special thanks to Clyde & Co (Paris) for helping us be a part of the competition as we would not be there without your funding of our registration fee through ArbitralWomen. We appreciate this kind gesture.

Even a moon landing requires several rocket stages to be successful. Thank you, ArbitralWomen, for being our rocket engines!

Submitted by the Unilag Vis Moot Team: Olutoye Blessing Jadesola, Omolumo Adeife Adebare, Ezeani Chukwunonyelum, Otitoola Olufolajimi, Olajugba Joseph Oluwatosin and Adepetu Adedoyin Enoch

## Ivan Franko National University of Lviv, Ukraine

### The team of Ivan Franko

National University of Lviv for Willem C. Vis International Commercial Arbitration Moot is a young Ukrainian team, consisting of four members and one coach. The journey of our University to Vis Moot adventure started four years ago when our coach, as a member of the first team, and several other students decided to begin one of the most exciting stories. They started it and we picked it up and continued Vis tradition. Four years later we have a real society consisting of past and present mooties who share the experience. Now we have the Lviv Moot Court Society — the platform that unites all mooties of our University and gives the opportunity to select new ones. For that reason, we may affirmably state that, in fact, the team of Ivan Franko National University of Lviv consists not only of four members but of the entire community of people contributing to the success of the team.

This year's experience was completely different from what we had expected. However, even locked in our houses and connected only virtually, our team still got an experience of a lifetime (*and now we know exactly how to pair a jacket with shorts!*). Hours of pleadings, two offline pre-moots and four amazing online rounds with teams from Montenegro, Brazil, Thailand and Turkey made us part of the Vis moot community forever. Online or offline, we are all part of a big family bent on alternative dispute resolution.



Left to right: Igor Muryn (advisor), Vitaliy Kosovych, Yulia Adamovych, Serhii Andrushchenko, Yuliana Fedoruk, Ivan Yavnych (coach)

Even though Vis Moot 2020 is already over, the history of Vis Moot will not stop for our Ivan Franko National University of Lviv. There are lots of highly motivated and dedicated students in our law school, who are willing to experience moot courts and Vis Moot in particular. Our team is dealing with one more challenge at the moment: to share our own experience, knowledge and Vis spirit with our younger colleagues. We hope that a newly elected Vis team will successfully compete in Vis 2021 and show great results.

They will face hours of hard work and training, so our main aim is to help them to work in a proper way and do their best in creating a new Vis story.

Definitely, this year's participation of our team would have been under the threat, should ArbitralWomen have decided not to support us. For this reason, let us express our wholehearted gratefulness for the fact that ArbitralWomen have believed in our team, giving a full-charge motivation to work as hard as we can and for such a generous scholarship that we received. Thank You!

Team members: **Vitaliy Kosovych, Yulia Adamovych, Serhii Andrushchenko, Yuliana Fedoruk**

Submitted by Vis Moot team of Ivan Franko National University of Lviv

## University of Cairo, Egypt



Members of the University of Cairo team

**With all that's happening in** the world, thanks to ArbitralWomen and Shahid Law Firm, our most recent experience before COVID-19 was one to remember. Our team was chosen to represent Cairo University in the 2020 Frankfurt Investment Moot Court Competition (**FIAMC**). In preparation for this experience, the team signed up and was accepted to participate in the 2020 ICC pre-moot.

A lot of preparation goes into participating in such an esteemed competition and pre-moot. For six months, the team worked on understanding the complex FIAMC case and formulating strong legal arguments for the oral pleadings. We had regular, long meetings and rehearsals amongst ourselves and with different lawyers from law firms in Egypt in efforts to obtain guidance and advice for our participation. Besides all that, the team also had the burdensome task of arranging financial support. Arranging funds for five students to fly to Paris and Frankfurt

from Egypt and participate in the moot and pre-moot was not an easy task. The lack of funds forced us to always wonder whether or not we will have the opportunity to participate in the moot after all of the preparations. We started contacting different law firms and institutions in October 2019 to seek financial support. Although we knew that ArbitralWomen mainly supports the teams participating in the Vis moots, we still took a shot and decided to contact them and explain our situation. We are glad we did!

ArbitralWomen immediately responded with their willingness to support our team and shortly after, arranged support and contribution from Shahid Law Firm. Shahid Law Firm took this opportunity to not only support our team financially, but also arranged coaching sessions for our team in preparation for FIAMC.

After securing the needed funds, our team started preparing for the trip. The five team members applied

for the Schengen Visa and it took over three weeks for the embassy to respond. As a result of the lengthy visa process, only two team members had the chance to fly and participate in the ICC pre-moot and it was arranged that as soon as they obtained their visas, the rest of the team members would join and participate in FIAMC.

The ICC pre-moot is a great opportunity for all the participating teams. It was an important and fundamental learning experience. The pre-moot gave us the chance to plead before practitioners in the field of investment and commercial arbitration from different countries and meet with our peers from 11 different universities. The pleading rounds in the ICC pre-moot were a great chance for us to practice our pleadings and enhanced our understanding of the complex moot problem. The reception organized by the ICC YAF on the same evening was also a great experience for us to connect with lawyers from different parts of the world that have different outlooks on the field and face different challenges. It was an eye-opening experience for us to look at the bigger picture and experience the international aspect of our field. In only a few hours, we were better prepared to participate in FIAMC and had already gained huge exposure and experience. Unfortunately, as a result of the COVID-19 outbreak, the FIAMC was cancelled and the rest of the team members had to withdraw their Schengen Visa applications. We flew back to Egypt shortly after, with hopes to participate in FIAMC next year and a lot of lessons we learned in the ICC pre-moot. We are deeply grateful for ArbitralWomen for choosing to support our team and connecting us with Shahid Law Firm for being a reason behind this remarkable experience.

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Submitted by the Frankfurt Investment Moot Team members of the University of Cairo, Egypt

## Diplomatic Academy of Vietnam

**It was not just a competition,** for us, the FDI Moot was our story of self-improvement, of great team spirit where we strived to grow stronger together, to exceed the limit that the others set us.

In the 2019 FDI Moot Vietnam National Rounds, our team only made it to the semi-finals, but two members had gained individual achievements: Best Advocates for Claimants and Respondent. Our flame of passion and dedication for competing in the FDI Moot, however, was not extinguished. Wishing to further indulge ourselves in the knowledge journey, we received permission from the national board to continue our journey to participate in the Asia-Pacific Regional Rounds in Seoul, Korea alongside the two national rounds' finalists. However, it was on a self-funded basis, as only finalists could receive transportation and accommodation sponsorship. The financial hindrance did not make us hesitant for even a moment to take the opportunity, since we knew it was our second chance to prove that with our determination, we can achieve better victories.

