

Kluwer Arbitration Blog

The Dark Cloud of the Global Pandemic: Silver Linings for Young Arbitrators in Africa

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“When written in Chinese, the word ‘crisis’ is composed of two characters. One represents danger and the other represents opportunity.” (John F. Kennedy, Former US President). The current Covid-19 pandemic has wreaked havoc globally impacting people in grievous ways. The resultant containment measures by governments have severely limited or otherwise rendered physical interactions impossible. As many individuals and organisations operate from fixed stations, a lot of activities in the arbitration community have also gone online. To a group of young arbitrators from jurisdictions that are usually disadvantaged in accessing these opportunities in physical spaces, this represents a rare opportunity to level their skills and connections with their colleagues in international arbitration.

Professional Training and Skills Development

As new methods of engagement and keeping continuity of activities crop up, arbitration webinars and courses have increased immensely. [The Chartered Institute of Arbitrators in March](#) offered its student members a rate of 10 GBP for both its ‘Introduction to ADR’ course and online assessment (normal rates 36 GBP and 95 GBP respectively). The offer included a free application to membership. The cost barrier to this membership has previously been too high for the majority of student members from Africa and other economically disadvantaged jurisdictions. [The International Investment Law Centre Cologne](#) also recently ran its Advanced Course on ICSID Arbitration online. The course was opened up to non-students of the University of Cologne who could attend it from anywhere in the world and be certified at no cost. Through these incredible opportunities and many more, young arbitrators in Africa are getting opportunities to upskill. [CIArb](#) has also accelerated the process to embrace the [BigBlueButton](#) technology to moving its crucial modules online during this period.

Several webinars have been hosted tackling a range of topics. [The Singapore International Arbitration Centre](#) has notably run priceless skills development webcasts online with field experts like Gary Born leading the sessions. [The masterclass on drafting international arbitration agreements](#) on 3rd June was just one of the excellent skills development opportunity from SIAC that was accessible online. The Oxford Commercial Law Centre, in collaboration with several other law schools, also held a very informative conference online titled ‘[Arbitration Online: Law and Practice.](#)’ Tagtime by Delos Dispute Resolution and [Career Advice](#) by Bali International

Arbitration & Mediation Centre are some of the other incredible skill development opportunities. In Africa, the [Association of Young Arbitrators' 1st Virtual Symposium](#) and [CIArb-Kenya webinar series](#) are just some of the leading opportunities.

Virtual Networking

Most of the sea of webinars that continue to be organised within the arbitration community encourage interactions and active virtual networking in the chat boxes. Participants are encouraged to often identify themselves, their areas of practice as well as countries in which they are based during these events. Since the events are attended by practitioners from all around the world with convenience, the networking opportunities availed to the participants has a massive impact on their career development. Granted many of the participants are senior or mid-level practitioners who are used to attending such events and who already have a decent network in the field, this is hardly ever the case for young arbitrators especially from Africa.

Apart from the other barriers to entry to such events, young African arbitrators do not often see top arbitration events being hosted in their cities. This invariably sets them even further behind young arbitrators from other jurisdictions. [Digital Coffee Break in Arbitration](#) and [Arbitration in the Afternoon](#) have been some of the most wonderful virtual networking events. Another incredible networking opportunity that has come up during these times is the 'arbitration idol' competition where for a small donation towards UNICEF, young practitioners get paired with a senior practitioner for a 30 minutes conversation.

Additionally, LinkedIn presents a wonderful opportunity to reach out to and network with peers and seniors within the international arbitration community. This is particularly important now that most of these senior arbitrators are working remotely and may afford to spare more time to respond to these networking requests as opposed to the pre-pandemic period when they were mostly otherwise engaged.

