

Diversity in arbitrator appointments

In SCC cases 2015 - 2019



ARBITRATION INSTITUTE
OF THE STOCKHOLM CHAMBER OF COMMERCE

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1. INTRODUCTION

Who is appointed arbitrator and by whom may be two of the most important questions asked in arbitration. The appointment of arbitrators is such a central feature of arbitration; in fact, the possibility to select international experts to decide the case may be why the parties chose to include an arbitration clause in their contract in the first place. While each appointment is typically made in a vacuum — which arbitrator is best qualified and suited for *this* dispute, between *these* parties, with *these* co-arbitrators — hundreds of such single appointments have a combined effect on the diversity and breadth of the arbitrator pool and on the opportunities available to arbitrators of different profiles and backgrounds.

The study surveyed 1251 appointments in 690 disputes

To gain a comprehensive view of arbitrator appointments in the arbitrations it administers, the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) conducted a review of the five-year period 2015-2019. The study surveyed 1251 appointments in 690 disputes, and compiled a range of statistical data, namely:

- whether the arbitrators were appointed by the parties, by the SCC or by the co-arbitrators;
- diversity markers such as gender, nationality, and age of arbitrators; and
- the extent to which arbitrators received repeat appointments.

The findings of the review are presented in this report.

DIVERSITY MARKERS EXAMINED

GENDER

NATIONALITY

AGE

REPEAT APPOINTMENT



The SCC has long since integrated a diversity perspective in its arbitrator appointment process, recognising both practical and moral imperatives to do so.

Arbitrator diversity has received a lot of attention in the international arbitration community in the past several years, resulting in initiatives aiming to expand and diversify the arbitrator pool – such as the Equal Representation in [Arbitration Pledge](#) (the Pledge), the African Promise, and Racial Equality for Arbitration Lawyers ([R.E.A.L.](#)).

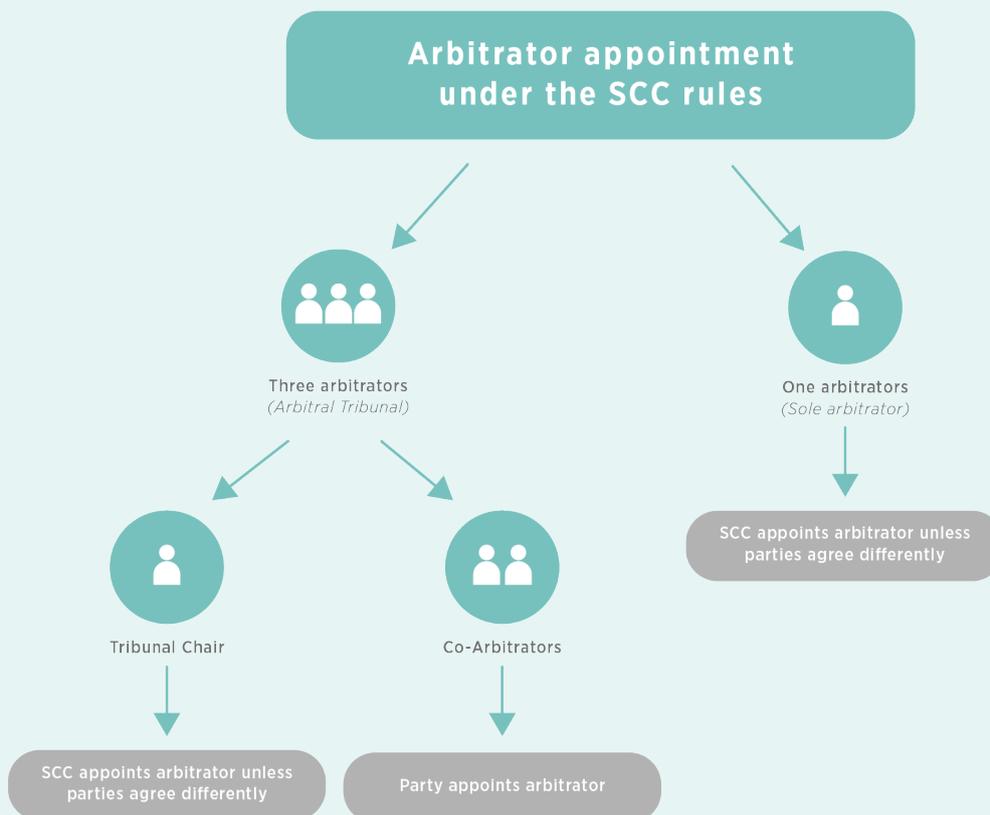
The SCC has long since integrated a diversity perspective in its arbitrator appointment process, recognising both practical and moral imperatives to do so. On a practical level, a pool that includes more diverse talent means greater access to candidates with the necessary specialisation, qualifications, experience, language skills, and availability. On a moral level, international arbitration should reflect global commitments to equality, and the arbitrators – arguably the face of international arbitration – should mirror the increasingly diverse character of the parties. In the long term, increased diversity in arbitrator ranks may also lead to greater legitimacy and use of arbitration.

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The appointment procedure in SCC arbitrations

Under the SCC Arbitration Rules, the parties or the SCC decide for each dispute whether it should be decided by one or three arbitrators. Between half and two-thirds of the cases are heard by a three-member tribunal, and the remainder by a sole arbitrator. For tribunals, each side appoints one arbitrator and the SCC Board appoints the chairperson, unless the parties agree otherwise; it is relatively common for the chairperson to be appointed by the parties jointly or by the party-appointed arbitrators.

If the dispute is to be resolved by a sole arbitrator, the parties are given 10 days to appoint an arbitrator jointly, otherwise the SCC Board makes the appointment. Under the SCC Rules for Expedited Arbitrations, disputes are always decided by a sole arbitrator. Both sets of SCC Rules include an appendix II that governs the appointment of emergency arbitrators.



Who can be appointed as arbitrator?

There are very few restrictions on arbitrator qualifications under the SCC Rules or the Swedish Arbitration Act, which applies to arbitrations seated in Stockholm. Anyone can serve as an arbitrator who “possesses full legal capacity in regard to his or her actions and property” and who is impartial to the dispute and independent of the parties. The SCC does not have a list or a roster of approved arbitrators; rather, parties have freedom to appoint the arbitrator they consider best suited to decide the dispute.