During the preparation for the regional rounds, with the help of our seniors from the Diplomatic Academy of Vietnam (**DAV**), as well as training with other Vietnam teams arranged by the national board, we were involved in a hectic training and grinding schedule, into which we put our effort to improve ourselves everyday. The daily teamwork also strengthened the team's bond and built a mutual understanding amongst the team members, which not only boosted our productivity, but also provided us with solid mental support.

Throughout the preparation phase, financial burden was constantly a worry for us. We tried to reach out to international and local law firms, but it was unlucky that they were already sponsors for the regional and national rounds, leaving us with little chance of receiving external support. Our team, which consists of five female, third-year undergraduates, had to both keep up with the preparation and engage in part-time jobs



to afford the expenditures for the trip to Seoul. We know that ArbitralWomen's Moot Funding has been a constant supporter of many generations of teams representing DAV in prestigious international moot competitions, helping them overcome difficulties and get the chance to experience the international level playing fields. Most importantly, we recognise the leading role of ArbitralWomen in promoting women's participation in arbitration-related careers, which was compatible with our aim in participating in the competition. With that in mind, we applied for Moot Funding from ArbitralWomen. Luckily and gratefully, we were awarded Moot Funding with sponsorship of Jus Mundi. Jus Mundi was also very generous in providing all the FDI Moot Court participants with free access to the premium version of its search engine during the competition, which we utilized to develop our arguments as well as knowledge. It was truly encouraging for us, knowing that our shared goal, effort and passion were recognized, alongside with the funding, we were more confident and focused to conquer the challenge ahead.

The regional rounds in Seoul were both tough rounds of battles and precious learning opportunities at the same time. During these rounds, we competed against teams from University of Indonesia, University of Santo Tomas, Handong International Law School and Doshisha University. It was an eye-opening experience for us by learning how

teams professionally submit their arguments with great manners, by receiving on-point and challenging questions as well as constructive feedback from arbitrators. Having bravely fought and dedicated our best to the pleadings, we ended up ranked third in the stage rounds and we were proud to be the Vietnamese team with the most wins. With that humble result, alongside with valuable knowledge and improvements match after match, we were confident that our hard work paid off. Another bright side to the competition was that we got the chance to learn and make great, long-lasting bonds with young talented law students from other Asian countries who share the common pursuit of a future legal career.

The FDI Moot was the last journey of our college life with which we strived to make memorable and fulfilling. DAV mooties have a saying that: "Mooting is exhausting". Our summer was filled with stressful days of repetitive cycle: researching, meeting, training and countless sleepless nights, but it is worth the effort. What we gained from the competition —not only skills and knowledge, but also the valuable memories— are things that we can keep for a lifetime. It was all thanks to ArbitralWomen Moot Funding and Jus Mundi!

**FDI DAV Team 2019** consists of Hai Anh Nguyen, Minh Anh Tran, Thi Phuong Anh Nguyen, Thi Nhat Linh Nguyen, Tran Lan Huong Nguyen.

# Reports on Events

## Joint ICC-ArbitralWomen Event-The Diversity Spectrum Across ADR on 18 February 2020 in Dubai, UAE

### On the occasion of the 8th ICC

Middle East and North Africa (MENA) Conference in Dubai, **ArbitralWomen** and the **ICC International Court of Arbitration** held, on 18 February 2020, a panel discussion on the manifestation of gender diversity across the various alternative dispute resolution (ADR) mechanisms.

The event, which received a staggering turnout, offered a forum for riveting and constructive discussion on gender diversity issues in the field of ADR. The discussion was guided by illustrious speakers: **Ziva Filipic**, Managing Counsel at the ICC International Court of Arbitration in Paris, who delivered the keynote address; the panellists **Ali Al Hashmi**, Managing Partner, Global Advocates and Legal Counsel, Dubai, **Michael Black QC**, Advocate and International Arbitrator, XXIV Old Buildings Barristers' Chambers, Dubai, **Alya Ladjimi**, Manager, ICC Dispute Resolution Services, Paris, and Professor **Catherine A. Rogers**, Penn State Law, USA and Queen Mary University, London, UK and Founder and CEO, Arbitrator Intelligence. The event was moderated by **Sara Koleilat-Aranjo**, ArbitralWomen Board Member, MENA Director, from Al Tamimi & Company.

The discussion started with opening remarks by Sara Koleilat-Aranjo, who introduced ArbitralWomen and its activities. Sara highlighted the relevance of gender diversity in the MENA region, not only in the field of arbitration but also in mediation, conciliation, and other forms of ADR, and touched upon the recent significant progress made on this front across both the legal profession, in general, and ADR, in particular.

Against this backdrop, Ziva Filipic delivered a powerful keynote speech on the importance of diversity in making the overall process of arbitration more efficient, including by enhancing the quality



Left to right: Ali Al Hashmi, Catherine Rogers, Alya Ladjimi, Sara Koleilat-Aranjo, Ziva Filipic, Michael Black QC

of arbitral awards, driving the point that the fight for the “buzzword” diversity is well worth it. She gave the audience valuable insight on the ICC International Court of Arbitration’s efforts towards promoting gender diversity: while in 2016 there were 136 female arbitrators appointed, in 2018, there were 273 female arbitrators appointed. Ziva highlighted that the total number of 273 only represented 18.4% of entire annual appointments, and acknowledged that the arbitration community is “*doing well but not going fast enough*.” She opined that the problem would be best tackled by raising awareness and capacity building in order to “*have a larger pool of arbitrators, which will help a better result and an efficient process*,” and also stressed the importance of reaching out to qualified young arbitrators for the purpose of building this larger pool.

Sara Koleilat-Aranjo then kicked off the discussion by providing a roadmap for the panel aimed at primarily addressing

- i. the lay of the land and challenges that have led to the discrepancy in statistics provided by Ziva Filipic, as well as
- ii. the issue of receptivity of diversity in arbitration and other forms of ADR.

Alya Ladjimi acknowledged that one of the challenges faced in appointments of women as neutral dispute board members is the specific requirements and qualifications that parties demand when applying for such appointments, in contrast with the appointment of arbitrators, which tends to be more generic. The fact that, in 2019, women made up only 21.9% of the neutral dispute board members and experts illustrates the problem in a nutshell. However, Alya Ladjimi noticed a positive trend and highlighted that the fact that women are “*choosing more and more to have their career in technical fields*” will no doubt contribute to the much needed overhaul.

Professor Catherine Rogers also weighed in on the possible reasons

for the gender gap discrepancy in arbitration and other forms of ADR. She explained that in a study conducted aimed at understanding what parties seek as features in an arbitrator, 93% identified “*expertise*,” and 91% identified “*efficiency*,” both of which are abstract concepts and not individual, even less so gender-driven data points. In applying abstract concepts, Professor Catherine Rogers stated that “*structural and individual bias that we do not know we have creeps in*”. She urged that the “*broken market*” requires meritocracy and fixing, rather than simply promoting “*the first movers*,” whom she describes to be the arbitrators who have been in practice for a significant period of time. Sara Koleilat-Aranjo observed that in order to build and gain access to a more diverse pool, there is a need for newcomers, and the challenge is that the legal profession is traditionally very risk averse.

