



# SOAS Arbitration in Africa Survey Report

**Perceptions on Africa-Connected  
Arbitration: Seats, Female Arbitrators  
and Tribunal Secretaries**

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2024

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## Introduction

This fourth SOAS Arbitration in Africa biennial survey focuses on the experience of arbitration practitioners of different seats in Africa, the appointment of female arbitrators, and the use of tribunal secretaries, in Africa-connected arbitrations.<sup>1</sup> It builds partly on the report from the [SOAS 2020 survey](#) on the seats of arbitration,<sup>2</sup> though adopting a different methodology to measure the perception of non-nationals on how supportive of arbitration are seats in Africa. This 2024 survey also provides some data on the frequency of appointment of female arbitrators in African-connected arbitrations. Finally, it measures the use of tribunal secretaries, which was mentioned in the [SOAS 2018 survey](#) report as a distinct category of arbitration practitioners,<sup>3</sup> to understand its prevalence in Africa-connected arbitrations and whether this is one important route to arbitrator-appointment for African practitioners.

In 2020, the SOAS Report showed the following countries as the top arbitration seats in Africa: South Africa, Nigeria, Egypt, Rwanda, and Cote d'Ivoire.<sup>4</sup> There have been anecdotal changes in the perception of some of these countries, as informed by the experiences of practitioners. The methodology adopted in the SOAS 2020 survey was for respondents to select African jurisdictions they had participated in arbitration as arbitrator, counsel, tribunal secretary, expert, or disputant.<sup>5</sup> The states with the highest number of respondents to the questionnaire emerged as the top seats.<sup>6</sup> Thus, the numbers closely aligned with the jurisdictions of the respondents. To this extent, we viewed the possibility of the data being skewed as problematic. To enable a more objective measurement of the perception of African seats, we adapted our methodology in this 2024 questionnaire to request information on experiences with African seats from non-nationals. We hoped that this will provide more objective and reliable responses.

With the increased inclusion and appointment of women in arbitration globally, there is no data in the public domain on the position of gender parity in arbitrator appointments in relation to Africa-connected arbitrations. This Report fills this gap from the perspective of the appointment of female arbitrators by practitioners involved in Africa-connected arbitrations. Though the evidence from different international arbitration institutions shows that female arbitrators are more likely to be appointed by the institution itself than the disputing parties or the co-arbitrators, this Report did not canvass views from African arbitration institutions.<sup>7</sup> It is, therefore, not known if arbitration institutions operating in African states also appoint more female arbitrators than the parties and co-arbitrators.

Finally, the use of tribunal secretaries is gaining international recognition as evidenced by the launch of the global database of tribunal secretaries.<sup>8</sup> This Report provides some data on the use of tribunal secretaries in Africa-connected disputes.

The questionnaire's reporting period is 2019-2023.

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<sup>1</sup> Africa-connected arbitration is defined as one where either at least one party or the parties are African, the dispute or seat is in an African jurisdiction, or one arbitrator is African.

<sup>2</sup> Emilia Onyema, 2020 Arbitration in Africa Survey Report: Top African Arbitral Centres and Seats". The full Report is available at: <https://eprints.soas.ac.uk/25741/1/SOAS%20Arbitration%20in%20Africa%20Survey%20Report%202018.pdf>

<sup>3</sup> SOAS Arbitration in Africa Survey: Domestic and International Arbitration: Perspectives from African Arbitration Practitioners" at pages 19-20. The full Report is available at: <https://eprints.soas.ac.uk/38072/1/SOAS%20Arbitration%20in%20Africa%202022%20Survey%20Report.pdf>

<sup>4</sup> SOAS 2020 Report (n. 2), page 20.

<sup>5</sup> Ibid, page 19.

<sup>6</sup> Ibid, page 8.

<sup>7</sup> This is because few of these institutions publish their annual statistics which should include such information.

<sup>8</sup> The Global Tribunal Secretary Platform was launched in March 2024 as a collaboration between the Swiss Arbitration Association (ASA) and Jus Connect. The platform is global database of practitioners available for appointment as tribunal secretaries in international arbitration references and is available at: <https://jusconnect.com/en/tribunalsecretaryplatform>



## Outline

This Report provides an Executive summary of the main findings, the methodology adopted for the research and the demographics of the respondents, followed by the detailed findings of the survey questions.

