R.E.A.L. NEWSLETTER

Issue #1

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January 2022

Top to bottom, left to right: Dr. Martin Luther King Jr., Mohandas Karamchand (“Mahatma”) Gandhi, Nelson Mandela, Dr. Dorothy Height, Nadia Murad Basee Taha, John Thomas “Jack” Patten, Elie Wiesel, Rigoberta Menchu Tum, Cosar Chavez, and Yuri Kochiyama.
Dear Friend and Colleague,

Welcome to Racial Equality for Arbitration Lawyers (“R.E.A.L.”), and thank you for taking time to read this inaugural edition of the R.E.A.L. Newsletter!

A core mission of R.E.A.L. is to create a more equal, inclusive, and cooperative international arbitration field, as well as to champion underrepresented groups in international arbitration, by creating opportunities for and spotlighting ethnically and racially diverse international arbitration practitioners.

Now, we know what you’re thinking . . . with countless amazing lawyers globally, how in the world will R.E.A.L. accomplish this?

Queue the R.E.A.L. Newsletter!

The R.E.A.L. Newsletter is a quarterly publication that showcases the amazing contributions of diverse international arbitration practitioners around the globe. It is a platform with a variety of information related to activities of interest, legal developments, and other topics relevant to international arbitration.

Most importantly, the Newsletter (in conjunction with the R.E.A.L. Blog) will amplify the voices of underrepresented international arbitration professionals, increase accessibility to the arbitration field, and continue to lay the groundwork to making the arbitration field more inclusive and accessible to the new generation of international arbitration practitioners, globally.

This issue features an interview with R.E.A.L.’s Co-Chairs, insights from R.E.A.L.’s Steering Committee members and Ambassadors, a re-cap of R.E.A.L.’s launch in January 2021, summaries of past events by selected R.E.A.L. scholarship recipients, and updates from each of the R.E.A.L. Committees.

In short, on this one-year anniversary, we are so happy to have YOU as a member of R.E.A.L! We hope that you find this Newsletter valuable and consider contributing to the next issue.

To submit content or updates to the R.E.A.L. Newsletter, or to submit pieces for consideration to the R.E.A.L. Blog, please contact newsletter@letsgetrealarbitration.org.

Yours truly,

*R.E.A.L. Newsletter & Blog Committee*
In this inaugural newsletter, it would be remiss of us not to reflect on how R.E.A.L. all started. Who better to delve into those details than R.E.A.L.’s very own beloved Co-Chairs — Rekha Rangachari, Dr. Crina Baltag, and Dr. Kabir Duggal. We put a few questions to our Co-Chairs to better understand their motivation behind R.E.A.L., the challenges faced, and the anticipated impact of R.E.A.L. in the world of arbitration. Their responses are below.

**What drew you to the world of arbitration?**

Like most practitioners in international arbitration, we are internationally inclined. Rekha is a Chicago-born, New York lawyer of Indian origin. Crina is a law professor originally from Romania, married to a Brazilian, living between London and Stockholm. Kabir is Saudi-born, of Indian origin, New York based arbitrator. Combined, we speak over a dozen languages. People who wear such multiple identities tend to gravitate to an international practice. Our attraction to international law was immediate. Having joined the practice, the intellectual stimulation combined with the ability to meet cool and interesting people in cool and interesting places has only strengthened our love for international arbitration.

**What inequities do you find exist today in the arbitration world and what do you feel has changed/improved in the last 10 years?**

International arbitration is often viewed as a “club” or a “gated community.” This is definitely true for how things were about a decade ago. But in the last decade or so, there has been a steady delocalization of international arbitration permeating every corner of the world, with a proliferation of arbitral institutions and organizations. This, we believe, is a good development as it makes international arbitration accessible to all. Arbitration, like any societal structure, has inequities. For example, gender representation (particularly at the arbitrator ranks) has been an issue under the spotlight for some time now. Organizations like ArbitralWomen and the Equal Representation in Arbitration Pledge have played a key role in spotlighting this issue. While we are far from our goal of true gender parity, we have definitely placed gender equity in our public consciousness.

We are today talking of greater representation for racial and ethnic minorities (enter R.E.A.L.). Unless everyone finds an equal voice, international arbitration can never be truly international. We also need to think about other underrepresented groups — disabled lawyers, LGBTQ+ lawyers, economically disadvantaged lawyers, lawyers who are not fluent in English, etc. In turn, we need to also consider the role of intersectionality (lawyers with more than one di-
-verse attribute) as we chart representation, integration, and the evolution of our practice for future generations.

**Unless everyone finds an equal voice, international arbitration can never be truly international.**

What was your motivation for starting R.E.A.L.? How did it all come together?

2020 brought issues of racial discrimination to the forefront. It initially started in the US but eventually spread to many countries. This got us thinking about our practice and how best to activate and address issues of racial representation. We have all heard the proverbial phrase “male, pale, and stale”.

For our practice, which is truly “international”, this is deeply problematic. A key set of individuals from all over the world organically joined a Steering Committee to discuss how to implement action through the pillars of access and advocacy.

On 18th January 2021, Dr. Martin Luther King, Jr. Day, over 700 participants participated in R.E.A.L.’s virtual inauguration. Over 70 supporting organizations from all over the world collaborated to make the launch a real success. Six keynote speakers in international law shared their experiences in relation to diversity and inclusion. The speakers included Judge Navanethem Pillay (former UN High Commissioner for Human Rights), Mr. Kevin Kim (Founding Partner at Peter & Kim), Professor Dr. Nayla Comair-Obeid (Founding Partner at Obeid Law Firm), Ms. Meg Kinnear (ICSID Secretary General), Professor Emilia Onyema (Professor at SOAS), and Mr. Uncheora Onwuamaegbu (International Attorney at Arent Fox LLP).

