



*THE DAWN OF INTERNATIONAL ARBITRATION IN THE SOUTH PACIFIC*  
REGIONAL INTERNATIONAL ARBITRATION CONFERENCE

8:30am, 13 FEBRUARY 2018  
Meke Lound, Westin Denarau Island, Fiji

**SPECIAL BREAKFAST SESSION: WOMEN IN ARBITRATION**

**OPENING REMARKS**

OF

CHRISTOPHER STEPHENS, GENERAL COUNSEL, ASIAN DEVELOPMENT BANK

---

**Introduction**

1. *Yadra*,<sup>1</sup> distinguished guests, ladies and gentlemen, good morning.
2. Welcome to this special breakfast session on career opportunities in international arbitration, with a particular focus on inclusion of women in this exciting career path.
3. We hope you all enjoyed last night's dinner and have been able to connect with each other and with many of the delegates.
4. I am personally impressed with the wealth of arbitration expertise, experience and diversity represented in this Conference and the honorable representatives from so many Pacific countries.
5. I am also impressed with the deep interest and commitment to move forward with international arbitration in this region which is extremely

---

<sup>1</sup> Good morning in Fijian.

encouraging and helps validate ADB's technical assistance work.

6. In ADB's work, it is essential to promote gender equality in our goal toward achieving our goal of achieving *inclusive* and sustainable growth in Asia and the Pacific.
7. Gender equality is one of the 5 drivers of change stressed in all ADB operations, and will continue to be a priority in our upcoming revised corporate plan, Strategy 2030.
8. Gender inclusion and equity is also one of the 5 principle focus areas of our legal department's Law and Policy Reform Program, under which this international arbitration conference is convened.
9. Also under our legal literacy program, we are running a legal literacy project in Pakistan, Afghanistan, and Tajikistan, in which women are being made aware of ways they can better prevent and combat violence in their homes and communities. In the Maldives, we are training service providers to support implementation of a new and groundbreaking Gender Equality Law on which we advised the government 3 years ago and which became effective last year.
10. Just this November, ADB issued its first "gender bond" that creates a pool of funds that we invest in projects that promote gender equality and women's empowerment in Asia and the Pacific. One example of

this is the Small and Medium-Sized Enterprise Development Project in Bangladesh, which in addition to access to credit provides women with tools to increase financial literacy and training.<sup>2</sup>

11. Our panel this morning includes highly respected women pioneers in the field of international arbitration. They have handled high-profile international arbitration disputes and hold senior positions in their firms or institutions.
12. Judith Levine is senior legal counsel at the Permanent Court of Arbitration (**PCA**) where she assists some of the world's largest companies in resolving commercial disputes.
13. Sarah Grimmer is the secretary-general of the Hong Kong International Arbitration Center and former senior legal counsel at the PCA, also sits on the Global Arbitration Review (GAR) Board of Advisors.
14. Brenda Horrigan is the Head of International Arbitration at the Herbert Smith Freehills law firm in Australia, with more than 20 years of experience in dispute resolution and arbitration.
15. Sae Youn Kim is the chairperson of the Dispute Resolution practice

---

<sup>2</sup> <https://www.adb.org/news/dai-ichi-life-invests-first-ever-adb-gender-bond-support-gender-equality-and-womens-empowerment>

at the Yulchon law firm in Seoul, an arbitrator at the Korean Commercial Arbitration Board and the Singapore International Arbitration Centre.

16. Gitanjali Bajaj **[Gitán-jali Ba-jaj]** is partner at DLA Piper's Litigation and Regulatory team, and focuses on major international and domestic construction and infrastructure disputes.
17. Jo Delaney is a partner at Baker & McKenzie in Sydney with over 20 years of experience in international arbitration, who also regularly speaks, lectures and publishes on various aspects of arbitration.
18. Dr. Petra Butler is Co-Director of the Center for Small States and Professor at Victoria University of Wellington - she brings her deep expertise in the South Pacific region and international law, specifically the international sale of goods and contracts.
19. [Christina Pak is Senior Counsel at ADB who leads the international arbitration reform technical assistance project in the South Pacific at ADB, including the project leader for our efforts in assembling this Conference.]
20. It's wonderful to see more and more women assuming the top ranks in various arbitration associations and forums worldwide.
21. A Global Arbitration News study showed that an increasing

percentage of female arbitrators in their arbitral tribunals, specifically:

- The percentage of female arbitrators in the London Court of International Arbitration increased from less than 12% to more than 20% in 2016.<sup>3</sup>
- For the Vienna International Arbitration Center it increased from 14% to more than 17% in 2016.<sup>4</sup>
- And for the International Chamber of Commerce increased more dramatically—less than 4.5% in 2015 to almost 15% in 2016.<sup>5</sup>

22. Notable initiatives promoting gender equality in international arbitration practice include:

- First, the Equal Representation in Arbitration (ERA) Pledge of May 2016 which urges the international dispute resolution community to increase the number of female arbitrators on an equal opportunity basis by including a reasonable representation of female aspirants.<sup>6</sup> As of June 2016, over 500 individuals and about 70 organizations had already signed the Pledge.<sup>7</sup>

---

<sup>3</sup> [11.7% in 2014 to 20.6%] M. Altenkirch and J. Frohloff. 2017. Gender Diversity in International Arbitration – Statistics. *Global Arbitration News*. 3 July. <https://globalarbitrationnews.com/gender-diversity-in-international-arbitration-some-statistics/>

<sup>4</sup> 14.3% in 2015 to 17.1% in 2016 *Ibid*.

<sup>5</sup> *Ibid*.

<sup>6</sup> M. Phillepe. 2016. One Step Further after the Launch of the ERA Pledge: A Search Service for Female Arbitrators Appointments. *Kluwer Arbitration Blog*. 8 September. <http://arbitrationblog.kluwerarbitration.com/2016/09/08/one-step-further-after-the-launch-of-the-era-pledge-a-search-service-for-female-arbitrators-appointments/>

<sup>7</sup> M. Phillepe. 2016. Equal Representation in Arbitration (ERA) Pledge: A Turning Point in the Arbitration History for Gender Equality. *Kluwer Arbitration Blog*. 2 June. <http://arbitrationblog.kluwerarbitration.com/2016/06/02/equal-representation-in-arbitration-era-pledge-a-turning-point-in-the-arbitration-history-for-gender-equality/>

- Second, a Pledge Steering Committee makes sure that signatories to the Equal Representation in Arbitration Pledge follow through with concrete measures.<sup>8</sup>
- Third, potential arbitration clients can now search specifically for “Female Arbitrators Page” of the ERA Pledge website.<sup>9</sup>

## Conclusion

23. While the numbers look promising, it is important to note, that the choice of arbitrators usually depends on the parties, rather than on the arbitral forum. And there is still a tendency to choose well-established senior male arbiters. This means that – through events like this one – we have to more proactively raise the profile of women arbitrators as experienced, competent, and possessing special set of skills for arbitration that actually provides an advantage in effective dispute resolution.
24. We hope to see even more females entering this field and the further strengthening of networks among professional women in international arbitration.
25. So without further ado, I give the floor to the women blazing trails in international arbitration.
26. Vinaka [thank you].

---

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*