

Dealing with Diversity in International Arbitration

We are pleased to announce a forthcoming TDM special issue on “***Dealing with Diversity in International Arbitration.***” This Special Issue will analyse discrimination and diversity in international arbitration. It will examine new trends, developments, and challenges in the use of practitioners from different geographical, ethnic/racial, religious backgrounds as well as of different genders in international arbitration, whether as counsel or tribunal members.

International arbitration has experienced substantial growth in the past two decades. The ascendance of international arbitration as a preferred method of resolving disputes between international parties is the product of the growth of world economies and the increased participation in global commerce of emerging markets. The rise of many states as major investment destinations and the expansion of multinational corporations into new markets have increased business opportunities, and thus the numbers of business disputes worldwide.

The high demand for arbitration (and other forms of ADR) services, in turn, has driven many governments to cultivate a pro-arbitration environment through new arbitration legislation and other mechanisms, and has led to the proliferation of international arbitral centres throughout the world but particularly in Asia (including in Singapore, Hong Kong and elsewhere). Likewise, many global law firms have also responded to this increased demand by aggressively entering new markets and deploying significant resources to those emerging regions.

The expansion of international arbitration into new regions as well as steady growth in more established markets has not, however, been reflected in the greater participation of a greater variety of practitioner whether female or non-European/American or from different ethnic and religious backgrounds. Women are not getting the same opportunities as men, regardless of background. Of equal concern is the fact that practitioners from non-European/American backgrounds or in regions such as Africa and Asia are not getting the same opportunities as their European and American counterparts. In that regard, Islamic Finance Arbitration is a growing field where regional and religious backgrounds may play a role. Only time will tell if that area will be over

represented by a homogenous type of arbitrator and counsel.

Statistics published by arbitral institutions indicate quite strongly that, more generally, there is a severe imbalance in the vast number of appointments whether by parties or by the institution concerned. The appointment of European and American arbitrators usually account for a large chunk of the pie chart with the thinnest, barely visible slivers representing arbitrators from other regions or ethnicity. Further analysis of the numbers indicates that things are not really improving.

This TDM Special Issue will provide international practitioners and academics with an overview of the overall position of diversity in international arbitration.

Possible topics for submission to the special issue might include:

- Why an increase in work in the international arbitration area of practice has not lead to the commensurate growth in participation by a more diverse group of practitioners - this might include not only the male/female divide but also the African / Asian / European / American divide;
- Does limiting the field of international arbitration players mean that the scope of the decisions made at all levels are also being limited?
- Are legal sector reforms necessary to improve the diversity; are quotas a good thing?
- How can the pro-arbitration culture be replicated in a pro-diversity argument;
- Prospect of a fairer representation of participants covering gender, ethnicity, regions and religion in international arbitration;
- Obstacles for the discriminated groups preventing them from getting on in the international arbitration area of practice and how they can be overcome;
- Nature of and empirical study of geographical/regional, ethnic/racial and male/female diversity in international arbitration;
- The impact of differing levels of participation in international arbitration on business dispute resolution and the effect of cultural norms on the practice of international arbitration; and
- Influence of dispute resolution culture / traditions.

This special issue will be edited by **Professor Rashda Rana SC** (Barrister, Arbitrator at *39 Essex Street Chambers*, President *ArbitralWomen*) and **Louise Barrington** (Independent Arbitrator and Director *Aculex Transnational Inc*) with the assistance of the Edition Committee including **Karen Mills** (Partner *Karim Syah Indonesia*) and **Gabrielle Nater Bass** (Partner *Homburger Switzerland*).

For further information click [here](#).