**What were the major challenges you faced with starting R.E.A.L.?**

The biggest challenge was whether we could create consensus in an international practice on the need for targeted consideration of racial and ethnic diversity. It is often assumed that international arbitration is international (despite evidence to the contrary) and we were concerned whether we would achieve necessary community involvement and buy in. To our delight, within one month, this concern was alleviated. Over 80 organizations and institutions signed up to support R.E.A.L. in advance of its official launch, in parallel with members, allies and ambassadors. As noted above, the Secretary General of ICSID and the former UN High Commissioner, among other notable leaders, agreed to speak at the launch. R.E.A.L. now has an international membership that grows each month, fueling us to create meaningful opportunities.

**What are your personal goals for the growth of R.E.A.L. as a global organization?**

R.E.A.L. looks to champion underrepresented groups in international arbitration. Anyone who wants to contribute to promoting awareness of the lack of racial diversity and facilitate change can be a member or ally. There is no membership fee. Members and allies are simply encouraged to help facilitate the cause for greater racial representation in international arbitration by all available means.
One core mission of R.E.A.L. is to increase access to the “arbitration club” – to open doors for more practitioners, offering scholarships to lift the socio-economic barriers for many entering international arbitration with a focus on community-building for young and mid-level practitioners. The second core mission of REAL is advocacy, building awareness and spotlighting the lack of diversity in our field, towards creating inclusion and cooperation.

**What has the first year of R.E.A.L. taught you and what was a personal highlight for you?**

There is only one word to describe the first year of R.E.A.L. – awesome! We have been privileged to offer over 70 scholarships to deserving global candidates and reflect the internationalism and intersectionality of our practice through our Committee leadership of Chairs and Vice Chairs (who you will hear more from in due course and they activate local, regional and global initiatives). These scholarships are the result of fruitful collaborations with established arbitration stakeholders and supporters of R.E.A.L. (e.g., CIArb, GAR, Jus Mundi, Juris, ICC, LCIA, HKIAC, CAM-CCBC and ERA Pledge, etc.) and offer the scholars the opportunity to attend high quality events or courses in the field without paying the registration fee or via a discounted fee structure. R.E.A.L. can only hold to its mission with real participation from all over the world. This inaugural and initial year has confirmed that we are stronger together, and together, we can create real change.

**Where do you see R.E.A.L. in 10 years?**

We would like R.E.A.L. to continue to play a pivotal role promoting and advocating for all underrepresented groups in international arbitration. We will continue to partner with organizations, institutions, and individuals to advance this goal – building in time a communal wheel that imports the collective knowledge of our global community to spin new dimensions. The adage “united we stand, divided we fall” remains our call to action – ever stronger together.
R.E.A.L.’s success to date would not be possible without the unwavering support of its dedicated Steering Committee members and its wonderful group of global Ambassadors, all of whom are diversity champions in their own right. They also play a vital role in championing racial equality across all areas of the world of arbitration. We recently got a chance to ask some Steering Committee members and Ambassadors about their collaboration, inspiration and relationship with R.E.A.L. and its drive to champion underrepresented groups in international arbitration. Check out what they had to say:

### WHAT DOES RACIAL EQUALITY IN ARBITRATION MEAN TO YOU?

**Amanda Lee**  
(R.E.A.L. Ambassador)

Racial equality in arbitration requires that every participant in the field of arbitration, regardless of their race, is treated fairly and is afforded the same status, rights, and opportunities. In a field that prides itself on being international, this should be the least that we can expect.

**Byron Perez**  
(R.E.A.L. Ambassador)

Racial equality in arbitration is the inclusion and representation of arbitration practitioners based on their abilities, merits, and qualifications, without regard to their racial backgrounds and geographical origins.

**John Gaffney**  
(R.E.A.L. Ambassador)

Racial equality in arbitration occurs when all arbitration stakeholders provide substantive equality of opportunity to people of all races.
It means inclusivity, geographical and racial representation of diverse arbitrators. This would mean arbitrators/counsels/party representatives in arbitrations would be selected solely on the basis of merit, or expertise, or skills, or ability to work well with others and not on the basis of their perceived race. REAL provides an exceptional platform for conversations surrounding racial equality in arbitration.

Victoria Kigen
(R.E.A.L. Ambassador)

Why worry about “representativeness” in international arbitration? The reason is simple: legitimacy.

Michael Mcilwrath
(R.E.A.L. Ambassador)

Racial equality means creating a new norm, so that when we look around at an arbitration hearing, there are faces of every colour and background, and we all think of that as something that is not unusual but simply a reflection of the international community in which we work and live.

Meg Kinnear
(R.E.A.L. Ambassador)

WHAT INSPIRED YOU TO BECOME R.E.A.L. STEERING COMMITTEE MEMBER?