Expert-led discussions on emerging areas in arbitration

Other tremendous professional development opportunities that have come up during this period are expert-led discussions and free or subsidised resources on international arbitration. Wolters Kluwer in collaboration with Professor Gary Born, have made [Born's International Arbitration Lectures](#) available at a subsidised cost of \$ 10 per month from 8th April to 31st July. The Paris Arbitration week dubbed its 2020 event as '[#PAW2020-We Adapt](#)' in announcing that it will go virtual this year between 6th and 10th July. CIArb extended the online viewing of the [2020 Roebuck Lecture](#) to the entire ADR community on the night of the event, free of charge. It is worth noticing that this lecture is one of the highlights of CIArb's event calendar. In the same spirit, the [2020 Alexander Lecture](#), now in its 46th year has also gone online and accessible free of charge upon registration.

In Africa, the [Kigali International Arbitration Centre](#) has been running expert-led knowledge sharing sessions online. The [8th East Africa International Arbitration Conference](#), scheduled to take

place between 27th to 28th August 2020 has now gone online. Reputed as a premier event that attracts delegates from around the globe, the organisers have shared optimism that this virtual edition will offer even better networking opportunities within the international arbitration community. The [African Arbitration Association](#) also continues to share African focused events in international arbitration on its website. Young African arbitrators now, more than ever, have the amazing opportunity to access and participate in all these incredible events. There is hardly a better way and time to be part of high-level discussions on emerging areas in international arbitration for this group.

Virtual Mooting

The 27th edition of the [Vis Moot moved its oral hearings online](#) owing to current circumstances. This was earlier scheduled to be held in Vienna from 3rd to 9th April 2020 and would have required physical attendance. The [2020 global oral rounds of the FDI Moot has also been scheduled to take place between 4th to 9th November 2020 via the Zoom platform](#). These are just some of the biggest and most revered moot competitions in the field of international arbitration. Year in year out, African students miss out on the oral rounds of these competitions due to lack of funds or inability to secure travel documents within the timelines. This has negatively affected their interest in the field and limited their opportunities to grow their careers in these spaces. During the current global lockdown, these inhibiting circumstances have been lifted.

Lingering Challenges

Even as otherwise hard to access opportunities continue to open up to young arbitrators in Africa, there are still immense challenges that need to be overcome. First, not every young arbitrator in Africa can access these platforms even with the incredibly low barrier to entry. Those who have been trapped in rural parts of their countries following the various lockdown measures continue to miss out.

Secondly, diversity remains a serious issue. This is specifically true with regards to gender. Many young, female African arbitrators face increased domestic responsibilities during these periods when most people are confined at home. For them, even the time spent following these events online is a luxury they may not always afford. This is not to mention the increased cases of domestic violence that affect them disproportionately with reports of gender based violence cases rising in this pandemic.

Thirdly, many prospective young arbitrators in Africa have experienced certain levels of disillusionment with their growth in the field over the years. Now that opportunities are opening up, they are not active enough in the field to spot them. This is also partly because there are very few mentorship opportunities in arbitration in Africa and the few that exist are unstructured. This has discouraged many young practitioners along the way.

Several mechanisms are being adopted to address some of these challenges. [CIArb Ibadan Chapter \(Nigeria\)](#), recently organised a well-attended webinar to discuss the gender challenge during these

disrupted times. [Arbitral Women](#), continues to push for diversity even in virtual events all-round the globe. CIArb-Kenya [Young Members Group](#) also recently held a webinar on ‘The Journey & the Pitfalls: Chartering a Path for Young Arbitrators.’ This was in a bid to sensitize disillusioned young members to opportunities out there and to encourage them to take advantage, especially during these times. Due to their tech-savvy skills, some young practitioners are also getting co-opted by senior arbitrators into their arbitration sessions providing them with a good mentorship platform.

Conclusion

The prevailing global pandemic has brought with it momentous destructions. But, as Albert Einstein said all those years ago, “*In the midst of every crisis, lies great opportunity.*” While physical interactions are severely limited and events seek to go online, a group that have always struggled to surmount these event’s barriers to entry are arriving at the table. Some challenges persist but so do the efforts to rectify them. The current circumstances were not foreseen by anyone but now that we are all here, this might as well be the greatest chance for young African arbitrators to level up with their colleagues around the globe. The biggest hope is that, even as we navigate a post-pandemic world, most of these opportunities will retain some form of online accessibility.

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