

MINUTES OF THE MEETING OF THE IFCAI COUNCIL

held at the Indian Council of Arbitration, Federation House, Tansen Marg, New Delhi
on the occasion of the 9th Biennial IFCAI Conference

10.15am, 21 October 2007

IFCAI COUNCIL MEMBERS PRESENT:

Ulf Franke (President)
M.I.M Aboul-Enein
Stefano Azzali
Lawrence Boo
Diana Droulers
Alexander Komarov
Anne Marie Whitesell
Adrian Winstanley

ALSO IN ATTENDANCE:

Claudia Kälin-Nauer (in place of Gabrielle Kaufmann-Kohler)

1. WELCOME

1.1 The President welcomed Council members.

2. APOLOGIES FOR ABSENCE

2.1 Apologies had been received from Jens Bredow, Eva Horváth, Tang Houzhi, Gabrielle Kaufmann-Kohler and Bill Slate.

3. MINUTES OF THE PREVIOUS MEETING

3.1 The Minutes of the previous meeting, held in Montreal, on 1 June 2006, and circulated on 5 July 2006, were approved by the Council and signed by the President.

4. FINANCES AND MEMBERSHIP

4.1 The President asked Adrian Winstanley to up-date the Council on finances and membership.

4.2 The balance on the IFCAI account stood at a little over US\$102,000, as at mid-September 2007.

4.3 At the date of this meeting, there were 42 fully paid-up members of IFCAI, including Swiss Chambers' Basel, which had succeeded the Zurich Chamber of Commerce, as member no F/081.

4.4 The following 11 members had subscriptions outstanding for 2007 only – Beijing Conciliation Centre; Camara de Comercio de Caracas; CAMARB, Brazil; CANACO, Mexico; China Maritime Arbitration Commission; CIETAC; Court of Arbitration at the Polish Chamber of Commerce; Japan Shipping Exchange; Madrid Court of Arbitration; Permanent Arbitration Court of the Mauritius Chamber of Commerce; and Tunis Center for Conciliation and Arbitration.

4.5 Reminders would be sent in due course, in the hope that subscriptions would be brought up to date.

4.6 The subscriptions of DIAC, Dubai; the Arbitration Court of the Mongolian Chamber of Commerce; the Sri Lanka National Arbitration Centre; the Center for Settlement of Commercial Disputes, Palestine; the Malta Arbitration Centre; and the Arab Association for International Arbitration, Paris, were outstanding for 2006 and 2007 and these members would be stuck off if subscriptions had not been brought up to date by the end of the year.

4.7 It was agreed that Council members should consider whether there were institutions, not currently members of IFCAI, who should be invited to join. Similarly, whether some of the 42 current members merited membership, or were institutions by name only, with no real activity.

4.8 Lawrence Boo undertook to review the present membership and to categorise member institutions according to such criteria as whether they were administering bodies and, if so, promulgating their own rules; acting as appointing authority only; offering training to arbitrators; actively promoting arbitration, and so forth.

5. IFCAI COUNCIL

5.1 Anne Marie Whitesell had announced that, after ten years, she was leaving the ICC and it was agreed that her replacement as Secretary General, Jason Fry, should take her place on the Council for the remainder of her term of office.

5.2 Eva Horváth was no longer with the Arbitration Court of the Hungarian Chamber of Commerce, so her place would be vacated. Council members were invited to consider candidates to take her place.

5.3 It had previously been agreed that a place on the Council be left open for a representative of ICSID and it was now agreed that that place should be taken by Ana Palacio, the new Secretary General of ICSID, whom the President would contact.

5.4 Mr Kwatra of ICA (the hosts of this meeting and of the preceding conference) had lobbied the President and other members of the Council for appointment to the Council. After some discussion, it was agreed that this was not the time to recommend to the IFCAI membership that Mr Kwatra be given a place on the Council, though his situation would be reviewed when the terms of existing members expired in 2009.

6. 9TH BIENNIAL IFCAI CONFERENCE, NEW DELHI 2007

6.1 It was agreed that the conference held over the previous day and a half, and the judicial colloquium that preceded it, had been extremely well organised by the host institution, thanks largely to the tireless efforts of Mr Kwatra himself.

6.2 The number of delegates had been remarkable, with several hundred at the opening ceremony and never fewer than 200 throughout the conference.

6.3 It had been particularly gratifying that so many members of the Indian judiciary had attended throughout, providing the opportunity for a robust debate on the reputation of the Indian Courts for unwelcome intervention in international commercial arbitration.

7. JOINT ICCA/IFCAI CONFERENCE, 2008

7.1 It had previously been proposed that IFCAI join with ICCA for part of the June 2008 ICCA Congress, in Dublin, which would mark the 50th anniversary of the New York Convention.

7.2 This possibility was still under discussion and the President would keep Council members advised.

8. **10TH BIENNIAL IFCAI CONFERENCE, 2009**

8.1 In reverse chronological order, the most recent IFCAI conferences had been held in Delhi, Washington, Vienna, Prague and New York.

8.2 The following cities were now proposed as possible venues for the 2009 conference: Bahrain, Caracas, London and Tunis.

8.3 After discussion, it was agreed that the 10th biennial conference should be held in Tunis, to be hosted by the Tunis Center for Conciliation and Arbitration.

8.4 Subject to the dates of other events that might clash, the preferred dates were April or May.

9. **IFCAI ACTIVITIES**

9.1 The proposal, adopted in June 2005, that consideration be given to an IFCAI code of ethics/standards, and the investigation of which was to have been undertaken by Anne Marie, Diana and Stefano, had fizzled out for lack of enthusiasm on the part both of the committee and of the Council as a whole.

9.2 It was agreed, however, that earlier suggestions that IFCAI identify and fund a suitable research project should be pursued, for which purpose Stefano and Lawrence agreed to be part of a "*Research Committee*" and it was proposed that one of them should contact Jens Bredow to see if he would agree to be the third member.

9.3 The committee would bring its initial report to the next meeting of the Council, which, it was anticipated, might be convened in Dublin, in June 2008, on the occasion of the ICCA Congress.

9.4 Diana's offer to take over the set-up and management of the IFCAI website was gratefully accepted. Adrian would provide Diana with the little website material that he had and with sufficient funds to get the project under way.

10. **OTHER BUSINESS**

10.1 Following discussion, it was agreed that it would not be feasible to propose observer status for IFCAI at the UNCITRAL Working Group meetings, as there would be little prospect of IFCAI members forming a uniform view on key matters and that it would, anyway, be too big a task to canvas views and to identify what consensus there might be, in such a way that would allow meaningful IFCAI intervention.

11. **CLOSE OF MEETING**

11.1 There being no further business, the meeting was declared closed at 12.10pm.

President

Date