Ali Al Hashimi, meanwhile, observed that the UAE was changing, as a whole, with the appointments of women in the judiciary, cabinet, parliament and prosecution department, positions which he described as having been “*dominated by men fifteen years ago*.” Citing personal experience, Ali Al Hashimi stated that 50% of the workforce in his firm was made up of women, and that there was diversity of not only gender, but also nationality and ethnicity. As far as his experiences with appointment of arbitrators is concerned, Ali Al Hashimi

mentioned that his firm has very often appointed female arbitrators, and that in a current mediation case, two of the three names proposed by the firm are those of female mediators. This, he opined, reflects the overall trend in the UAE, which has seen a positive shift in the past ten years with “*rapid growth and new joiners in the legal field*.”

Alya Ladjimi also commented that the situation on the ICC International Court of Arbitration was similar, inasmuch as there is perfect parity between men and women.

Michael Black QC added to this, with similar optimism, citing from his experience that he is currently sitting as an arbitrator on three-member tribunals in nine cases; in four of these, he has a female co-arbitrator; and in two of these four cases, the male co-arbitrators chose a female chair. However, he stated that the responsibility of childcare and elder-care has traditionally fallen on women, which might explain the discrepancy in statistics of arbitrator appointments and also in the fact that, while more than 50% of the entrants to the English bar are female, only 15.8% of the appointed Queen’s Counsel are female.

Another reason for this discrepancy, Michael Black QC opined, is socio-economic in nature, because entry into elite educational institutions often tends to be entry into law firms and consequently easier access to arbitral appointments.

Michael Black QC vociferously dis-

agreed with the stereotype that women are more facilitative or softer, rather than aggressive. He stated that, in fact, a study had proven that women leaders are 27% more likely to declare war, and that “*women are as diverse as men in terms of personality*.” Ali Al Hashimi agreed with Michael Black QC’s proposition and commented that a candidate’s gender is not what should be looked at, but rather their skills and experience should be considered.

On the issue of receptivity of gender by third parties, Sara Koleilat-Aranjo cited a Harvard Business School case study that has been conducted, in which a scenario was played out using the example of Howard (man) and thereafter Heidi (woman), and how in the same scenario the perception of Howard was “*highly ambitious*”, while Heidi was perceived as “*authoritative and aggressive*.” The panellists spoke of their experiences witnessing the unconscious biases that hinder the achievement of complete diversity and commented on how erroneous these biases often prove to be.

The panel then discussed corrective measures that could be implemented to bridge the diversity gap. Professor Catherine Rogers suggested that any sort of corrective measure would have to take into account both unconscious bias and meritocracy, and would have to fix the marketplace for information, “*disaggregating corrective skillset into arbitrator data for efficiency*.” Bias, she stated,



Ziva Filipic delivering the Keynote Address

is a “*mental shortcut*.” She opined that, to stop your mind from taking these cognitive shortcuts, “*you give hard data to combat the shortcuts*,” calling upon the arbitration community to submit the Arbitrator Intelligence Questionnaires (AIQ) on more female arbitrators so that there could be more information available on female arbitrators. Michael Black QC agreed, and further encouraged the community to “*test bias against facts*.”

The discussion was thought provoking, and heeded great participation from the audience. One of the suggestions from the audience was anonymising the list of arbitrator candidates to ensure female arbitrators in the region found more representation in arbitral tribunals.

A question from the audience also sparked a discussion of the potential role of arbitral institutions in fixing the “*information asymmetry*” by showcasing

profiles of female arbitrators in order to show users that even female arbitrators can have the requisite expertise and efficiency. Ziva Filipic commented that arbitral institutions would require immense infrastructure for such purposes. However, in order to unveil expertise and efficiency, the ICC will be publishing arbitral awards that are either non-confidential or in relation to which parties did not object publication, two years after they are rendered. Ziva indicated that, so far, the ICC has received no objections to publish about 60% of these awards. She highlighted that such publication will have tremendous value in illustrating how cases are administered, will support new arbitrators in dealing with procedural issues and truly showcase the efficiency of gender-diverse tribunals.

Sara Koleilat-Aranjo closed the panel discussion on an optimistic note, and

said that we must “*see and acknowledge the potential of capable women to fill up more places and encourage women to further lean in at the table and enlarge the pool of available candidates in arbitration and other forms of ADR*.” Sara ended her closing remarks by quoting ArbitralWomen co-founder, **Mirèze Philippe**, who has observed that “*talented female practitioners in dispute resolution are numerous*;” however, the problem lies in the fact that “*women do not promote themselves as men do*.” Sara Koleilat-Aranjo accordingly weighed in to say that women should enlarge the pool of available candidates, and, once again quoting Mirèze Philippe, stated that “*it is everyone’s responsibility to promote each other*.”

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Submitted by Maithili Parikh, Junior Counsel, Bombay High Court, LL.M. Harvard Law School

## Second Tel Aviv International Arbitration Day on 1-3 March 2020 in Tel-Aviv, Israel



Maxi Scherer

On 3 March 2020, ArbitralWomen member Professor **Maxi Scherer** gave a keynote at the Second Tel Aviv International Arbitration Day. The topic of her keynote was “*Artificial Intelligence and Decision Making in International Arbitration*.” She discussed with the audience whether

and how artificial intelligence (AI) will influence the ways international arbitration is conducted in the years to come. Looking at the specific features of AI, she analysed hurdles and challenges international arbitration lawyers may face when using AI tools. The talk was based on her recent

article published in the Journal of International Arbitration. The other keynote of the day was delivered by **Constantine Partasides QC**.

The 2020 Tel Aviv International Arbitration Day was organised by **Michael Feit, Raphael Kaminsky, Tatiana Minaeva, Shai Sharvit** and **Shai Wade**. Maxi notes that “despite being only in its second year, the Tel Aviv International Arbitration Day has become a huge success,” adding that “the quality of the speakers and the organisation of the event is second to none.”



Journal of International Arbitration article

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Submitted by Maxi Scherer, ArbitralWomen member, Professor of Law at Queen Mary University of London and Special Counsel at WilmerHale

## The David D. Caron Praelium, on 5 March 2020 in New York, USA



Left to right: Kate Brown de Vejar, George A. Bermann, Jean Kalicki and Charles N. Brower

### On 5 March 2020, The Centre

for International Commercial & Investment Arbitration at Columbia Law School, The Dickson Poon School of Law at King's College London and law firm Three Crowns, hosted The David D. Caron Praelium at the Metropolitan Club in New York City, USA. The Praelium, first introduced in 2015, is an annual celebration of advocacy, with two leading international advocates deploying their oratorical and advocacy skills in the service of important current legal issues before a distinguished three-member tribunal.

