

Women Leaders in Arbitration

Lise Bosman

ArbitralWomen Board Member and YAWP Director, Lizzie Chan, interviews

ArbitralWomen Member, **Lise Bosman**. Based at the Peace Palace at The Hague, Lise is the Executive Director of the International Council for Commercial Arbitration (**ICCA**) and Senior Legal Counsel at the Permanent Court of Arbitration (**PCA**). She combines her work at ICCA and the PCA with teaching as Adjunct Professor in the Commercial Law Department at her alma mater, the University of Cape Town.

What inspired you to study law?

I started law school in South Africa in 1987, in the dying days of apartheid. In doing so, I was primarily motivated by a desire to achieve social justice, and the belief in the power of the law to protect the individual and contribute to a just transition.

Some of the most iconic figures in the South African transition process and in the post-transition reconstruction process were lawyers – such as President Nelson Mandela, Constitutional Court Justices Kate O’Regan and Albie Sachs, and Chief Justice Arthur Chaskalson. It was their example that inspired my choice of study and confirmed my belief in the potential of the law as a force for shaping our world.

What did you do right after law school?

My first job after graduating from the University of Cape Town Law Faculty was in the Johannesburg-based office of the Legal Resources Centre (**LRC**) – a public interest law firm with a large advice practice and a constitutional litigation practice, which at the time challenged apartheid legislation.

The LRC continues to champion sometimes unpopular social causes. Most recently, it was instrumental in halting seismic blasting along South Africa’s untouched Wild Coast.

What was the career path that led you to international arbitration?

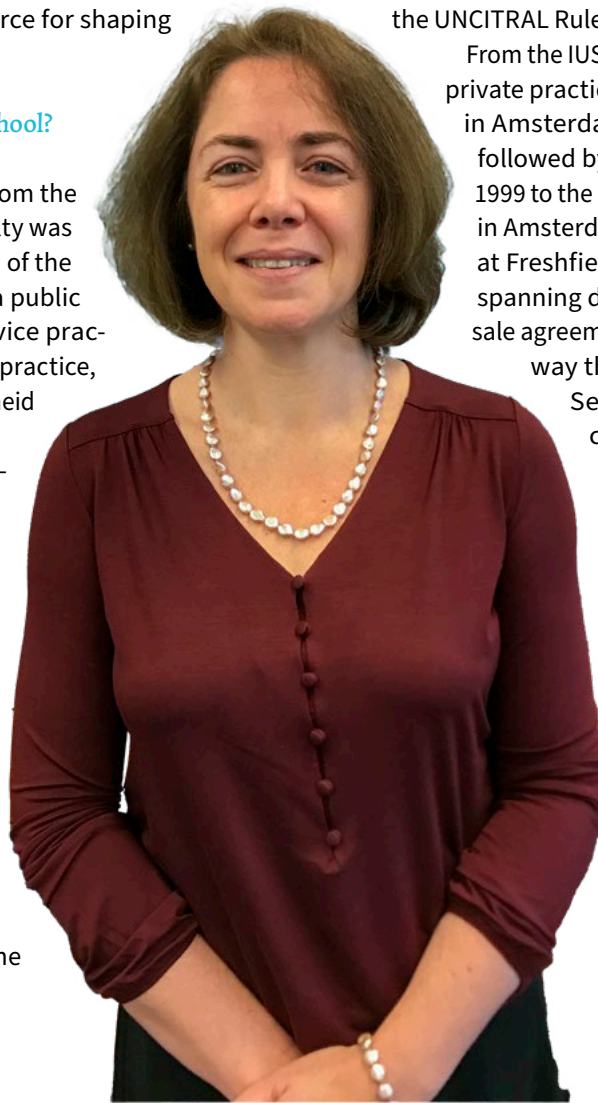
I found a path into the practice of international arbitration through my LLM in International Law at the University of Notre Dame

Policy work in the field of international arbitration [creates] a level and predictable playing field of international trade rules

in the US. During a memorable year at the Centre for Civil and Human Rights, I took part in a seminar given by a then-ICJ Judge. When I contemplated a move to The Hague the following year, he connected me to the Iran-US Claims Tribunal (IUSCT), and I spent 4 years as an adviser at the IUSCT learning about arbitral process, learning to navigate working in a highly politicized environment, and becoming familiar with the UNCITRAL Rules, as adapted for use by the IUSCT.

From the IUSCT it was a short and logical leap to private practice in the arbitral practice at Stibbe in Amsterdam with Albert Jan van den Berg, followed by a move a couple of years later in 1999 to the newly-established Freshfields office in Amsterdam. I remember those initial years at Freshfields as pioneering, with a practice spanning disputes arising out of commercial sale agreements and transport of goods all the way through to Investor-State Dispute Settlement (**ISDS**), and loved the collegiality of a well-functioning commercial arbitration practice.