When the SCC appoints, it considers a range of factors based on the SCC Rules and the Policy on the Appointment of Arbitrators. These include:

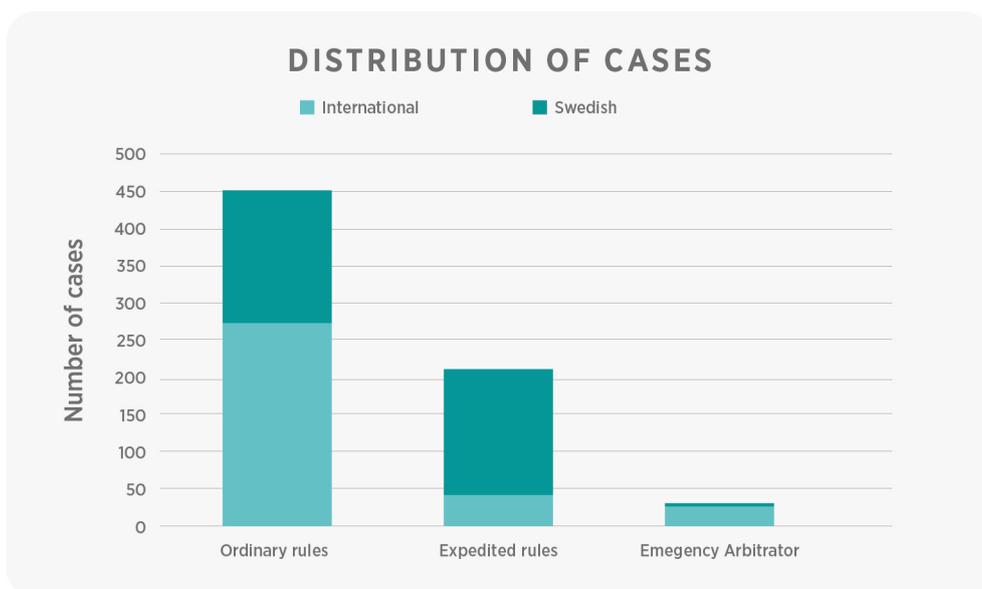
- **The nature and circumstances of the dispute.** This informs the type of expertise or specialisation required to decide the dispute.
- **Previous experience as an arbitrator.** Important for sole arbitrators or chairpersons who must manage the arbitration process efficiently.
- **The seat, applicable law and language** of the arbitration.
- **Nationality.** If the parties are of different nationalities, the sole arbitrator or chairperson will generally not be of the same nationality as a party.
- **Availability.** Arbitrators must have time to decide the dispute within the timeline stipulated by the applicable SCC Rules.
- **Tribunal balance.** The Board seeks to balance expertise, qualifications, seniority, language and other relevant factors.
- **Case management skills.** This includes efficiency, expeditiousness, and the ability to make use of available technology
- **Diversity.** Where there are many arbitrators of similar qualifications, the Board will actively consider diversity of gender, age and national origin.

At the SCC Board’s monthly meetings, these and other relevant factors are discussed in relation to each new arbitrator appointment. The SCC has access to and knowledge of an extensive network of arbitration practitioners and experienced arbitrators. In addition, arbitrators can register or update their experience, qualifications, skills and availability through a form on the SCC website. Information about arbitrators has also become increasingly available in recent years through initiatives such as Arbitrator Intelligence, GAR Database, ArbiLex and Jus Mundi. More information on the appointment process is available on the [SCC website](#).

2. PROFILE OF THE CASELOAD

The statistics and analysis presented in the following sections are based on a review of all arbitrator appointments made in arbitrations under the SCC Arbitration Rules and the Rules for Expedited Arbitration during the five-year period 2015-2019. The study included all cases where at least one appointment was made, regardless of whether the request was later withdrawn, the dispute settled, or the proceedings concluded in an award.

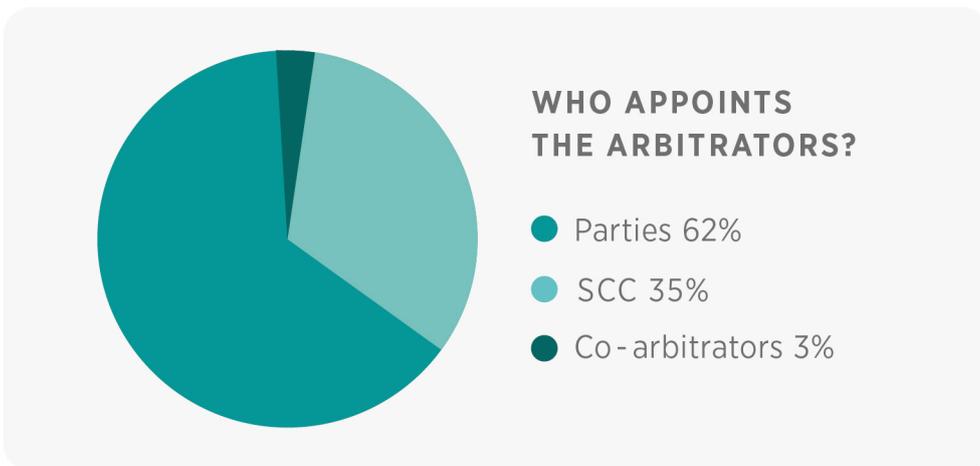
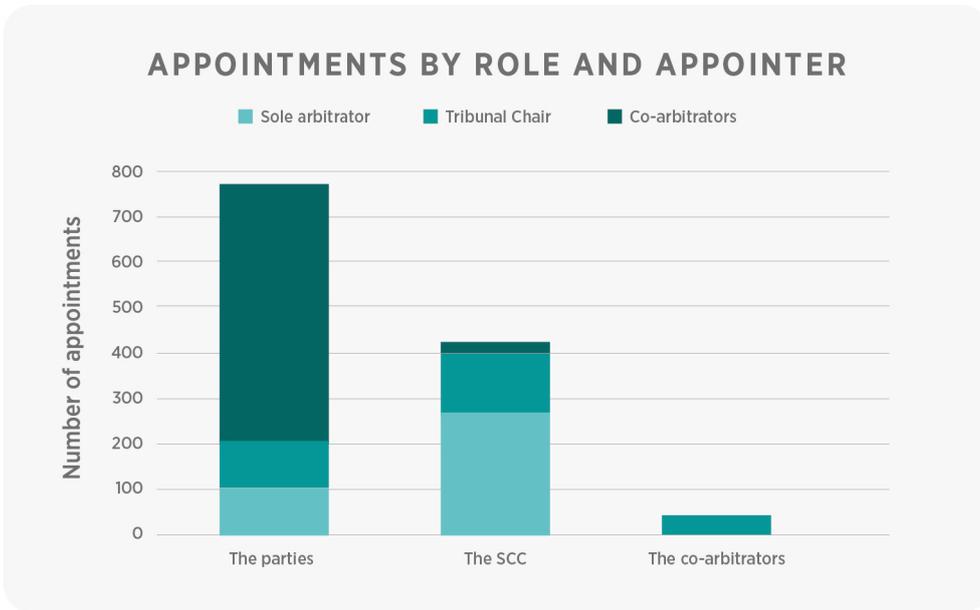
Of the 690 cases, 66 percent were arbitrations under the Arbitration Rules, and 30 percent under the Rules for Expedited Arbitration. Emergency arbitrator proceedings accounted for 4 percent of the total caseload. Around half of the 690 cases involved only Swedish parties, and half were international cases, meaning they involved one or more non-Swedish parties.