Prof. Dr. Mohamed Abdel Wahab
(R.E.A.L. Steering Committee)

I joined the REAL Steering Committee because REAL is an altruistic initiative with a noble cause. It is founded by a selfless group of practitioners who genuinely believe in the REAL power of inclusion, integrity, decency and expertise in transforming our arbitration world to the better.
Having worked to promote gender diversity in international arbitration through my role as President of ArbitralWomen and on the Global Steering Committee of the Equal Representation in Arbitration Pledge, I was inspired to become a REAL Steering Committee member so that I could apply my experience to promoting racial diversity in arbitration. The inclusive and thoughtful approach of co-chairs Crina Baltag, Kabir Duggal and Rekha Rangachari to advance two main goals of REAL -- advocacy and access -- resonated with me immediately. I joined the REAL Steering Committee to help provide racially diverse lawyers greater access to the arbitration field, including making the arbitration field more inclusive of the new generation of lawyers around the world.

Dana C. MacGrath
(R.E.A.L. Steering Committee)

WHAT INSPIRED YOU TO BECOME R.E.A.L. AMBASSADOR?

The best way to express why I graciously agreed to become an ambassador for REAL is best amplified by the words of Maya Angelou, “What you’re supposed to do when you don’t like a thing is change it.” I want to do more than talk about racial equality in arbitration; rather, I strive to effectuate a change.

Angela Foster
(R.E.A.L. Ambassador)

Diverse students make up the majority of students in many law schools around the world. We need to ensure that they will enter a legal profession and international arbitration community that provides equal opportunities. I am honored and delighted to serve as a REAL Ambassador and collaborate with other diversity-focused global initiatives to increase the inclusion of international arbitration practitioners across all measures of identity.

Victoria Shannon Sahani
(R.E.A.L. Ambassador)
WHAT DO YOU BELIEVE MAKES R.E.A.L. UNIQUE AS AN ORGANISATION?

Rana Sajad Ahmed
(R.E.A.L. Steering Committee)

REAL’s mission to go beyond advocacy and create invaluable opportunities for a wider and deeper engagement of racially diverse arbitration lawyers makes it unique. I believe this will, in turn, enable all stakeholders, especially the parties to arbitration proceedings, to reap the racial dividend and leverage the value that racially diverse arbitration lawyers bring to the table.

Chiann Bao
(R.E.A.L. Steering Committee)

REAL represents a common voice to the underrepresented in international arbitration and serves as a conduit to systematic change. With the establishment of REAL, there is now a concentrated and deliberate effort to raise the consciousness of our community of the importance of equality and make real and sustainable impact in our field.

Earl Rivera-Dolera
(R.E.A.L. Steering Committee)

REAL is unique as it tackles various facets of the diversity conundrum, i.e. gender, racial, geographic, age, disability, economic diversity, amongst others. It has thus tasked itself with a greater scope of responsibility than other diversity-focused initiatives. For starters, arbitration seminars, lectures and courses are almost always expensive for students or junior practitioners. REAL has been at the forefront of providing scholarships for deserving individuals to have access to these valuable learning tools and thus preparing the next generation of arbitration practitioners for the challenges of this continually evolving area of law.
WHAT DO YOU HOPE TO ACHIEVE IN YOUR ROLE AS A REAL AMBASSADOR?

I hope to be able to provide the perspectives of the ADR institutions and utilize the networks we have in our community to further the goals and initiatives of REAL.

Jeffrey T. Zaino  
(R.E.A.L. Ambassador)

Arbitration has always been at the forefront of dealing with gender diversity and that shows by now in how teams are structured, cases are pleaded, and proceedings are run. I hope that with an initiative like REAL same will be true for racial and ethnic diversity over time.

Anna Masser  
(R.E.A.L. Ambassador)

In my role as ambassador for REAL, I hope to encourage others to raise their voice in order to achieve racial equality in arbitration. Additionally, I am convinced that more people will realize that equality and diversity makes arbitration a successful way to solve disputes and that REAL can play its part in showing the benefits of reaching the necessary diversity.

Svenja Wachtel  
(R.E.A.L. Ambassador)

To promote diversity in every aspect of the work I do. This means having the goal of diversifying the profession front of mind and continuously raising ways in which this can be done by identifying individuals from under represented backgrounds and jurisdictions to participate actively in our work, for example, as speakers, committee members, arbitrators, staff members and interns.

Kiran Sanghera  
(R.E.A.L. Ambassador)
As a REAL Ambassador, I hope to ensure that everyone interested in international arbitration knows they have a seat at the table.

Claudia Salomon  
(R.E.A.L. Ambassador)

As a REAL Ambassador, I became a REAL Ambassador to do my part in helping achieve racial equality for international arbitration lawyers, and to make sure that everyone in our field (practitioners, users and arbitrators alike) sees the incredibly rich and diverse pool of talent that exists today in our community.

Samaa Haridi  
(R.E.A.L. Ambassador)

As a REAL Ambassador, I hope to shed light on how valuable diversity is to international arbitration. If we want to improve performance and produce better results, we need to incorporate a wide range of actors.

Karima Sauma  
(R.E.A.L. Ambassador)

As a REAL Ambassador, I hope to take REAL to law students and junior attorneys who are interested in joining the “arbitration club.” I am especially looking forward to assisting with the mentorship program, which I believe will be critical to opening the door to more practitioners of different backgrounds and transforming the field of international arbitration.

Michael Fernandez  
(R.E.A.L. Ambassador)
WHAT WOULD BE THE HIGHLIGHT OF YOUR PARTICIPATION IN REAL TO DATE?

Being a part of REAL has been a continuous learning process. Every meeting is an opportunity to exchange ideas and to see how one may contribute, from scholarships to plain day-to-day experiences. Besides the impact-oriented approach – going from mentorships to events and analysis of appointments – there is a true sense of community, and you can see that everyone is just committed to changing arbitration for real.

