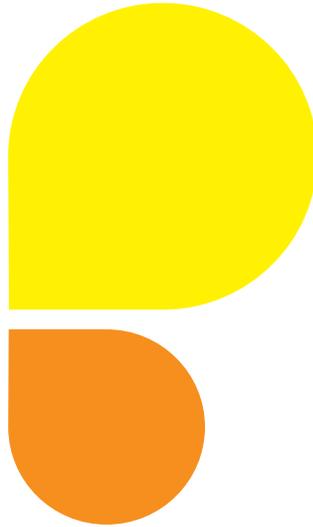




**Heidi Merikalla-Teir**  
*Secretary General  
The Arbitration Institute of  
the Finland Chamber of  
Commerce (FAI), Finland*



“

Where there is a will,  
there is a way

”

When I was in school, some of my classmates prepared a yearbook describing each one of us with a saying. “*Where there is a will, there is a way*” was the one chosen to describe me. I believe that the quality of determination or Finnish “*sisu*” (something close to guts and resilience), as we call it, stems already from my early years. I feel fortunate to have always been surrounded by many strong and wise men and women who have, by their example, shown to me that with a right attitude, hard work and by being true to one’s own values anything is possible. This is the message that I wish to convey to younger generations, including my own daughters.

To bring sustainable change in society, changing mindsets is needed. That, in turn, requires not only open-mindedness and open dialogue, but also willingness to take the required effort to accomplish change, curiosity and belief that a change is possible and in fact an opportunity.

As a Finnish woman, I can be proud of my country’s and fellow citizens’ achievements in bringing change in society both in terms of gender equality and conflict resolution. To give a few distinct examples:

At the outset, Finland can justifiably be called as a gender equality pioneer. Finland was the first country in the world to grant women full political rights already in 1906. Then, after only one year, the first female members were elected to the Finnish Parliament and, some twenty years later, the first woman minister was appointed in Finland. A new milestone was reached in 1990 when the first woman Minister of Defence in the world, Ms Elisabeth Rehn,



was appointed. Moreover, we had the first female President, Ms. Tarja Halonen, in office between years 2000 and 2012. She has been an advocate and a role model of equality since then. Among other things, Ms. Halonen is currently a member of the Council of Women World Leaders, an international network of current and former women presidents and prime ministers whose mission is to mobilize the highest-level women leaders globally for collective action on issues of critical importance to women and equitable development.

In terms of conflict and dispute resolution, Finland has been, for a long time, well known and recognized worldwide for conflict and peace settlement efforts. For the good reputation we have very much to thank the Nobel Peace Laureate and former President of Finland Mr. Martti Ahtisaari, a renowned peace mediator in international conflicts, and the Crisis Management Initiative (CMI), an independent Finnish organization founded by President Ahtisaari in year 2000 that works to prevent and resolve violent conflicts. Following Mr. Ahtisaari's footsteps, also Mr. Pekka Haavisto, Member of the Finnish Parliament and Chair of the European Institute of Peace, and Ms Elisabeth Rehn, have become recognized international peacemakers.

I am particularly honoured to finalise this list of selected achievements by combining both gender equality and conflict resolution. Firstly, I wish to applaud Ms. Carita Wallgren-Lindholm, an internationally recognized Finnish arbitrator, for her new position at the helm of the ICC Commission of Arbitration and ADR as of January 2018. Her career is unparalleled and she has by her example inspired me and certainly many other women in dispute resolution in the Nordics and elsewhere. Secondly, as an advocate of mediation, I am proud to note that the current National Conciliator, who is to act as a mediator in labour disputes, is a woman, Ms. Vuokko Piekkala. She has held the post since August 2018. Her predecessor Ms. Minna Helle was the first female National Conciliator in Finland. Ms. Helle was rightfully praised for taking leadership, being an opinion-maker and a forerunner. All this despite being a relatively young, but at the same time experienced, female mediator for rather traditional industries. A true role model indeed.