As explained above, disputes under the Arbitration Rules are heard either by a three-member tribunal or a sole arbitrator. During the period 2015-2019, 70 percent of the cases under the Arbitration Rules were heard by a tribunal, and the remainder by a sole arbitrator. Cases under the Rules for Expedited Arbitrations are always heard by a sole arbitrator. In total, 29 percent of the 1251 appointments were sole arbitrators, 22 percent were tribunal chairs, and 49 percent were co-arbitrators.

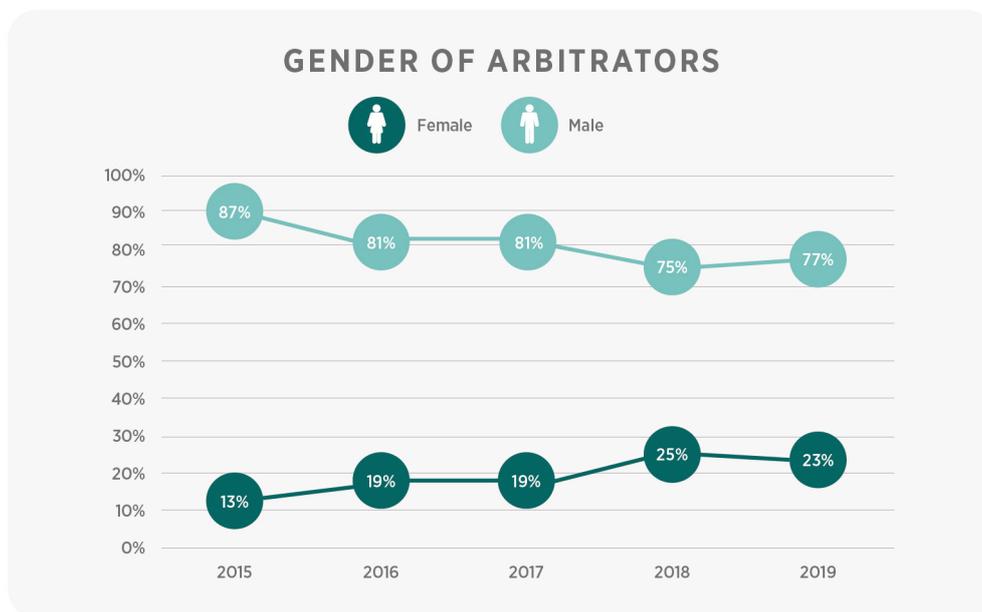
On average, the SCC Board appointed around 70 percent of all sole arbitrators and 54 percent of all chairpersons. These categories, however, do not constitute a majority of all arbitrators appointed – the largest share is appointed by the parties. Looking at all 1251 appointments, the parties were responsible for 62 percent, while the SCC Board appointed only around 35 percent.

The fact that such a significant majority of all arbitrators are party-appointed has a pronounced impact on the overall diversity statistics, and means that any effort to expand and diversify the arbitrator pool need to include the parties to be truly effective.



3. ARBITRATOR DIVERSITY: GENDER

The appointment of women arbitrators has been at the center of the arbitration community's diversity debate. Likewise, gender was the primary focus of the SCC's review of the period 2015-2019. In addition to compiling overall figures for female appointments, the survey explored who appointed what share of female arbitrators, to which arbitrator role women were appointed, and how the cases where women were appointed as chair or sole arbitrator compared in size to the cases where men were appointed.



Looking at all 1251 appointments during 2015-2019, an average of 80 percent of all arbitrators were men and 20 percent were women. There was a positive trend over the years reviewed, from 13 percent women arbitrators in 2015 to 23 percent in 2019. There was no significant difference between international cases and cases involving only Swedish parties.

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The SCC Board appointed women more frequently than the parties or the co-arbitrators did. Of all the arbitrators appointed by the Board — that is, 35 percent of all 1251 appointments — 30 percent were women. The parties, by contrast, who made 62 percent of all 1251 appointments, appointed women only 14 percent of the time. The parties’ poor track record for gender-diverse appointments has a significant negative effect on the overall statistics.

Only 14 percent of party-appointed arbitrators were women, compared to 30 percent of those appointed by the SCC. This trend is reflected at all major arbitration institutions.

This trend is reflected at all major arbitration institutions, and reduces the overall share of women in the arbitrator pool.¹ Being appointed as co-arbitrator by a party is often the first step in a lawyer’s career as an arbitrator. Without such appointments, opportunities are limited for women to gain the experience necessary to be appointed as chair or sole arbitrator by institutions.

