

VIIIth General Assembly of International Federation of  
Commercial Arbitration Institutions  
Hong Kong - November 22, 1995

Minutes

The VIIIth General Assembly of the International Federation of Commercial Arbitration Institutions was held on Wednesday, November 22, 1994<sup>6</sup>, at the American Club in Hong Kong. The following members were represented at the meeting:

American Arbitration Association  
Mr. Michael F. Hoellering

Arbitration Institute of the Stockholm Chamber of Commerce  
Mr. Ulf Franke

Australian Centre for International Commercial Arbitration  
Mr. Antonino de Fina

British Academy of Experts  
Mr. Michael Cohen

Beijing Conciliation Centre  
Mr. Xu Dayou

British Columbia International Commercial Arbitration Centre  
Mr. Edward Chiasson

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

Chartered Institute of Arbitrators  
Mr. Brian Green  
Mr. Kerry Harding

China International Economic and Trade Arbitration  
Commission  
Mr. Tang Houzhi  
Mr. John Zhu Jianlin

Court of Arbitration at the Hungarian Chamber of Commerce  
Dr. Eva Horvath

Court of Arbitration at the Polish Chamber of Commerce  
Dr. habil. Tadeusz Szurski

GCC Commercial Arbitration Centre  
Mr. Yousif Zainal

German Arbitration Institute  
Mr. Jens Bredow

Hong Kong International Arbitration Centre  
Mr. Neil Kaplan  
Mr. Peter Caldwell

Israeli Institute of Commercial Arbitration  
Smadar Ottolenghi

Japan Commercial Arbitration Association  
Mr. Hiroshi Hattori  
Mr. Tatsuya Nakamura

Japan Shipping Exchange, Inc.  
Mr. Takao Tateishi

Korean Commercial Arbitration Board  
Dr. Lee Soonwoo

Kuala Lumpur Regional Centre for Arbitration  
Ms. P.G. Lim

London Court of International Arbitration  
Mr. Bertie W. Vigrass

Netherlands Arbitration Institute  
*Prof. Dr.* ~~Mr.~~ Albert Jan van den Berg *Jm*

Saint Mary's Law School Centre for Arbitration  
and Conciliation  
Mr. Wayne I. Fagan

World Intellectual Property Organization  
Mr. Francis Gurry

Agenda Item No. 1: Welcome and Introductions:

The meeting was opened at 10:15 a.m. by Mr. Michael F. Hoellering, President of the Federation. Dr. M.I.M. Aboul-Enein acted as Secretary.

The President welcomed <sup>had</sup> all present, and noted that three new institutions have joined the Federation - the Beijing Conciliation Centre represented by Chairman Xu Dayou; the GCC Commercial Arbitration Centre of Bahrain represented by Secretary General Yousif Z.A.M. Zainal; and the Cour Européenne d' Arbitrage headed by Professor Mauro Rubino-Sammartano, who ~~did not~~ attend. He welcomed each of the new members and extended greetings to Dr. Lee Soonwoo, *President* Chairman of the Korean Commercial Arbitration Board, Professor Albert Jan van den Berg of the Netherlands Arbitration Institute, and Mr. Edward Chiasson of the British Columbia International Commercial Arbitration

*was unable to*

Centre, who were attending for the first time. All others present then introduced themselves and their respective institutions.

Agenda Item No. 2: Adoption of Minutes of Vienna Meeting

It was moved that the Minutes of the Interim Meeting of the Federation held in Vienna on November 1, 1994 be adopted. They were adopted with a correction to reflect the attendance of Ms. P.G. Lim, Director of the Kuala Lumpur Regional Centre for Arbitration.

Agenda Item No. 3: Adoption of Agenda of Meeting

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

Agenda Item No. 4: President's Report

The President reported that since the Vienna meeting he and others on the Council ~~were~~ *had been* occupied mostly with preparations for the Hong Kong Conference. The outline and theme of the Conference followed closely the proposal of Dr. Marc Blessing approved in Vienna, as adapted by the officers of the Institutional Section. The arrangements with the Host Organization were on customary terms, providing that the Conference would not impose any financial obligation on the Federation, but would yield a royalty to the Federation, capped at \$3,000. The arrangements for this Conference were particularly well handled and special thanks go to Peter Caldwell and his staff, whom it was a pleasure to work with. All of the papers presented at the Conference, together with the oral interventions and panels discussion ~~will~~ *would* be published in a conference book to be sent to participants and made available for purchase by the Hong Kong Centre.

