

Mind the (gender) gap: where we stand

**A Gender-Oriented analysis
on the Appointment of
Arbitral Tribunal Chairs by
the CAM Arbitration Council**

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- ▶ Transparency is one of the key factors in the competition between arbitral institutions.
- ▶ In this context, many arbitral institutions publish annual data on arbitrator appointments. Such data are often aggregated in the form of statistics, giving only a general overview of gender diversity in the appointment of arbitrators by the entities involved.
- ▶ To our knowledge, the Milan Chamber of Arbitration (**CAM**) is the only one among the main arbitral institutions, that publishes an annual list of all appointed arbitrators, whether sole or members of a panel, indicating the name, nationality, and appointing entity of each arbitrator.
- ▶ The publication of these lists has allowed for a more detailed analysis of the development of women's presence and their role within arbitral tribunals over the past years.

The publication of the annual list as a result of the Pledge commitment

Why publish an annual list of appointed arbitrators?

- ▶ In 2016, the CAM signed the **Equal Representation in Arbitration Pledge**. The main purpose of the Pledge is to increase, on an equal opportunity basis, the number of women appointed as arbitrators to achieve fair representation as soon as practically possible, with the ultimate goal of full parity.
- ▶ Starting the same year, to enhance transparency and accountability and promote diversity, the CAM started publishing an annual list of all appointed arbitrators (available from 2016 to 2023 on the website*).



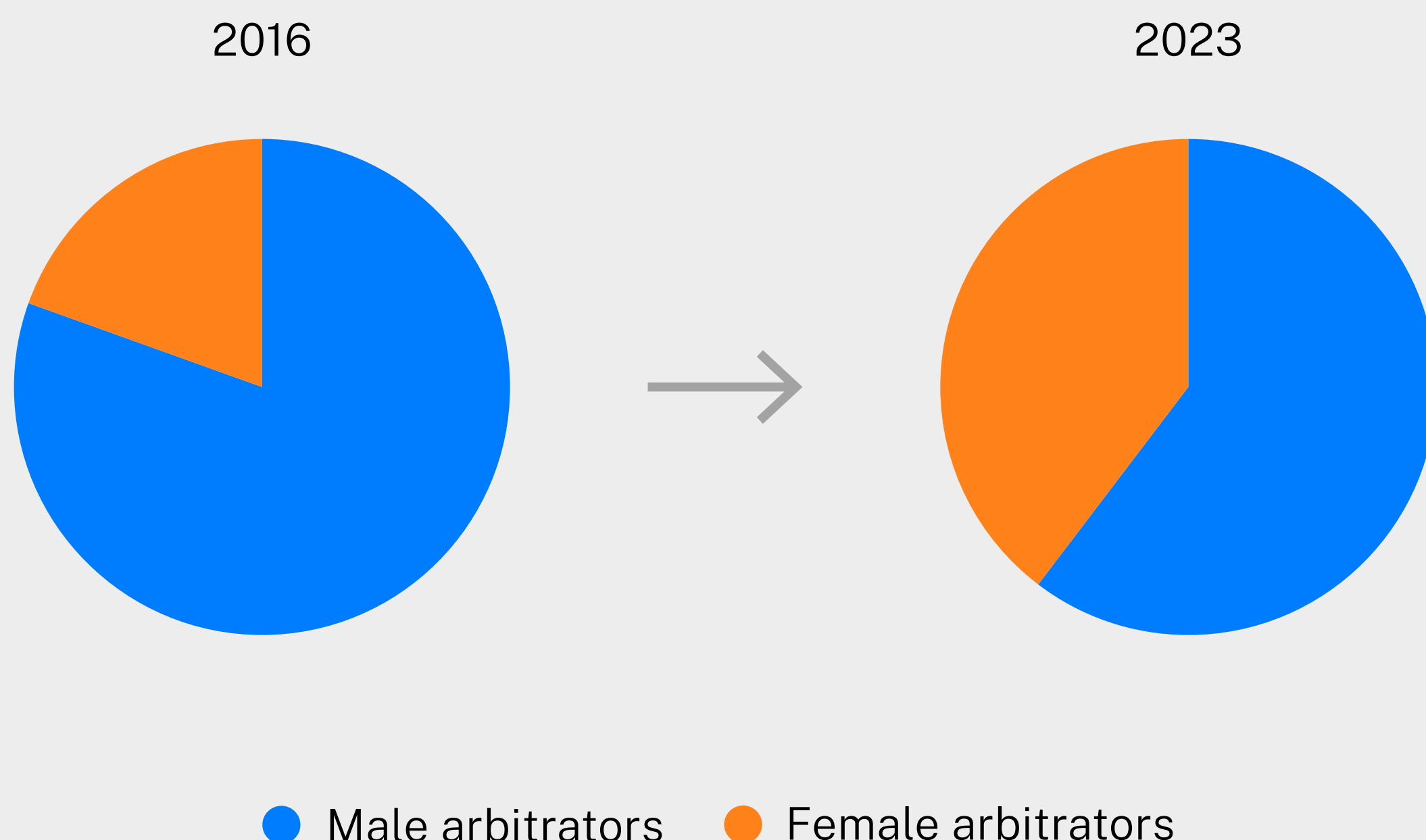
*All data is extracted from the lists. 2024 data are not available yet.