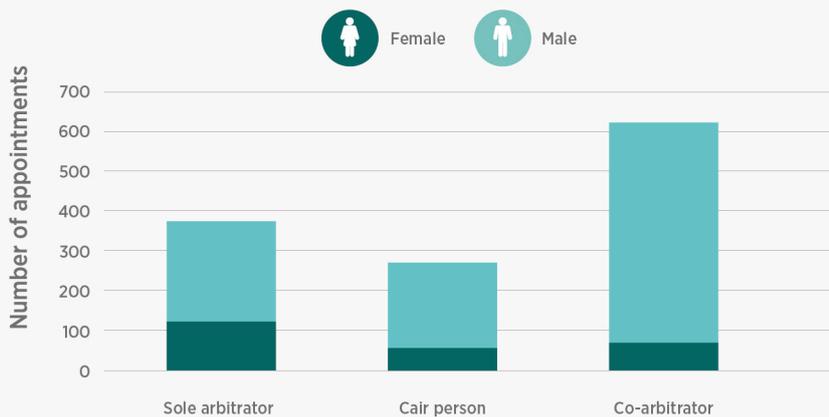
¹ Report of the ICCA Cross-Institutional Task Force on Gender Diversity (2020), p. 25. Available at <https://www.arbitration-icca.org/report-cross-institutional-task-force-gender-diversity-arbitral-appointments-and-proceedings>.

APPOINTMENTS BY APPOINTER AND GENDER



The SCC survey also shows that women were appointed more frequently as sole arbitrator than they were appointed as chairperson or co-arbitrator. Women comprised 29 percent of the sole arbitrators – the category most frequently appointed by the SCC. By contrast, women made up only 14 percent of the co-arbitrators and 19 percent of tribunal chairpersons. By contrast, during the five-year period in review, 61 percent of all tribunal secretaries were women; this may indicate that greater gender diversity among arbitrators is only a generation away, even with some leaks in the pipeline.²

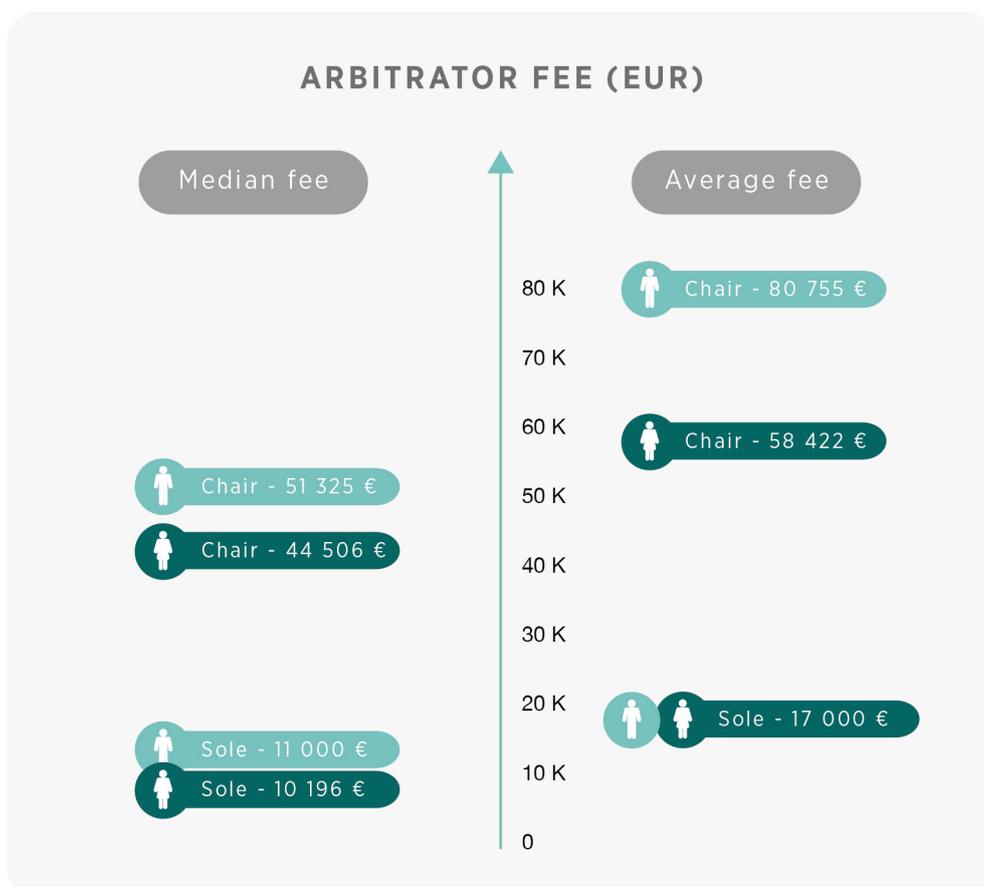
APPOINTMENTS BY ROLE AND GENDER



² For a thorough discussion of "pipeline" issues, see Report of the ICCA Cross-Institutional Task Force on Gender Diversity (2022), p. 43. Available at <https://www.arbitration-icca.org/report-cross-institutional-task-force-gender-diversity-arbitral-appointments-and-proceedings>.

Finally, the survey showed that the cases in which women were appointed as chairperson were smaller on average than cases with male chairs. Under the SCC's *ad valorem* fee system, arbitrator compensation is based on the value and complexity of the dispute — thus, the smaller the case, the lower the fee. During the period in review, the average fee for women chairs was 72 percent of the average fee of their male counterparts, meaning that women, compared to men, were typically appointed as chair in lower-value arbitrations. Looking at the highest fees earned by arbitrators, the highest-earning woman was surpassed by 11 men.

The average fee for women chairs was 72 percent of the average fee of their male counterparts



A possible explanation for the finding that women are appointed as chair in lower-value cases relates to tribunal balance and dynamics: In higher-value arbitrations, the parties may be more likely to appoint senior male co-arbitrators, which in turn may lead to the perception that the chairperson must have a similar profile. The SCC Board has recently sought to counter this perception by choosing to appoint equally qualified women or younger arbitrators as chairs when possible, even when the co-arbitrators are senior male arbitrators. The resulting dynamics may lead to a more balanced tribunal, more varied perspectives on the issues, and a better award.

Interestingly, there was no fee discrepancy among women and men appointed as sole arbitrators. Possible explanations for this include, first, that sole arbitrators tend to be appointed in lower-value cases, and second, that the SCC Board — which appoints a majority of sole arbitrators — is statistically more likely to appoint a woman regardless of the size of the case.

