

**INTERNATIONAL FEDERATION OF**  
**COMMERCIAL ARBITRATION INSTITUTIONS**

**( IFCAI )**

Minutes of the XI General Assembly

held in Prague

Thursday 21 June 2001

A General Assembly of the International Federation of Commercial Arbitration Institutions was held on Thursday 21st June 2001 at the Diplomat Hotel in Prague, Czech Republic.

The following member organisations were represented at the meeting:

**BAHRAIN**

G.C.C. Commercial Arbitration Centre  
Yousif Z.A.M. Zainal

**CHINA**

China International Economic and Trade Arbitration Commission  
(CIETAC)  
Wang Jie

**CROATIA**

Permanent Arbitration Court of the Croatian Chamber of Commerce  
Dr. Alan Uzelac

**CZECH REPUBLIC**

Arbitration Court attached to the Economic Chamber of the Czech Republic  
Dr.jur. Bohuslav Klein

**EGYPT**

The Cairo Regional Centre for International Commercial Arbitration  
Dr. M.I.M. Aboul-Enein

**ENGLAND**

The Chartered Institute of Arbitrators  
C. Dair Farrar-Hockley

London Court of International Arbitration  
Adrian Winstanley  
Bertie W. Vigrass

FRANCE

I.C.C. International Court of Arbitration  
Dr. Horacio A. Grigera Naón

GERMANY

Deutsche Institution für Schiedsgerichtsbarkeit e.V.  
Jens Bredow

HUNGARY

Court of Arbitration attached to the Hungarian Chamber of Commerce  
and Industry  
Dr. Éva Horváth

ITALY

Chamber of National and International Arbitration of Milan  
Rinaldo Sali

JAPAN

The Japan Commercial Arbitration Association  
Norihiko Maeda

The Japan Maritime Arbitration Commission  
Takao Tateishi

KOREA

The Korean Commercial Arbitration Board  
Jong-Hee Kim  
Kxurg-Bae Kim

THE NETHERLANDS

International Arbitration Institution : Permanent Court of  
Arbitration  
Ms. Judy Freedberg

POLAND

Court of Arbitration at the Polish National Economic Chamber  
Professor dr. habil Józef Okolski

Polish Arbitration Association  
Dr. habil Tadeusz Szurski

RUSSIA

International Commercial Arbitration Court of the Chamber of  
Commerce and Industry of the Russian Federation  
Alexander Komarov  
Igor Vassilier

SWEDEN

Arbitration Institute of the Stockholm Chamber of Commerce  
Ulf Franke

SWITZERLAND

Association Suisse de l'Arbitrage  
Dr. Pierre A. Karrer  
Dr. Marc Blessing

WIPO Arbitration and Mediation Center, World Intellectual  
Property Organization  
Erik Wilbers

UKRAINE

International Commercial Court at the Ukrainian Chamber of  
Commerce and Industry  
Professor Dr. Igor Pobirchenko  
Dr. Tatyana Slipachuk

UNITED STATES OF AMERICA

American Arbitration Association  
William K. Slate II

Welcome and Introductions

The meeting was opened at 3.00pm by Mr. Ulf Franke, Acting  
President of the Federation.

He explained that he was in the chair as the President of the  
Federation, Mr. Michael Hoellering was unwell and had been unable  
to travel to Prague from New York. He said that Michael Hoellering  
would have been particularly disappointed to miss the meeting as  
Prague was the City of his birth.

Mr. Franke went on to welcome all present with a special mention to  
those who were attending their first meeting.

Members then introduced themselves in turn.

Agenda Item No.2: Adoption of the Minutes of the last Meeting

Upon a motion duly made, the Minutes of the X<sup>th</sup> General Assembly  
held in New York on 13th May 1999 were approved and adopted.

Agenda Item No. 3: Adoption of the Agenda for the Meeting

The proposed Agenda for the Meeting was presented by the Acting  
President. Upon a motion duly made, the Agenda was adopted as  
presented.

Agenda Item No. 4: Latest Arrangements for the IFCAI Conference to take place on 22 June

Dr. jur. Bohuslav Klein gave details of the Conference to be held the following day. He said that the attendance would be about 80 which was very satisfactory. The Acting President thanked Dr. Klein for all the work he had undertaken in arranging the Conference.

Agenda Item No. 5: President's Report

In the absence of the President, no report was available.

Agenda Item No. 6: Secretary-Treasurer's Report

Mr. Bertie W. Vigrass, Secretary-Treasurer, presented his report. He reminded the meeting that IFCAI had been created 16 years ago in June 1985. He said that since its formation the Federation had held five Biennial Conferences in Cairo, Milan, Hong Kong, Geneva and New York. Tomorrow's Conference would be the sixth. He said that all members who attended the New York Conference (May 1999) should have received a copy of the excellent booklet prepared by the American Arbitration Association (organisers of the Conference) which contained copies of papers presented at the Conference and other contributions.

