



Diversity in arbitration - still a myth or reality?

Kyiv Arbitration Days: Think Big!

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(Secretary General of VIAC)

Kyiv, 13 September 2019

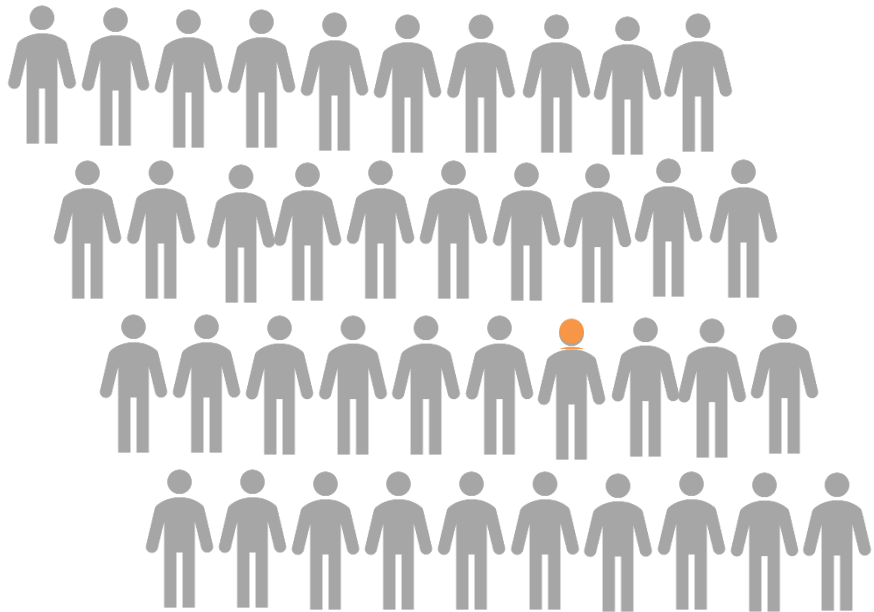
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Why Diversity?



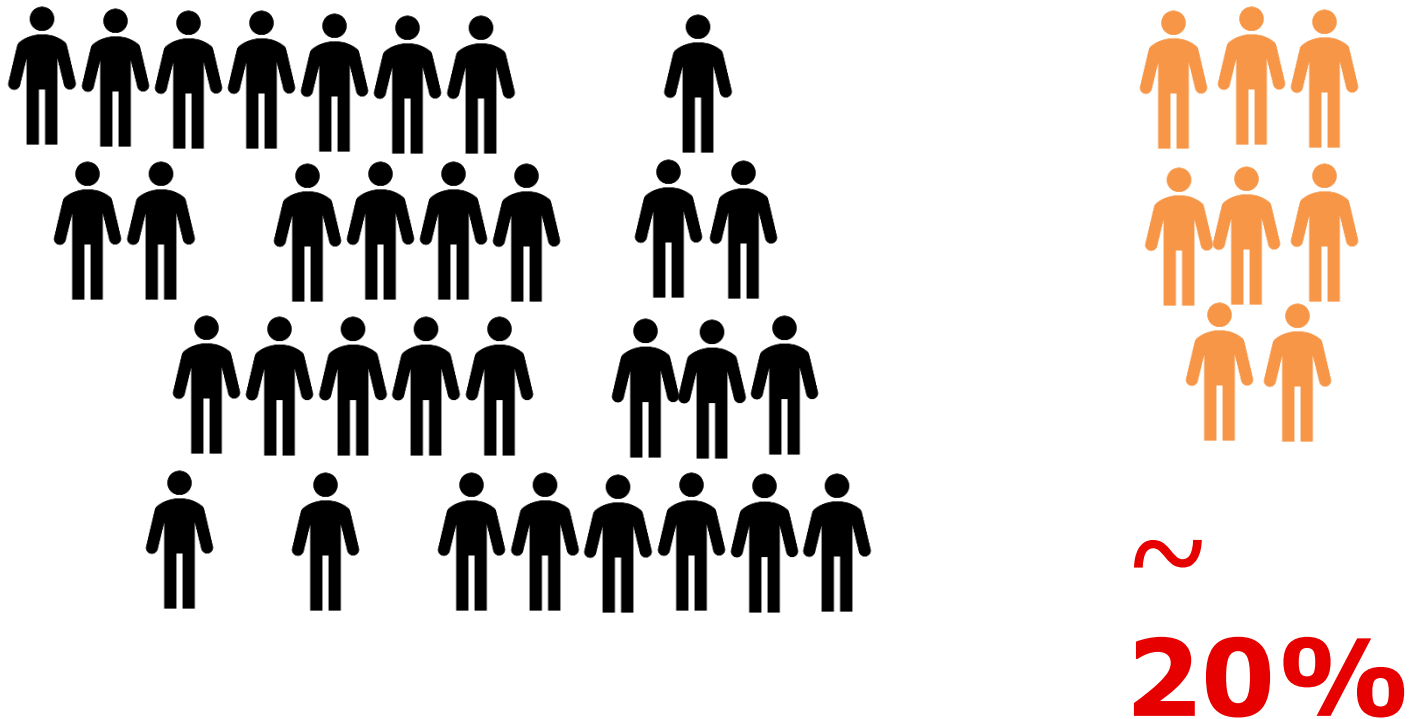
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Female arbitrators in comm. arbitration in 1990