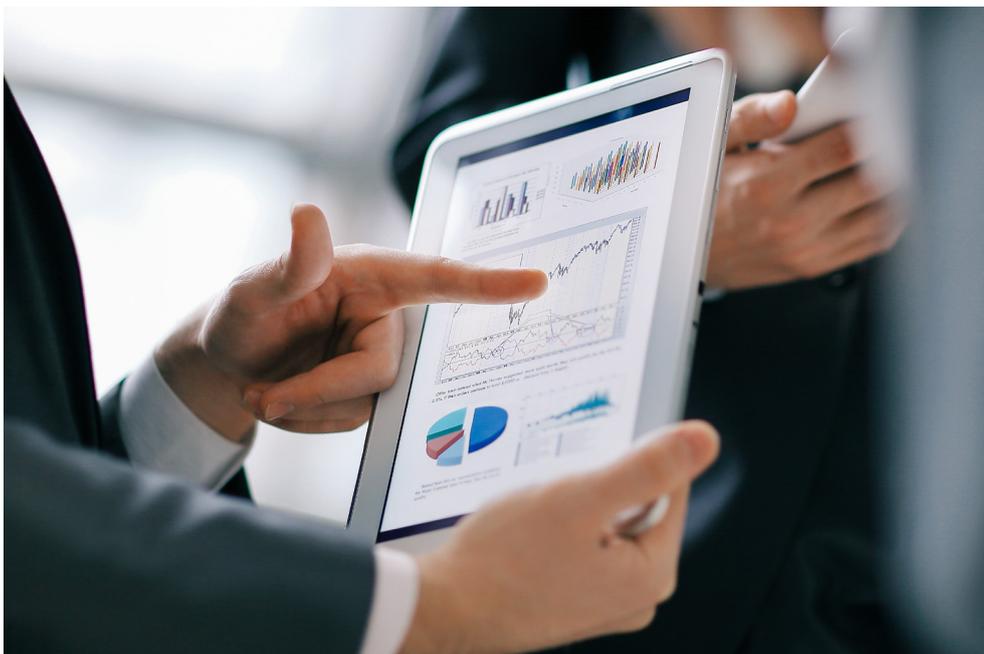
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TO SUMMARISE, the survey found that, during the period 2015-2019, one-fifth of all arbitrators appointed were women. Women were appointed more frequently as sole arbitrator than as chairperson or co-arbitrator, and the cases in which women were appointed as chairs were typically smaller than the cases with male chairs. The total share of women arbitrators was brought down significantly by the parties, who appointed the majority of all arbitrators and were much less likely than the SCC Board to appoint women.

This trend in party appointments is a significant obstacle to increasing the diversity of the international arbitrator pool. As long as parties — consciously or not — favor male over female arbitrators, fewer opportunities will be available for women arbitrators to gain necessary experience, status and skills. Many law firms are aware of this trend, and some have instituted policies requiring women candidates to be considered or included on lists of arbitrators proposed to clients.

The possible factors behind the gender dynamics of party appointments are discussed in the 2020 report of the ICCA Cross-Institutional Task Force on Gender Diversity. The ICCA task force reasoned, in part, that while arbitral institutions may have a broad and balanced view of available arbitrator candidates, the parties may have a narrower view. If this is the case, institutions and other independent actors, such as Arbitrator Intelligence or the ERA Pledge, can assist parties by providing lists and information on available arbitrators.

Maintaining greater transparency around arbitrator appointments and continuing the diversity discussion will also keep the issue of gender imbalance in plain view and may, over time, reduce unconscious bias. An increased gender awareness among arbitration users may incentivise a more systematic approach to arbitrator appointments, where all qualified candidates are considered, regardless of gender.



SCC and gender diversity

The SCC has been on the forefront of gender equality in arbitration; unsurprising, perhaps, considering that Sweden has ranked first on the EU Gender Equality Index every year since 2005. In 2015-16, the SCC collaborated with the Swedish Women in Arbitration Network (SWAN) and the consulting firm Wiminvest on a project aiming to promote female partners at Swedish law firms.

The SCC was an early signatory of the Pledge, and in 2017 amended its policy on arbitrator appointments to include an explicit commitment to diversity. In making appointments, the SCC considers diversity only when there are multiple qualified candidates and all other factors are equal; a particular candidate will never be selected for the purpose of improving diversity statistics if a more qualified or better suited candidate is available.



4. ARBITRATOR DIVERSITY: NATIONALITY

While the primary focus of the diversity debate has been on gender, there have also been calls to expand and diversify the profile of the arbitrator pool to include more non-Western, non-White arbitrators. For example, the African Promise is an initiative that seeks to increase the number of Africans appointed as arbitrators, especially in arbitrations connected with Africa. It was inspired by the SOAS Arbitration in Africa Survey, which highlighted the imbalance in the appointment of African arbitrators in international disputes and noted that even African parties tend to prefer foreign arbitrators over African ones.⁵ Another initiative, Racial Equality for Arbitration Lawyers (R.E.A.L.) was launched in early 2021, on the heels of the Black Lives Matter movement and following vigorous debate on the lack of ethnic and racial diversity in the arbitration community.

The SCC recognises the lack of racial and ethnic diversity in the arbitration field, and also that such diversity is an important and complex issue. International arbitration attracts parties from increasingly diverse jurisdictions and backgrounds, and arbitral tribunals should ideally reflect that diversity. A commitment to racial and ethnic equality in arbitration has an inherent value, and it also has the potential to result in a more diverse talent pool that includes candidates with different specialisations, experience, language skills, and availability.

The SCC does not collect or record information on arbitrators' racial and ethnic background, and race and ethnicity has not been considered as factors in the SCC board's appointment of arbitrators. The present review instead surveyed the nationality of appointed arbitrators. Nationality is not a substitute for race or ethnicity, but rather serves to indicate the geographic diversity of arbitrators in SCC arbitrations.

The following review and discussion of arbitrator nationality is limited to cases involving non-Swedish parties, because arbitrations between Swedish parties generally require the appointment of Swedish-speaking arbitrators. During 2015-2019, 337 of the 690 cases filed (49 percent) were international, and the arbitrators in these cases represent 684 of all 1251 appointments (55 percent) made in that period.

⁵ Emilia Onyema et al. SOAS Arbitration in Africa Survey. Domestic and International Arbitration: Perspectives from African Arbitration Practitioners (2018). Available at <https://eprints.soas.ac.uk>.

