

MINUTES OF THE IFCAI COUNCIL

held in Paris, France

December 5, 2013, 4.30pm

PRESENT

Diana Droulers (President) (Caracas Chamber of Commerce – Venezuela)
Stefano Azzali (Secretary-Treasurer) (Milan Chamber of Arbitration – Italy)
Chiann Bao (HKIAC – Hong Kong)
Andrea Carlevaris (ICC – France)
India Johnson (AAA – USA)
Nassib Ziadé (DIAC – United Arab Emirates)

1. PRESIDENT'S WELCOME

The President thanks all those present for attending.

2. APOLOGIES FOR ABSENCE

Mohamed Abdel Raouf, Meg Kinnear, Annette Magnusson, Doug Jones and Alexey Kostin communicated their impossibility to attend this meeting.

3. ADOPTION OF THE AGENDA

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

4. MINUTES OF THE PREVIOUS MEETING

4.1 The Minutes of the Council meeting held in Caracas, Venezuela, on March 13, 2013 and circulated on July 4, 2013, are taken into consideration especially with regards to the comments expressed by Nassib Ziade. His doubts on IFCAI's budget and spending are appropriately cleared in the Finances and Membership section of this minutes. Furthermore, the President underlines that IFCAI's decision to allocate funds to a person specifically dedicated to IFCAI goes in the direction of increasing the number and substance of IFCAI activities (also urged by Nassib Ziadé) and will surely further the work of the Federation.

4.2 After this discussion, the Minutes are approved by the Council and signed by the President.

5. FINANCES AND MEMBERSHIP

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

5.1 The Secretary Treasurer reports that, as at December 4, 2013, IFCAI's bank account stood at US\$ 85.169,99.

5.2 As at the date of the present meeting, there are 41 fully paid-up members and 17 whose subscription is outstanding only for 2013. The Tunis Center for Conciliation and Arbitration has ended its membership.

5.3 Further to Nassib Ziadé's remarks, the Secretary Treasurer states that the report of finance will be more detailed starting from this meeting. All relevant IFCAI records will be available during the meetings. Nevertheless, the minutes will include only a brief summary of the reported state of finance.

5.4 As far as the secretarial activity of Lucia Santucci is concerned, the Secretary Treasurer believes that it has to be stable and should not be on a voluntary basis in order to steadily follow IFCAI's projects.

5.4.1 The Secretary Treasurer also underlines that her travel and accommodation expenses for the present meeting have been covered by the Milan Chamber of Arbitration; since next IFCAI meetings will be held also far from Europe (and will be consequently more expensive), he asks to the Council whether these expenses will be covered by the Federation. The Council agrees on using IFCAI resources for covering these expenses starting from next IFCAI meetings in Miami.

6. SPONSOR OF ICCA MIAMI 2014

6.1 The President reports that, as cooperating organization of ICCA Miami 2014, IFCAI has its logo in the Congress' program. Unfortunately, there are no preferential rates for IFCAI members. She stresses that this is a starting point for IFCAI to have a public relevance.

6.2 The Council also discusses the possibility to offer preferential rates to IFCAI members participating in other members' international events (if necessary, limited to the Secretary Treasurer or the President of each institution member). This could be a symbol of good will and a benefit for members, especially for smaller institutions that could learn from the bigger ones. Nevertheless, Andrea Carlevaris underlines that this would affect major institutions organizing many events and he will have to check with ICC whether this could be feasible. The Council decides to think further over this possibility and to postpone any decision.

7. REVISION OF THE CONSTITUTION

7.1 The Council takes into account the draft of the amended Constitution submitted by the Nominating Committee (composed by Bill Slate, Adrian Winstanley and Jens Bredow) on June 25, 2013, and agrees on the editorial suggestions received by Nassib Ziadé with his email dated December 4, 2013.

7.2 With reference to the election process, Stefano Azzali refers that, at present, the Council serves as Nominating Committee and has to present a slate of candidates to be voted upon by Members present in the General Assembly.