He went on to say that there were now 83 organisations in membership of IFCAI from 47 countries worldwide. He promised to send to all members an updated version of the Directory of Members and a copy of the Governing Document with the Minutes of the Meeting.

He said that at the present time IFCAI member organisations were allocated to one of two sections -

The Institutional Section: bodies directly involved in providing day-to-day administrative support and assistance to commercial arbitration in its various forms.

The General Section: bodies with an interest in commercial arbitration but not involved in arbitration administration on a day-to-day basis.

He said that he had been directly involved in arranging the Meeting of the Institutional Section Members which had taken place in London in December 2000. The meeting had been very successful but the attendance had been disappointing. On reflection, he questioned whether there was still a need for two Sections. He felt that the new Council should review the situation.

He then turned to financial matters. He said that the reserves now stood at 46,248 US dollars and he expected this to increase to about 50,000 US dollars when the balance of the membership had paid the year 2001 Annual Subscription.

He reminded the meeting of the need to establish substantial reserves. At the present time the accounts did not reflect the true situation. The AAA had made no charge for its administrative services over a number of years and this included the President's expenses, the cost of the Newsletters, postage, communications etc. The expenses of the Secretariat had also been kept to the absolute minimum and had been subsidised personally by the Secretary-Treasurer (Bertie W. Vigrass) in several ways. It was prudent to work towards a situation where the administrative costs of the IFCAI could be covered without the need for subsidy.

He went on to say that one of the most frustrating aspects of his work as Secretary-Treasurer was the collection of the Annual Subscription. He said that quite a few members ignored the original invoice and reminders and would not respond to correspondence. At the present time, more than 30 member organisations had failed to pay the year 2001 subscription. It was difficult to establish whether some of the organisations were still active. He said that the method of payment of the Annual Subscription had been made as simple as possible. Payment could be by cheque on a New York bank; Bank to Bank payment; or by credit card.

He reminded members that following agreement at the last General Assembly the Annual Subscription had been increased from 100 US dollars to 200 US dollars and the period covered by the subscription had been changed from August to July to coincide with the calendar year, as from 1st January 2001.

He invited members to express their views on two issues -

- (i) was the increase from 100 to 200 US dollars too great?
- (ii) what action should be taken if a member organisation persistently failed to pay the annual subscription?

After a general discussion it was agreed that the 200 US dollar Annual Subscription should continue. It was also agreed that if a member organisation failed to pay the annual subscription after reminders and without satisfactory explanation, the organisation should be removed from membership.

**Agenda Item No. 7: Report by the Chairman of the Institutional Section**

Dr. M.I.M. Aboul-Enein gave a report on the activities provided for members of the Institutional Section. He said that these had started in 1998 with a special meeting in Paris. The second meeting had taken place in New York in May 1999 and the latest had been held in London in December 2000, hosted by the LCIA.

He gave details of the subjects covered at the London meeting. He said that the format of the meeting was such that there had been no formal presentations. Member organisation representatives present had been invited to suggest topics for discussion. These subjects were then grouped and allocated to the four sessions. Joint Chairmen had been appointed to each session and the subjects had been discussed in an informal manner. He said that this format had proved very satisfactory and would be adopted again at subsequent meetings of the Institutional Section.

**Agenda Item No. 8: Preliminary Discussions on the time and place for the VII Biennial Conference 2003**

The Acting President invited members to consider the venue for the year 2003 Biennial Conference and to indicate if their organisation would be interested in mounting the Conference.

Mr. Yousif Z.A.M. Zainal said that the G.C.C. Commercial Arbitration Centre would be very pleased to host the next Biennial Conference.

Dr. habil Tadeusz Szurski suggested that Germany would be an appropriate country for an IFCAI Conference. Mr. Jens Bredow said that the Deutsche Institution für Schiedsgerichtsbarkeit would be pleased to consider organising such an event if this was the wish of the IFCAI Council.

The Acting President thanked the representatives of the two organisations for their offers and said that these would be considered by the IFCAI Council and he hoped for an early decision.

**Agenda Item No. 9: Election of the President**

Introducing this item, Mr. Bertie Vigrass said that Mr. Ulf Franke had taken over the role as Acting President some months ago when it became difficult for Mr. Michael Hoellering to carry out the functions required of a President for medical reasons. He would also be presiding over the 6th Biennial Conference on the following day.

He said that the proposal was that Mr. Ulf Franke should now be appointed President as Mr. Michael Hoellering felt that it was time for a successor to be appointed.

The proposal was seconded and approved unanimously and with acclaim. Mr. Ulf Franke thanked members for their confidence and said that he was pleased to accept the appointment and would do his best to forward to interests of IFCAI.