The President noted that the 11th issue of the Newsletter, summarizing recent developments in international commercial arbitration and at member institutions, with a comprehensive bibliography, ~~was~~ *had been* published in February, 1995.

During the year, several member institutions ~~were~~ *had been* called upon to provide assistance and information to local groups seeking to establish or expand dispute resolution capabilities in their countries. In this regard, the Swiss Arbitration Association and the American Arbitration Association ~~have~~ *had* played a particularly active role serving as a resource to organizations in Eastern Europe, China and Latin America.

In the area of education and training, the Chartered Institute of Arbitrators ~~has~~ *had* been working independently, and in cooperation with institutional members of the Federation,

to ensure that persons holding themselves out as international arbitrators ~~are~~ <sup>had</sup> competent and well qualified for this important task. <sup>were</sup>

The President noted that he <sup>had</sup> participated in a number of recent programs which provided an opportunity to advance Federation objectives. Among them were the meetings of the International Council of Commercial Arbitration, the Inter-American Commercial Arbitration Commission, and the United Nations Commission on International Trade Law. The UNCITRAL session especially, charged with preparing Notes on the Conduct of Arbitral Proceedings, dealt with a subject of great interest to arbitral institutions. He suggested that proper input from arbitral institutions in such fora might be facilitated if the Federation obtained observer status at both UNCITRAL and WIPO. The Assembly agreed that steps to obtain accreditation to these two bodies should be undertaken.

<sup>was</sup> Noted with satisfaction was the growing cooperation between arbitral institutions in the conduct and sponsorship of educational events. Programs recently cosponsored by one or more institution included those of the London Court of International Arbitration, the Inter-American Commercial Arbitration Commission, the ICC/ICSIS/AAA Colloquium, and the upcoming ICCA Conference to be hosted by the KCAB. Also noteworthy ~~is~~ the initiative of arbitral institutions in Mexico, Canada and the United States in creating a new forum for the arbitration and mediation of private commercial disputes arising in the context of the North American Free Trade Agreement.

The President observed that so far the Federation ~~has~~ <sup>had</sup> not adopted an official logo and that, to convey a clear image of its identity, programs and publications it would seem desirable to do so as soon as possible. Mr. Gurry kindly offered the facilities of World Intellectual Property Organization in preparing a design for the Council's consideration.

<sup>would</sup> The President concluded his report by noting that Mr. Vigrass ~~will~~ <sup>would</sup> be relinquishing his responsibilities as Executive Director of the London Court at the end of the year, but ~~will~~ continue as part of the Court's leadership, which ~~is~~ <sup>was</sup> most welcome, in view of his consistently strong support of the Federation.

#### Agenda Item No. 5: Financial Report

In the absence of Paul J. Davidson, Secretary-Treasurer, the President reported that the Federation's general fund now totaled the sum of \$15,618.52, which represents an increase from \$11,847.55 since the last meeting. <sup>ed</sup> This amount consists <sup>ed</sup> of membership dues and income



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*had* from Federation conferences. A total of 42 organizations *had* ~~have~~ paid dues in 1995, an improvement even though some members continue to find it difficult to pay. So far, no expenses ~~have~~ been charged to the Federation, with the costs of printing, mailing, faxes, and publishing of the Newsletter being absorbed by the President's office. Since bank charges incurred in the transmittal of dues ~~are~~ *were* often significant, members were again urged to prepay such charges. Upon motion duly made, the financial report was adopted unanimously.