## Executive Summary

The key findings from the survey are as follows:

### On the respondents:

- 87 arbitration practitioners who have experience as either an arbitrator, counsel, or tribunal secretary in Africa-connected arbitration responded to the survey.
- 70% (61) of the respondents had only participated in one or more of these roles in domestic arbitration over the reporting period (2019-2023).
- 28.7% (25) of the respondents (Africans and non-Africans) had sat as arbitrator in another African country over the reporting period (2019-2023).

### On seats of arbitration:

- Majority of respondents with only experience in domestic arbitration, consider their national or domestic courts to be supportive of arbitration.
- Some respondents with international experience, identify some African seats as unsupportive of arbitration.
- Undue intervention and delays caused by domestic courts at various stages of the arbitration process, are the prevalent reasons for the lack of support of arbitration.
- All respondents with only experience of domestic arbitration, consider arbitration is growing in their home jurisdictions.

On the appointment of female arbitrators by arbitration practitioners:

- Responses are mixed with some respondents having appointed female arbitrators over the reporting period (2019-2023) and others not having done so for various reasons.
- There is more work that needs to be done to ensure diversity of arbitrator appointments.

### On tribunal secretaries:

- Some respondents acted as both tribunal secretaries and counsel in arbitration over the reporting period (2019-2023).
- Most of these respondents have received their first appointment as arbitrators.
- There appears to be a link between the respondents' roles as tribunal secretary and counsel, and their appointment as arbitrator.



## Methodology

The dataset for this report is based on the experiences of the respondents between 2019-2023 ('the reporting period'). The online questionnaire was divided into four main sections: (1) general information completed by all respondents; (2) questions on the appointment of arbitrators completed by respondent who sat as arbitrators over the



reporting period. The questions under this section were divided into two subsections for those respondents whose experience as arbitrator was in domestic arbitration, and those respondents whose experience was in international arbitration. Section 3 focused on those respondents who had acted as counsel over the reporting period. This section was also divided into two subsections for those respondents who had acted as counsel in domestic arbitration, and those who have acted as counsel in international arbitration. Section 4 of the questionnaire was completed by those who had acted as tribunal secretary over the reporting period. The questionnaire allowed respondents to complete as many sections as were relevant to their individual practice.

The questionnaire consisted of 59 questions published in the English language only.<sup>9</sup> A new security feature for the 2024 questionnaire required respondents to provide their email address in the general information question section to access the full questionnaire.

The questionnaire was open for six weeks and distributed through group mailing lists, including by arbitration institutions, African professional groups, and LinkedIn.



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<sup>9</sup> In previous years, the questionnaire was also published in the Arabic and French languages.

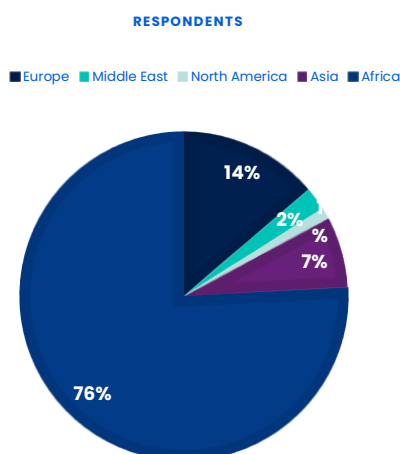


## Respondents

A total of eighty-seven (87) individuals responded to the questionnaire.

### Primary Jurisdiction of Respondents

The 87 respondents noted the following 30 countries as their primary jurisdictions with 14% (12) from Europe, 2% (2) from the Middle East, 2% (2) from North America, 7% (6) from Asia, and 76% (66) from Africa:



Compared with previous SOAS Arbitration in Africa surveys, there are fewer respondents this year, but the percentage of non-African respondents with arbitration experience in Africa remain similar.<sup>10</sup> This confirms the ongoing involvement of non-Africans as counsel and arbitrators in Africa-related arbitrations.

### Primary Profession of Respondents

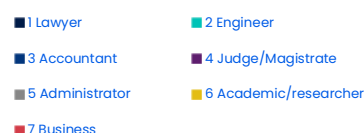
The 87 respondents identified the following as their primary profession:

Profession	No of Respondents	Percentage
Lawyer	70	80.5%
Engineer	6	6.9%
Accountant	2	2.3%

<sup>10</sup> In 2018, there were 191 respondents, in 2020, there were 350 respondents, and in 2022 there were 194 respondents with 41.5% of them from Europe, Middle East, Asia, and North America.

Judge/Magistrate	2	2.3%
Administrator	2	2.3%
Academic/researcher	4	4.6%
Business	1	1.2%

### Profession of Respondents



Similar to the [SOAS 2018 survey](#) report, the majority of the respondents are lawyers from various jurisdictions,<sup>11</sup> with an increase in participation from engineers in Eastern and Southern Africa.

