

MINUTES OF THE 17th IFCAI GENERAL ASSEMBLY
held at Hotel Adlon Kempinski, Berlin Germany, at 4,30 pm, 16 May 2011

PRESENT

Diana Droulers (President) (Caracas Chamber of Commerce – Venezuela)
Stefano Azzali (Milan Chamber of Arbitration – Italy)
Adrian Winstanley (LCIA – England)
Jens Bredow (DIS – Germany)
William K Slate II (AAA – USA)
Milanka Kostadinova on behalf of N. Ziadè (ICSID – USA)
Alexander Komarov (ICAC – Russia)
Li Hu on behalf of Yu Jianlong (CIETAC and CMAC – China)
Ahmed Al-Najem (GCC – Bahrain)
Radek Pokornì (Arbitration Court – Czech Republic)
Alexander Mares (Arbitration Court – Czech Republic)
Mohamed Abdel Raouf (CRCICA – Egypt)
Karl. Graun (SHIAC – Egypt)
Nicki Alvey (Chartered Institute of Arbitrators – England)
Paula Paloranta (Board of Arbitration – Finland)
Klaus Hanebuth (Waren-Verein – Germany)
Chiann Bao (HKIAC – Hong Kong)
Tatsuya Nakamura (JCAA – Japan)
Kim Min Kyoo (KCAB – Korea)
Brooks Daly (Permanent Court of Arbitration – the Netherlands)
Marek Furtek (Court of Arbitration – Poland)
Crenguta Leaua (International Commercial Arbitration Court – Romania)
Flavius A. Baias (International Commercial Arbitration Court – Romania)
Rainer Fueg (ASA and Swiss Chambers' Court – Switzerland)
Mykola. Selivon (International Commercial Arbitration Court – Ukraine)

1. WELCOME AND INTRODUCTION

1.1 The President thanked all those present for attending the 17th General Assembly.

2. APOLOGIES FOR ABSENCE

2.1 M. Sindler, W. Melis, G. Keutgen, R. B. Gutierrez, A. Čavlina, S. Pihlblad, I. A. Ibrahim, F. Arradon, M. Rubino Sammartano, J. Fry, L. Kecskés, S. Usmani, A. Thomas, M. Ferrante, S. Aoto, B. Pillay, Y. Quiroz, P W van Baal, S. Lebedev, D. Mitrovic, A. Magnusson, M. Wirth, Minn Naing Oo, A. El Behi, J. Huse and H. Talhuni communicated their impossibility to attend this meeting.

3. ADOPTION OF THE MINUTES OF THE 16TH GENERAL ASSEMBLY, HELD IN RIO DE JANEIRO ON 26 MAY 2010

3.1 The minutes of the 16th General Assembly, held in Rio de Janeiro on 26 May 2010 and circulated on 29 July 2010, were considered by the attendees to be an accurate record, except for a little amendment to be made at para. 6.5 (“IFCAI activity”) at page 3 (the part “*like for example Bogotá*” was deleted). The minutes so modified were approved by the Assembly.

4. APPOINTMENT OF A NEW IFCAI COUNCIL OFFICER

4.1 The President reported that Mr Elaraby, because of his appointment as the head of the Arab League, had to be substituted by a new counsellor.

4.2 Making reference to the Section E.4 of the Constitution, the President reported that, after a long discussion, Council members decided to propose the name of Mr Abdel Raouf, Acting Director of CRCICA.

4.3 The General Assembly, with an unanimous vote, elected Mr Abdel Raouf. The President expressed her congratulations and welcomed him on board.

5. FINANCES AND MEMBERSHIP

5.1 At the President’s invitation, the Secretary Treasurer updated the Assembly on IFCAI’s finances and membership.

5.2 The Secretary Treasurer reported that, as at May 2011, IFCAI’s bank account stood at approximately US\$ 98.000.

5.3 He tabled a report on membership, as at the date of this meeting, showing 43 fully paid-up members, with another 11 whose membership fees were outstanding for the current year only.

5.4 The following new members were included: Centro de Arbitraje y Conciliación of the Chamber of Commerce of Bogotá, Madrid Court of Arbitration (whose subscription fee is in course of execution) and LCIA India.

5.4 The Belgium Centre INIA and the Maritime Arbitration Association from Italy ended their membership.

6. IFCAI CONSTITUTION

6.1 The President reported that, as far as the IFCAI Constitution is concerned, a lot of work has been done, thanks to the effort of the Constitution Committee coordinated by Mr Slate.

6.2 At the President’s invitation, Mr Slate provided the attendees with a general picture of the amended version of the Constitution.

6.3 In section A, the reference to the training of arbitrators (mentioned in the existing Constitution) was deleted.

6.4 In section B (“IFCAI structure and organization”), point 2.b, the word “appointment” was replaced with the word “election”.

6.5 As for Section C (“Meetings and the decision-making process”), a specific quorum for the General Assembly meeting was added.

6.6 After a long discussion about the division in the membership mentioned in section C points 1, 2 and 3 of the existing Constitution (never applied in practice), it was decided not to specify any membership section and to add a reference to the *“organisations working to promote international arbitration and ADR which share IFCAI’s objectives and aims”* in the new Section D point 1. In this section, a new point (D.2) including some criteria for applying for membership has also been added.

6.7 Section D.4 of the existing Constitution was deleted (nowadays IFCAI does not have a newsletter and there is no concrete plan to create one).

6.8 In section E (“Services to members”) a new point (E.4) dealing with the communication of all meetings to the members was added.

6.9 Mr K. Graun from SHIAC asked whether it is always necessary to submit a request to the Council before using IFCAI logo. The President reminded that, for advertising reasons, the use of IFCAI logo associated to conferences, seminars or meetings organized by members, must be authorized by the Council. For this reason, a section dedicated to IFCAI logo was included in the Constitution.

6.10 As to section G (“Amendments”), a new point (G.2) regarding the timing of the notice of any proposed changes to the Constitution was also included.

6.11 In conclusion, Mr. Slate stated that 85% of the Constitution remained as it was. The Secretary Treasurer also commented that IFCAI Constitution has a very light and flexible structure and, for these reasons, many articles are not very detailed.

6.12 At the President’s invitation, members approved the new Constitution.

7. IFCAI ACTIVITIES

IFCAI Institutional Arbitral Awards Survey

7.1 The Secretary Treasurer thanked all members for the efforts spent in the research activity and illustrated the provisional data so far collected by 183 answers.

7.2 Approximately 10 institutions answered that they are not able to contact the counsels, while other few institutions expressed their intention not to answer at all.

7.3 Answers from the ICC, ICDR, Korean Centre and Swiss Chambers are still missing and the Assembly expressed its hope to receive them in the very near future, doubling the number of answers so far collected.

7.4 Depending on the outcome of the survey, it may be advisable to find a professional publisher available to publish this study.

8. DATE OF NEXT MEETINGS

8.1 The next Biennial Conference (the 11th) will be held in Caracas (Venezuela) on March 2013.

8.2 The Secretary Treasurer announced that the 18th General Assembly will be held in Singapore on the occasion of the next ICCA meeting (from 10 to 13 June 2012).

9. CLOSE OF MEETING

9.1 There being no further business, the meeting was declared closed at 6.00 pm.

President

Date