The good news first

Data collection and analysis are essential tools for assessing the current situation and identifying areas for improvement.

The data published by CAM highlights CAM's commitment to upholding the Pledge and promoting the appointment of more female arbitrators.

Indeed, the percentage of women nominated by CAM doubled between 2016 and 2023 (from 19.8% to 40%).

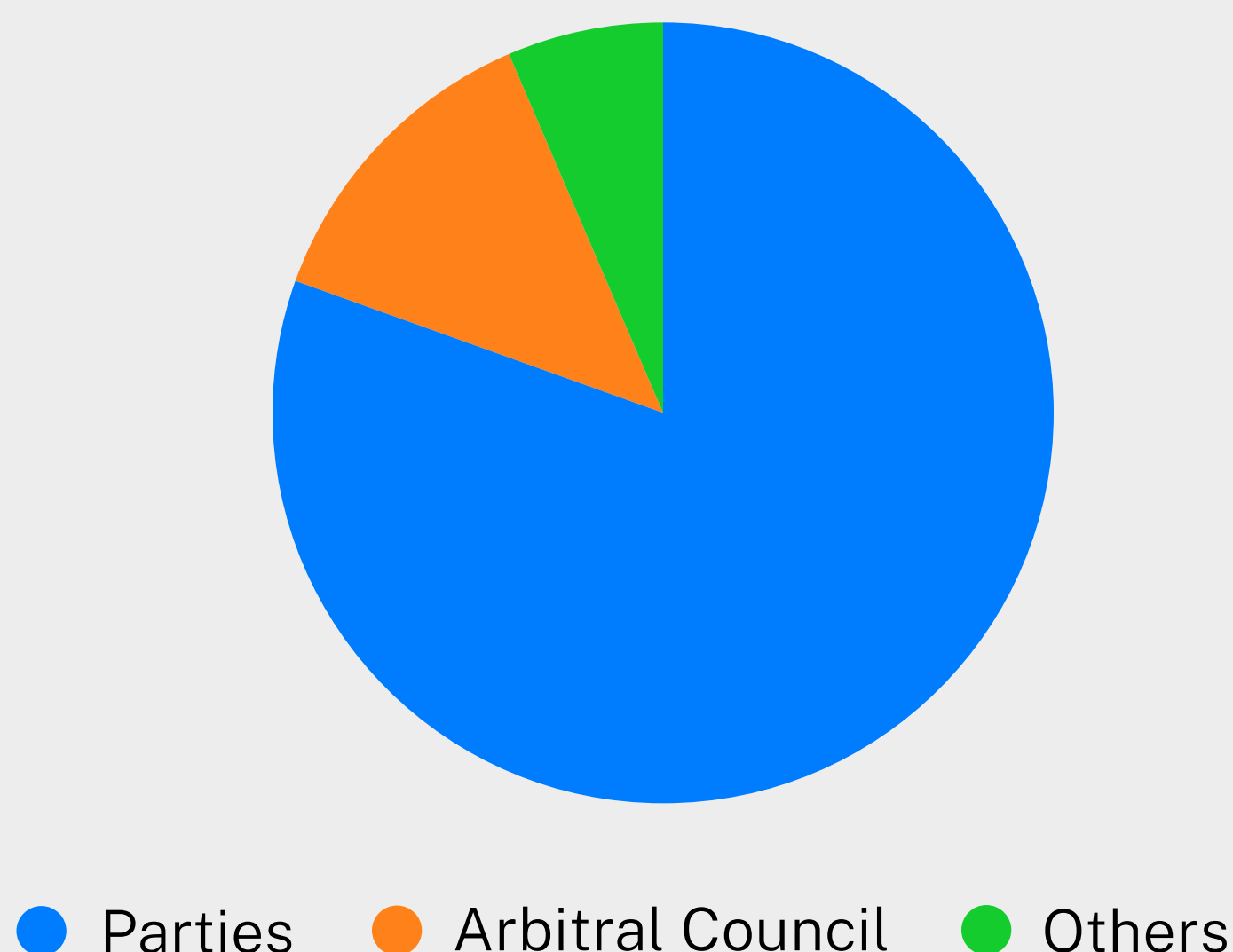


Room for improvement

- ▶ Given the increase in the total number of female arbitrators appointed, we sought to understand whether the improvement could also be observed in the composition of arbitral tribunals and in the appointment of chairs.
- ▶ We focused on the appointments of the chairs of the arbitral tribunals made by the Arbitral Council only (as the body vested with the authority to make such appointments, excluding appointments made by other CAM bodies or other entities).
- ▶ The data show that, although the trend progressed over time, there is still a significant gender gap in the appointment of chairpersons, and there remains room for improvement.