After a period of setting up and lecturing the new commercial arbitration LLM course at the University of Cape Town (**UCT**) and working in-house on transport and infrastructure disputes, I moved to ICCA and the PCA in The Hague, where I am currently based. One of the attractions of working at the PCA is its obvious overarching commitment to the peaceful resolution of international disputes, complemented by ICCA’s possibly unique position





Book launch 'Arbitration in Africa: a Practitioner's Guide' at ICCA Congress, September 2022
Left to right: Karel Daele, Ndanga Kamau, Sofia Martins, Funke Adekoya, Lise Bowman (General Editor),
Emilia Onyema and Guled Yusuf

as an independent professional organization working to harmonize arbitral practices and develop the field.

Policy work in the field of international arbitration fulfils a need for social engagement and offers a pragmatic way of doing so. It does so by creating a level and predictable playing field of international trade rules, giving individuals and companies the space to operate in the secure knowledge that disputes can be resolved on known and fair terms. (As the parent of Montessori-educated children, I can't resist a reference to creating "the prepared environment" — translating in this context as creating the conditions in which individuals and companies can succeed when transacting across borders.)

You've played a key role in bringing the current vision of ICCA to life – many congratulations! What have been your most satisfying achievements since arriving at ICCA – PCA?

The focus of my work at ICCA and the PCA has been in developing ICCA publications, and in building ICCA as an institution. ICCA has been through a fundamental transition in the past 10 years — from an elite by-invitation-only Council to a truly global organization with a modern structure and new activities.

This reimagining of ICCA has offered me so many opportunities: as a founding co-chair of Young ICCA and its mentoring programme; developing the capacity for ICCA to take on research and outreach projects; supporting the process of

democratising the ICCA Governing Board; and establishing Working Groups on African Arbitral Practice and Chinese Arbitral Practice, to name a few. The institution-building aspect of my work has been the most satisfying aspect and has called for a collaborative management style.

Today, we have 1,000 ICCA members, over 10,000 Young ICCA members, a Governing Board with gender parity (having started with 7% female membership in 2011), a thriving projects capacity, the ability to serve our worldwide membership in a focused way, and a commitment to inclusiveness at every level of the organization.

Our publications have largely transitioned to digital formats, are regularly renewed and updated, and continue to curate the most relevant materials in the field (whether country reports, court decisions or arbitral awards), guiding users through the often-overwhelming and sometimes-irrelevant plethora of information now available at the touch of a button.

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(...) the PCA has a strong commitment to advancing female and younger arbitrators

What were the challenges you have faced in your career?

I have struggled most with combining the different aspects of a full life – professional work, academic teaching and mentoring, and raising a family. As a perfectionist, you want to do it all perfectly, but sometimes it just doesn't all fit into one day. After all this time, I'm still not sure what the right balance is.

What are your major challenges as a woman leader at this organisation?

My time at ICCA and the PCA — certainly compared to commercial practice — has offered an environment in which women can flourish and develop. As an employer, the PCA has been extremely supportive of its senior female lawyers over the years, having nurtured the careers of Judith Levine, Sarah Grimmer and many others. And ICCA has been a flexible employer, encouraging creative new ideas and committed to implementing new programmes and projects.

More of a challenge was the task of transforming a loose association of individuals into a functioning organisation with a full staff and operational capacity. ICCA leaders like Jan Paulsson, Albert Jan van den Berg, Donald Donovan, Gabrielle Kaufmann-Kohler and Lucy Reed consistently gave the support and space needed to grow both my career and the organization. And it has been a particular pleasure to work in recent years with women leaders like Gabrielle, Lucy, Meg Kinnear and Funke Adekoya — all of whom have reached a stage in their hard-won careers at which they are interested in giving back to the profession.

Advancing women is AW's core goal. Do the PCA and ICCA have policies on advancing women or practices to address the issue of increasing the number of women on panels or in programmes?

While always seeking to appoint the most suitable candidate for a given case, the PCA has a strong commitment to advancing female and younger arbitrators, in order to grow the overall pool of arbitrators.

I hope that practitioners will have noticed that emerging, younger and often women arbitrators now appear more frequently on lists provided to parties in list-based appointment procedures.

At ICCA, we have an established practice of maintaining gender parity at the governance and project levels and for speakers at the biannual ICCA Congress (the oldest and largest regular conference on the global arbitration calendar). We are currently collaborating with the International Bar Association (IBA) in drawing up a checklist for appointing conference speakers that will share some of our successful practices on inclusivity with other conference hosts.

