

Editorial 89.2

The opening piece of this Issue ‘Challenging homogeneity in international arbitration: Towards greater diversity and inclusion in counsel teams’ by Eliane Fischer and Roopa Mathews offers an interesting and informative perspective on a widely discussed, yet still not universally well-managed issue of diversity and inclusion in arbitration.

‘Diversity’ and ‘inclusion’, have been in our minds in dispute resolution for many years. The importance of a dispute resolution industry that could be described as diverse and inclusive has become the topic of numerous initiatives, reports, pledges, groups, events, speeches and even scholarly writings on regional and international levels.

It is not unjustified that in arbitration, diversity in appointments has become the stumbling block. But the complex prism of diversity and inclusion, will, and, indeed, should refract the light of equality we have been shedding on the legal sector for decades and emphasize areas, other than the oft discussed arbitral appointments, that should be taken into consideration and improved. One of these, as highlighted by the authors, is diversity and inclusion in counsel teams.

The article explains the importance of diversity in counsel teams and how it affects the overall productivity, innovation, creativity and quality of the legal representation a team provides. It covers gender and ethnic diversity as well as bar admissions, introduces the topic from a regional standpoint, offers a comprehensive view on the most common barriers to diversity and inclusion, and, finally, examines possible ways to overcome them. One such barrier is linguistic discrimination and how the current use and perception of languages, even accents, in arbitration can create professional obstacles for representatives of diverse backgrounds.

Eliane and Roopa’s article is a result of profound, detailed and up-to-date research of the market. The available research data on matters of global importance is comprehensive and, while it does not necessarily affect our understanding of their importance, we often end up being overwhelmed by it, rather than focused on analysis and problem-solving. I wonder, for example, how different would our view of recycling be if, instead of global coverage of the waste crisis, we were offered information on the percentage of non-recyclable waste in our own

neighbourhood on a weekly basis? By analysing relevant statistics publicly shared by more than three dozen well-known law firms, as well as numerous relevant studies, Fischer and Mathews make the topic much more familiar and the relevant tendencies more traceable.

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