

MINUTES OF THE MEETING OF THE IFCAI COUNCIL

held in New York City, USA
American Arbitration Association
At 3.00 pm on November 17, 2011

PRESENT

Diana Droulers (President)
Stefano Azzali
Adrian Winstanley
William K Slate II

as guests:

John Beechey for ICC
Meg Kinnear for ICSID

1. PRESIDENT'S WELCOME

1.1 The President thanked all those present for attending.

2. APOLOGIES FOR ABSENCE

2.1 M.Raouf, J.Fry, Y.Jianlong, J.Bredow, A.El Behi, Y. Quiroz, A.Magnusson, M.Naing Oo communicated their impossibility to attend the meeting.

3. MINUTES OF THE PREVIOUS MEETING

3.1 The Minutes of the Council meeting held in Berlin (Germany), on May 16, 2011, circulated on November 2, 2011, were approved by the Council and signed by the President.

4. FINANCES AND MEMBERSHIP

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

4.2 As at November 2011, the IFCAI account stood at approximately US\$ 99.000.

4.3 At the date of this meeting, there were 49 fully-paid members of IFCAI, with another 7 whose membership fees were outstanding for the current year only.

4.4 LCIA India and Madrid Court of Arbitration were included in the fully-paid 49 members.

4.5 Finally, there were 2 members who have been struck off for non-payment of subscriptions: Mediterranean Arbitration Council from Tunisia and Yemeni Centre for Conciliation and Arbitration.

4.6 Applications for membership have been filled by Lewiatan Court of Arbitration (Poland), and Kuwait Mediation and International Arbitration Centre, while other institutions have expressed their interest in joining IFCAI: the Chinese Arbitration Association, Taipei, ("endorsed" by Cietac), Kuala Lumpur.

5. IFCAI INSTITUTIONAL ARBITRAL AWARDS SURVEY

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

5.2 The first phase of the research is terminated. Up to now, 275 answers have been collected from arbitral proceedings (both domestic and international) involving 27 different rules and arbitration law. Considering the number of awards rendered in the arbitral proceedings administered by the 27 arbitral institutions who gave their answers in the second part of this phase of the research (and not all the 38 institutions who participated only in the very first part), the percentage of the data collected is 4,5%.

5.3 A draft of the survey has been circulated among Council members. At a first look, the "destiny" of institutional arbitral awards does not seem very positive. The picture does not correspond to each arbitral centre's experience related to its awards (where, for example, the voluntarily execution of the awards is higher). The data collected do not reflect the "real" distribution of arbitration around the world today (some of the most active Regions in arbitration are not properly represented, as well as information by some major arbitral centres are missing).

5.4 For all these reasons, the Council has decided to move to the 2nd phase of the survey:

- extending the SurveyMonkey access to our researchers;
- revising (and updating with the last answers received) the data collected;
- organizing such data in breakdowns by Region (using the World Bank definition of "Regions");
- contacting directly the institutions that have answered to our survey for a more detailed follow up and for a second collection of information;
- contacting the major institutions in the Regions not properly represented in the Survey for the collection of data.

The purposes of the second phase should be the collection of an higher number of questionnaires, a wider and more detailed collection of information, the understanding of possible relationship between execution of awards and arbitration-friendly Regions.

5.5 In order to conduct the 2nd phase of the research, it will be necessary to have someone dedicated to this activity, for a 6 months period. The President will inform the Council about the possibility to have a young practitioner available to assist us.

5.6 Only after the completion of this 2nd phase, it will be possible to decide if, how and when to publicize the survey results. The Council will be updated on this activity at the next Council meeting in Singapore.

6. NEW CANDIDATES FOR THE ELECTION TO THE COUNCIL

6.1 The Secretary Treasurer and the President informed the Council of the recent resignation of Mr. Komarov and Mr. Ziadè.

According to the Federation Constitution, the Council serves as a Nominating Committee, to which all members will be invited to propose candidates for election to the Council. Having due regard to a balanced international representation, the Council will present a slate of candidates to be voted upon by Members present in next General Assembly.

6.2 Up to now, the Secretary Treasurer has proposed Mrs. Meg Kinnear (Secretary General of Icsid) to replace Mr. Ziadè, while Mr. Raouf has proposed (by letter to the Secretary Treasurer) Mr. Ziadè (as new Director of the Dubai Center) in order to replace Mr. Komarov.

7. DATE AND PLACE OF NEXT MEETINGS

7.1 The Council decided to organize its next meeting and the Assembly in Singapore on the occasion of the ICCA Conference 2012. The Council meeting shall take place on **Sunday, June 10, 2012** (at **4.00 pm**, just before the ICCA Opening Ceremony) and the Assembly shall take place on **Monday, June 11** (at **5.30 pm**, after the closing of the Conference).

The venue of the two meetings will be communicated in due time.

7.2 The Council also decided to fix the date of the next IFCAI Congress in Caracas (Venezuela) on **March 14** (all day) **and 15** (morning), **2013**.

8. CLOSE OF MEETING

8.1 There being no further business, the meeting was declared closed at 5.00 pm.

President

Date