### The Age Distribution of the Respondents

The respondents were divided into four age brackets to assess generational and gender trends in Africa-connected arbitration. The table below summarises the age and gender distribution of 86 respondents<sup>12</sup>:

Age Brackets	No of Respondents	No of Males	No of Females
25-35	14	8 [57%]	6 [43%]
	35	18 [51%]	17 [49%]

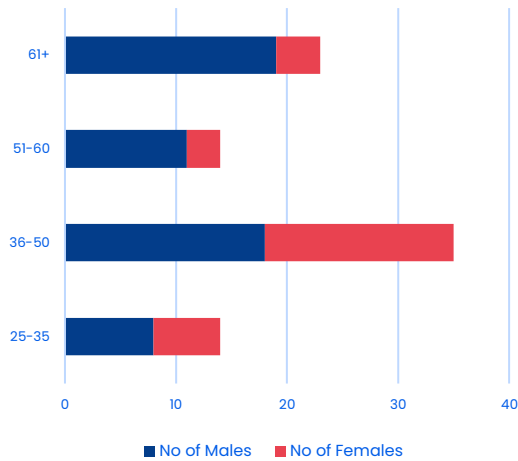
<sup>11</sup> In 2018, 90.6% of the respondents identified themselves as lawyers.

<sup>12</sup> One response to the questionnaire did not provide answers to the remaining questions.

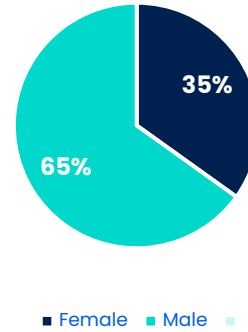
51-60	14	11 [79%]	3 [21%]
	23	19 [83%]	4 [17%]

30	56	86
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**Age and gender Distribution of Respondents**



**Gender of Respondents**



In all the age bands of the respondents, there were more male arbitration practitioners than females in Africa-connected arbitrations. This finding, mirrors to some extent, the global demographics of arbitration practitioners, though the proportions may differ between regions.

## Generational Insights

The 36-50 age group forms the largest segment of respondents, comprising 41% of the total. This group represents the most active practitioners in Africa-connected arbitration. Notably, this age group shows near gender parity, with a 51% male to 49% female ratio, indicating almost balanced representation in mid-career professionals.

The second largest group composed of respondents aged 61 and above, accounts for 27% of the total. This significant presence of senior practitioners suggests a continued active role for older professionals in arbitration. However, this age group is predominantly male (83%), reflecting historical gender imbalances in the profession.

### Gender of the Respondents

The gender as disclosed by the 86 respondents that provided this information are as follows:

Female	Male	Total
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### Gender Trends Across Age Bands

Gender representation varies significantly across the age groups:

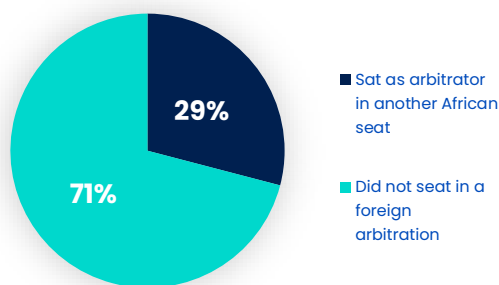
- **25-35:** Females account for 43% of the respondents in this group, showing strong participation among younger females entering arbitration.
- **36-50:** There is a near-equal gender distribution in this group (49% female, 51% male) which signals a trend toward greater gender balance among active arbitration practitioners.
- **51-60 and 61+:** The older age groups display a sharp gender imbalance, with males making up 79% in the 51-60 group, and 83% in the 61+ group.

## Intra-Africa arbitration Experience

The data reveals that only 29% of the 86 respondents sat as arbitrators in an African seat outside their primary jurisdiction during the reporting period. This indicates that 71% of the respondents did not sit as arbitrator involving

another African jurisdiction. This data is consistent with the [SOAS 2018 survey](#) where 82.2% of respondents reported no involvement in foreign or international arbitration. These results suggest that intra-African arbitration opportunities remain relatively limited, with a large proportion of practitioners operating predominantly within their home jurisdiction.<sup>13</sup>

#### Intra-Africa arbitration Experience



#### Demographics of Cross-Jurisdictional Arbitrators

Among the 29% respondents who sat as arbitrators outside their primary jurisdiction, 72% were male and 28% were female, reflecting a gender imbalance in cross-border arbitrator appointments. The distribution by age and gender is as follows:

- **25-35:** One female and one male.
- **36-50:** Four females and four males.
- **51-60:** Five males.
- **61+:** Eight males and two females.

