

## **Female Arbitrator Appointments by co-Arbitrators**

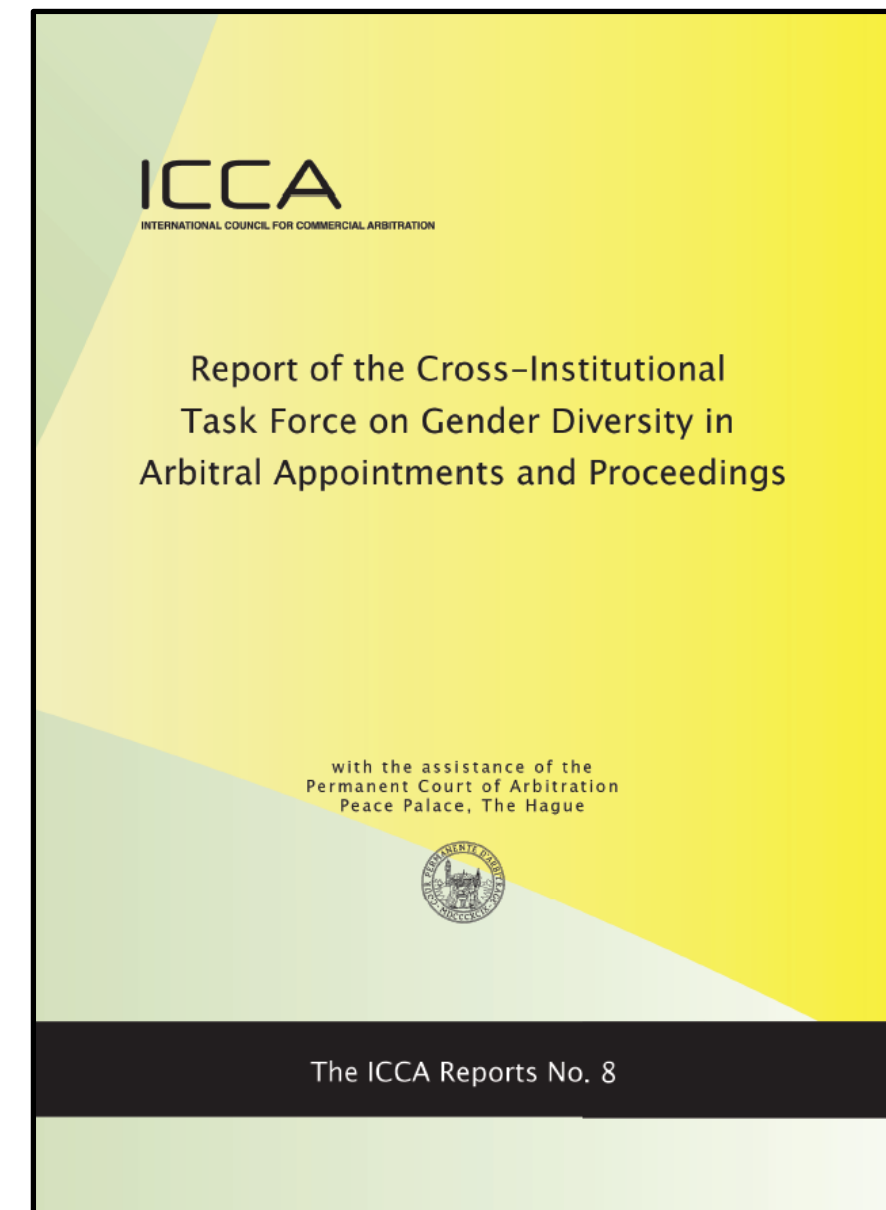
Report of the Cross-Institutional Task Force on Gender Diversity in  
Arbitral Appointments and Proceedings

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## POOR TRACK RECORD BY CO-ARBITRATORS

- The report confirms that in general, institutions appoint a greater proportion of female arbitrators than parties or co-arbitrators.
- In 2019, the percentage of female arbitrator appointments in average was as follows:
  - By institutions - 34%
  - **By co-arbitrators - 21.5%**
  - By parties - 13.9%

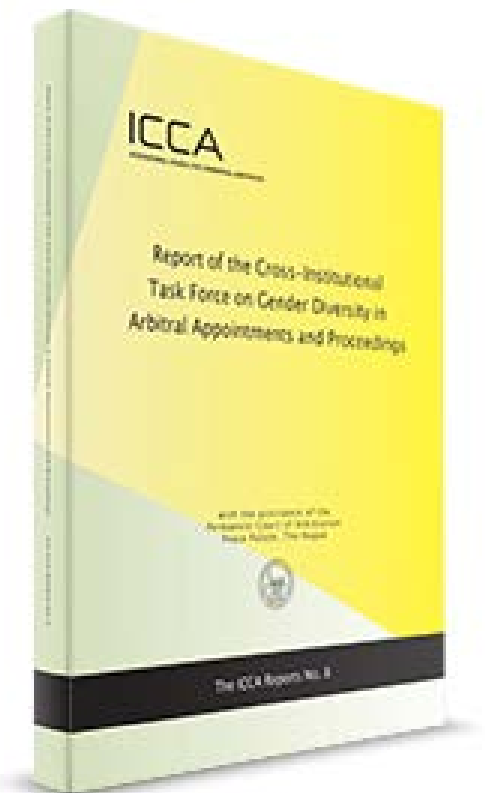


## WOMEN ACTING AS CHAIRS

- The report shows there is limited data on whether women tend to be appointed as chairpersons of arbitral tribunals, but:
  - In 2019, **ICSID** reports show that there were **11 female presiding arbitrators**.
  - In 2018, **ICC** data shows that **87 out of 405 chairs were women (19%)**.

## WHY DOES THIS PHENOMENON OCCUR?

- Co-arbitrators tend to nominate:
  - Senior arbitrators with **experience acting as chairs** of arbitral tribunals.
  - Candidates **they know are diligent.**
  - Candidates **they know are efficient.**
- The Report address these issues as “**affinity bias**” and “**aversion to first timers.**”
- Consequently, co-arbitrators tend to repeatedly turn to the same candidates.



## CO-ARBITRATORS' ROLE IN MAKING APPOINTMENTS

- It's increasingly common that arbitration clauses agreed by the parties contemplate the co-arbitrators appointing the chair of the tribunal.
- Parties usually prefer having some measure of control over the appointment of the chair of the tribunal.
- Co-arbitrators play an **essential role** in order to appoint women as chairs.

## ROLE OF CO-ARBITRATORS: PROMOTING FEMALE CANDIDATES

### List System

- Co-arbitrators should **include qualified female candidates** in their lists.
- Including female candidates **increases the probability** of appointing a female arbitrator as chair of the tribunal.
- There exists a broad variety of highly qualified female arbitrators.



## ROLE OF CO-ARBITRATORS: PROMOTING FEMALE CANDIDATES

### Equal Representation in Arbitration Pledge

- The Pledge is a **tool to increase diversity in arbitration.**
- It symbolizes a **commitment** of the Arbitration community to diversify the appointment of arbitrators.
- Co-arbitrators should bear in mind the Pledge when selecting candidates.



Thank you!

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