Patricia Shiguemi Koba-yashi
(R.E.A.L. Steering Committee)

REAL is a unique platform aimed at raising awareness on paramount issues pertaining to the manner in which international arbitration is perceived and practiced. The highlight of my participation has been witnessing the initiation of change that REAL has prompted through spotlighting colleagues from various backgrounds, including through facilitating access to knowledge sharing opportunities and support as part of a more diverse and inclusive arbitration community.

Sara Aranjo
(R.E.A.L. Steering Committee)

WHAT ARE YOUR HOPES FOR R.E.A.L. IN THE COMING YEAR?

That the vision of racial equality in our field remains REAL to each of our members. That we use our early successes as momentum to create the reality that we all know to be a true, a field that is as culturally and ethnically diverse as the world around us—in other words, to build One. REAL. World. Together.

Christopher Campbell
(R.E.A.L. Steering Committee)

I hope REAL continues to proliferate, achieve its goals and create a safe space for dialogue for underrepresented groups in international arbitration.
RE-CAPPING THE LAUNCH OF R.E.A.L.

R.E.A.L. was launched on 18th January 2021, a date chosen to commemorate the birth of civil rights activist Martin Luther King, who led the American civil rights movement to end legalized racial discrimination. At the time of its launch, R.E.A.L. was already backed by over seventy (70) arbitral institutions, with diverse membership from lawyers across the globe.

The launch was divided into two (2) sessions to cater to different time zones and featured six (6) stellar keynote speakers who brought a wealth of experience, perspectives, and insights to the conversation as they shared their personal journeys in tackling and nurturing diversity.

The first session featured Judge Navanethem Pillay, Mr. Kevin Kim, and Dr. Nayla Comair-Obeid.

Judge Navanethem Pillay served as the UN High Commissioner for Human Rights from 2008 to 2014, and as a judge at the International Criminal Tribunal for Rwanda (ICT) and the International Criminal Court. Drawing from her experience as a non-white lawyer in South Africa’s apartheid regime, and from her time on the ICT where she was the only woman, Judge Pillay highlighted how her background informed her more restorative approach to criminal justice and trials, as well as the vital impact that having diverse perspectives on the bench and in adjudicative bodies could bring.

Speaking from a practitioner’s perspective, Mr. Kevin Kim, a senior partner at the firm Peter & Kim, spoke of his personal experience as a young lawyer in the international commercial and investment arbitration space. He identified that a major roadblock in breaking the racial and western hegemony in this space was the lack of access to resources, capacity building, and networking opportunities, and how he sought to inculcate a culture of knowledge sharing in the Korean arbitration circles.

Supplementing this, Prof. Nayla Comair-Obeid, the founding partner of the law firm Obeid & Partners, reflected on the unique challenges that young women lawyers face in the heavily competitive international arbitration space – unfair prejudices and bias, doubts regarding capabilities, and ethnic pre-conceptions (particularly for those from non-Western nations).

We would like thank Ms. Jyotsna Vilva, an Associate in the International Arbitration practice at Shardul Amarchand Mangaldas, Mumbai, for her kind assistance in preparing this summary.
She also spoke of the often-direct oppositions she had faced as a woman of color from the Middle East operating in the West, despite the wealth of experience she brought to her roles, and highlighted how arbitral institutions could help fight such biased perceptions by having a more diverse range of empaneled arbitrators.

The second session featured Ms. Meg Kinnear, Dr. Emilia Onyema, and Dr. Ucheora Onwuamaegbu.

Ms. Meg Kinnear, the Secretary-General of the ICSID, addressed what institutional efforts were being taken by ICSID to promote diversity and equality of opportunity. She noted how getting more diverse arbitral nominations would be the first step in inculcating a more inclusive and diverse arbitration culture. She also acknowledged the crucial role and responsibility that organisations like ICSID have in this regard, particularly in highlighting these profiles to parties.

Adding on to this, Dr. Ucheora Onwuamaegbu, a consulting attorney at Ardent Fox with prior experience at ICSID, drew on his personal experiences, and shared on the need for lawyers to be open and receptive to different work cultures, approaches and work experiences, on an individual level. This was particularly relevant considering the disappointing statistic that had emerged from a short survey that had been taken in both sessions, in which 70% of the respondents, on average, had indicated that they had witnessed inappropriate conduct or comments to do with race, ethnicity, gender, or sexual orientation, in a professional setting. Individual accountability to the approaches that Dr. Onwuamaegbu highlighted would help inculcate adaptive, positive, and encouraging work cultures, especially considering that the old-guard cultures of the past may no longer be conducive to diversified workplaces and needs.

Dr. Emilia Onyema, a senior lecturer at the SOAS University of London, also emphasized the importance of individual accounta-
Overall, both sessions highlighted how visibility, access to opportunities, and capacity building are major factors in ensuring that persons from varied ethnicities, genders, sexualities, and regions are continually enabled to perform to the best of their skills and abilities. This prevents pushes for diversity from turning into counterproductive tokenism. The uptake of virtual hearings in arbitrations provides an excellent opportunity for talent from across the globe to be identified and promoted. Further, organizations such as R.E.A.L. are incredibly important to recognize and bridge the diversity gap whilst encouraging a culture of institutional and individual accountability for diversity.
On 2nd February 2021, we attended the virtual event “GAR Interactive: Women in Arbitration”. The conference was organised by Global Arbitration Review (GAR) and co-chaired by Domitille Baizeau (LALIVE, Switzerland) and Annette Magnusson (Secretary General, Arbitration Institute, Stockholm Chamber of Commerce).