The data indicates that older male arbitrators, mainly those aged 51 and above, are more frequently appointed in cross-border disputes. However, the balanced gender representation within the 36-50 age group, suggests a shift towards greater inclusion, with both males and females being appointed in equal numbers. This marks a positive trend for gender diversity in Africa-connected arbitration.

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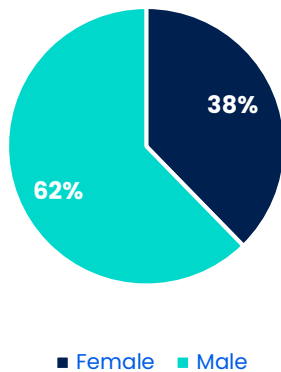
<sup>13</sup> SOAS 2018 Survey Report at page 17.



## Domestic Arbitration Experience

71% of respondents have only participated in domestic arbitration during the reporting period. 38% of whom are females and 62% of whom are males. While male respondents form the majority, the number of female practitioners is notable, indicating a reasonably diverse group. Though there remains room for improvement in terms of gender balance.

Domestic arbitration participation



## Number of Appointments as Arbitrator

54% of the 61 respondents did not receive any appointment as arbitrators during the reporting period, though 33% of them had already sat as arbitrators before 2019. This points to limited repeat appointments of arbitrators. It will be useful to examine the reasons these practitioners are not getting repeat appointments.

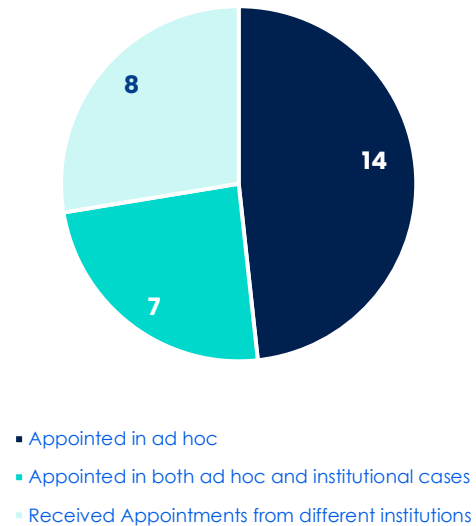
74% of those who sat as arbitrators during the reporting period were appointed in 1-5 cases; 10% were appointed as arbitrators in 6-10 cases, and 16% were appointed as arbitrators in 11+ cases. This data reveals that a small group of respondents are receiving the bulk of arbitrator appointments, which suggests that experience may be a significant factor for repeat appointments.

## Ad hoc v Institutional Appointments as Arbitrator

Seven respondents received all their appointments from different arbitral institutions while 14 respondents were appointed as arbitrators only in ad hoc cases and 8 had been

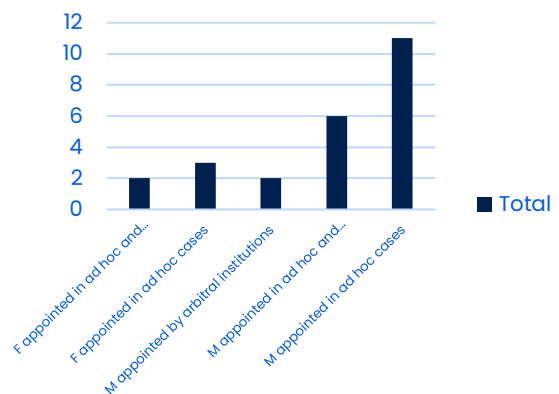
appointed in both ad hoc and institutional cases.

Ad hoc v Institutional Appointments as Arbitrator



Five females and two males were appointed only by arbitral institutions; three females and 11 males were appointed as arbitrators in only ad hoc arbitration cases; and two females and six males received appointments in both ad hoc and institutional references.

Total



This finding supports the observation that arbitral institutions are more likely to appoint female arbitrators than the parties or co-arbitrators. Male practitioners, on the other hand, are more frequently appointed as arbitrators in ad hoc

arbitrations. This mirrors international trends, where arbitral institutions are generally seen as more proactive in promoting gender diversity by appointing more female arbitrators.