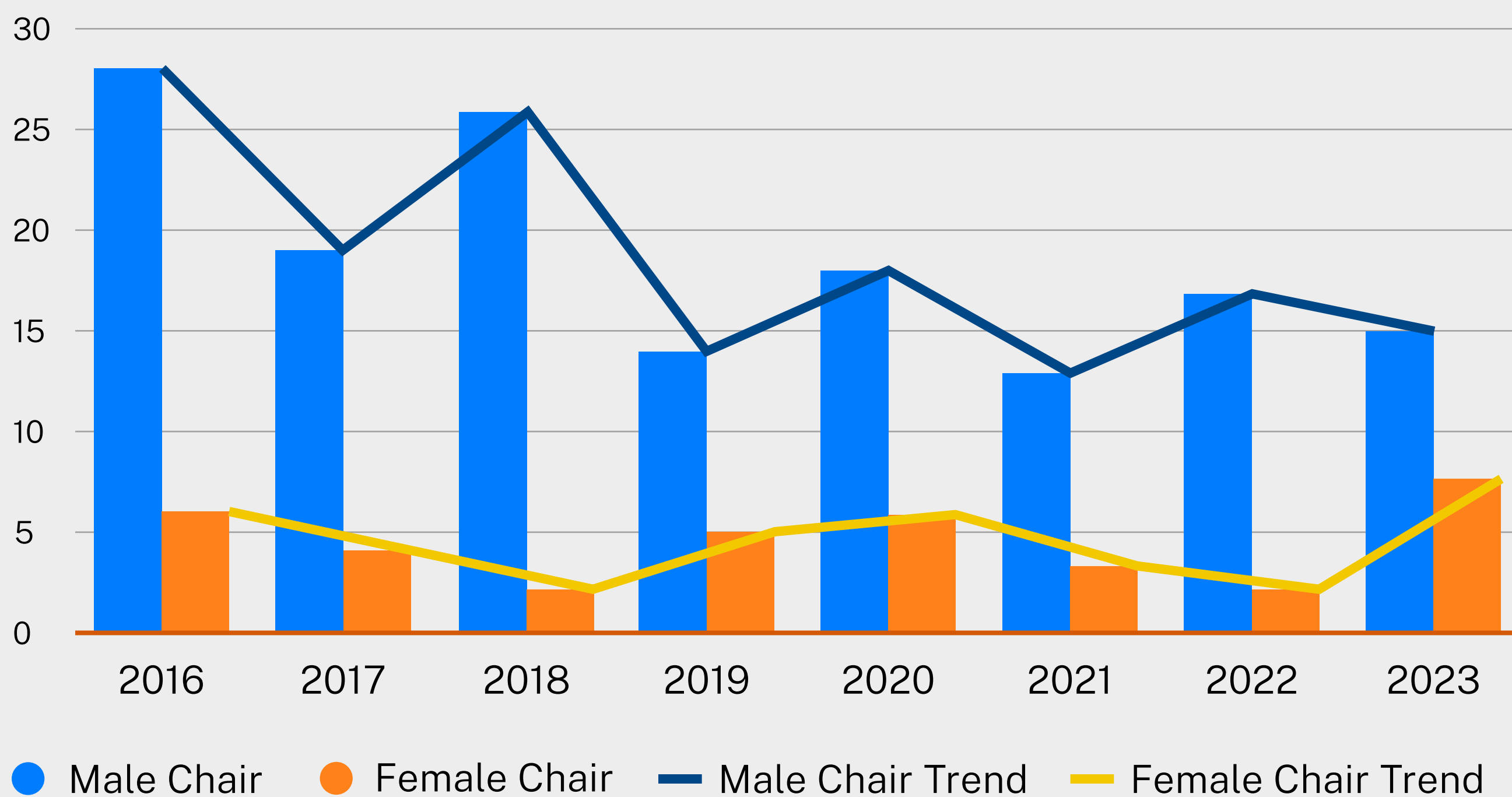
An important warning

- ▶ While the appointments of the chair of the arbitral tribunals under review are always made by the Arbitral Council, this is not true for the co-arbitrators, who in most cases are appointed by the parties. Below is the figure on the appointment of co-arbitrators in 2023:



- ▶ The distinction is crucial: despite the efforts made by CAM to bridge the gender gap, a significant amount of work remains to be done by the parties and co-arbitrators to ensure more equitable and inclusive arbitrator appointments.

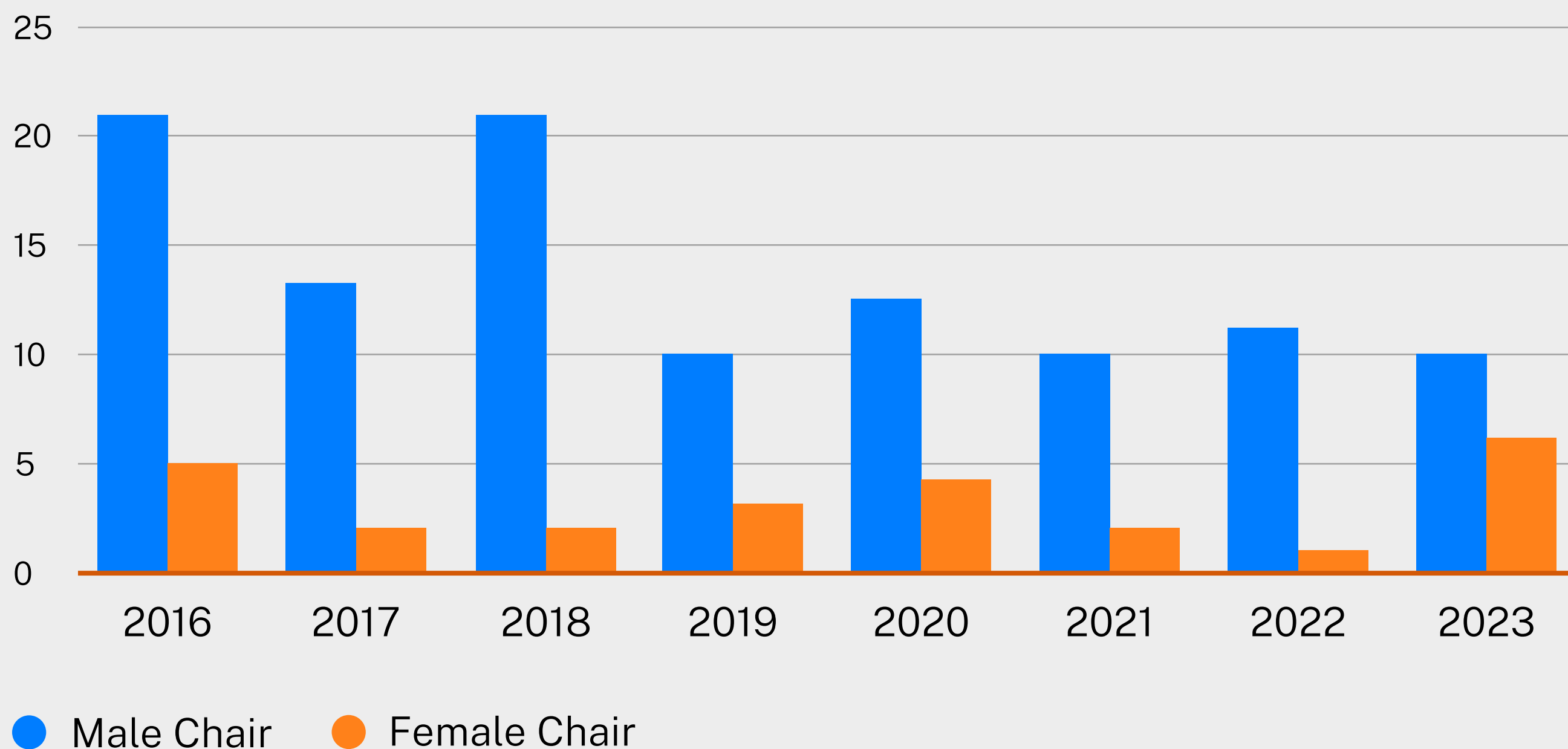
Gender distribution of chairs appointed by the CAM Arbitral Council over time (2016-2023)



