

MINUTES OF THE MEETING OF THE IFCAI COUNCIL

held at ICC, Paris

8.30am, 22 November 2002

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**PRESENT:** Ulf Franke (President)  
M.I.M Aboul-Enein  
Francis Gurry  
Tang Houzhi  
Ann Marie Whitesell  
Eva Horváth  
Pierre Karrer  
Alexander Komarov  
Antonio Parra  
Adrian Winstanley

**APOLOGIES:**

Apologies had been received from:

William Slate  
Yousif Zainal

**1. MEETING OF THE INSTITUTIONAL SECTION**

1.1 Ulf Franke welcomed all Council members and said that he anticipated a full and active meeting of the institutional section to follow this meeting.

**2. MEETINGS IN BAHRAIN, 2003**

*7<sup>th</sup> Biennial Conference*

2.1 The President confirmed that the 7<sup>th</sup> Biennial IFCAI Conference was scheduled for 3 and 4 March 2003 on the theme "*Justice and Fairness in International Commercial Arbitration*". The President had drafted a programme and was in the process of identifying chairmen, rapporteurs and commentators.

2.2 The Council expressed its concerns that the current tension between the United Nations and Iraq and, in particular, the hard-line stance being adopted towards Iraq by the United States and certain of its allies, would deter many delegates from attending a conference in the region and might seriously jeopardise its viability.

2.3 The Council acknowledged, however, the wish of Mr Zainal that the conference should take place as planned and confirmed that it would support the Bahrain event until and unless Mr Zainal considered it more prudent to postpone.

#### *Council Meeting – 2 March 2003*

2.4 Subject to any decision to postpone, the President proposed, and it was agreed, that the two hours from 10 to 12 on the morning of 2 March 2003 should be set aside for the Council meeting. This meeting would follow the usual format, to include a review of the accounts and the election of Council members.

2.5 The Council would also take a policy decision, at that time, on its recommendation to the General Assembly regarding the expulsion of non-paying members, who, at this time, numbered approximately 25.

#### *General Assembly – 2 March 2003*

2.6 It was agreed that the General Assembly would convene at 2pm on 2 March and would conclude at 5pm, to resolve the substantive matters arising from the Council meeting; to discuss broader administrative matters of interest to the membership as a whole; and to debate topical issues to be agreed.

### **3. IFCAI MEETING 2004**

3.1 It was agreed that a meeting of IFCAI should be scheduled to coincide with the 2004 ICCA conference in Beijing, currently planned for 16 to 19 May that year. A decision would be taken, in due course, as to whether the meeting should be for a full day or for half a day.

3.2 Professor Tang said that CIETAC would be delighted to provide whatever facilities were required for the IFCAI meeting, should it prove practicable to schedule it within the ICCA timeframe.

### **4. GENERAL ASSEMBLY AND CONFERENCE 2005**

4.1 Antonio Parra said that, were it to prove difficult to make arrangements to meet in Beijing in 2004, ICSID would be pleased to host a meeting in Washington.

4.2 He said that he had little doubt that ICSID would also be pleased to host the 8<sup>th</sup> IFCAI Biennial Conference in 2005 and this offer was gratefully accepted by the Council.

4.3 Antonio emphasised that he would have to consult with colleagues at ICSID before the invitation could be confirmed, but suggested that June 2005 might be the preferred date.

5. **IFCAI NEWSLETTER**

5.1 The Council expressed its thanks to Antonio Parra and to Milanka Kostadinova for their sterling efforts in producing an excellent Newsletter and for having produced, and incorporated into it, a most attractive new logo.

5.2 It was agreed that IFCAI should, itself, bear the full production costs of the Newsletter, whilst acknowledging the tremendous unrewarded time and effort put in by the editorial committee, and by Antonio and Milanka, in particular. Antonio would provide Adrian Winstanley with the details of the bank account to which the production costs of the current issue should be transferred.

5.3 It was agreed that members should be encouraged to submit articles in good time for the next edition of the Newsletter and should be reminded that contributions could be duplicates of pieces published in their own Newsletters.

5.4 It was also agreed that members should be asked to distribute as many copies of the Newsletter, as widely as possible, to convey the common message of the administering institutions.

5.5 At Alexander Komarov's suggestion, it was agreed that members could reproduce the IFCAI logo on their letterheads, subject to their being *bona fide* members. It was agreed, therefore, that the circulation of the logo in electronic form, for this purpose, and permission for its reproduction on members' letterheads should await the decision on the expulsion of any non-paying members in March 2003.


6. **PURPOSES AND ACTIVITIES**

6.1 The President proposed that there should be a full review of the purposes and activities of IFCAI at the Council and General Assembly meetings in Bahrain in 2003. An agenda would be prepared to this end, ahead of the Bahrain meetings.

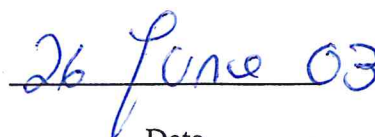
6.2 For the moment, the following were considered to be key areas in which IFCAI could and should be more involved: education and training programmes (particularly for institutions in developing countries) for which purpose a link with the Chartered Institute might be valuable; and research projects in such areas as the costs of arbitration, standards of disclosure and the use of administered arbitration, as compared to the use of ad hoc arbitration.

7. **CLOSE OF MEETING**

7.1 There being no further business, the meeting was declared closed at 9.30am.



President



Date