



MINUTES OF THE 18th IFCAI GENERAL ASSEMBLY

held in Singapore

Maxwell Chambers

11 June 2012, 5.30pm

PRESENT

Diana Droulers (President) (Caracas Chamber of Commerce – Venezuela)
Stefano Azzali (Milan Chamber of Arbitration – Italy)
Fernandez Ballesteros (Madrid Court of Arbitration – Spain)
Meg Kinnear (ICSID – USA)
Anthony Abrahams (Chartered Institute of Arbitrators – England)
Nicki Alvey (Chartered Institute of Arbitrators – England)
Masaharu Onuki (JCAA – Japan)
Rainer Fueg (ASA and Swiss Chambers' Arbitration Institution – Switzerland)
Mohamed Abdel Raouf (CRCICA – Egypt)
Nina Berggren (SCC – Sweden)
Ahmed Al-Najem (GCC – Bahrain)
Daisoo Kweon (KCAB – Korea)
Doug Jones (ACICA – Australia)
Erik Wilbers (WIPO – Switzerland)
Jason Fry (ICC – France)
Anton Baier (VIAC – Austria)
Guenther Horvath (VIAC – Austria)
Nikolaus Pitkowitz (VIAC – Austria)
Adrian Winstanley (LCIA – England)
Zhujun Qu (CIETAC – China)
Xinjia Yin (CIETAC – China)
Steffen Pihlblad (Danish Institute of Arbitration – Denmark)
Jesper Lett (Danish Institute of Arbitration – Denmark)
Soegaard-Christensen (Danish Institute of Arbitration – Denmark)
Minas Khatchadourian (QICCA – Qatar)
Adriana Aravena-Jokelainen (Arbitration Institute of FCC – Finland)
Przemyslaw Krzywosz (Lewiatan Court of Arbitration – Poland)
Nassib Ziadé (DIAC – United Arab Emirates)
Chiann Bao (HKIAC – Hong Kong)

1. WELCOME AND INTRODUCTION

- 1.1 The President thanked all those present for attending the 18th General Assembly.
- 1.2 Everybody introduced themselves.

President: Diana C. Droulers - Secretary-Treasurer: Stefano Azzali
Vice Presidents: Mohamed Abdel Raouf; Yu Jianlong; William K Slate II; Adrian Winstanley
Councillors: Jens Bredow; Abdelwahab El Behi; Annette Magnusson, Minn Naing Oo; Yaneth Quiroz;

2. ADOPTION OF THE AGENDA

The Agenda for the General Assembly, which had been circulated earlier and was now tabled, was adopted by unanimous agreement.

3. MINUTES OF THE 17TH GENERAL ASSEMBLY

The minutes of the 17th General Assembly, held in Berlin, Germany on 16 May 2011 and circulated on 13 March 2012, were considered by the attendees to be an accurate record and were approved by the Assembly and signed by the President.

4. APPOINTMENT OF NEW IFCAI COUNCIL OFFICERS

4.1 The President thanked the three members stepping out:

- Alexander Komarov, Vice President (Former ICAC President – Russia)
- Jason Fry, Vice President (Outgoing ICC Secretary General – France)
- Nassib Ziadé, Councillor (Former ICSID Deputy Secretary General – USA)

4.2 Making reference to the Section E.4 of the Constitution, the President reported that the Council has sought diligently to comply with its mandate and has examined the 10 candidates proposed by IFCAI members (in response to the Secretary Treasurer's email inviting nominations), considering due regard to a balanced international representation and to the institutional experience and service to the IFCAI mission, as well as to the candidate profile and to the seniority of membership of the represented Institution.

4.3 The President reported that, after a long discussion and a lively debate, Council members decided to propose the following candidates to the General Assembly for the election to the Council:

- as Vice President, Meg Kinnear (Secretary General of ICSID – USA)
- as Councillor, Doug Jones (President of ACICA – Australia)
- as Councillor, Andrea Carlevaris (Incoming ICC Secretary General – France)

4.4 Taking into account that Doug Jones and Andrea Carlevaris have been appointed in their office only very recently, the Council has also proposed to appoint them as Councillors while upgrading Annette Magnusson (current IFCAI Councillor) to the charge of Vice President, so that all the vacant positions can be filled.

4.5 These proposals were unanimously agreed by the Assembly, which duly appointed the new Officers for an initial four-year term (except for A. Magnusson, who has just changed her office), effective at the conclusion of this General Assembly.