Nassib Ziadé expresses his concern to improve the legitimacy of the Nominating Committee by including members coming also from the General Assembly. Stefano Azzali states that a different Nominating Committee shall be created and that it could be composed by three members coming from the General Assembly and/or from the Council and who will not be re-elected or do not want to be elected during the following election process. The Council discusses on the difficulty to select the members from the General Assembly, as there can be no volunteers to be part of the Nominating Committee. Diana Droulers proposes to select somebody who was part of the Council and/or has been particularly involved in IFCAI activities.

7.2.1 The Council finally agrees that the three members of the Nominating Committee shall be chosen by the Council among members of the Council itself and from the General Assembly. The members of the Nominating Committee shall not be eligible in the Council and shall consult with the President.

7.3 The Secretary Treasurer proposes one additional amendment in order to avoid the problem of the vacancy in the Council: since it is unwieldy to have to appoint a new Officer every time that a vacancy occurs, he proposes that all the Officers of the Council shall retire in a block, so that it shall not be compulsory to fill the vacancy whenever an Officer resigns. If a new Officer is appointed during the mandate of the Council, his/her term of office shall cease together with the Officers already sitting in the Council. The Council agrees on this proposal.

7.4 An updated version of the Constitution with the above mentioned amendments will be circulated by the office of the Secretary Treasurer.

7.5 The President finally states that she will write a formal letter to thank Adrian Winstanley, Bill Slate and Jens Bredow for the tremendous work done for the amendment of the Constitution.

8. IFCAI 13th BIENNIAL CONFERENCE

8.1 The Secretary Treasurer reminds that Antony Abrahams from CI Arb had offered his support to organize next IFCAI Biennial Conference in London.

8.2 As an alternative to London, Nassib Ziadé offers BCDR's support to organize the Conference in Bahrain and Chiann Bao offers HKIAC's support to organize it in Hong Kong.

8.3 The Secretary Treasurer will contact Mr. Abrahams in order to confirm the availability of CI Arb as hosting organization for the 2015 Biennial Conference. Further to this, he will circulate among the Council members the different proposals in order to decide the final venue for the Conference.

9. IFCAI WEBSITE

9.1 The President states that Lucia Santucci will take care of the renovation of IFCAI website. She reminds that the old version did not meet the members' needs and had some technical problems, therefore it has been decided to make a new version using the support of an external web agency. The Secretary Treasurer further remarks that the budget and a draft of the structure of the new website will be circulated in due course.

9.2 The Secretary Treasurer stresses that this project will be useful to connect IFCAI members regarding the activities of the Federation, and will also give the possibility to put online information about each Institution to be circulated worldwide. Of course this project will work only if IFCAI members will cooperate in providing information.

9.2 Lucia Santucci illustrates some ideas on the new version of the website; any suggestion from IFCAI members is incited. An update on the work done will be given during next IFCAI meeting in Miami.

9.3 Diana Droulers proposes to use the Reserved Area of the new website also as a database to know about the hearing centre around the world which could be used by IFCAI Members.

10. IFCAI MEMBERS' PROPOSALS

10.1 Nassib Ziadé proposes to deal with the insurance topic as a new project for 2014. He underlines that it would be helpful for IFCAI Members to have a liability insurance for its activities and its arbitrators. Diana Droulers further stresses the importance of the negotiation power that IFCAI would have with the insurance companies; she thinks that an insurance coverage could be useful for institutions as such more than for arbitrators. Stefano Azzali proposes to collect information among Council Members on this issue to see if this project is feasible.

10.2 Chiann Bao proposes to start a new project on transparency in terms of basic corporate governance. She will circulate some useful information in order to check the feasibility of this project.

11. DATE AND PLACE OF NEXT MEETINGS

11.1 The next meeting of the Council will take place in Miami, USA, on April 6 at 3,00pm, before the Opening Ceremony of the 2014 ICCA Congress (6-9 April 2014). Further details shall follow in due course.

11.2 The next General Assembly will take place in Miami, USA, on April 7 at 5,30pm. Further details shall follow in due course.

11.3 The President reminds that, on the occasion of these meetings, she will meet some Latin American Institutions in order to make an introduction of IFCAI and to discuss the possibility to become members.

12. CLOSE OF THE MEETING

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

President

Date