The trend is not linear, and a significant gap persists between the number of male and female chairs. A more detailed analysis will allow for a better understanding of the pattern; however, it is worth noting that in 2023 this gap showed a slight reduction for the first time.

The following sections will break down the data and provide a more in-depth analysis.

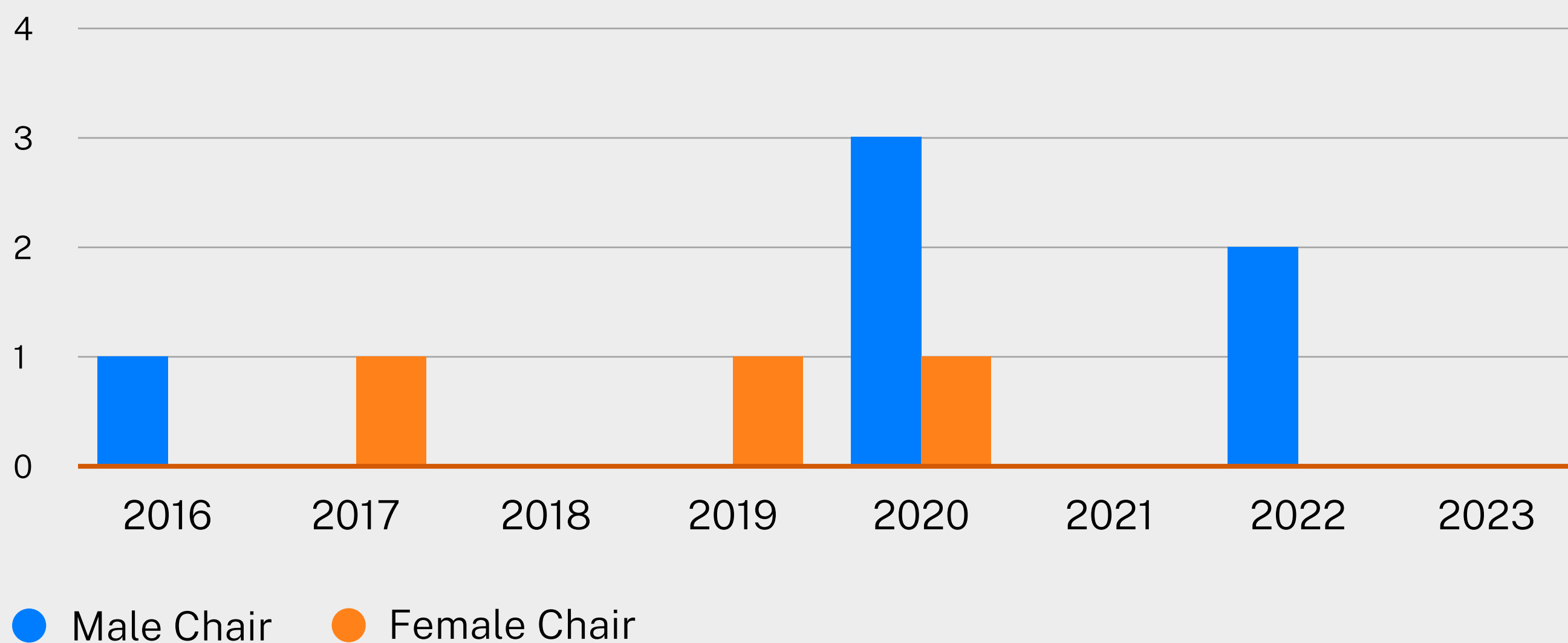
Gender of the chair with **two male appointed arbitrators**



Where two male arbitrators were appointed, the Arbitral Council most often appointed a male chair.

