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ITA TAKES THE PLEDGE



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Initiatives to increase the pool of arbitrator candidates are of growing prominence in the international arbitration community, and are of particular interest to the next generation of practitioners. On behalf of the Young Arbitrator's Initiative, **Tomas Vail** (White & Case) reports on the "Equal Representation in Arbitration Pledge" (the Pledge), as well as ITA's support for the same.

The Pledge has been driven by **Wendy Miles** QC of Debevoise & Plimpton LLP and **Sylvia Noury** of Freshfields, both co-chairs of the Pledge Steering Committee. The launch event for the Pledge took place alongside GAR Live London at the offices of Freshfields Bruckhaus Deringer in May 2016.

Supporters at the well-attended event were informed of the following statistics:

- Women currently make up 20% of the partners in the disputes departments of law firms globally.
- They also make up 20% of judges in the UK High Court and Court of Appeal.
- Women still make up on average only 10% of arbitrators.

In recognition of the under-representation of women on international arbitral tribunals, and over the course of a number of meetings and discussions, members of the arbitration community drew up a Pledge to take action. The Pledge sets out two general objectives:

- to improve the profile and representation of women in arbitration; and
- to appoint women as arbitrators on an equal opportunity basis in order to achieve a fair representation as soon as practically possible.

The Pledge aims to achieve these objectives through ensuring that a fair representation of female candidates is included: in governing bodies and conference panels in the field of arbitration; in the lists of potential arbitrators provided to disputants' in-house counsel; and on the rosters of arbitral institutions. The Pledge also encourages the collation and publication of gender statistics for arbitral appointments as well as the use of mentoring initiatives to enhance the profile and practice of female arbitrators.

The text of the Pledge can be found at www.arbitrationpledge.com, where individuals and institutions can continue to sign up to the Pledge. The final version of the Pledge is the result of a collaborative effort between representatives from corporate

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entities, states, arbitral institutions, arbitration counsel and arbitrators, and academics.

Notably, the Pledge is not a quota; the language used throughout the Pledge (for example, the words "wherever possible" preface each of the specific commitments) reflects the flexible standard which the Pledge seeks to achieve in respect of all stakeholders.

As of January 2017, there have been approximately 1,620 signatories to the Pledge. These include over 600 individual signatories and over 100 organisations, including the ITA, the LCIA, ICC, SCC, barristers' chambers, law firms and universities. Major corporate users of arbitration have also signed the Pledge.

The Pledge aspires to be a step towards achieving more equal representation for all under-represented groups in our arbitration community. Widening the pool of potential arbitrators has clear benefits to users of arbitration: a greater choice of candidates should improve the availability of tribunals to deal with disputes within a reasonable timeframe, result in fewer conflicts and, in light of the greater competition for appointments, promote efficiency in the arbitration process. Together with the fact that arbitral diversity may enhance the perceived legitimacy of tribunals by ensuring that they reflect the diverse range of disputants they represent, this suggests that arbitral diversity is likely to be an important factor in sustaining arbitration as a desirable method of dispute resolution.

We encourage readers to visit the website and consider joining ITA in taking the Pledge.