This year's advocates were **Kate Brown de Vejar** (DLA Piper) and **Christopher Harris QC** (3 Verulam Buildings). The distinguished tribu-

nal comprised **Jean Kalicki** (Kalicki Arbitration), Professor **George A. Bermann** (Columbia Law School), and **The Honorable Charles N. Brower** (20 Essex Street).

The fictional dispute concerned an investment treaty claim by an investor in an oil processing plant against the investment's host state, Ruritania, a country rife with civil unrest. The argument centred on two issues:

- i. the alleged judicial expropriation carried out by Ruritania in breach of the applicable bilateral investment treaty, with the advocates debating whether the criteria for a denial of justice had to be satisfied; and

- ii. the proper parties to the dispute, with the advocates addressing an application to intervene in the proceedings brought by the self-proclaimed Bravura government, which challenged the legitimacy of the incumbent President Maturó's government in Ruritania.

This year marked the Praelium's inaugural session in the United States and took place before a large audience filled with prominent international arbitrators and practitioners from across the globe. In its closing remarks, the tribunal praised the skills of the advocates, and celebrated The Praelium as having become a significant event in the annual international arbitration calendar.

Thank you to Columbia Law School, King's College London and Three Crowns for hosting this year's David D. Caron Praelium.

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Submitted by Kate Brown de Vejar, ArbitralWomen member, Partner and Global Co-Chair of International Arbitration, DLA Piper, Mexico City, Mexico and Charlotte Westbrook, Law Clerk (Associate), DLA Piper, New York, USA.

## Columbia Arbitration Day 2020: Breaking New Ground in International Arbitration on 6 March 2020 in New York City, USA

**Columbia Arbitration Day**, organized by Columbia International Arbitration Association, drew more than 150 practitioners, academics and students to discuss "Breaking New Ground in International Arbitration."

In her keynote address, the Honourable Judge **Joan E. Donoghue** (International Court of Justice) examined how the method of argument in international arbitration —assessment, assertion and response— could assist in creating open political dialogue,



Left to right: Mirjam Escher, Patrick W. Pearsall, Nathalie Voser, Patricia Nacimiento, Graham Coop

including at the dinner table.

During the "Human Rights and

Environmental Disputes in International Arbitration" panel, moderated



Left to right: Erin Thomas, Arjun Agarwal, Ndanga Kamau, Yasmine Lahlou, Karima Sauma, Andrea Avila Salgado, Xiaojie Huang



Left to right: Kabir Duggal, Mirjam Escher, Nadja Al Kanawati, Craig Gaver, Joan E. Donoghue, George Bermann, Rachel Ong Yue Qing, Andrea Avila Salgado

by **Kabir Duggal** (Columbia Law School, Arnold & Porter), panellists **Katerina Yiannibas** (Columbia Law School) and **Matthew Draper** (Draper & Draper) discussed the work of the Business and Human Rights Arbitration Working Group and the ICC Task Force on Resolving Climate Change Related Disputes, respectively. In a debate on the compatibility of international arbitration and human rights, ArbitralWomen member **Anya George** (Schellenberg Wittmer) asserted that human rights obligations are enshrined in domestic laws applicable to foreign investors, such that they could be raised by States in investment disputes, whereas **Elliot Friedman** (Freshfields Bruckhaus Deringer) argued that other institutions in which victims have a direct voice were a more appropriate forum. For the purposes of the debate, George and Friedman had been asked by the organisers of the conference to oppose and support, respectively, the proposal that international arbitration and human rights shall never meet. Their positions did not necessarily reflect their actual views.

On “Reforming Investment

Arbitration — Working Group III and ECT,” moderated by **Patrick Pearsall** (Jenner & Block), **Graham Coop** (Volterra Fietta) discussed challenges of the Energy Charter Treaty. ArbitralWomen members **Nathalie Voser** (Schellenberg Wittmer) and **Patricia Nacimiento** (Herbert Smith Freehills) examined reforms under consideration by the UNCITRAL Working Group III. The creation of an Advisory Centre to build capacity in investment arbitration was supported by the panellists, so long as, according to Voser, it is made available to both States and investors, including small and medium-sized investors with limited resources. Requiring security for costs was more controversial. Nacimiento warned that the measure could have the effect of dismissing a claim before it reaches an arbitral tribunal.

During the panel discussion on “Technology in Arbitration and the Advent of Decentralised Justice,” moderated by **Sophie Nappert** (3 Verulam Buildings), **Hugh Carlson** (Three Crowns) addressed the impact of artificial intelligence on arbitration. **Federico Ast** (Kleros) discussed Kleros,

a decentralised online system that uses blockchain and crowdsourcing to adjudicate disputes. ArbitralWomen member **Jennifer Permesly** (Skadden, Arps, Slate, Meagher & Flom) shared technology resources available to arbitration practitioners based on the guide published by the IBA’s Arb40 Subcommittee.

During the “How to Raise the Bar for Diversity in International Arbitration?” panel, moderated by **Erin Thomas** (Covington & Burling), panellists **Arjun Agarwal** (Chevron), **Ndanga Kamau** (Ndanga Kamau Law), **Yasmine Lahlou** (Chaffetz Lindsey) and **Karima Sauma** (American Chamber of Commerce, Costa Rica) discussed diversity in international arbitration. Although women remain underrepresented, they are being appointed more often since the 2015 Equal Representation in Arbitration Pledge. Other forms of diversity are more difficult to measure, but they are similarly critical to increase. At the very least, arbitrators with linguistic competence and knowledge of the region in which a dispute takes place should be appointed, with Kamau encouraging the audience: “*to be more ambitious. There is nothing stopping a Ghanaian from sitting on a panel deciding a Canadian dispute.*”

The day concluded with a debate on “How to Resolve Conflicting Ethical Rules.” **Joseph E. Neuhaus** (Sullivan & Cromwell) and **Ari MacKinnon** (Cleary Gottlieb, Steen & Hamilton) argued in favour of the creation of rules on counsel ethics in international arbitration, while **Felix Dasser** (Homburger) and **Sven Volkmer** (White & Case) argued against it, before arbitrators **George Bermann** (Columbia Law School), ArbitralWomen member **Julie Bédard** (Skadden, Arps, Slate, Meagher & Flom) and **Eduardo Zuleta** (Georgetown Law Centre).