4.6 The President expressed her congratulations and welcomed the new Officers on board.

4.7 The remaining nominees can surely represent an excellent slate of candidates to be proposed during next election process, scheduled for March 2013.

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 1st June 2012, IFCAI's bank account stood at approximately US\$ 74,133.

5.3 As at the date of this meeting, there were 55 fully paid-up members (2 of these membership fees have not reached IFCAI bank account yet), with another 3 whose membership fees were outstanding for the current year only.

5.4 The following new members were included in the paid-up 55: the Kuwait Mediation and International Arbitration Chamber; the Lewiatan Court of Arbitration from Poland; the Qatar International Center for Conciliation & Arbitration.

5.5 The subscription of the Arab Chamber of Conciliation and Arbitration (Egypt) was outstanding for 2011 and 2012 and it will be, according to the Constitution, struck off.

6. IFCAI WEBSITE

The President reported that the IFCAI website is under complete reconstruction because the previous version showed various lacks and did not meet the member's needs. Further updates will follow soon.

7. IFCAI ACTIVITIES

Institutional Arbitral Awards Survey

The President updated the Assembly on the recent work related to IFCAI Institutional Arbitral Awards Survey (see enclosure).

IFCAI Secretary

The General Assembly wishes to express its thanks to Lucia Santucci, the Secretary Treasurer's assistant, whose excellent work has ensured the good running of the Federation during these recent years.

Since the costs related to this resource should not be covered solely by the Institution who is in charge with the Secretary of the Federation, the General Assembly has agreed, under the Council's proposal, to approve a budget to be used for secretarial assistance. Such budget might be allocated starting either from now or from the next IFCAI meeting.

IFCAI membership fee

According to the Council, it may be time to increase the membership fee to USD 300 starting from 2013. This issue shall be discussed during next Council to be held in Washington on 1 November 2012.

Proposals by the members

The Secretary Treasurer invited the members to bring their proposals – either today or during the very next future - for IFCAI future activities to the General Assembly.

- Jason Fry (ICC) proposed the topic of insurance for institutions and arbitrators (related to the effect to the so called “liability exclusion clause”).
- Miguel Angel Ballesteros (Madrid Arbitration Court) suggested to deepen the do’s and don’ts in institutional arbitration (for example, the quality criteria to be a “good” institution), and eventually to draft a code of conduct for institutions.
- Mohamed Abdel Raouf (CRCICA) recommended the theme of the challenge of the arbitrator (with particular reference to the conflict of interest).
- Przemyslaw Krzywosz (Lewiatan Court of Arbitration) stated that the Federation should collect data regarding the number of arbitrations administered by each member to give a general picture of the spread of arbitration all over the world.
- Guenther Horvath (VIAC) proposed to compare the cost of institutional arbitration and ad hoc arbitration.
- Minas Khatchadourian (QICCA) stressed the importance to develop a social responsibility role of IFCAI to educate new countries.
- Meg Kinnear (ICSID) suggested to develop a concrete and reciprocal organizational catalogue of useful service providers (i.e. interpreters, transcribers, etc.), as well as a basic time-keeping app for arbitrators which could both be put and shared on IFCAI website.
- Adrian Winstanley (LCIA), Miguel Angel Fernandez Ballesteros (Madrid Court of Arbitration), Jason Fry (ICC), Meg Kinnear (ICSID), Guenther Horvath (Austrian Arbitral Centre), and Erik Wilbers (WIPO) stressed the importance to collect data and statistics of core proceedings to be compared with data of arbitration proceedings.

8. DATE OF NEXT MEETINGS

12th Biennial Conference

The President recommended to change the location of the 12th Biennial Conference from Caracas to Isla Margarita, where appropriate structures and premises will better suit the needs of the conference.

The date of the Biennial Conference will be, as already agreed, **March 14** (all day) and **March 15** (only morning), **2013**. Venue and more details shall follow.

With reference to the subject of the conference, the President reported that the Council agrees to focus on a subject able to attract users from all over the world, and in particular from Latin America. For this reason, the topic chosen is "Innovation in arbitration and the role of institutions". The topic seems sufficiently broad to cover "hot" topics such as third parties funding, emergency arbitrators, etc. This proposal is supported unanimously by the Assembly

19th General Assembly

The President reminded that the 19th General Assembly will be held on the occasion of the 12th IFCAI Biennial Conference in Venezuela, Isla Margarita; exact date and time to be advised by the Secretary Treasurer nearer the time.

9. CLOSE OF THE MEETING

There being no further business, the meeting was declared closed at 6.30 pm.

President

Date