⁶ Swedish-speaking arbitrators from other Nordic countries are sometimes appointed in Swedish disputes.

Top 16 nationalities among arbitrators

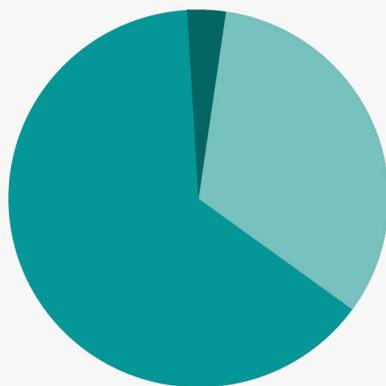
1. Sweden	337
2. United Kingdom	65
3. Germany	34
4. Finland	33
6. United States	28
7. Russia	18
8. Norway	16
9. France	15
10. Switzerland	14
11. Austria	10
12. Ukraine	9
13. Australia	8
14. Canada	8
15. Denmark	8
16. Greece	8

ORIGIN OF ARBITRATORS



Swedish arbitrators made up a majority in international cases — 337 of 638 appointments. Of the 337 Swedish appointments, 213 were appointed by the parties, 114 by the SCC and the remainder by the co-arbitrators. 89 were appointed as chair, 76 as sole arbitrator, and 172 as co-arbitrator.

The 347 non-Swedish appointments were spread across a range of 43 arbitrator nationalities that overlaps with, but is not identical to, the distribution of nationalities of the parties in SCC arbitrations. The prevalence of Swedish arbitrators in international cases warrants some explanation.



Who appoints the Swedish arbitrators in international cases?

- Parties 63%
- SCC 34%
- Co-arbitrators 3%

In part due to Sweden's historical neutrality in international relations, the SCC has long been perceived as a neutral choice upon which parties from most countries can agree. This perception may be what motivates foreign parties to include SCC arbitration clauses in their contracts. Most parties who agree on SCC arbitration also choose Stockholm as the seat of arbitration, and many stipulate that Swedish substantive law should be applicable to the dispute. There is an apparent correlation between applicable law and arbitrator nationality. In 2015-2019, Swedish substantive law applied in half of the international cases, and around half of all arbitrators were Swedish. Similarly, English law was applicable in around 10 percent of all international cases, and English arbitrators accounted for around 10 percent of appointees.

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Parties that have agreed to SCC arbitration, seated in Stockholm, under Swedish law, may also intend or expect that any dispute be heard by Swedish arbitrators. This suggestion is supported by the fact that, in the period reviewed, 63 percent of the Swedish arbitrators were appointed by the parties themselves.

When the SCC Board appoints arbitrators in international cases, the nationality of the arbitrator is influenced by two main considerations: the applicable law under which the dispute is to be decided, and the nationalities of any party-appointed co-arbitrators. In one typical situation, where Swedish substantive law is applicable and each side has appointed an arbitrator from their own country — or the case is to be heard by a sole arbitrator — the SCC Board will often appoint a Swedish arbitrator to ensure that the tribunal has the required knowledge of Swedish law. Where one of the parties has appointed a Swedish co-arbitrator, the Board will generally not appoint a Swedish chairperson. Finally, in cases where Swedish substantive law is not applicable, the Board will generally not appoint a Swedish arbitrator.

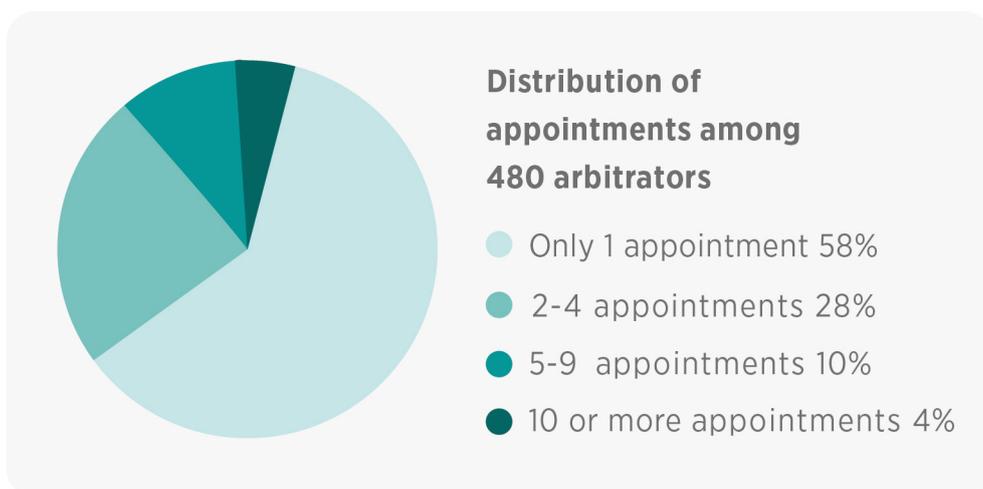
5. ARBITRATOR DIVERSITY: REPEAT APPOINTMENTS

Repeat appointments of arbitrators have a significant effect on arbitrator diversity, because they concentrate arbitration experience in fewer individuals, and thus further limits the arbitrator pool. The tendency toward repeat appointments may be attributable to a combination of several factors.

First, a lack of relevant, accessible and trustworthy information on arbitrators cause parties and institutions to gravitate toward arbitrators they already know. Second, parties often have a lot at stake in the arbitration, and may be cautious in selecting arbitrators. Third, the institutions put their reputation in the hands of the arbitrators, particularly chairs and sole arbitrators, and may therefore prefer to appoint individuals already known to be effective procedural managers and skilled award writers. In combination, these and other factors — such as unconscious bias — may create a barrier to entry for new players.

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The SCC review found a relatively wide distribution of appointments during 2015-2019. The 1251 appointments were distributed among 480 individual arbitrators. 279 of these arbitrators (58 percent) were appointed only once, 133 of them had 2-4 appointments, and 48 had 5-9 appointments. Only 20 of the 480 arbitrators (4 percent) were appointed 10 or more times in the five-year period.



There were more repeat appointments among male arbitrators, but the average number was skewed by two male arbitrators who were appointed 40 and 27 times, respectively. Notably, these two arbitrators were each appointed twice by the SCC, and the other appointments were by different parties. Two female arbitrators were appointed 23 and 21 times, respectively. None of these four popular arbitrators is a specialist in a particular area of the law, rather they are all generalists and are appointed in a variety of commercial cases.