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Submitted by Misol Bolaños, International Visiting Professional at Skadden, Arps, Slate, Meagher & Flom LLP, and Rikki Stern, associate at Eversheds Sutherland (US) LLP

## Dinner on the occasion of International Women's Day on 9 March 2020 in Paris, France

**On 9 March 2020, Melanie van Leeuwen** (Partner, Derains Gharavi, Paris) hosted a dinner with 60 Paris-based female arbitration practitioners to celebrate International Women's Day. This social event was the last one before the social distancing rules came into force in France, where lockdown started at the end of that week due to the coronavirus pandemic. The female contingent of the Derains & Gharavi team wanted to mark International Women's Day by bringing together the many bright and outstanding women – some accomplished and others on their way to be – that are professionally active in arbitration. The purpose of the dinner was to bring together women from different jurisdictions, different sectors, different generations and different cultures to meet, to (re)connect, to exchange, to learn and importantly, to enhance the much-needed female solidarity.

Several ArbitralWomen members were invited and enjoyed the very friendly dinner.

**Nadia Darwazeh** (ArbitralWomen member and Partner, Clyde & Co, Paris) and **Yasmin Mohammad** (Head of International Arbitration at Vannin Capital, Paris) raised thought-provoking issues around four themes.

Yasmin started off with Networking and the fact that putting oneself in a situation to meet and engage with a more diversified group of people requires taking the time to engage with extracurricular activities like Whisky clubs and Vintage cars. In jest, she challenged the fact that traditionally, women tend to choose spending time with their families while their other halves often preferred golf, vintage cars or whisky, quite rightly calling those activities important networking occasions to justify their absence from home.

Nadia then moved on to the theme of “don't ask don't get” reminding guests of the importance of asking as a means to further advance one's career strategy. She highlighted that all too often women have been raised to be modest, to work hard and wait until they are noticed or rewarded. It is still often considered not “nice” or “feminine” for women to focus on what they want and to pursue their self-interest. Because of gender bias those women that do, are often perceived as being “aggressive”. Nadia pointed out that, in light of their successful careers, many of the guests present have asked and gotten, but that it was key to support and encourage the next generation of female arbitration practitioners to do the same.

Yasmin then raised the third topic of the dinner: uncomfortable self-promotion. She addressed the guests, encouraging them to be more active and bolder when promoting their work and talents. Yasmin challenged each guest to identify three professional achievements they were proud of and to share them with a guest sitting next to them over dinner.

Lastly, Nadia raised the question whether, in light of the very slow progress, it was time for affirmative action as a means to further gender diversity at the top. She walked the guests through the potential benefits and downsides. Nadia concluded by a remark that one of her clients at a large French corporation had made, namely that today affirmative action in the legal field is not discriminatory: there are enough good women to choose from and the effect of affirmative action is that women are actually carefully considered for senior positions.

The dinner was not only a very pleasant gathering that everyone enjoyed, but it also became even more, a source of good memories to treasure in this social distancing and lockdown era in France and in most parts of the world.

“A wonderful event in a warm and relaxed atmosphere... I was delighted to reconnect with friends and colleagues



and to make truly inspiring new encounters” commented Janice Feigher (counsel, Norton Rose, Paris), and Clea Bigelow-Nuttal (senior associate, Pinsent Masons, London) added that it was “An uplifting evening in the company of some extraordinary women. It was a pleasure and privilege to spend an evening reconnecting, meeting and sharing with such an accomplished group of professionals”.

The following day, Yasmin posted this meaningful message on LinkedIn, about the challenge she had launched at the dinner: “Last night, I challenged an extraordinary group of women to share three professional moments they were

particularly proud of. It was fascinating, although not altogether surprising, just how difficult it was for most to engage in what they believe, deep down, to be a disgracing, self-boasting, bragging exercise. My plea to them was that self-promotion is the only way to share accomplishments, to shed light on hard work and achievements. Nobody else will do that for us, certainly not if we do not share the information to start with. Self-promotion is a muscle, it is icky and uncomfortable but unless exercised, it withers or simply never develops. Be gentle with those who try and exercise that muscle, it may not come out as

elegantly or as subtly as they wanted (...).”

We hope we can have more of these reunions soon, once “normal” life resumes!

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Submitted by Maria Beatriz Burghetto, ArbitralWomen Board Member, Independent lawyer and arbitrator, Paris; Nadia Darwazeh, ArbitralWomen member, Partner, Clyde & Co., Paris; Yasmin Mohammad, Head of international arbitration, Vannin Capital, Paris; Mirèze Philippe, ArbitralWomen co-founder, Special Counsel, ICC, Paris; and Melanie van Leeuwen, Partner, Derains & Gharavi, Paris

## Raedas Women in Disputes breakfast panel, on 10 March 2020 in London, United Kingdom



Left to right: Joana Rego, Gita Trevorrow-Seymour and Kate Bright

### On 10 March Raedas hosted

a Women in Disputes breakfast panel at the AllBright club in Mayfair, London, UK, in celebration of International Women’s Day. Raedas co-founder, partner, and ArbitralWomen member **Joana Rego** moderated a candid discussion with panellists **Kate Bright** (CEO and Founder of UMBRA International), and **Gita Trevorrow-Seymour** (Founder and MD of High Definition You). They were joined by a full audience of over 30 women and men from the arbitration and litigation community in London.

The debate focussed on three topics which remain at the core of the careers of so many women (and men!):

- Fear factors and discomfort zones

and how fear can actually help drive us;

- How to embrace perceptions, assumptions and those tough expectations we have of ourselves; and
- The importance of a sense of purpose – how by staying connected to ‘the why’, we can fuel the uncertainties of our day-to-day life.

Lots of ideas were thrown back and forth among the panellists and a very receptive audience, who had some pertinent points and questions at the end. All in all, it was an event which celebrated success, but also helped with embracing failure.

Also in attendance on the day

from Raedas were ArbitralWomen members **Isabel Asquith**, **Helena Bowyer**, **Jenna Burton** and **Asya Sonnichsen** and **Nicholas Bortman**.

For more information please visit [www.raedas.com](http://www.raedas.com) or contact [enquiries@raedas.com](mailto:enquiries@raedas.com)



Click to visit  
[www.raedas.com](http://www.raedas.com)



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[enquiries@raedas.com](mailto:enquiries@raedas.com)

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Submitted by Joana Rego, ArbitralWomen member, partner, Raedas Consulting Limited, London, UK

## The 6<sup>th</sup> SOAS Conference on Arbitration in Africa on 10-12 March 2020 in Douala, Cameroon



Left to right: Sola Adegbonmire, Olufunke Adekoya, Nagla Nasser, Emilia Onyema, Obosa Akpata, Diane Okoko, Eunice Shang-Simpson, Funmi Roberts, Sally El-Sawah, Sylvie Bebohi, Flora Wamba

**The 6<sup>th</sup> SOAS Arbitration in Africa** conference was held in Douala, Cameroon, from 10-12 March 2020 at the headquarters of the Inter-employer Grouping of Cameroon (*Groupement inter-patronal du Cameroun – GICAM*). The conference explored the role of the different legal cultures in Africa in the practice of arbitration and ADR. It was organised by Dr **Emilia Onyema**, the SOAS Arbitration in Africa Conference Convenor and **Marie-Andrée Ngwe**, President of the Permanent Committee of CMAG (GICAM's Mediation and Arbitration Centre).