## Support by National Courts

### Domestic arbitration Experience

Almost all respondents with experience in domestic arbitration consider their national or domestic courts to be friendly towards arbitration and some of the reasons for this view include:

- More commercial contracts include arbitration clauses, and courts are more supportive of the process by upholding arbitration agreements, sending parties off to arbitration, and upholding awards.<sup>14</sup>
- Litigation before national courts is less appealing to parties.
- Parties, including the state (as party), are avoiding the courts because of “poor quality” judgments, delays, and high perceptions of corruption.
- More training and awareness of arbitration by judges have led to supportive decisions by the courts.<sup>15</sup>

On the question of whether arbitration is growing in their jurisdiction, all respondents answered in the affirmative, and the reasons for their answer include:

- Courts uphold arbitration awards.<sup>16</sup>
- Increase in the number of law firms that offer arbitration services and increase in arbitration events.<sup>17</sup>
- New arbitration laws.<sup>18</sup>
- Increase in data or statistics released by arbitration institution in the state.<sup>19</sup>
- ADR is required under the Constitution.<sup>20</sup>
- Lawyers are supportive of arbitration.<sup>21</sup>

**Quote from one respondent:** One respondent from South Africa noted the composite steps that are responsible for the growth of arbitration in South Africa:

*“Since the inception of the International Arbitration Act 15 of 2017 (in 2017), South Africa has seen marked growth in arbitration. Along with the regulatory support and an arbitration-friendly judiciary, parties are comfortable that their disputes will receive the attention and*

*support that they need in the arbitral process. Regional institutions (like AFSA) have also taken marked steps to improve their offering and increase their capacity and this has also resulted in the growth of arbitration in South Africa.*

A few respondents noted that their national or domestic courts are not supportive of the arbitration process. One example given was where the courts **assumed** jurisdiction where the respondent counsel notified the High Court there was a written arbitration agreement and the court refused to refer the parties to arbitration.<sup>22</sup>



<sup>14</sup> Respondents were from Zambia, Ghana, Nigeria, South Africa, Rwanda, and Egypt.

<sup>15</sup> Respondent from Sierra Leone.

<sup>16</sup> Respondents from Zambia and Senegal.

<sup>17</sup> Respondent from Ghana.

<sup>18</sup> Respondents from Nigeria and South Africa.

<sup>19</sup> Respondents from Rwanda and South Africa.

<sup>20</sup> Respondent from Kenya.

<sup>21</sup> Respondent from Namibia.

<sup>22</sup> The jurisdiction mentioned where this happened is Nigeria.

# Foreign Arbitration Experience

## Seat of Arbitration

24 respondents have sat as arbitrators in foreign-seated arbitrations and 46% of these have sat as arbitrators in disputes involving African parties or in an African seat (outside their jurisdiction).<sup>23</sup> The connected African seats and parties are: Mauritius, Seychelles, South Africa, Kenya, Nigeria, Malawi, Egypt, Rwanda, Morocco, Ivory Coast, Sudan, Botswana, Zambia, Algeria, Uganda, and Tanzania.

Three respondents from the United Kingdom mentioned that from their experience of these jurisdictions, Mauritius, Egypt, South Africa, and Rwanda are very supportive of arbitration. The reasons for these views varied from sophisticated arbitration law and structure,<sup>24</sup> to the excellent reputation of resident arbitration institutions.<sup>25</sup>

64% of these respondents, from their experience, do not think that Nigeria and Kenya are arbitration-friendly. Some of the reasons mentioned for this view are that the domestic courts in Nigeria are hostile to arbitration and occasion long delays in arbitration through the grant of injunctions to stay arbitral proceedings. In relation to Kenya, one respondent noted that the Kenyan courts can hold an arbitrator criminally liable for actions taken in the arbitration.

36% of these respondents have not had any negative experience of the African seats they have acted as arbitrators, including Nigeria and Kenya. The experiences are therefore mixed.

The data provides important insights into the broader trends shaping arbitration in Africa:

- a. The rise of regional arbitration hubs: jurisdictions such as Egypt and South Africa are solidifying their positions as leading arbitration hubs in Africa.<sup>26</sup> These jurisdictions have set a high standard for the continent, combining modern arbitration laws, strong institutions, and supportive judiciaries. The emergence of Rwanda as a growing player also signals that other African countries can follow develop their arbitration ecosystem.
- b. Need for improvement in key markets: the reputational challenges of arbitration in Nigeria and Kenya are particularly noteworthy given

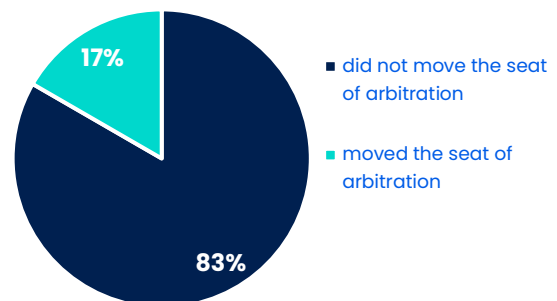
their economic prominence. These are large important markets where arbitration should ideally be flourishing. Therefore, addressing judicial delays, reducing interference, and ensuring arbitrator protections in these countries could unlock their potential as key arbitration venues in Africa. Not doing so however, may continue to push parties to seek arbitration outside these jurisdictions, which may also limit the development of their domestic arbitration.