NUMBER OF ARBITRATORS WITH REPEAT APPOINTMENTS (BY GENDER)

Numbers of appointments	 Female	 Male	Total
1	52	227	279
2	12	62	74
3	6	31	37
4	3	19	22
5	1	7	0
6	1	13	14
7	2	7	9
8	1	3	4
9	6	5	11
10	0	6	6
11	1	2	3
12	0	3	3
13	0	0	0
14	0	1	1
15	0	0	0
16	0	0	0
17	0	0	0
18	0	1	1
19	0	0	0
20	0	0	0
21	1	1	1
22	0	0	0
23	1	0	1
24	0	0	0
25	0	0	0
-	-	-	-
39	0	0	0
40	0	1	1

It is important to distinguish between repeat appointments made by parties and those made by the SCC Board. Parties have limited insight into an arbitrator's previous appointments, and also have less of an incentive to avoid concentration of experience and opportunities to a few individual arbitrators. By contrast, institutions have access to more information on prior appointments and are motivated to spread appointments broadly to ensure a reliable pool of qualified and available arbitrators.

The SCC Board actively seeks to distribute appointments widely across the arbitrator pool. For each new appointment, the Board considers the candidates' prior appointments in SCC cases; if information is available about appointments in other institutional or ad hoc proceedings, that may also be taken into consideration.

The SCC Board made 435 appointments in total during 2015-2019. These were distributed among 180 arbitrators: 82 arbitrators received only one appointment, 73 received between two and four, and 25 received five or more appointments. No arbitrator was appointed more than 9 times.



REPEAT APPOINTMENTS BY APPOINTER

Number	By SCC	By the parties	By co-arbitrators
1	83	251	33
2	45	60	6
3	16	28	0
4	11	13	0
5	8	4	0
6	7	6	0
7	4	5	0
8	2	1	0
9	4	1	0
10	1	1	0
11	0	2	0
12	0	2	0
13	0	1	0
14	0	0	0
15	0	2	0
16	0	0	0
-	-	-	-
24	0	0	0
25	0	1	0
26	0	0	0
-	-	-	-
37	0	0	0
38	0	1	0

The 25 arbitrators that each received five or more SCC appointments during 2015-2019 can be characterised as follows:

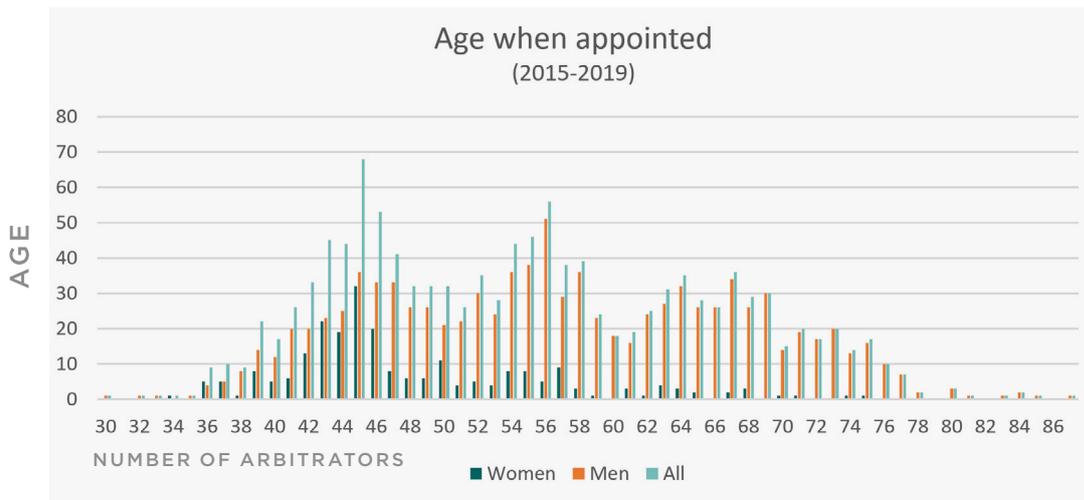
- **10 were women;**
- **15 were younger than 45** at the time of appointment;
- **all were from the Nordic countries;**
- **5 have either a language skill or nationality**, or a combination of both, that make them uniquely suited for a particular type of case;
- **9 were either independent arbitrators or at small law firms**, which reduces issues around conflicts of interest; and
- **4 are specialists** in an area of law in which few arbitrators specialise.

These characteristics indicate that the repeat appointments of this group of arbitrators are not a result of unconscious bias or favoritism, but are rather motivated by one of several factors — such as gender or age diversity, or a narrow choice of arbitrators in a particular type of dispute due to subject matter, language, or the particular parties involved. In other words, notwithstanding the imperatives to spread experience and opportunities across a broad arbitrator pool, repeat appointments may under some circumstances serve a valid purpose.

These characteristics indicate that the repeat appointments of this group of arbitrators are not a result of unconscious bias or favoritism.

6. ARBITRATOR DIVERSITY: AGE

Arbitrators aged 45 or under at the time of appointment comprise a majority of arbitrators with five or more appointments by the SCC Board. This should be understood in the context of the general age distribution, illustrated by the figure below. The median age at time of appointment was 56 for men, and 45 for women.



A higher than average number of repeat appointments among young arbitrators may be a result of the SCC's efforts to contribute to the regeneration of the arbitrator pool and to ensure the continued supply of experienced and skilled arbitrators. In addition to such appointments, the SCC also supports young arbitrators by co-organising training courses with the Swedish Arbitration Association and through participation in the board and activities of Young Arbitrators Sweden.

Younger arbitrators are often appointed in smaller cases, with lower fees. Junior arbitrators may have greater availability for such cases, and devote more time than a more senior arbitrator, resulting in more value for the parties. Many of these arbitrations are under the Rules for Expedited Arbitration, and last only 3-6 months. Multiple appointments may thus be reasonable over a five-year period, as the young arbitrator gains seniority.