Following the event, we were asked to reflect on our experience and key takeaways from the event set out below.

Ishita’s desire to attend the event stemmed from her interest in international commercial arbitration and commercial litigation through her experience working in India. When reflecting upon her observations on the involvement of female practitioners in arbitration, she commented that while she had seen some female lawyers arguing commercial matters at the court, she had never once had the opportunity to see a female lead counsel in commercial arbitration. GAR Women Interactive helped bridge this gap by allowing her to hear from exceptional women from across the world who are leading practitioners in their fields and are arguing in complex multi-jurisdictional commercial and treaty arbitrations and litigations. She also was able to learn more about their life experience and their journey towards advocating before the highest courts and most esteemed arbitral tribunals.

After the GAR Women event, she got some of the panellists’ advice on upskilling as a junior arbitration lawyer and even choosing an LL.M. programme!

For Nicole, attending the event has helped her become more aware of the problems that women have experienced in the legal sector and arbitration. However, there are still many things to do to continue promoting diversity. Through this event, she learned about other women’s experiences in their professional careers and the diversity strategies that companies, law firms, and institutions must implement. Regarding the practice of arbitration, she had the chance to hear about what the summary dismissal proceeding means for funders and its statistics in ICSID and SIAC. In addition, the panellists also explained the role of experts and counsel in international arbitration, followed by a session that explored the challenges of international arbitration in Latin America and the practical difficulties of enforcing awards in courts.

When asked about her thoughts on initiatives like the R.E.A.L. Scholarship programme, Vanessa commented that the scholarship provides real support in promoting gender diversity by giving the participants the chance to learn from their female peers. Moreover:
“... it enriches our knowledge and inspires us with more perspectives of the issue so that it helps with our advocacy for the same. I think more R.E.A.L. Scholarship programmes are needed in the future. Particularly, R.E.A.L. Scholars can formalise an alumni network to gather our resources to promote diversity. There can also be more promotions, such as LinkedIn, in arbitration workshops or conferences or at universities, so that the R.E.A.L. Scholarships will gain more recognition internationally”.

Vanessa also opined that R.E.A.L. is about opening the door and helping recipients gain access. For her, the R.E.A.L. Scholarship program opened many doors, including the opportunity to:

• be heard – as a woman in the law, she hopes to add her voice to the conversation;
• to learn – notably, the obstacles in practice for women and how to avoid them;
• to build her network – she kept contacts with other R.E.A.L. Scholars and practitioners after the event; and
• to make a difference – practitioners have gathered to form a think-tank on implementing strategies and plan to promote a more gender-equal working environment at law firms and in arbitration.

Through an exchange of ideas in one of the breakout rooms, Ishita’s group reached the conclusion that even young lawyers could contribute to strengthening diversity at the workplace by engaging in initiatives such as building peer to peer support networks etc.

In identifying the key takeaways from the event, what impressed Nicole the most was learning from recognized women arbitration practitioners talking about all the challenges they had to go through to be where they are, putting the numbers on the table about the inequity that still exists not only in the legal sector but in different industries. The panellists presented several solutions to strengthen equity and inclusion in international arbitration, and it was a perfect place for networking and learning from women from all over the world.

Overall, all three of us believe that everything we learned at the event will be of great value to our professional careers and will guide us as young students and practitioners. We truly appreciate the support of R.E.A.L. in granting us scholarships to attend ‘GAR Interactive: Women in Arbitration’, and we look forward to collaborating with R.E.A.L. further in the future.

About the authors:

Ishita Mishra is an LL.M. Candidate at the University of Cambridge. Qualified to practice law in India, Ishita worked as an Associate Counsel at the Chambers of Mr. Gourab Banerji, SA in New Delhi from 2019-2021, prior to which, she was an Associate at the New Delhi office of Khaitan & Co, Ishita graduated in 2018 from one of India’s leading law schools, the West Bengal National University of Juridical Sciences.

Nicole Alvarez Barreno is an associate of Quevedo & Ponce law firm and a qualified lawyer in Ecuador. She obtained her LL.M. in Commercial and Corporate law at the University of Sheffield in 2020 and her law degree at Universidad Catolica Santiago de Guayaquil in 2019.

Vanessa Tsang is an International Arbitration Intern at Three Crowns LLP’s London office. Prior to this, she obtained her LL.M. degree at Columbia University and J.D. degree at The University of Hong Kong.
On 27th April 2021, I had the opportunity to attend Global Arbitration Review’s (GAR) GAR Connect: Europe as a R.E.A.L. Scholarship recipient.

R.E.A.L. is a community which offers access to knowledge, mentorship, events and information, where each member represents a different racial platform across different jurisdictions. The R.E.A.L. Scholarship programme is an invaluable resource to early career and younger practitioners, offering members across the world an opportunity to participate and to fulfil their potential, where no one is unfairly disadvantaged.

The two R.E.A.L. Scholarships I have been fortunate to receive, and the mentoring that followed, have made me a better person and a better lawyer.

The scholarship I received to attend GAR Connect: Europe allowed me to participate in a global event which highlighted the tireless work of practitioners such as Benjamin Davis (University of Toledo (retired)) and Leyou Tameru (I-Arb Africa), who delivered the joint keynote address and discussed diversity in arbitration and careers spent trying to increase the representation of women, minorities and disabled persons in international arbitration. Specifically, I wanted to learn about diversity within arbitration practices in Europe and to advocate for equal representation amongst my peers, which is something to achieve and not merely aspirational.