There were 8 Panel discussions. Panel 1 was moderated by Dr Onyema, ArbitralWomen member, and entitled, "General Counsel's View on Dispute Resolution in Africa." The General Counsel of the AfDB Group, Orabank Africa and Société-Générale Bank (Cameroon) provided insights into the attitudes of their organisations towards dispute resolution, all of them favouring arbitration, where possible. They also discussed how they choose counsel and arbitrators.

Panel 2 discussed the involvement of state counsel in arbitration and how they can better work with private counsel in their investor-state and commercial disputes. It was moderated by **Mouhamed Kebe**, with representatives from CMAG

and government lawyers from Senegal and Cameroon as panel members.

Panel 3 on "Drafting effective dispute resolution clauses under Institutional Rules" was moderated by **Eunice Shang-Simpson**, ArbitralWomen member. The key take-aways from the panel were to take advice from arbitral institutions in order to avoid pathological clauses; to resist the temptation of trying to "re-invent the wheel" with regards to the tried and tested model clauses of the centres; to remember that a lawyer's greatest weapons are clarity and brevity; and to avail oneself of the training that is widely available on how to draft efficient dispute resolution clauses.

Panel 4, moderated by **Funke Adekoya, SAN**, ArbitralWomen member, discussed the interviewing of candidate arbitrators in a multicultural context. Panellists shared their experiences of being interviewed for appointment as arbitrators, or of interviewing candidate arbitrators for appointment. The need for integrity on the part of the arbitrator was stressed by the panel.

Panel 5 discussed evidentiary issues in arbitral hearings and was moderated by **Olivier Cuperlier**. The panellists spoke authoritatively about the IBA Rules on the Taking of Evidence and the recently produced Prague Rules.

Panel 6, moderated by Dr **Sylvie Bebohi**, explored the impact of the different languages spoken on the African continent on the choice of seat of arbitration, appointment of arbitrators and mediators, cost of translation and interpretation services, and how institutions support parties with language issues.

Panel 7 explored international developments in mediation and their implications for African countries. The panel was moderated by Professor **Hiro Aragaki**. It explored the Singapore Convention, investor-state mediation and hybrid processes such as arb-med-arb and dispute adjudication/review boards.

Finally, panel 8, moderated by Justice Dr **Emmanuel Ugirshebuja**, President of the East Africa Court of Justice, Tanzania, discussed the enforcement of intra-African awards and how awards are enforced in the OHADA region and under the New York Convention in other African states.

Delegates were invited to sign up to the ERA Pledge, and the conference concluded with cocktails in the lovely gardens at CMAG / GICAM headquarters.

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Submitted by Eunice Shang-Simpson, ArbitralWomen member, Independent consultant and PhD candidate, Canterbury, UK

# Celebratory Virtual Gathering of Senior New York Women in International Arbitration on 17 April 2020 in New York, USA

**Claudia Salomon**, partner and co-chair of the international arbitration group at Latham & Watkins, organised and hosted a Friday evening virtual happy hour (Eastern/NY time) on 17 April 2020 for senior New York Women in International Arbitration to toast several promotions, moves and achievements, including, *inter alia*, **Catherine Amirfar** becoming President of American Society of International Law, **Isabel Fernandez de la Cuesta** making partner and **Lauren Friedman** and **Lucila (Luli) Hemmingsen** joining as partners at King & Spalding, **Jennifer Permesly** making partner at Skadden, **Rainbow Willard** making counsel at Chaffetz Lindsey and **Zeynep Gunday** making partner at Squire Patton Boggs.

More than 30 women joined the virtual celebration (unfortunately not all captured in any one Zoom screenshot). Several were unable to join due to illness, scheduling conflicts or time zone differences (and those sheltering in abroad during the Covid-19 pandemic).

We not only toasted recent achievements and promotions, but also exchanged candid and sobering accounts of trying to manage through these difficult times, sickness and loss, and the challenges faced working remotely full-time while parenting and home-schooling and doing all of what the “new normal” requires. We also recognised that each week we are better able to meet these challenges as we learn to navigate these uncharted waters – and that we are all there for each other.

Attendees included **Claudia**



**Salomon, Caline Mouawad, Catherine Amirfar, Christina Hioureas, Dana MacGrath, Deborah Enix-Ross, Emma Lindsay, Edna Sussman, Erika Levin, Erin Gleason Alvarez, Judge Faith Hochberg, Floriane Lavaud, Frances Bivens, Ina Popova, Gretta Walters, Isabel Fernandez de la Cuesta, Jean Kalicki, Jennifer Permesly, Jennifer Thornton, Josefa Sicard-Mirabal, Kiera Gans, Lauren Friedman, Lucila (Luli) Hemmingsen, Lucy Reed, Maya**

**Steinitz, Melida Hodgson, Miriam Harwood, Nancy Thevenin, Noiana Marigo, Rekha Rangachari, Samaa Haridi, Stephanie Cohen, Susan Franck and Zeynep Gunday.**

Those who were unable to join this event were missed! It was an uplifting and at the same time poignant gathering of international arbitration women in New York at a time when the city was suffering seriously from the Covid-19 pandemic. Many thanks to **Claudia Salomon** for having organised this event.

Submitted by Dana MacGrath, ArbitralWomen President, Omni Bridgeway Investment Manager and Legal Counsel

# News you may have missed from the ArbitralWomen News webpage

This section in the ArbitralWomen Newsletter reports on news posted on the ArbitralWomen News webpage regarding events or announcements that occurred during January and February 2020 that readers may have missed.

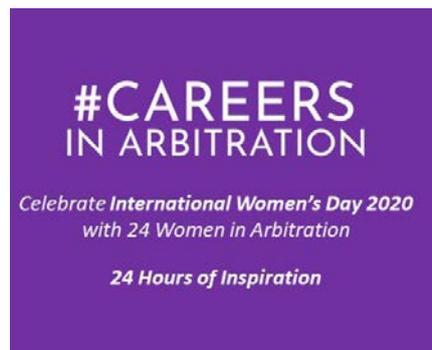
## “Careers in Arbitration” Celebrates International Women’s Day 2020 with 24 Women in Arbitration

12 March, 2020

To celebrate International Women’s Day, Careers in Arbitration, an initiative of ArbitralWomen Board Member Amanda Lee, launched its inaugural International Women’s Day campaign titled “24 Hours of Inspiration”.

Careers in Arbitration is an electronic, web-based professional development resource created in response to the challenges faced by those aspiring to enter and excel in the field of international arbitration.