During recent years, gender equality has been a widely addressed topic in business. The Finland Chamber of Commerce's 7<sup>th</sup> Women Directors and Executives Report shows a record number of female appointments on the boards and executive teams in Finnish listed companies in 2017. An excellent achievement considering that, contrary to the situation in many other countries, this result has been achieved through self-regulation instead of quotas in legislation.

Against this background, I cannot avoid asking myself: How is it possible that despite these great examples of change in Finnish society, leadership positions in dispute resolution continue to be predominantly taken by men, also in Finland. Not much has changed since I started to work for one of the largest Finnish law firms after my graduation from law school in 2002, although I am delighted to note that we have recently witnessed some positive developments in this respect.

I would be inclined to say that women's impact on dispute resolution relates more broadly to the needed mindset changes in dispute resolution. This change might entail rethinking our services and organization structures and adding weight to new types of skills required from lawyers working in dispute resolution.



In times of increasingly changing and complex business environment, when digitalization and artificial intelligence are inevitable, dispute resolution will not remain unaffected either. The toolbox and skills required from dispute resolution lawyers and arbitrators, let alone those lawyers involved in mediations as counsel or mediators, need to be increasingly versatile. “Soft skills”, like listening, emotions and empathy, have not traditionally been on top of those skills required from, or valued, in a dispute resolution lawyer. From my personal experience, I vividly remember the moment when a colleague long time ago once stated to me that *“you are too nice to be a good litigator”*. For me, the comment reflected then, and even more so today, an old-fashioned and unfortunate attitude. The importance of emotional intelligence, diplomacy, genuineness and respect are among those characteristics that also Finnish peacemakers consider highly important in the resolution of conflicts to reach sustainable results. Increasing value is given to these softer skills also in a business context. I anticipate that these skills will be explicitly demanded in dispute resolution as well, particularly as interest in mediation increases. This does not mean that superior legal knowledge and a brilliant mind would become less important; on the contrary. However, the required skillset is becoming more diversified.

Another question that needs to be addressed when discussing gender equality in dispute resolution is arbitrator nominations by the parties and appointments by the institutions. The FAI has been at the forefront of establishing diversity in arbitrator appointments, already before it signed the Equal Representation in Arbitration Pledge in 2016. In terms of gender diversity, both in 2015 and 2016, 32% of the arbitrators appointed by the FAI Board were women. In 2017, the share of female arbitrators was 29%. These internationally high shares have been accomplished by encouraging open-minded discussion on suitable arbitrator candidates at the FAI Board meetings. We have recognized the fact that as the reputation of arbitral institutions very much depends on the quality of the arbitrators and their work, we cannot afford not to appoint the best and most suitable people for each individual case, including the appointment of women as arbitrators on an equal opportunity basis.

The FAI’s experience is, however, that, traditionally, the parties themselves have rarely nominated women as arbitrators. Indeed, before 2016, this happened in a couple of FAI cases only. In 2016 and 2017, we have seen a slight improvement in this respect. Roughly 16% (in 2016) and 7% (in 2017) of the arbitrators nominated by the parties were female. Not percentages to brag about, though.

The change in dispute resolution starts from a right mindset, which sees dispute resolution as a service reflecting the changes in society. If we wish—as we should—keep dispute resolution up with developments in business life, we need to rethink what is sustainable and responsible dispute resolution and how we can meet the end users’ needs to meet requirements of equality, sustainability and responsible business in their organizations and as part of their reporting obligations. If we add the fact that end-users are increasingly women with background in law firms and even experience from their dispute resolution practices, I see a momentum for a change.

I hope that we at the FAI can become the forerunners in changing the mindsets in dispute resolution. For us, being ahead means rethinking our services from the users’ perspective and providing our clients the best possible service, including the appointment of arbitrators on an equal opportunity basis.

I believe that where there is a will, there is a way to change also traditional business practices, such as dispute resolution.