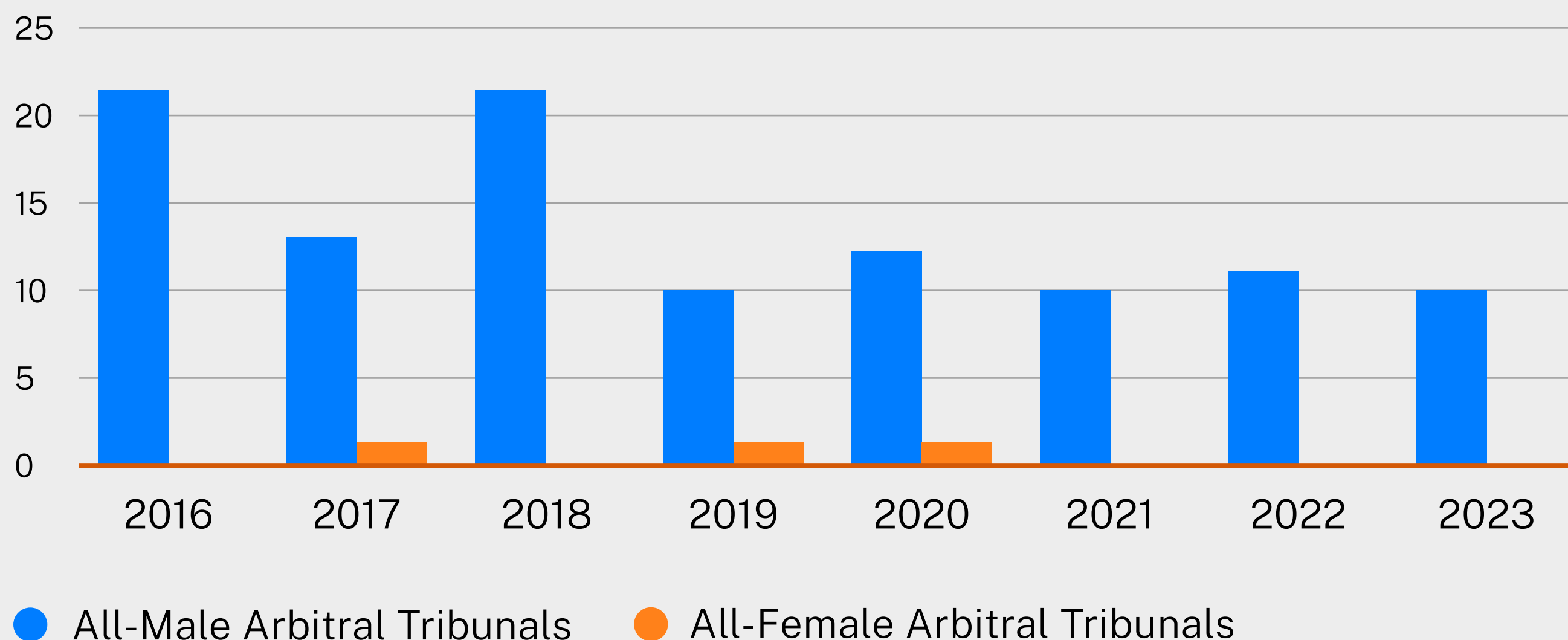
2023 marked a turning point, with an increase in the number of women appointed as chair of arbitral tribunals composed of two male arbitrators: 37.5% in 2023 compared to 8.3% in 2022.

Gender of the chair with two female appointed arbitrators



In certain years, there are no data to analyse, as no arbitral tribunals composed of two female arbitrators were appointed (2018, 2021, 2023). On the rare occasions when such tribunals were appointed, the Arbitral Council almost always appointed a man as chair, with limited exceptions (only 3 cases since 2016). Consequently, all-female arbitral tribunals are still far from becoming a reality.

