

MINUTES OF THE MEETING OF THE IFCAI COUNCIL

held at Hotel Adlon Kempinski, Berlin, Germany, at 2,30 pm, 16 May 2011

PRESENT

Diana Droulers (President)
Stefano Azzali
Adrian Winstanley
Jens Bredow
William K Slate II
Milanka Kostadinova on behalf of N. Ziadé
Alexander Komarov

1. **PRESIDENT'S WELCOME**

The President thanked all those present for attending.

2. **APOLOGIES FOR ABSENCE**

Annette Magnusson, Jason Fry, A. El Behi, Yaneth Quiroz, Minn Naing Oo and Yu Jianlong communicated their impossibility to attend this meeting.

3. **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous Council meeting, held in Paris (France), on November 16, 2010, and circulated on February 18, 2011, were approved by the Council and signed by the President.

4. **IFCAI CONSTITUTION**

The President thanked the steering Committee for the precious work made to revise the Constitution during last years.

Mr Slate illustrated the amendments proposed for the new Constitution (which draft has been circulated among Council members), reserving a wider analysis for the General Assembly.

In terms of changing words: A 4 (d) about "the field of arbitration and ADR" referring to all forms of ADR. 85% of the Constitution remains as it is and it is simply restructured differently.

A few changes have to be done in new B2(b), also because it has been decided to put a final point on what reappointment means. So the word "reappoint" has been substituted with the word "election", both in the par. B2 (b) and B2 (c).

5. CANDIDATES FOR ELECTION TO THE COUNCIL

5.1 The Secretary Treasurer and the President have collected some names of possible candidates to replace N. Elaraby who will be no longer a member of IFCAI Council (because of his appointment as chairman of the Arab League). The Secretary Treasurer reminded that, according to the Constitution in force in that moment, the Council serves as appointing committee, and the election is a task reserved to the Assembly.

5.2 The Secretary Treasurer informed that the names of possible candidates were the following: Ms. Chiann Bao (Secretary General of Hong Kong International Arbitration Centre), Mr. M. Nasri (President of SHIAC in Egypt), Mr. A.A. El Adhab (President of the Arab Association for International Arbitration) and Mr. M. Raouf (acting Director of the Cairo Regional Centre for International Commercial Arbitration).

The selection should be made taking in consideration the necessity of the geographical balance among the Council members origin.

5.3 With reference to the election process, the Council wonders whether Ms. M.Kinnear should automatically take Mr Ziadè's place because of his imminent resignation from ICSID.

The Secretary Treasurer stressed that there is no seat reserved for any institution and, therefore, Mr. Ziadè should simply resign from the Council in order to start the election process in accordance with the Constitution.

6. FINANCES AND MEMBERSHIP

6.1 At the President's invitation, the Secretary Treasurer updated the meeting on IFCAI finances and membership.

6.2 As at May, 2011, the IFCAI account stood at approximately US\$ 84.000.

6.3 At the date of this meeting, there were 43 fully-paid members of IFCAI, with another 11 whose membership fees were outstanding for the current year. Finally there were two members who ended their membership (INIA – Belgium and Mediterranean Maritime Arbitration Association – Italy).

6.4 The following institutions are new IFCAI members: LCIA (India), Centro de Arbitraje y Conciliación Bogotá (Colombia) and Madrid Court of Arbitration (Spain).

6.5 The President informed The Council that she will solicit two more Latin American centres to adhere in the future to our Federation (Santa Cruz, Bolivia and Santiago Chile).

7. RESEARCH COMMITTEE

7.1 At the President's invitation, the Secretary Treasurer – as coordinator of the Research Committee – updated the meeting on the research activity on institutional arbitral awards rendered in 2008.

7.2 So up to now one hundred and eighty three (183) answers have been collected. There are some Institutions that have stated to be unable to contact the counsels involved in the 2008 proceedings. There are ten (10) institutions that never replied.

7.3 In order to collect some more answers, it has been decided to post pone the deadline to July 1st.

7.4 Mr Slate mentioned a research conducted by AAA among a group of leading arbitrators around the world (55 arbitrators). Through the research they put some questions to the practitioners as: does an Institutional award have a greater likelihood of being enacted without going into a Court (than an ad hoc award)? The answers were positive for roughly 66%.

7.5 The Secretary Treasurer suggested to ask to some international editor their interest to publish our research. There have been suggested to do a sort of “fishing expedition”, possibly by our President, with Kluwer, ASA or others. Finally, the data can be surely published on each Institutions’ website.

7.6 The decision about where and when the outcome of the research will be published will be taken at the next IFCAI Council meeting.

7.7 The Council also decided that the person in charge with the research (Ms. Cristina Della Moretta) has to continue to work on the survey until its end. For this purpose, they have given her a time period extension to the end of September 2011.

8. IFCAI WEBSITE: UPDATE

8.1 The President illustrated the news about the IFCAI Website focusing on the addition of the “private area” in which right now are posted the news about IFCAI Council meetings, General Assembly, and the relevant minutes, and the financial statement. Every Institution is going to be able to get into the private area with a personal password that will be circulated soon.

8.2 In case of an Institution stepping down, the password shall expire.

9. IFCAI PUBLICATION POLICY

The President stated that IFCAI logo can be used according to the written permission of the Council and of course under the provisions of the Constitution.

10. DATE AND PLACE OF NEXT MEETINGS

10.1 The Council decided to organize its next meeting in New York on **November 17, 2011** (at 1.00 p.m.) on the occasion of the so-called “Triple Colloquium”.

10.2 The Council also proposed Caracas as the venue of next IFCAI Congress in March 2013.

11. CLOSE OF MEETING

There being no further business, the meeting was declared closed at 4.30 pm.

President

Date