For its “24 Hours of Inspiration”, Careers in Arbitration featured twenty-four women in arbitration on LinkedIn and Twitter over a 24-hour period on 8 March 2020. These 24 women explained who or what inspires them and shared their top tips for success in the field of international arbi-



tration. The featured women hail from across the globe and offered uplifting insights in a day-long celebration of women in the field.

The campaign featured younger members of the international arbitration community, consistent with the mandate of Careers in Arbitration to facilitate the entry and welcome of new and younger faces into the field.

Women profiled in the 24-hour

celebration included ArbitralWomen members Vanessa Alarcon Duvanel, Elizabeth Chan, Cherine Foty, Anna Guillard Sazhko, Srishti Jain, Jadranka Jakovic, Silvia Martínez, Naimeh Masumy, Trisha Mitra, Rebeca E. Mosquera, Nicola Swan, Sherlin Tung and Gretta Walters, together with Crina Baltag, Diana Gárate, Camilla Gambarini, Sadaff Habib, Madeline Kimei, Innhwa Kwon, Theominique Nottage, Mercy Okiro, Nania Owusu-Ankomah Sackey, Yael Ribco and Nhu-Hoang Tran Thang.

The campaign concluded with one last slice of inspiration from ArbitralWomen member Sally Kotb. The contributions are available [here](#) (the LinkedIn handle of #CareersinArbitration) and will find a permanent home on the Careers in Arbitration website when it launches later in 2020.

## Opportunity for ArbitralWomen Members to Apply to the UK ICSID Panel of Arbitrators and Conciliators

By Dana MacGrath, ArbitralWomen  
President and Omni Bridgeway  
20 March, 2020

The United Kingdom’s Department of International Trade (UK DIT) seeks to designate up to four individuals to the Panel of Arbitrators and up to four people to the Panel of Conciliators convened by the International Centre for Settlement of Investment Disputes (ICSID). These panels

act as rosters from which individual arbitrators or conciliators can be selected for ICSID tribunals, commissions or ad hoc committees. Guidance on the UK DIT’s call for expressions of interest can be found here.

The UK DIT is keen to reach out to a diverse applicant base for these designations. Applicants of all backgrounds are encouraged to apply, particularly from under-represented groups. Applicants should

have relevant knowledge and experience of international law, proven organisational skills and meet the qualifications specified in the ICSID Convention.

Please direct applications to a dedicated email address: [icsidappointments@trade.gov.uk](mailto:icsidappointments@trade.gov.uk).

The deadline for applications is 19 April 2020, so we encourage you to act soon if you wish to apply.

## Take a 'Digital Coffee Break' with ArbitralWomen Member Svenja Wachtel

31 March, 2020

### ArbitralWomen member

Svenja Wachtel has launched a quarterly 'Digital Coffee Break — International Arbitration' newsletter series focusing on the practice of international arbitration in the digital age.

Each newsletter features an interview with a member of the international arbi-

tration community, including academics, arbitrators, corporate counsel and others practicing in the field. Svenja tackles topics such as digitalisation, the use of modern technology and digital transformation in the field of international arbitration.

Based in Munich, Svenja Wachtel is counsel in the arbitration and litigation team at Weil, Gotshal & Manges LLP. She focuses on complex commercial

litigation and arbitration, with particular focus on multi-jurisdictional matters. Svenja is admitted to the German Bar and speaks English, German and conversational Spanish. She regularly speaks about digitalisation and its impact on the practice of arbitration.

Read the latest issue of the 'Digital Coffee Break — International Arbitration' newsletter [here](#) .

## Several Firsts for the 2020 Vis East Moot (Virtual Vis East – VVE)



By Dana MacGrath, ArbitralWomen President and Omni Bridgeway  
3 April, 2020

**There were several ground-breaking 'firsts'** for the 2020 Vis East Moot.

It was the first virtual moot competition —the Vis East Moot was rebranded as the Virtual Vis East and quickly referred to as the 'VVE' among teams and arbitrators this year. It was an innovative large scale online international arbitration moot competition— the first of its kind.

Another first —and one that will be equally celebrated by many who champion women and diversity in international dispute resolution— is that the three members of the arbitral tribunal that presided over the final argument in the Virtual Vis East competition were ALL WOMEN.

The arbitral tribunal was chaired by LCIA Court President and arbitrator **Paula Hodges QC** of Herbert Smith Freehills. The co-arbitrators were **Sabine Stricker-Keller**, who founded the first European law office in China, and **Winnie Tam SC** of Des Voeux Chambers in Hong Kong. All three arbitrators participated from their respective homes via the VVE online platform.

The VVE finals began and ended with comments from Hong Kong's Secretary of Justice **Teresa Cheng SC**, transmitted live from her home via the VVE online platform.

For many years, ArbitralWomen co-founder and leading arbitrator **Louise Barrington** has led the organisation of the Vis East Moot that usually takes place in-person in Hong Kong. Louise Barrington runs the Vis East Moot together with **Alix Povey**

and **Maricel Somerville**.

This year, the 17<sup>th</sup> Vis East and first Virtual Vis Moot was a phenomenal success involving more than 70 teams and approximately 250 arbitrators participating from all over the globe via the VVE online platform. The Chinese University of Hong Kong emerged victorious with the Eric Bergsten Award, with second place going to the University of São Paulo Largo San Francisco.

The organising team was assisted by expert IT volunteers from **eBRAM**, a Hong Kong start-up that is developing an online dispute resolution platform to support business-to-business transactions in the APEC region. They used **Microsoft Teams** as the VVE online platform for more than 150 online moot hearings held over the past week. Each individual hearing was monitored by a host manager

who assisted the arbitrators and teams, as many were using the platform for the very first time.

Louise Barrington described the move to a totally virtual platform as requiring “a huge leap of faith” from teams and arbitrators — but she was determined to make it work, given that the only alternative was to cancel the moot and disappoint hundreds of

students who had been working for months to prepare for the competition.

The organisers of the VVE are thrilled with its success and proud to have achieved this important ‘first’ in international arbitration.

*“Thanks to the Virtual Vis East, there are now hundreds more who are capable of running an online hearing and confident enough to do it in real life,”* com-

mented Louise Barrington. The implications of this achievement are amazing.

Congratulations and thanks to all involved in making this history-making virtual moot competition possible.

Meanwhile, stay tuned to find out if the 17th Vis East Moot will convene for in-person hearings in late 2020 and if so, the scope of that in-person Vis Moot competition.

## AmCham Peru Substantially Increases Number of Female Arbitrators on its Roster

By Maria Beatriz Burghetto,  
ArbitralWomen Board Member and  
independent lawyer and arbitrator,  
Paris, France  
5 April, 2020

**The Court** [↗](#) of the American Chamber of Commerce of Peru’s International Arbitration Centre, at the most recent meeting of its members, held virtually in March 2020, **unanimously agreed to incorporate into its list of arbitrators 50 additional women: 15 Peruvian** [↗](#) and 35 from other **jurisdictions** [↗](#).

