

Kluwer Arbitration Blog

The ICC Secretariat Behind the Scenes: A Chat with Ana Serra e Moura

Gloria Alvarez (University of Aberdeen) · Thursday, January 3rd, 2019

The endeavours of the ICC go beyond the definition of an arbitration institution; it is indeed one of the most important agents of cultural integration, incubator of diversity and best arbitration practices. ¹⁾ A true manifestation of this is the ICC Young Arbitrators Forum (YAF); a global space for the young arbitration community which provides networking opportunities while engaging with the highest quality in the debate of topical issues.

To celebrate the end of the year and a successful UK ICC YAF cycle; Maria Claudia Procopiak and Rachael O’Grady invited the ICC Deputy Secretary: Ana Serra e Moura to a Q&A session in London. The interviewer, Luiz Aboim distilled some of the most relevant information we need to know as members of the young arbitration community.

As starting point of the discussion, Ana mentioned her own personal experiences, including her first arbitration job at a boutique arbitration firm in Madrid. Ana highlighted the importance of new learnings and mentoring:

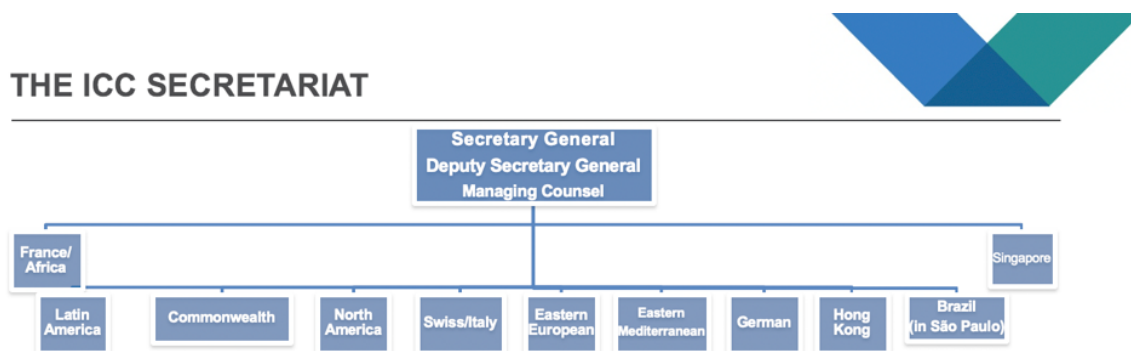
“Sometimes, you are too young to make decisions yourself and it is the arbitration market that make those decisions for you, so be ready and open to learn, either as administrative secretary or counsel.”

In building an arbitration career, Ana advised not to focus exclusively on the ultimate result, but instead to work hard in the learning process. Maria Claudia added that it is crucial to work on your experience and exposure and most importantly: make the most of your first arbitration opportunity!

Empirical research supports Ana’s advice. Consistent with the 2018 White & Case Survey, parties are likely to select institutions capable of handling arbitrations in a multitude of locations and respond to specific needs. These specific needs also apply in seeking the right arbitrator’s profile; including its ability to speak different languages. Therefore, for young practitioners aspiring to become an arbitrator; an extra language(s) on your pocket is always a bonus.

According to a the 2018 White & Case Survey, the ICC is the preferred institution by 77% of the arbitration users. Therefore, it is not a surprise that the ICC has 11 teams organised by regions in the world. The 11 teams are managed by: 1) the Secretary General, 2) the Deputy Secretary General, and 3) the Managing Counsel. In addition to the seven teams based in Paris; the ICC also has offices in Hong Kong, New York, Singapore and São Paulo. The Deputy Secretariat also

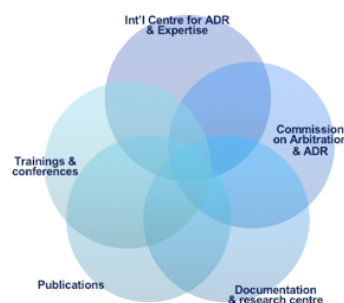
continues to work on further improvements and developments including the ICC's IT system composed by an internal and external platform and several other projects, including research.



Source: ICC Secretariat.