~ **1%**

Female arbitrators in comm. arbitration in 2018



Some statistics on female appointments in 2018

- DIS: 12%
- HKIAC: 17.6%
- ICC: 18%
- ICSID: 22%
- LCIA: 23%
- VIAC: 25%
- SCC: 27%
- ICAC (2017): 41.7%

Diversity is beneficial for everyone!

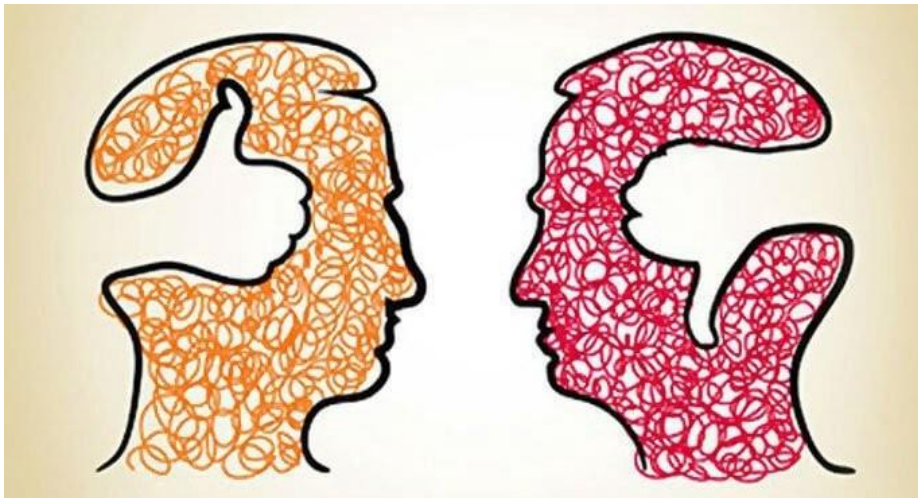


ETHNICITY
CULTURE
EDUCATION
RELIGION
HEIGHT
PHYSICAL APPEARANCE
LANGUAGE
ACCENT
PHYSICAL ABILITY
SEXUAL PREFERENCE
AGE

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What is unconscious bias?

We tend to like people who look like us, think like us and come from backgrounds similar to ours. And, we then make assumptions about people who do not look/think/act like us.