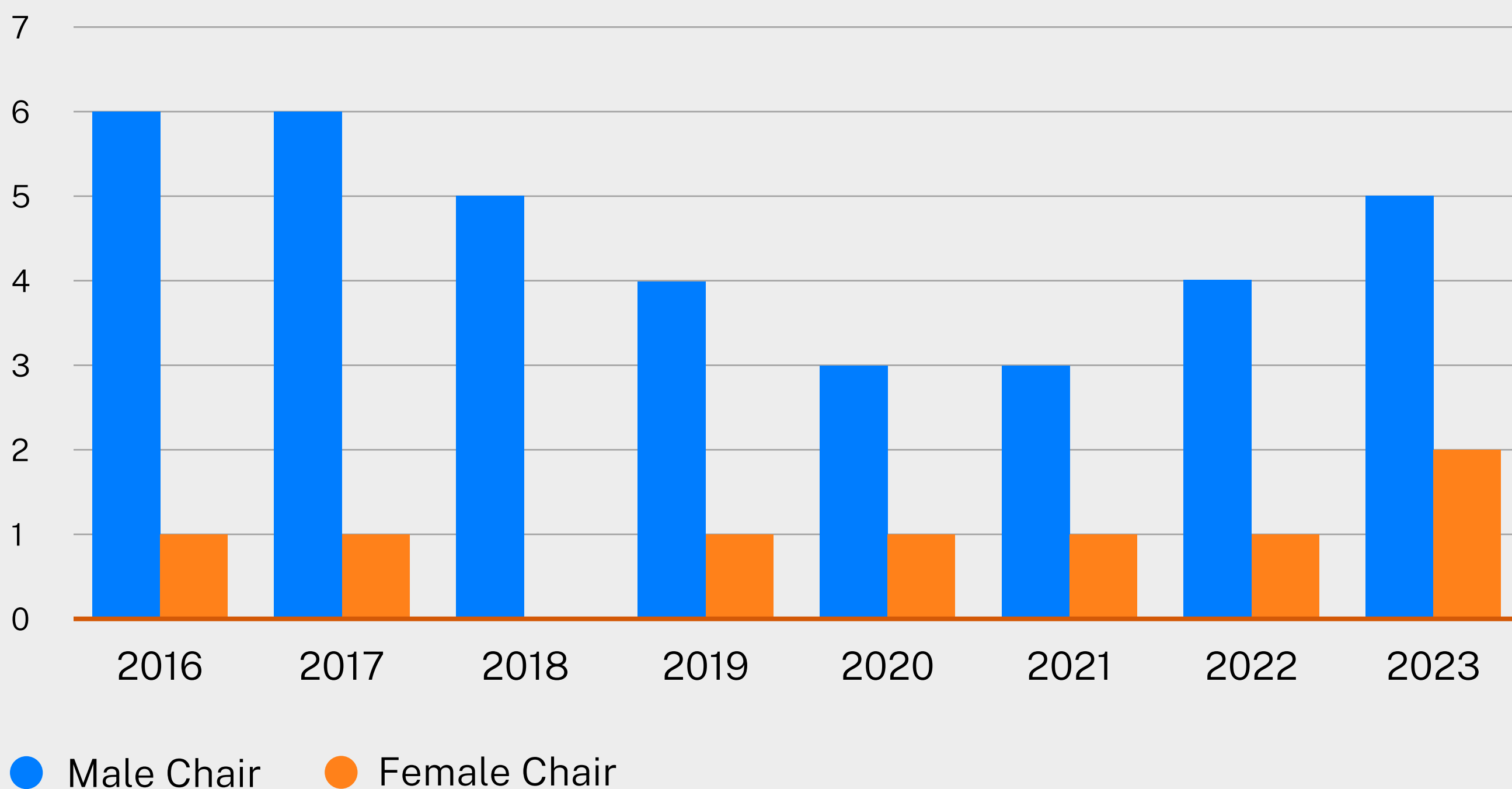
All-Male and All-Female Arbitral Tribunals: An Overview



A comparison between the two previous tables shows the evident gap between the appointment of all-female versus all-male arbitral tribunals.