ArbitralWomen applauds AmCham Peru for this development and congratulates AmCham Peru for becoming the first arbitral institution in Latin America with a female majority among the members of its Court of Arbitration (previously reported by ArbitralWomen [here](#) [↗](#)), for AmCham Peru’s substantial increase in the number of women on its roster of arbitrators and for its nomination for the 2020 GAR Pledge Award.

## Expansion of ‘breaking.through’ Initiative to Switzerland: Have You Already Found Your Role Model?

# breaking.[↑](#)through

By Amanda Lee, ArbitralWomen Board Member and Consultant at Seymours, London  
17 April, 2020

**breaking.through**, an initiative founded and led by ArbitralWomen member **Nadja Harraschain**, has expanded its scope to Switzerland and launched a **new webpage** [↗](#).

Under the slogan “Hast Du Dein Vorbild schon gefunden?” (“Have you already found your role model?”), the breaking.through platform showcases successful women working in a variety of different fields: what they have in common is that each has a legal background. The interviews aim to inspire the next generation of male and female practitioners by shining a spotlight on German, Swiss and international role models.

Founder Nadja Harraschain commented as follows:

*“Since breaking.through was founded two years ago, we have received tremendous feedback and support from our community, ranging from highly qualified and renowned experts in the legal field who wish to contribute to the success of younger female colleagues to students and legal trainees who just begin to realize that issues of equality are still existent. Today, we are thrilled to expand our sources for*

*inspiration to Switzerland with a webpage of its own. We are extremely thankful for the enormous support we received in many different ways from our community, which has made this growth possible.”*

Interview subjects to date include ArbitralWomen co-founder **Louise Barrington** and members **Petra Butler**, **Katrin Hanschitz**, **Emily Hay**, **Lucia Raimanova** and **Ingeborg Schwenzer**. Further interviews with ArbitralWomen members **Antje Baumann**, **Ulrike Gantenberg** and **Dorothee Ruckteschler** are [available here](#) [↗](#).

The website is published in German with a number of the interviews available in English.

New interviews will be published on the website and via the breaking.through [LinkedIn page](#) [↗](#). Forthcoming interview subjects include ArbitralWomen members Anya George and Olga Hamama.

In addition to conducting interviews with female role models, breaking.through organises events and provides opportunities for those in need of advice to seek confidential assistance from role models.

Many congratulations to Nadja Harraschain and her team on the expansion of this initiative!

# Diversity is Equally Important for Virtual Events!

18 April, 2020

It is wonderful that during this period of social distancing, webinars and other online programming bring members of our international dispute resolution community together to share

knowledge and connect virtually.

We encourage organisers of such virtual events, as well as speakers invited to participate, to please keep diversity front of mind and strive to organise events that represent a diverse cross-section of our community, con-

sistent with recent efforts to ensure diversity at in-person events.

We welcome all groups and individuals who support diversity to share, post, and/or re-tweet the text of this message in any form you wish! Thank you!



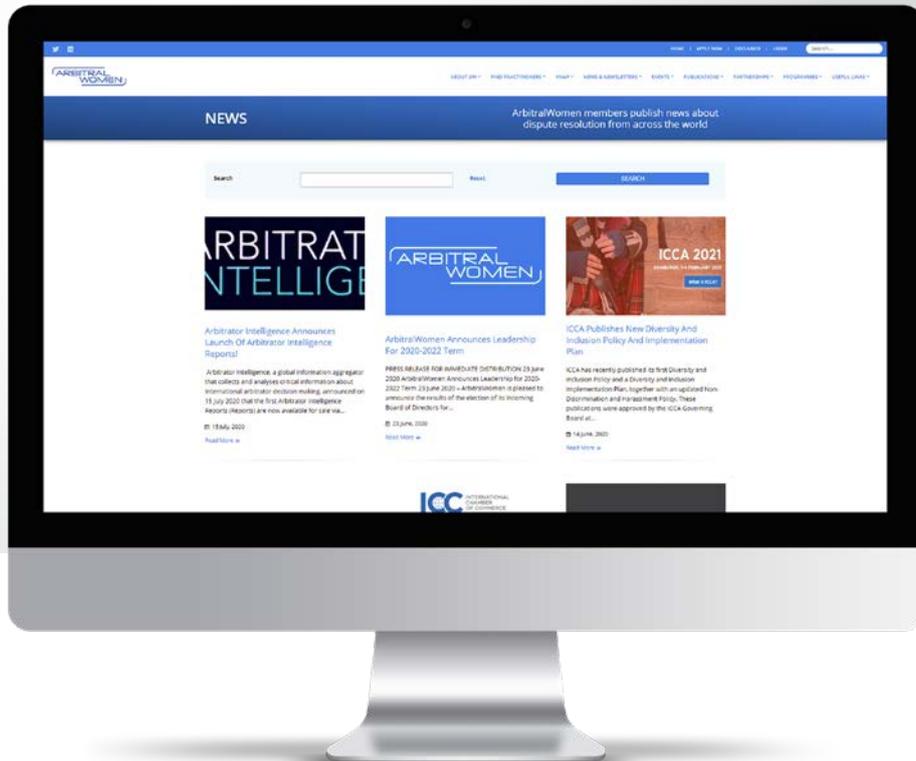
## Hurry Up!

The Deadline to Apply to be an ArbitralWomen Mentor or Mentee is 31 July 2020

[CLICK HERE TO APPLY.](#)

# Keep up with ArbitralWomen

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



## SPEAKING AT AN EVENT?

**If you or other ArbitralWomen members are speaking at an event related to dispute resolution, please let us know so that we can promote the event on our website and mention it in our upcoming events email alerts!**

If you wish to organise an event with ArbitralWomen, please send the following information to [events@arbitralwomen.org](mailto:events@arbitralwomen.org):

- Title of event or proposed event
- Date and time
- Names of ArbitralWomen members speaking or potential speakers
- Venue
- Flyer or draft flyer for approval by ArbitralWomen Executive Board
- Short summary of the event for advertising purposes
- How to register/registration link

**ArbitralWomen thanks all contributors for sharing their stories.**

### Social Media

Follow us on Twitter [@ArbitralWomen](https://twitter.com/ArbitralWomen) and our LinkedIn page: [www.linkedin.com/company/arbitralwomen/](https://www.linkedin.com/company/arbitralwomen/)

### Newsletter Editorial Board

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

Membership  
Runs Now  
Annually  
from Date of  
Payment



## ArbitralWomen Individual & Corporate Membership

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



The many benefits of ArbitralWomen membership are namely:

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

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

**Individual Membership:** 150 Euros.

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

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

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

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



Do not hesitate to contact [membership@arbitralwomen.org](mailto:membership@arbitralwomen.org), we would be happy to answer any questions.