- c. Opportunity for reform: the challenges identified in Nigeria and Kenya are not insurmountable. These countries could improve their standing with focused reform efforts, particularly in judicial education, efficiency, and the protection of arbitrators.

## Tribunal Relocating the Seat of Arbitration

83% of the 24 arbitrators with foreign experience had not moved the seat of arbitration. In contrast, 17% of them had moved or relocated the seat of arbitration after the commencement of the arbitration.

Tribunal Relocating the Seat of Arbitration



Respondents noted various reasons for moving the seat of arbitration. These were for the convenience of both parties, the convenience of the parties and the arbitrators, and to circumvent hostile local courts at the original seat of arbitration, which included interference by the local courts through injunctions staying the arbitration proceedings.

75% of these respondents have relocated the seat of arbitration once while 25% of them have

<sup>23</sup> 13 respondents did not have experience of Africa-connected arbitration though they have sat with African arbitrators in non-African jurisdictions.

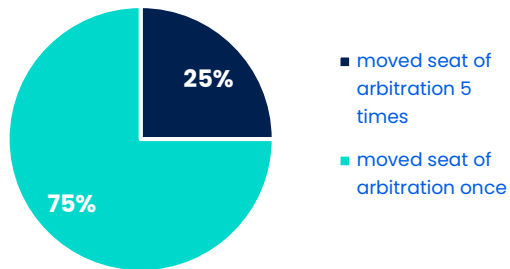
<sup>24</sup> For example, Mauritius.

<sup>25</sup> For example, South Africa (Arbitration Foundation of Southern Africa); Egypt (Cairo Regional Centre for International Commercial Arbitration); and Rwanda (Kigali International Arbitration Centre).

<sup>26</sup> SOAS 2020 Survey Report, page 20.

moved the seat five times for the convenience of the parties and or the arbitrators.

### Frequency of Seat of Arbitration Changes Among Respondents



It is interesting to note that arbitrators sitting in Africa are willing to exercise this power to relocate the seat of arbitration, which may be controversial, particularly when all parties are not in agreement. It appears that 50% of the respondents moved the seat with the agreement of the parties since it was for the convenience of the parties and the tribunal. It is not clear in the case of the other 50% who moved the seat because of interference from the local court, if the parties agreed to the relocation of the seat of arbitration.

This finding is evidence that relocation of the seat of arbitration is not a common practice in Africa-seated arbitrations. It sends a clear message to domestic courts that undue interference may lead tribunals to relocate the seat and continue the arbitration, showing that arbitrators are ready to exercise their authority to protect the process.



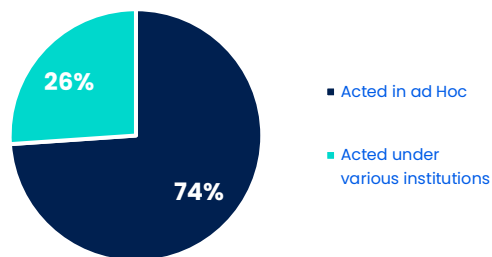
## As Counsel

Respondents were evenly split with 43 having acted as counsel during the reporting period and 43 not having done so. This raises the question of whether some practitioners involved in Africa-connected disputes focus solely on sitting as arbitrators without also acting as counsel.

## Domestic Arbitration

53% of the 43 respondents had acted as counsel in domestic arbitration. 74% of these acted in ad hoc references while 26% acted under the rules of various institutions. This finding supports anecdotal evidence that parties favour ad hoc proceedings in domestic arbitration across African countries.

### Ad Hoc v Institutional Domestic Arbitration



## International Arbitration

24 respondents have experience as counsel in international references. 96% of these had co-counselled in their international cases. This finding supports anecdotal evidence that local African lawyers frequently collaborate with foreign co-counsel in Africa-connected disputes.

