

MINUTES OF THE 20th IFCAI GENERAL ASSEMBLY

held in Miami, USA

April 7, 2014, 5.30 pm

PRESENT

Diana Droulers - President (Caracas Chamber of Commerce – Venezuela)
Stefano Azzali - Secretary Treasurer (Milan Chamber of Arbitration – Italy)
Doug Jones (ACICA – Australia)
Guenther Horvath (VIAC – Austria)
Manfred Heider (VIAC – Austria)
Nassib Ziadé (BCDR-AAA – Bahrain)
Alexandr Mares (Arbitration Court – Czech Republic)
Steffen Pihlblad (Danish Institute of Arbitration – Denmark)
Mohamed Abdel Raouf (CRCICA – Egypt)
Anthony Abrahams (Chartered Institute of Arbitrators – England)
Adrian Winstanley (LCIA – England)
Andrea Carlevaris (ICC – France)
Francesca Mazza (DIS – Germany)
Chiann Bao (HKIAC – Hong Kong)
Hiroshi Yokokawa (JCAA – Japan)
Daisoo Kweon (KCAB – Korea)
Alexey Kostin (International Commercial Arbitration Court and MAC – Russia)
Lim Seok Hui (SIAC – Singapore)
Annette Magnusson (Arbitration Institute – Sweden)
Alexander McLin (ASA – Switzerland)
India Johnson (AAA – USA)
Richard Naimark (AAA – USA)
Milanka Kostadinova (ICSID – USA)
Meg Kinnear (ICSID – USA)

Guest:

George Hyzler (Malta Arbitration Centre – Malta)

1. PRESIDENT'S WELCOME

The President thanks all those present for attending the 20th General Assembly.

2. ADOPTION OF THE AGENDA

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

3. MINUTES OF THE 19th GENERAL ASSEMBLY

The minutes of the 19th General Assembly, held in Caracas, Venezuela, on March 13, 2013 and circulated on July 3, 2013, are considered by the attendees to be an accurate record and are approved by the Assembly and signed by the President.

4. FINANCES AND MEMBERSHIP

At the President's invitation, the Secretary Treasurer updates the Assembly on IFCAI's finances and membership.

4.1 The Secretary Treasurer reports that, as at April 1, 2014, IFCAI's bank account stood at US\$ 74.289,56. This amount is quite stable with regards to the same period of last year.

4.2 As at the date of the present meeting, there are 57 members of the Federation. As to the subscription fees, there are 49 fully paid-up members and 8 whose subscription is outstanding only for 2013. The Tunis Center for Conciliation and Arbitration and the Chambre Arbitrale Maritime de Paris have ended their membership.

4.3 As far as the expenses are concerned, the Secretary Treasurer reports that, as at March 31, 2014, the Federation has borne Lucia Santucci's travel costs to Miami, the Survey Monkey fee for 2014 (to keep the data of the 2011 IFCAI survey), and the 2013 reimbursement for the Milan Chamber of Arbitration's secretarial activities.

5. REVISION OF THE CONSTITUTION

5.1 The Secretary Treasurer illustrates the new wording of the draft of the Constitution which has been distributed during the current meeting. The major modifications brought to the previous version circulated via email on March 19, 2014, regards the appointment of the Council Officers; the Secretary Treasurer underlines that, with these amendments, the process carried on by the Nominating Committee (which will be composed by members both from the Council and the General Assembly) will be more open and the General Assembly will have a more active role in the election of new Council Officers.

5.2 More specifically, the Council proposes to erase clause 2(g) and 2(l) and to amend clause 2(h) and 2(i) as follows:

- 2(h) An ad hoc Nominating Committee will be established to produce, in consultation with the President, a slate of candidates for election to the Council, having due regard for a balanced international representation. This committee will comprise of three members chosen by the Council from sitting Officers and/or members of the General Assembly, provided that no member of this committee shall be eligible for inclusion among the candidates put forward by the committee. IFCAI Members will be invited to propose candidates for election.
- 2(i) The Nominating Committee will present a slate of candidates to be voted upon by Members present in the General Assembly. Elections shall be determined by a simple majority of the votes cast for the entire slate or for individual candidates.

5.3 For the sake of clarity, Anthony Abrahams from CIArb proposes to add the word "consecutive" in clause 2(d) with reference to the election of one further 4-year term.

5.4 The General Assembly agrees on the amendments proposed and approves the final version of the Constitution. This new version will be circulated in due course.

5.5 Francesca Mazza from DIS asks clarification as to the individual representation of the Council. The Secretary Treasurer clarifies that the appointment of the Council Officers is on an individual basis and not related to the institution; if a Council Officer resigns from his/her institution and is appointed as senior officer in another institution member of IFCAI, he/she still has the right to seat in the Council. Otherwise, the attendants in the General Assembly represent their institution.