Holistically, the conference was insightful and engaging. It featured two panels, one of which discussed Final Offer/Baseball Arbitration (and pricing), which it was agreed only works with equality in party representation and a level playing field of information; the other session explored the contours of good faith principles in arbitration which traverse both common and civil law jurisdictions and are necessary alongside the doctrines of estoppel and legitimate expectation. In the final segment, a panel debated the motion, ‘This house believes damages experts should no longer be considered independent experts”, which the judges voted against, citing best practice, objectivity, transparency and independence as the cornerstones upon which the tribunal critically assesses the evidence.

Personally, I am very proud to be a member of R.E.A.L. and two-time recipient of a R.E.A.L. Scholarship. I am inspired by my colleagues as we advocate for racial equality, diversity and inclusion of unrepresented groups in international arbitration. My career in international arbitration has really progressed since availing of these scholarships, and I have acquired greater knowledge and awareness of intersectionality and international arbitration and the importance of representation in tribunals.

I have greatly benefited from these scholarships and have forged lasting relationships with other members and practitioners, some of whom have become mentors to me.
use my platform in the United Kingdom and Ireland to highlight the absence of racial diversity in our field and to further my research.

**About the author:**

Kieran Morgan is a graduate of Queen’s University Belfast with LL.B (Hons) Law; LL.M (Hons) Human Rights and Criminal Justice; and Postgraduate Certificate in Professional Legal Practice (C.P.L.S.). Kieran is admitted to practice as a Solicitor in England and Wales, Ireland, and Northern Ireland, and he specialises in Controversial Construction. Kieran has a particular interest in International Arbitration and Taxation, and he is currently undertaking a qualitative analysis of the efficacy of the Part VI model of the Multilateral Instrument (MLI).
REFLECTION ON ATTENDING THE COLUMBIA-CIARB COMPREHENSIVE COURSE ON INTERNATIONAL ARBITRATION

During the first and third weeks of June 2021, we were able to attend the Comprehensive Course on International Arbitration offered jointly by Columbia Law School and Chartered Institute of Arbitrators, New York Branch. Such attendance was only possible because of the full scholarship provided to us by R.E.A.L.

We both are self-declared black attorneys at law from different jurisdictions. Joseph Siyadon is a Nigerian-qualified lawyer and international arbitration practitioner with 8 years’ PQE. João Vitor Costa is a Brazilian-qualified lawyer, with 5 years’ experience in commercial litigation and domestic arbitration.

Despite coming from very different countries, we both face the same challenge in our practice: the lack of racial diversity in arbitration.

Both of us already knew about the Course offered by CLS-CIarb, even before the scholarships were announced by R.E.A.L.

The Course attracted us for several different factors: a comprehensive program, both in theory and practice, organized by a worldwide renowned law school with heavy-weight faculty members, alongside an equally renowned arbitration organization with support of a top-tier law firm.

Unfortunately, the fees were unfeasible to bear considering our realities in our home countries. When we learned about the full scholarships offered by R.E.A.L., we had no option but to apply for them. We are glad that we did, and even more glad that we were granted with them.

The Course consisted of 25 hours across two whole intensive weeks, and it covered basically all aspects and stages of international arbitration. We had important discussions with lecturers, practitioners, and other attendees from around the world, as well as practical workshops on some specific issues, such as hearing simulations. We left the Course with insightful knowledge and more tools to handle our cases, and also with a brief overview of what the international practice of arbitration looks like.

To us, the most important aspect of the R.E.A.L. Scholarship program is the bridging of huge gaps between very different social and racial realities, which otherwise would have prevented us from attending the course.

Another important aspect of the program, also linked with the Course itself, is that we were able to see that we are not alone in this challenge. The racial and gender diversity of the faculty members of the Course, other practitioners and R.E.A.L.’s founders in support of our scholarships gives us strength to move forward in our careers, despite the current and still unfavorable context in which we live. We have leader-
-ship figures to look up to and we hope to attract more colleagues in the same situa-
tion along our way.

We are already reaping the benefits of the scholarship and the Course. Through the
course, Joseph was able to enhance his knowledge and expertise in international arbitra-
tion. João, on the other hand, enhanced his participation in his firm’s internal ini-
tiative for racial inclusion and is now attending the International Dispute Reso-
olution LL.M. program offered by Humboldt University of Berlin, with a stronger view
on racial equality.

We truly hope to be able to further racial equality in times to come and to work with R.E.A.L. in the future given that it is a very much needed initiative in the arbitration space around the world.

About the authors:

Joseph Siyaidon, Esq, MCI Arb is an associate in the Arbitration, Oil and Gas and Maritime Practice Groups at OAL. He has extensive experience advising and assisting clients in international arbitration, oil and gas, maritime, corpo-
rate/commercial, compliance and dispute reso-
lution in different sectors in Nigeria, China, Ku-
wait, and UAE as well as the other states in the Gulf region. Joseph currently advises and acts as counsel to several clients across different industries such as construction, energy, gaming and lottery; maritime, oil and gas, including an ongoing Paris seated arbitration in relation to a JV dispute involving a Nigerian Upstream oper-
ator and its JV partner. Joseph is listed in the “New List of Arbitrators of African Descent with US Nexus”.