According to these respondents, there are various methods of appointing co-counsel. Some African lawyers were appointed by their counterpart foreign firms as co-counsel, and others appointed foreign co-counsel. Most respondents had experiences with both appointment methods. In very few instances

(only two), the client appointed the foreign and African lawyers to co-counsel.

On the distribution of tasks between the co-counsel, some respondents noted that the tasks they have performed as co-counsel ranged from research and explanation of local law (where the foreign counsel appointed the local co-counsel) to full participation in the case preparation and submissions.

On the preference for institutional arbitration by counsel, one respondent with experience acting as counsel in Africa-connected international arbitration explains why they prefer institutional arbitration:

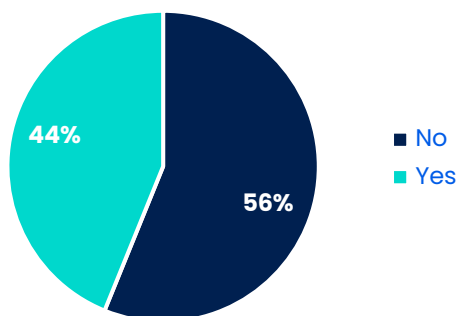
Quote: "Institutional arbitration is well administered, and the procedure is controlled alongside the professional advice that parties and the tribunal receive from the Centre. The Centre expertise also adds value to an effective procedure of the case."



## Appointment of Female Arbitrators

To the question whether, in the respondents' experience, more women are being appointed as arbitrators in their jurisdiction, 44% of the 57 respondents answered the question in the affirmative. In contrast, 56% answered it in the negative.

Appointment of Female Arbitrators



Regarding the question whether more women are being appointed as arbitrators, 6 female respondents answered in the affirmative since they were at least one female on the panel. Also, when the opportunity arose to nominate a female chair, the 6 female respondents had done so and female chairs were appointed in 2 cases.

82% of the 17 male respondents who answered this questions had nominated female arbitrators while 18% had not nominated a female arbitrator when the opportunity arose (in a multi-person tribunal). 53% had never appointed a female arbitrator while 47% had appointed a female as a member of the tribunal.

On whether, as co-arbitrators, the respondents had appointed a female or male chair, 3 respondents had appointed female chairs in at least one arbitration, while 13 had appointed male chairs in at least one arbitration.

Some respondents shared their views on the reasons why few females are appointed as arbitrators:

### Quotes:

*A female respondent from Nigeria is of the view that more women are not being appointed as arbitrators in Nigeria because women (unlike their male counterparts) are not intentional*

*about looking out for each other, and [women] are usually appointed as tribunal secretaries and are getting stuck in that role.*

*Another (female) respondent from South Africa is of the view that more women are not being appointed as arbitrators because appointors are comfortable appointing well-known arbitrators and retired judges. This respondent also noted the race and gender intersectionality to this issue because not many black women in South Africa are qualified lawyers.*

Some of these respondents also suggested remedial actions that will help to rebalance these appointment practices and lead to more female arbitrator appointments.

**Quotes:** *One (female) respondent from Nigeria said this needs to be led by senior female arbitrators who can create a 'girls club' for females in the field to meet and network; and for appointing authorities and institutions to always include females on the tribunals they appoint.*

*Another female respondent from South Africa suggested that institutions can intentionally appoint female arbitrators in low value disputes to enable them to get the numbers, and experience and build trust in parties to appoint them.*

*Another female respondent from South Africa suggested mentorship programs for both men and women entrants into arbitration, increased visibility of female arbitrators, institutions to set targets on the number of females to appoint as arbitrators on panels, encouraging parties to demand diverse tribunals, providing awareness and training on implicit bias for all those that appoint arbitrators, provide networking support groups for females in arbitration, and reporting on the progress of this issue.*

*One female respondent from the UK noted that though the bulk of female appointments are from institutions, there is also increased nomination of women. However, a small pool of female arbitrators enjoy repeat appointments.*

*A male respondent from South Africa suggested that the list of arbitrators held by institutions should be renewed every four years to encourage new names making such lists and from which arbitrator appointments are made.*

These responses appear to suggest that respondents who have sat as arbitrators in tribunals outside their home jurisdiction have seen more females appointed as arbitrators. In

contrast, more respondents who have experience only in domestic arbitration, have witnessed the appointment of fewer females as arbitrators.