From your own experience, what is your advice for women seeking to further their careers in dispute resolution?

All new practitioners are starting out on a voyage of discovery, and I would advise them to include self-discovery in that voyage. Ask yourself critically what you are good at, what you want to be good at, and where your natural talents lie. Are you a natural advocate, decision-maker, adviser, academic or policy-maker? Which environment will you best flourish in?

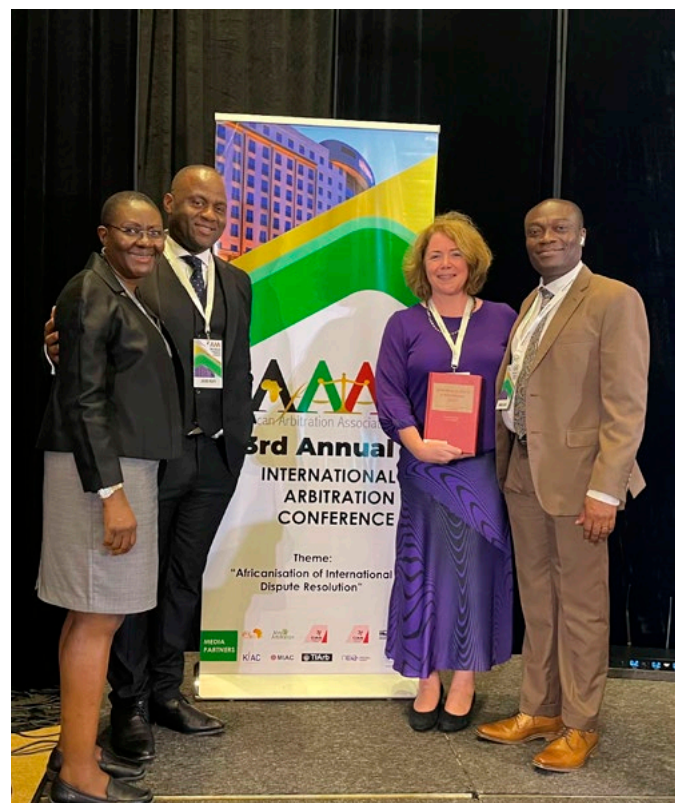
Each career is unique — don't try to live someone else's goals or life. And do build supportive networks — of which AW is a great example.

What continues to motivate you at this stage in your career?

I have a passionate interest in developing arbitral practice on the African continent, and a commitment to capacity-building of young African practitioners. This commitment is expressed in my teaching of the commercial arbitration course at UCT (now in its 18th year), engaging each year with 24-32 graduates and young professionals, largely drawn from the African continent.

Most graduates from my class return to their home

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African Arbitration Association Conference, Ghana, 2022
Left to right: Emilia Onyema, Julius Nkafu, Lise Bosman, Emmanuel Amofa



Lise Bosman with University of Cape Town (UCT) LLM class 2022

countries to become (or to continue their careers as) judges, magistrates, government advisers or litigation/arbitration lawyers in local practices. Several have served internships at ICCA or the PCA. And I like to think that they all go home with a better understanding of the entire arbitral process and more inclination to support it.

I also recently negotiated a new collaboration between UCT and the PCA, through which UCT graduates serve annual Fellowships at the PCA, and the PCA has use of the spectacular O.R. Tambo Moot Court at UCT for Africa-based hearings.

[You launched the 2nd edition of “Arbitration in Africa: A Practitioners” guide \(Guide\) at the ICCA Edinburgh Congress in September 2022. Can you tell us more about that?](#)

This publication is the creation of a compendium of country reports and regional analyses of arbitral practice in Africa. We launched the 2nd edition at a celebratory event hosted by ICCA and Kluwer, and many contributors to and supporters of the project attended.

The Guide is used by practitioners, judges and students (and I am told was most recently cited in a court case in eSwatini as motivation for replacing outdated colonial-era legislation!).

More generally, ICCA’s dedicated Working Group on African Arbitral Practice provides a forum for my Africa-based work, with a strong link to the African Arbitration Association, in the creation of which we played a key role.

[Is there any particular issue that you feel needs immediate attention?](#)

I have seen international arbitral practice from many sides now — commercial practice, in-house, academic, policy and case administration. Going forward, I would like to see more focus on harmonisation and less on developments that splinter the field.

I am also closely following recent initiatives around dispute avoidance — such as one potential and in my view sensible iteration of UNCITRAL Working Group III’s proposed Advisory Centre. I hope to contribute to this area in the future.

Lise, thank you so much for an informative, entertaining and inspiring story about your career in international arbitration and your tremendous contribution to our community.