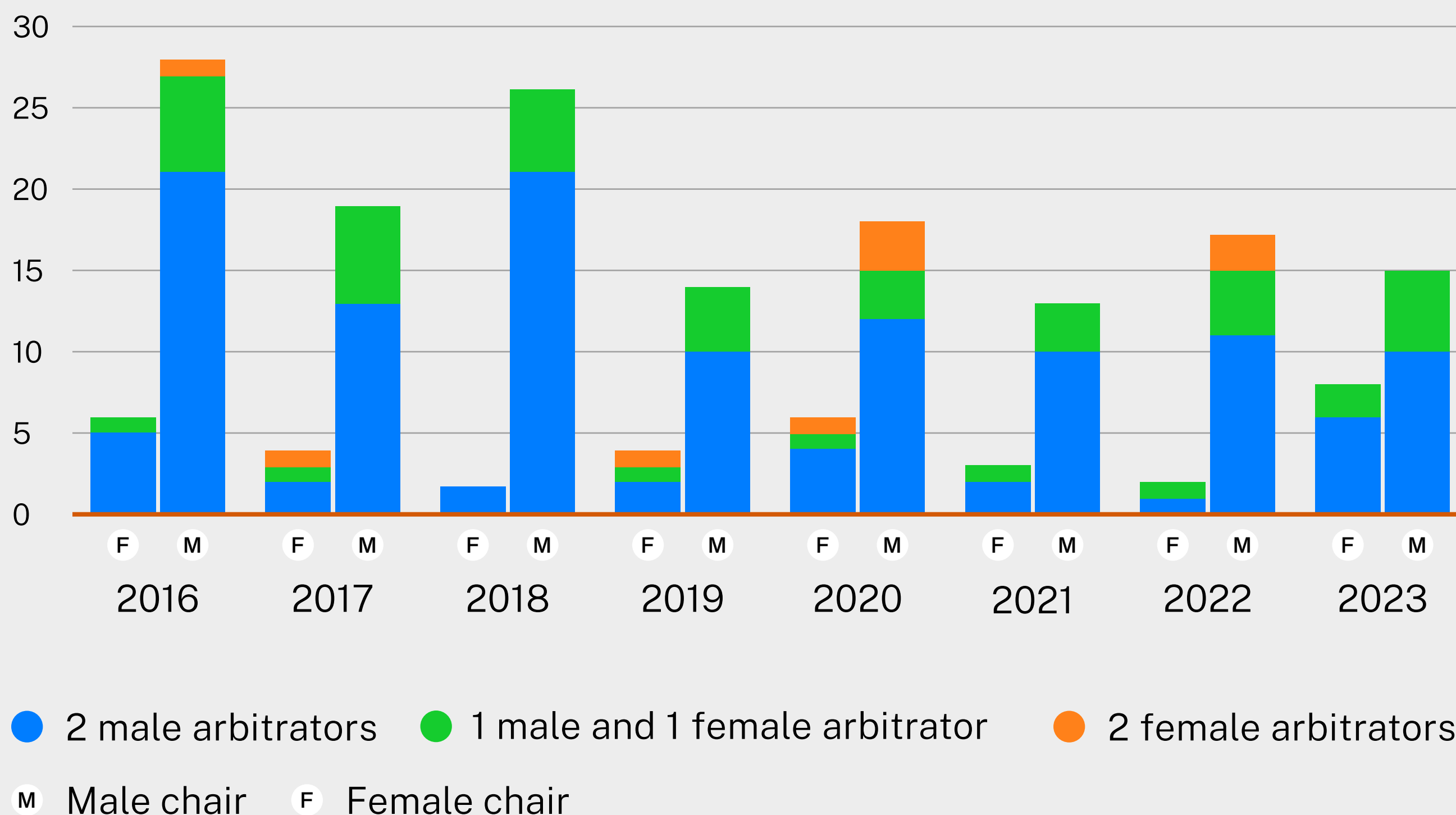
As previously noted, in most cases, the figure depends on the parties themselves appointing two male co-arbitrators. This indicates a persisting challenge in engaging female professionals in arbitral proceedings and points to a structural barrier that still needs to be addressed.

Gender of the chair with a mixed-gender arbitral tribunal (1 male + 1 female arbitrator)



Even in cases where arbitral tribunals are composed of one male and one female arbitrator, there is a marked imbalance in favor of appointing a male chair, resulting in male-majority tribunals. Nevertheless, in line with the broader data analysed, 2023 recorded an increase in female chairs (28.6% in 2023, compared to 20% in 2022 and 14.3% in 2016).

Conclusions



The analysis of the composition of arbitral tribunals - and in particular the gender of the chairs appointed by the CAM Arbitral Council - shows that there is still a long and uphill path ahead despite the increasingly evident efforts made by CAM in recent years to close the gender gap in line with the Equal Representation in Arbitration Pledge.

Bridging the gender gap will continue to be a key challenge in the coming years, especially considering the significant presence of female practitioners working in the arbitration sector.