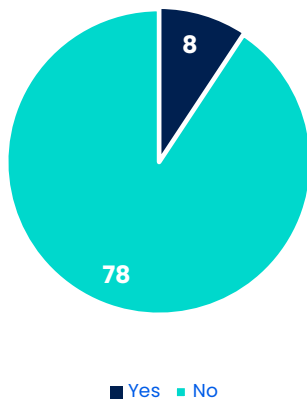
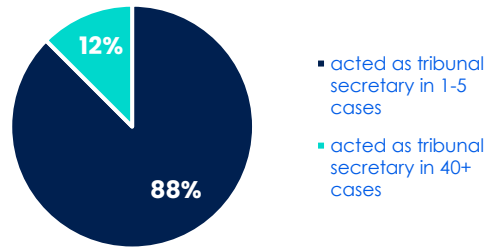
The reasons some respondents proffered for this situation appear to be jurisdiction specific, and the same with the suggested remedial actions.

This finding implies that the work on diversity, equity and inclusion in arbitration must continue in international and domestic jurisdictions.



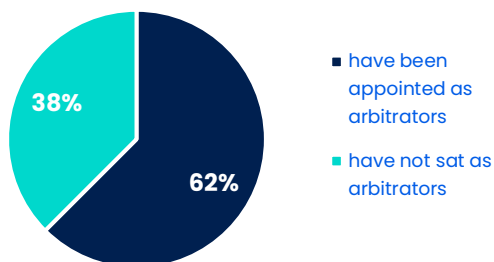
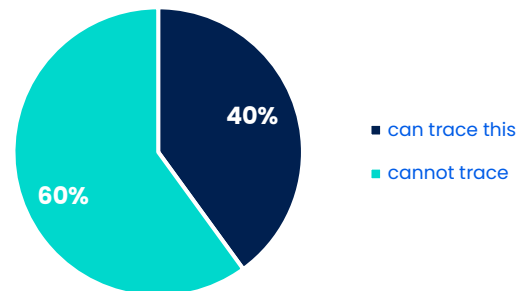
## Tribunal Secretary

9% of the 86 respondents, had acted as tribunal secretary during the reporting period. Some arbitrators also appointed and used tribunal secretaries. One recurring reason for not appointing tribunal secretaries was the low value of the dispute, as it did not justify the additional cost of appointing a tribunal secretary.



All the respondents that have acted as tribunal secretaries also act as counsel.

38% of respondents that acted as tribunal secretaries, have not yet sat as arbitrators, while 62% have been appointed as arbitrators.



## Appointment Method of the Tribunal Secretary

88% of the respondents were appointed by the tribunal chair or sole arbitrator while 12% were appointed by the parties.

88% of the respondents have acted as tribunal secretary in 1-5 cases while 12% acted as tribunal secretary in 40+ cases.

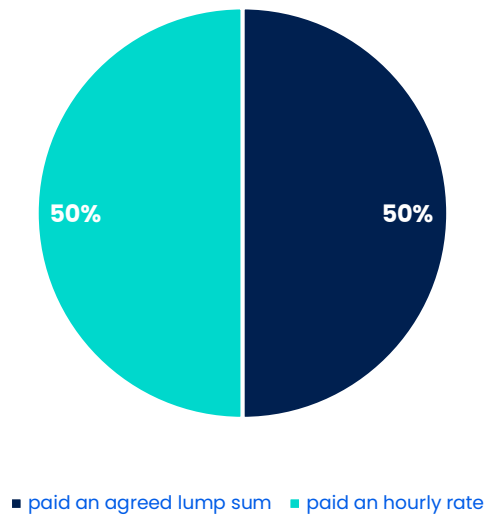
## Payment of the Tribunal Secretary

The data shows that 50% of the respondents were paid by the appointing arbitrator, and 50% were not separately paid for acting as tribunal secretaries. This is because this was part of their role in the law firm.



50% of the respondents were paid an agreed lump sum, and the remaining 50% were paid an hourly rate.

### Payment of the Tribunal Secretary



Though the data set for the information on tribunal secretaries is small (eight respondents), the responses provide evidence that in some Africa-connected arbitration proceedings, the arbitral tribunal appoint tribunal secretaries while most practitioners that act as tribunal secretaries also act as counsel. It is this joint role of tribunal secretary and counsel that supports their transition to the role of arbitrator.

The data shows that while some tribunal secretaries have received first arbitrator appointments, the experience as a tribunal secretary may not always translate into direct arbitrator appointment. It is important to note that none of the respondents acts in the sole capacity of tribunal secretary. This is an important finding for those who function in this role and who are desirous of acting as arbitrator.



## The Team



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Hana Imai, the SADRC Administrator provided technical support with the questionnaire and this Report.

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<sup>27</sup> Templars Law: <https://www.templars-law.com/>