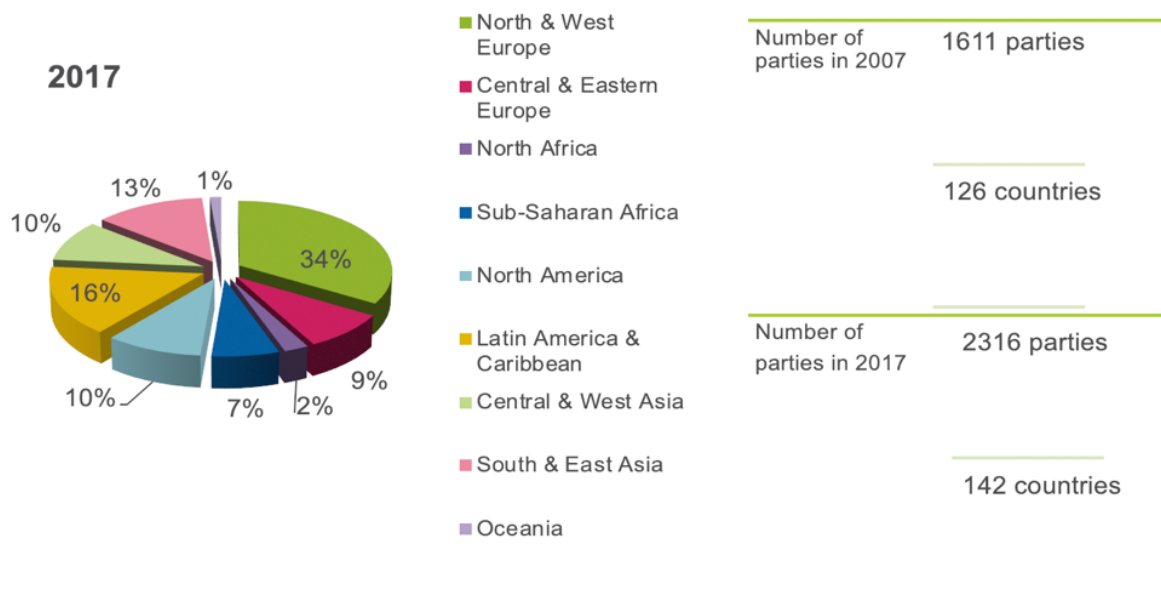
Founded in 1923 with more than 24,000 cases – the ICC Court has achieved full gender parity (88 women and 88 men). This endeavour will continue to be one of the flagship commitments of the ICC at ensuring genuine diversity. The ICC also understands that parity and equality is also achieved with regional presence. The [ICC Africa Commission](#) illustrates the Secretariat's commitment on this matter. The Africa Commission's main objectives comprise: raising arbitration awareness on the region, while focusing their efforts on expanding the pool of African arbitrators qualified and available to resolve the increasing number of disputes in the region.

Composition	Approx. 100 staff members
	Diverse nationalities & languages
	One counsel, several deputy counsel per team
Mission	Daily case administration
	Contact with parties, arbitrators
	Advice on practices, briefings and recommendations to the Court
	Communication with parties and arbitral tribunals
	General info on application of the Rules



Source: ICC Secretariat.

DIVERSITY: PARTIES



Source: ICC Secretariat.

Another example on genuine diversity; is the ICC's long-term commitment and trust in Latin American arbitration practice, which continues to be a story of success and mutual prosperity. The ICC has contributed at bringing down cultural barriers to the ever-expanding Latin American arbitration market. The [2018 White & Case Survey](#) highlighted the efforts made by the ICC at opening an office in São Paulo, Brazil, which also includes a modern hearing centre. In less than one year, the São Paulo office have registered 40 cases, involving 123 parties (117 Brazilian parties and 6 foreign parties).

The ICC owes much of its success to its international external structures, namely its Court Members, National Committees, and ICC YAF Representatives. Ana explained that all decisions submitted to the ICC Court help the Secretariat to develop the best practices on the [ICC Arbitration Rules](#). In terms of appointments, the ICC receives proposals from their national committees when seeking a specific profile for an arbitrator.

Luiz Aboim asked the Deputy Secretary General about [Expedited Procedures](#), an arbitration process for disputes below USD 2 million, where the final award should be rendered within 6 months. So far 85 parties from 38 countries have been involved in an ICC Expedited Procedure. This is another example of the ICC constantly adapting to the needs of the market and broadening the portfolio of its services. The most frequent type of disputes are sales and purchase of goods; construction and engineering; consultancy and agency.

In responding to Luiz's request on predictions for the future; Ana concluded that technology will continue changing the way young arbitrators work and probably [double-hatting](#) will be less common in the future. While remaining confident arbitrators are not going to be replaced by [AI](#); Ana suggested to keep an eye on predictive justice.

Lastly, [Alina Sartogo](#) joined the panellists for a [Mock ICC Arbitration Court Plenary Session](#). The ICC Court Plenary Sessions are open to all Court members and take place once per month to discuss relevant issues with respect to ICC awards involving states and state entities and

challenges.

The key message from the ICC Deputy Secretary General to us, young aspiring arbitrators, is to focus on our learning process and networking; the first appointment will then come naturally.


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References

- ¹ Stavros Brekoulakis, *The Culture in International Arbitration: Integration or Fragmentation?*, CBAr Conference, Salvador Bahia, 18 September 2018

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