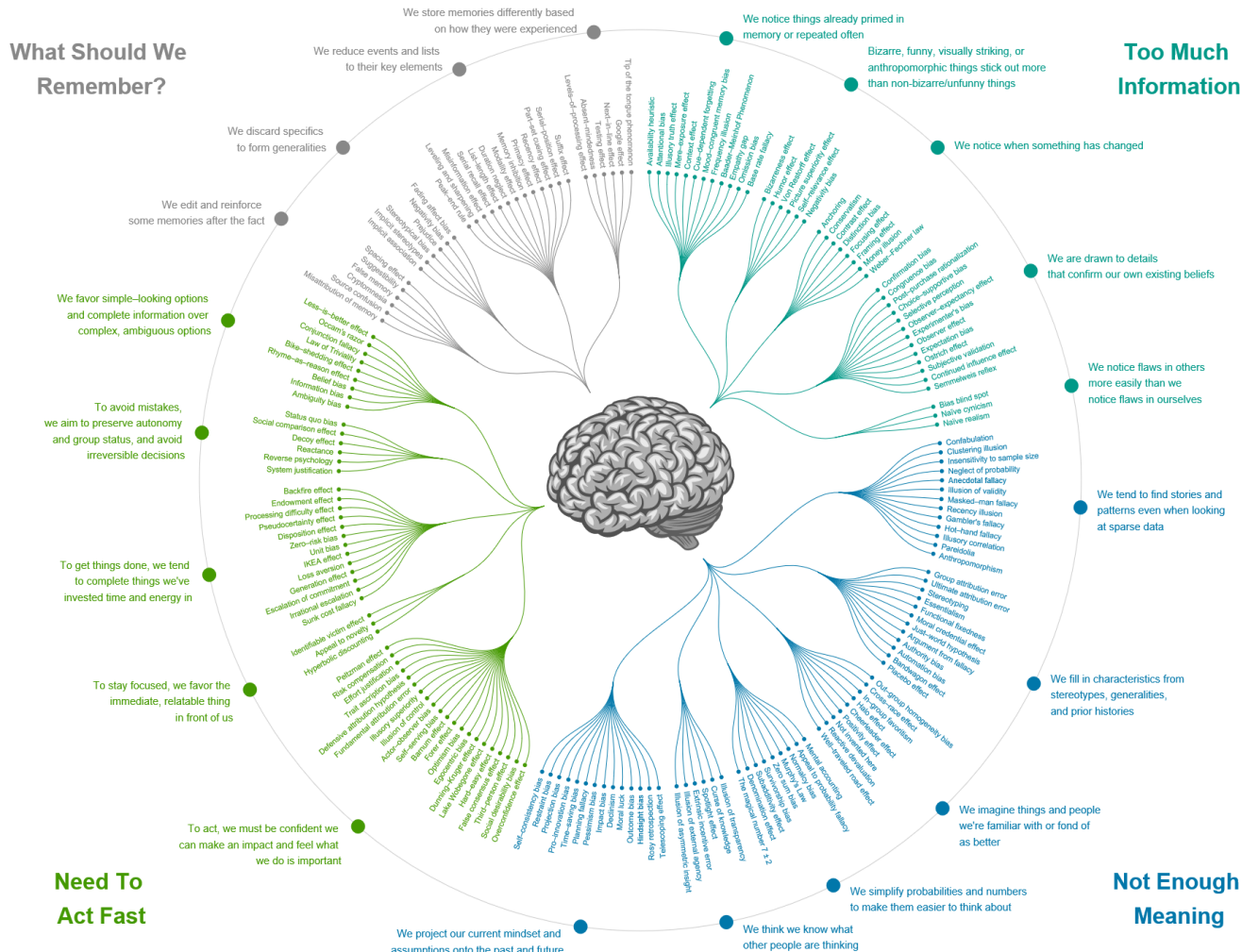


© <https://www.insightsassociation.org/article/do-i-have-unconscious-bias>



What happens in your brain?

THE COGNITIVE BIAS CODEX



The most common types of unconscious bias

Perception Bias



Making assumptions about people without objective judgment

Beauty Bias



Judging people based on how they look

Affinity Bias



Hiring/appointing people the same as us

Horns Effect



Negative assumptions cloud our judgment

Confirmation Bias



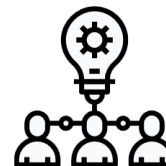
Searching for evidence to back up first impressions