João Vitor Candido Ferreira da Costa is an associate within TozziniFreire Advogado’s Dispute Resolution practice group and has experience in highly complex judicial and arbitration proceed-
ings. His experience comprises contracts and corporate disputes, construction, banking, in-
dustrial property, among other matters. João holds a Bachelor’s (2016) and a Specialized de-
grees in Civil Procedural Law (2019), both from University of São Paulo (USP), and he also has attended advanced courses on arbitration and groups of advanced studies on this subject and on civil procedural law in general. Currently, João is attending the International Dispute Reso-
olution LL.M. program offered by Humboldt Universität zu Berlin.
On 1st September 2021, we attended the GAR Connect: Breaking In “How International Arbitration Becomes More Diverse” event to learn from the insights and views of practitioners from seats or regions that are relatively new to international arbitration, the stories behind these people and places, as well as the obstacles that newcomers to the world of international arbitration face to find their way as young practitioners in this field.

The event confirmed our abilities as young practitioners from any part of the world to connect and find ways to move forward in this ever-growing area of practice with more inclusivity and diversity. In addition, it allowed us to share our knowledge to students and colleagues in our home jurisdictions with the aim to expand arbitration practice and help our regional arbitration institutions and organizations improve and become better known in the world.

The event also brought to light several concerns and issues that are rarely discussed in international arbitration conferences. One problem that was briefly discussed was the access to training schemes or programmes for junior attorneys from emerging arbitration jurisdictions. According to one of the participants, only one arbitration center is now doing a virtual internship programme – such inequalities in the access to training programmes can have long-term consequences. In this regard, more initiatives and discussions about decreasing inequity in access to training are urgently needed.

The debates, especially among persons who are likely to have similar experiences with diversity, encouraged attendees to think about present deficiencies and methods to achieve more diversity in international arbitration—whether in terms of color, gender, or age. The discussions during the event revealed that there is no shortage of organizational activities aimed at achieving diversity. A perfect example of this is the activities of R.E.A.L. such as providing scholarships to attend events and trainings.

Becoming R.E.A.L. Scholarship recipients gave us the unique chance to network with practitioners worldwide and hear from inspirational speakers on how they overcame obstacles to “break in” to the world of international arbitration. Programs like the R.E.A.L. Scholarship provide rare opportunities to students and young practitioners from diverse backgrounds to “break in” the international arbitration arena, introduce their capabilities and represent their home jurisdictions by participating in events and programs that are usually accessible only to those who are from established arbitration hubs across the world.
The R.E.A.L. Scholarships bridge the diversity gap in access to these events. Attending the event through the R.E.A.L. Scholarship exposed us to the current issues and interesting topics on diversity in international arbitration, which we had the opportunity to share by co-authoring a write-up on the event. Although there is still much work to be done, the recent growth in the number of projects and events – such as the R.E.A.L. Scholarship programme – demonstrates that we are headed in the right way.

About the authors:

Atie Babaie is an international lawyer, university lecturer, and experienced Arbitrator with a demonstrated history of working in the legal services industry, oil and contractor companies in Iran. She got her second LL.M. in Geneva International Dispute Settlement (MIDS) and has worked as a part of the Max Planck Foundation for International Peace and the Rule of Law.

Nusaybah Muti is a Philippine qualified lawyer specialising in international dispute resolution. She has done internships at international arbitration law firms and arbitral institutions and is currently finishing her LLM in Transnational Arbitration and Dispute Settlement at Sciences Po Paris.
Between 4th and 9th October 2021, I participated in the CIArb Brazil Accelerated Route to Fellowship program by obtaining a R.E.A.L. Scholarship.

I was eager to participate in the CIArb Fellowship program because I wanted to be part of an international arbitral organization and obtain an accreditation that is duly recognized in 133 jurisdictions that would enable me to eventually handle arbitral cases relating to oil and gas, finance, construction and even agriculture disputes.

The Accelerated Route to Fellowship is different from the normal Fellowship track that lasts for three months. In the program I attended, we had one week of sessions where we were tested by various tutors for four hours per day on how arbitrations are conducted, issues identification, ethical considerations, contests to appointment, procedural matters, applications for final orders across different jurisdictions, and finally, award writing. My classmates were seasoned professionals in the practice of law, many with experience in domestic and international arbitration, some coming the judiciary as retired judges and others who had learned arbitration by trade. The daily sessions were then capped off with a lecture from a distinguished international law expert who covered the basics of international law and evolving practice, diversity, and ESG trends.

I would like to thank R.E.A.L. for the opportunity to participate in CIArb Brazil’s Accelerated Route to Fellowship program.

In my opinion, R.E.A.L. provides disadvantaged groups a platform for representation. Representation matters because it sends the message that it is possible for a given set of individuals to achieve the same things despite arbitration’s infancy in many Third World countries. This is because arbitration has traditionally not been considered a viable solution in many of these countries. It is only in the last 10 years where we have seen the influx of arbitration cases and the demand for international arbitrators has spiked. Unfortunately, the talent pool has not yet reached the same level for people of color or from Third World countries. Small-to-medium enterprises that have been doing international business have had to forego several claims because it seemed that getting an international firm to represent them was quite expensive. There may be talents who are interested in getting into the international arbitration field but do not know how to penetrate the market outside of joining a law firm. To cite as an example, in the Philippines, regional arbitration accreditation programs were only launched in 2020 and typically, international accreditation is only available to the select few who had the opportunity to study abroad.
Against this context, obtaining a R.E.A.L. Scholarship opened opportunities for people like me who had not studied abroad to attain an international accreditation. By participating in the CIArb Brazil Accelerated Route to Fellowship program, I learnt that it’s okay to start a career in arbitration at any point in life and I also got to interact with international practitioners who shared how they broke into the field of arbitration by being tribunal secretaries or mediators. The short sessions were very concise and to the point and guided the trainees on how to conduct the arbitral hearings and to write the arbitral awards. Particularly helpful were the discussions that covered the cultural norms vis-à-vis the international standards in arbitration practice.