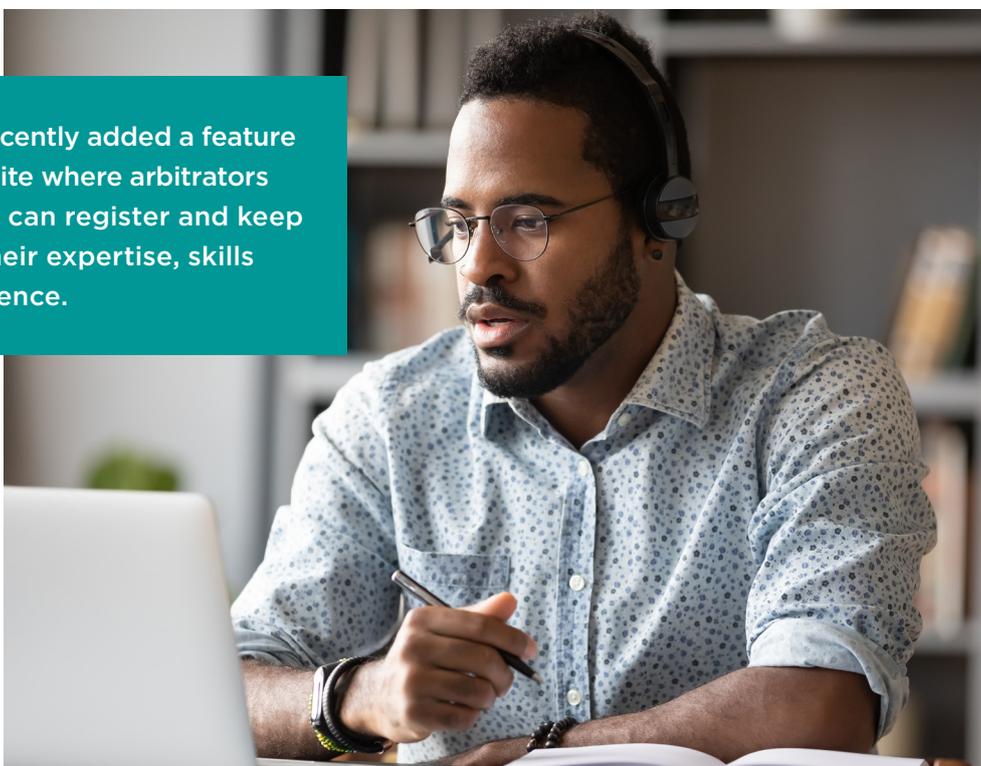
7. CONCLUSIONS: ARBITRATOR DIVERSITY INTO THE FUTURE

Reviewing all arbitrator appointments in SCC arbitrations during a five-year period through the lens of diversity has highlighted some significant trends and dynamics:

- **Parties are an important driver of diversity statistics.** Parties appointed 62 percent of all arbitrators, while the SCC Board appointed 35 percent.
- **The SCC appointed women twice as often as the parties did.** An average of 20 percent of all arbitrators appointed were women, but of the party-appointed arbitrators only 14 percent were women, compared to 30 percent of the arbitrators appointed by the SCC Board.
- **Women are appointed in lower-value cases.** 29 percent of sole arbitrators were women, compared to 19 percent of chairs and 14 percent of co-arbitrators. Cases with female chairpersons were smaller on average than those with male chairs.
- **Swedish arbitrators received many appointments in international cases.** 337 of 684 appointments in cases involving non-Swedish parties went to Swedish arbitrators, and the remainder to arbitrators of 43 different nationalities. There is an apparent correlation between applicable law and arbitrator nationality.
- **High numbers of repeat appointments were rare.** 480 arbitrators were appointed, with an average of 2.6 appointments per arbitrator. 279 arbitrators had only one appointment, and only 20 were appointed 10 or more times.
- **Repeat appointments by the SCC Board were correlated to age and gender.** Of the 25 arbitrators with more than 5 appointments, 15 were 45 or younger, and 10 were women.
- **Arbitrator age varied significantly based on gender.** The median age at the time of appointment was 56 for men and 46 for women.

Most of these trends were known to the SCC, and have informed the institute's diversity efforts already for several years. For example, the SCC recently added a feature on its website where arbitrators themselves can register and keep updated their expertise, skills and experience, ensuring that the Secretariat considers the most recent information when researching and proposing candidates. Going forward, the findings in this report may lead to additional SCC initiatives aimed at diversifying the arbitrator pool, such as contributing to and making increased use of external databases.

The SCC recently added a feature on its website where arbitrators themselves can register and keep updated their expertise, skills and experience.



The SCC Board will continuously take the diversity trends into account in its discussions and appointments, appointing women and young arbitrators when possible, and considering other diversity markers when appropriate under the circumstances of the case. However, there are limits to what the SCC and other institutions can achieve by diversifying their own appointments. The statistics show that party appointments are a much more important driver of arbitrator diversity. Because such a significant majority of all arbitrators are appointed by the parties, any effort to expand and diversify the arbitrator pool will have limited effect unless it involves the parties.

Most parties understandably make each appointment in the context of the dispute at hand, without a broader policy or diversity perspective. Arbitrator selection often relies on word-of-mouth and the parties' or counsel's prior experience of particular lawyers as arbitrators and opposing or co-counsel. One way toward increased diversity may be for parties and counsel to take a more systematic approach to appointing arbitrators by, for instance, increased use of arbitrator databases, or by requesting from the institution a list of candidates that meet certain objective criteria. Some parties already set an example by requiring from their counsel that all arbitrator lists include diverse candidates; and some progressive law firms already have internal policies requiring them to consider diversity every time they propose arbitrators to clients.

The call for arbitrator diversity has coincided with a trend toward greater transparency in arbitration. In part breaking with arbitration's traditionally secretive past, institutions now release more statistics, figures and details relating to arbitrator appointments, and new initiatives such as Arbitrator Intelligence, GAR Database, ArbiLex and Jus Mundi have made it easier to access information about arbitrators' qualifications, affiliations and prior decisions.

Information and awareness of the trends will reduce the collective risk of unconscious bias. The SCC will also continue to release information on diversity, participate in the diversity debate, and provide assistance to parties or counsel seeking to take a more systematic approach to appointments.

The SCC hopes that this report will inspire and help other actors make more informed and diverse appointment decisions. As this report has shown, parties and their counsel appoint the vast majority of all arbitrators; but it is our hope that we all feel the call to action.