Attribution Bias



How we perceive the actions of others

Conformity Bias



Changing opinions to confirm with the group

Halo Effect

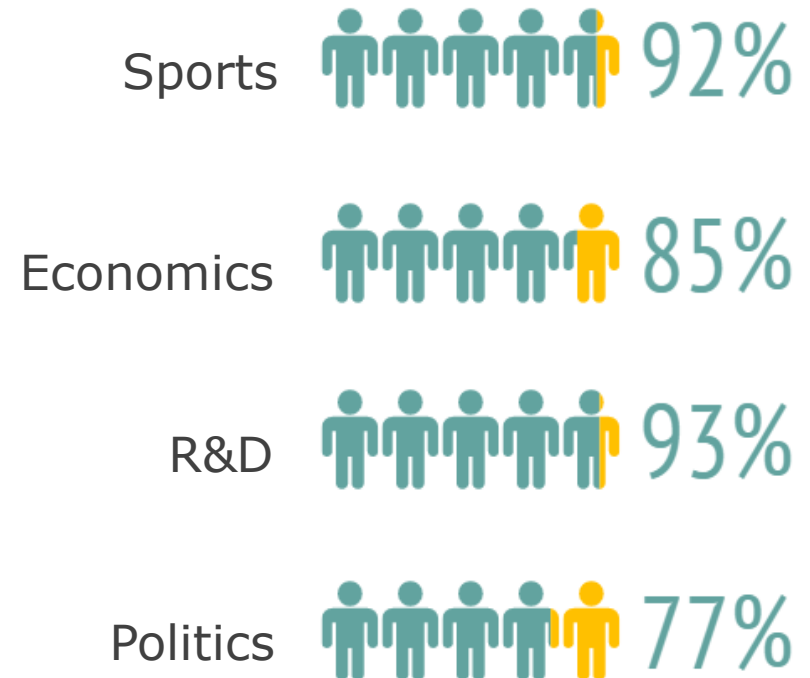
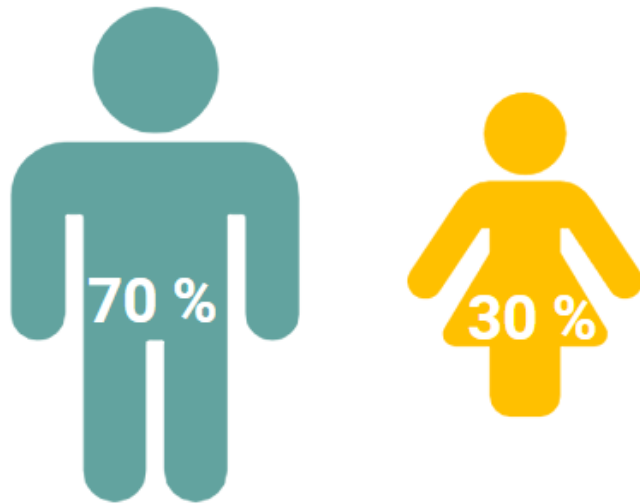


Perceived as having more positive traits than others

Icons © Flaticon

Visibility of women and men in the media

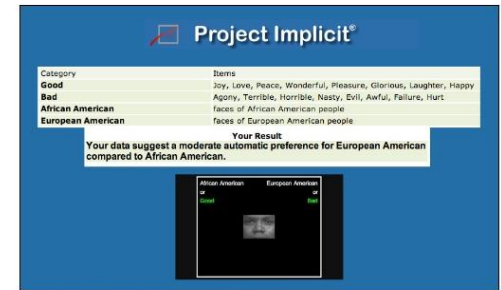
"Seeing is Believing"



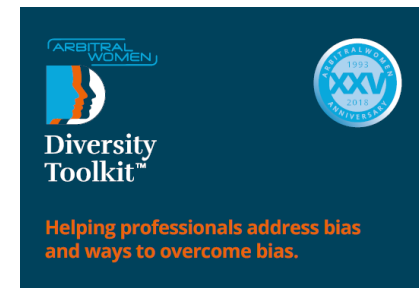
How to tackle unconscious bias?

Change starts in your head!

- Raising self-awareness (take the Harvard test!)
- Understanding the nature of bias and your blind spots
- Opportunities to have discussions, with others (especially those from socially dissimilar groups)
- Facilitated discussions and training sessions: make use the ArbitralWomen Diversity Toolkit©
- implement concrete, objective indicators & outcomes for hiring, evaluation, appointment of arbitrators/team members to reduce standard stereotypes
- Sign the ERA Pledge



<https://implicit.harvard.edu/implicit/>



It begins the way we raise our children



Conclusions

- Diversity is no longer a total myth
- But still not full reality in arbitration

My pledge to you:

- Reflect your (intuitive) decisions
- Know your own flaws and fight against them
- Never stop learning
- Get inspired and enjoy the diversity around you!



Thank you.



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