**Agenda Item No. 10: Election of Officers and Council Members**

Introducing this item Mr. Bertie Vigrass reported that nine members of the present Council had either changed their role with their national arbitral organisation or had retired from active arbitration work. This provided the opportunity for a much needed restructuring of the IFCAI Council.

Over the years the Council had from time to time appointed members who were needed to meet particular problems of the day. As a result the Council structure had become completely unbalanced. At the present time it consisted of a President, nine Vice Presidents, two Counsellors and a Secretary/Treasurer. He said that it was now proposed that the structure of the Council should be changed to a President, five Vice Presidents, five Counsellors and a Secretary/Treasurer.

To achieve this structure it was proposed that the nine members whose role had changed with their national arbitral organisations or who had retired from active arbitral work, should now retire from the Council. The persons concerned being :-

Michael F. Hoellering  
Dr. Marc Blessing  
Antonio A. de Fina  
Hiroshi Hattori  
Mrs. P.G. Lim  
Dr. Horacio A Grigera Naón  
Dr. habil Tadeusz Szurski  
Kerry R.K. Harding  
Bertie W. Vigrass

It was further proposed that they be replaced on Council by:-

William K. Slate II  
Ms. Ann Marie Whitesell

- as Vice Presidents

Dr. Éva Horváth  
Dr. Pierre A. Karrer  
Alexander Komarov  
Antonio R. Parra

- as Counsellors



Adrian Winstanley - as Secretary/Treasurer

The Proposal was seconded by Dr. Marc Blessing and approved unanimously.

Mr. Bertie Vigrass then confirmed that the new Council, until the next General Assembly, would consist of -

President:	Ulf Franke
Vice Presidents:	Dr. M.I.M. Aboul-Enein Dr. Francis Gurry Professor Tang Houzhi William K. Slate II Ms. Ann Marie Whitesell
Counsellors:	Dr. Éva Horváth Dr. Pierre A. Karrer Alexander Komarov Antonio R. Parra Yousif Z.A.M. Zainal
Secretary/Treasurer:	Adrian Winstanley

Mr. Bertie Vigrass then put forward a further recommendation which concerned the retiring President. He said that Michael Hoellering had been directly involved with the work of the IFCAI almost from its inception 16 years ago, but since his appointment as President many years ago he had worked tirelessly to hold the organisation together through difficult periods and its strength and standing today was, to a large extent, the result of his work.

In recognition of this, he proposed that a new office be created, that of Honorary President and that Michael Hoellering be appointed to this office.

The proposal was approved unanimously and with acclaim.

**Agenda Item No. 11: Current Developments in International Arbitration : Exchange of Information**

The President (Mr. Ulf Franke) introduced this subject and invited all present to put forward issues of current importance in the field of international commercial arbitration for consideration.



There then followed a general discussion on a number of issues. No attempt was made to reach firm conclusions on any of the issues but it was agreed that several matters would be considered further by the Council and at future meetings of the Institutional Section.

Matters raised included -

Global Centre for Research into International Commercial Arbitration

Mr. William Slate gave details of the present work of the Centre including its current research projects - "Interim means of Relief" and "The Work of International Arbitrators".

Arbitral Institutions - Websites

Dr. Marc Blessing said that he had reviewed the Website of a number of the member organisations of IFCAI. He said that the quality varied considerably.

He recommended that IFCAI should set up its own Websites and also establish standards for the Websites of its members.

The President agreed that this would be considered.

Arbitrators' Fees

Dr. Marc Blessing raised the matter of arbitrators' fee levels when a tribunal consisted of arbitrators from Western Countries, Eastern European Countries and Far Eastern Countries.

A long discussion took place on this matter which confirmed the depth of the problem. The President agreed that it was a matter which would be considered at a future meeting of the IFCAI Institutional Section.

Special Reports

Several members gave up-dated information about the activities of their respective arbitral organisations including -

Dr. Éva Horváth  
(Court of Arbitration attached to the Hungarian Chamber  
of Commerce and Industry)

Wang Jie  
(China International Economic and Trade Arbitration  
Commission CIETAC)

Judy Freedberg  
(International Arbitration Institution: Permanent Court  
of Arbitration - The Hague)

Dr. Horacio A. Grigera Naón  
(ICC International Court of Arbitration)  
He said that he would shortly be leaving the ICC to take up an  
appointment in Washington.

Dr. M.I.M. Aboul-Enein  
(The Cairo Regional Centre for International Commercial  
Arbitration)

Adrian Winstanley  
(London Court of International Arbitration)  
He said that Professor Dr. Gerold Herrmann was about to be  
appointed the next President of the LCIA.

Agenda Item No. 12: Miscellaneous

There being no other business the meeting closed at 5.30pm.

*Centorlo*

*26 June 2003*