Successfully completing the Fellowship program allows one to be part of the 15,000 strong network of international mediators and arbitrators worldwide. It validates the competencies you have as a practitioner having shown that one meets the standard after successful completion. The network presented can help to advise on the next steps, including getting my first international arbitrator appointment. For all these reasons, I am grateful to have received a R.E.A.L. Scholarship to participate in the CIArb Brazil Accelerated Route to Fellowship program.

**About the author:**

*Mara Villegas is currently taking her Masters of Law from the University of the Philippines. From doing tax, insurance, airline law and litigation, she has since joined the financial technology sector, working with company acquisitions, investment compliance, legal risk management, and privacy.*
#REALINSIGHTS – UPDATES FROM OUR COMMITTEES

R.E.A.L. aims to realize its strategic goals, which can be broadly categorized into giving access to the world of arbitration for those from racially and ethnically diverse backgrounds and engaging in advocacy to build awareness and cure the absence of racial diversity in our field.

To work towards achieving these goals, R.E.A.L. has established six (6) Committees, each with dedicated roles and purposes in bridging the racial and ethnic diversity gap. Each #REALInsights issue will provide an update of the exciting ongoing work for each of its Committees. Below are summaries of the work currently ongoing:

COMMITTEE 1: COMMUNITY BUILDING, NETWORKING & SCHOLARSHIP COMMITTEE

The Community Building, Networking & Scholarship Committee of R.E.A.L. is committed to creating a global community of diverse international arbitration practitioners by developing a series of events and trainings, enhancing the number of R.E.A.L. scholarships, and creating opportunities for underrepresented students. To date, the Community Building, Networking & Scholarship Committee has coordinated the awarding of over 70 scholarships to R.E.A.L. members and has established The 10 R.E.A.L. Commandments of Sponsorship/Support, which serve as guiding principles on how R.E.A.L. will offer support to requesting organisations and individuals.

COMMITTEE 2: MENTORING PROGRAM COMMITTEE

The Mentoring Program Committee of R.E.A.L. is charged with the implementation of the R.E.A.L. Mentoring Program. To date, the Mentoring Program Committee has identified the needs of both mentors and mentees and has crafted the R.E.A.L. Mentoring Program Guidelines.
COMMITTEE 3: ARBITRAL APPOINTMENTS COMMITTEE
The Arbitral Appointments Committee is committed to researching and understanding the diversity of arbitral tribunals across institutions. To date, the Arbitral Appointments Committee has identified institutions and organizations of interest to establish education and promotion projects, as well as commencing its collaboration with an educational institution to initiate its research project.

COMMITTEE 4: NEWSLETTER & BLOG COMMITTEE
The Newsletter & Blog Committee of R.E.A.L. is charged with establishing and developing the R.E.A.L. Newsletter and R.E.A.L. Blog as platforms to showcase the profiles, contributions, and successes, as well as amplify the voices, of diverse international arbitration practitioners around the globe. To date, the Newsletter & Blog Committee has successfully launched the R.E.A.L. Newsletter and has created the framework and guidelines for the R.E.A.L. Blog (launch expected in early 2022!).

COMMITTEE 5: CONFERENCES & EVENTS COMMITTEE
The Conferences & Events Committee is charged with conceiving and organizing various events sponsored by R.E.A.L. with the aim of facilitating the exposure and visibility of R.E.A.L. members, aspiring members, ambassadors, supporters, and promoters. To date, the Conferences & Events Committee has identified arbitral institutions with which to co-host events and has developed a framework for the regional expansion of R.E.A.L.
COMMITTEE 6: ACADEMIC COUNCIL
The Academic Council of R.E.A.L. is committed to the study and academic research on diversity and inclusion in international arbitration and aims to draw attention of the arbitration community and their stakeholders to these issues. To date, the Academic Council has begun collecting and analyzing data on racial diversity in established arbitral institutions, with the hopes of authoring a guide to aid arbitral tribunals and institutions alike on increasing racial diversity in international arbitration.

Stay tuned to R.E.A.L.’s social media pages for more information on our upcoming events and initiatives!
R.E.A.L. ARBITRATION TRIVIA

Test your arbitration knowledge with the following R.E.A.L. Arbitration Trivia Questions!

Send your responses to newsletter@letsgetrealarbitration.org and the first five (5) correct responses received will be recognized in the next R.E.A.L. Newsletter.

Questions:

♦ When did R.E.A.L. launch and which day did the initiative coincide with?

♦ How many arbitration institutions are in Africa?

♦ Who was the first Korean national to sit on an ICSID case?

♦ What was the most recently signed BIT as of 1 December 2021?

♦ Which South American country is facing an ICSID claim related to the COVID-19 pandemic and what is the value of the claimed losses?

♦ According to the most recent White & Case and Queen Mary University Survey, what are the preferred seats to arbitrate Latin American disputes in 2021 (name top five (5))?
R.E.A.L.— Racial Equality for Arbitration Lawyers

Incorporated in the State of New York as a 501(c)(3).

Email: contact@letsgetrealarbitration.org
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