Agenda Item No. 6: Hong Kong Program Evaluation

The President introduced this subject by stating that the theme and substance of the Conference were largely the work of Dr. Blessing, so that his reaction and evaluation of the program would have been most welcome; unfortunately, he had to depart urgently for Zurich and thus could not share his impressions. In his absence, Mr. Gurry provided a Summary Report on the Conference which is attached *to these minutes.*

Agenda Item No. 7: Report of Constitutional Committee

An update on the work of the Constitutional Committee was provided by Mr. Vigrass' who raised the question of the form of Constitution needed, beyond the basic Statement of Aims currently in existence. Mr. Caldwell suggested that there should be different voting powers in the organization, as is the case in the Foreign Correspondent's Club. Miss Lim noted that the Asia Pacific Economic Council *had* ~~has~~ different classes of institutions but ~~does not have a~~ *did* constitution and wondered why the Federation should have different classes of members. *Prof. Dr.* ~~Mr.~~ van den Berg suggested that the Federation should try to improve the services of the institutions and that it would thus be preferable to limit membership to arbitral institutions. Another question raised by members was whether the Federation should be concerned with making policies. Finally, the discussion turned to whether the Federation ~~is ready for a detailed~~ *was* Constitution. In that regard, the President quoted from a letter by Dr. Blessing expressing doubts about the need for a formal Constitution since openness and flexibility might best be preserved without such a document. In Dr. Blessing's view, a no-rush broadly inclusive effort should guide the Federation in considering the matter. Mr. Fagan pointed out that ADR users should also be given an opportunity to be heard so as not to feel that they ~~have not~~ *had* been served. The discussion concluded with the understanding that the work of the Constitutional Committee would continue and that all members will be invited to comment on the Memorandum and draft Constitution distributed at the meeting by Mr. Vigrass, *by the end of February 1996. a further draft would then be prepared by the Constitutional Committee for consideration by the Council prior to the next meeting of the Federation.*

#### Agenda Item No. 8: Election of Officers

The President next called for the election of officers.

Upon nominations duly made and voted, the following were elected to serve on the Federation's Council:

Michael F. Hoellering	President
Dr. M.I.M. Aboul-Enein	Vice President
Dr. Marc Blessing	Vice President
Prof. Rafael Eyzaguirre	Vice President
Mr. Antonino A. de Fina	Vice President
Mr. Francis Gurry	Vice President
Mr. Hiroshi Hattori	Vice President
Ms. Phalk Gan Lim	Vice President
Dr. habil Tadeusz Szurski	Vice President
Lic. Eduardo Garcia Villasenor	Vice President
Mr. Bert W. Vigrass	Secretary-Treasurer
Mr. Michael Cohen	Councillor
Mr. Ulf Franke	Councillor
Mr. Tang Houzhi	Councillor

Elected to lead the Institutional Section were Dr. M.I.M. Aboul-Enein, Chairman; Mr. Ulf Franke, Deputy Chairman; and Mr. Francis Gurry, Vice-Chairman. Dr. Marc Blessing, was re-elected as Chairman of the Specialist Section.

With an expression of appreciation for his past service to the Federation, Paul J. Davidson was elected as Honorary Secretary-Treasurer.

#### Agenda Item No. 9: Next Meeting

It was moved that the next Interim Meeting of the Federation be held in conjunction with the ICCA Congress, in Seoul. The meeting, which <sup>would</sup> ~~will~~ include a closed door session devoted to the airing of institutional concerns, ~~will~~ <sup>would</sup> be held on Wednesday, October 9 at 3:00 p.m. under the auspices of the Korean Commercial Arbitration Board.

#### Agenda Item No. 10: Other Business

Mr. Wayne I. Fagan suggested the publication of a current list of Federation members. He remarked that the Centre for Conciliation and Arbitration, School of Law, Saint Mary's University hosted a Conference in San Antonio on arbitration and ADR techniques where 17 countries and 114 individual attendees participated representing different international organizations and private sectors from all over the world, which the Centre expected to repeat every two years. He advised that the Centre would be prepared to host the next IFCAI Conference in San Antonio.

The President noted that so far, informal expressions of interest to host an IFCAI Conference <sup>had been</sup> ~~were~~ received from member institutions in Germany, Greece, Poland, and Switzerland. He suggested that more definite proposals would be welcome, so that a considered decision <sup>could</sup> ~~can~~ be made at the Seoul meeting.

There being no other business, the meeting was adjourned at 12:15 p.m.