6. SPONSOR OF ICCA MIAMI 2014

The President reminds that, as cooperating organization of ICCA Miami 2014, IFCAI is listed in the Congress' booklet. The collaboration with ICCA is a non-financial sponsorship. She stresses that this is a good starting point to have a public relevance, and IFCAI could think about similar cooperation for the future.

7. IFCAI 13th BIENNIAL CONFERENCE

7.1 The President reports that Nassib Ziadé has offered BCDR's support to organize next Biennial Conference in Bahrain. She underlines that the venue of the Conference is selected because of the region IFCAI wants to leave its message to, and the area of the Gulf could be a good location to spread the message of institutional arbitration. The Secretary Treasurer reports that the Council thinks that this venue is, for the time being, more convenient for our purpose than the others proposed by LCIA (London) and HKIAC (Hong Kong).

The General Assembly agrees that, at present, the intervention of IFCAI is more needed in the Gulf than in other areas: the Federation could deliver a message to the several new institutions based in the Gulf as well as achieve one of the main goal of IFCAI. The Secretary Treasurer also suggests to make a list of the best practices that could be useful to be dealt with (i.e. appointment of the arbitrators, independence and impartiality, etc.) in order to show the crucial issues on which each institution should be measured. This Conference could also be a good moment to propose to the institutions of this area to become IFCAI members.

7.2 Nassib Ziadé from BCDR stresses that Bahrain would be a good venue for the following reasons:

- (i) IFCAI has never organized its Conference in the Gulf area;
- (ii) there are many arbitral institutions in this area;
- (iii) there will be a lot of cases coming from this part of the world as a result of the Arab Spring;
- (iv) BCDR will assure very good logistic arrangements.

8. IFCAI ACTIVITIES

IFCAI website

8.1 Lucia Santucci shows the layout of the new IFCAI website and illustrates its structure: it will be a hub for members and non-members to get information concerning the IFCAI network and it will be easy to access. She also reminds that the members will have the possibility to put online information regarding their international events and it will be important to feed the website by providing these information duly on time. Any suggestion from IFCAI members is welcome. An update on the work done will be given during next months.

Other proposals

8.2 Mohamed Abdel Raouf from CRCICA proposes to collect and upload the pathological clauses of each institution on the reserved area of the IFCAI website. The Secretary Treasurer remarks the difficulty of following up after the lively exchange of ideas during the IFCAI meetings and asks Mohamed Abdel Raouf to offer himself as volunteer to follow this project. Mr. Raouf accepts and will collect the pathological clauses. Guenther Horvath from VIAC further suggests to send a reminder every three months in order to inform IFCAI members that they can send their contributions. The Secretary Treasurer agrees on this proposal and will take care to send the reminders.

8.3 The Secretary Treasurer informs the General Assembly that, during last Council in Paris, it was proposed to start collecting information regarding the insurance coverage for arbitrators and/or institution, but, except for Chiann Bao from HKIAC, no other information was received. He stresses the importance, before talking of an insurance for IFCAI as a Federation, to gather information especially from the centres who do have a coverage and have experience in this field; smaller institutions might find better circumstances and might be able to negotiate with IFCAI as a block. The Secretary Treasurer thinks it could be useful to draft a template with few questions to start collecting these information; of course, all the information will be collected on a confidential basis. Chiann Bao from HKIAC underlines that it would be important to understand how many people would actually need to be covered by an insurance; she also reminds that there are regional and national issues that could add difficulties to negotiate a single insurance for all IFCAI members. The President states that this project does not aim at getting an insurance coverage for all IFCAI members, but at using IFCAI's network to share information and to facilitate this process for the members (one of main IFCAI's goal).

8.4 The Secretary Treasurer states that, during last Council in Paris, it was also discussed the idea to guarantee preferential rates to the staff members of the institutions part of IFCAI in case of their participation to training activities of another IFCAI member. He further states that, if this is done on a reciprocal basis, it might be a good way to encourage young people to attend events that may be too expensive for their institution. The President and the Secretary Treasurer agree on sending a template to the members to check who is available to guarantee these rates.

9. DATE AND PLACE OF NEXT MEETINGS

9.1 21th General Assembly

The next General Assembly will take place in Bahrain on the occasion of the 13th IFCAI Biennial Conference (March/April 2015). Further details shall follow in due course.

9.2 13th Biennial Conference

The 13th IFCAI Biennial Conference will be held in Bahrain on March/April 2015 with the support of BCDR-AAA. Further details shall follow in due course. Ms Chiann Bao confirms that HKIAC will be glad to host the Biennial Conference in fall 2017.

10. OTHER BUSINESS

10.1 Adrian Winstanley from LCIA raise the topic of the Emergency Arbitrators to exchange views with other IFCAI members. He asks to the members who have an Emergency Arbitrators service if this is genuine, that is if they really provide arbitrators who are on duty 24/7. Some members who have the Emergency Arbitrators service, state that this does not create the expectation to have an arbitrator available 24/7 and, anyway, they have experienced no case so far.

11. CLOSE OF THE MEETING

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

President

Date