

MINUTES OF THE IFCAI COUNCIL

held in Miami, USA

April 6, 2014, 3.00pm

PRESENT

Diana Droulers (President) (Caracas Chamber of Commerce – Venezuela)
Stefano Azzali (Secretary-Treasurer) (Milan Chamber of Arbitration – Italy)
Mohamed Abdel Raouf (CRCICA – Egypt)
Milanka Kostadinova on behalf of Meg Kinnear (ICSID – USA)
Annette Magnusson (SCC – Sweden)
India Johnson (AAA – USA)
Doug Jones (ACICA – Australia)
Alexey Kostin (ICAC – Russia)
Nassib Ziadé (DIAC – United Arab Emirates)

Guests:

Richard Naimark (ICDR/AAA – USA)
Adrian Winstanley (LCIA – England)

1. PRESIDENT'S WELCOME

The President thanks all those present for attending.

2. APOLOGIES FOR ABSENCE

Meg Kinnear, Chiann Bao and Andrea Carlevaris 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

The Minutes of the Council meeting held in Paris, France, on December 5, 2013 and circulated on March 6, 2014, 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 April 1, 2014, IFCAI's bank account stood at US\$ 74.289,56.

5.2 As at the date of the present meeting, 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.

5.3 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.

6. SPONSOR OF ICCA MIAMI 2014

6.1 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.

6.2 The President reminds that during the Council held in Paris on December 2013, it was also discussed the possibility to offer preferential rates to IFCAI members participating in other members' international events. The Council stresses the importance to assure preferential rates to the permanent employees of an Institution rather than to the Board: this would aim at achieving one of IFCAI goals, that is to have well trained staff. The President advises to set guidelines on how to handle this proposal (i.e. limit the number of employees to grant these rates to, etc.)

7. REVISION OF THE CONSTITUTION

7.1 The President underlines that Adrian Winstanley has been invited to this meeting as representative of the Nominating Committee (in charge of drafting a new version of the Constitution) and because he proposed some possible amendments to the draft that was sent after last Council meeting held in Paris.

7.2 Adrian Winstanley takes into consideration the clause 2(g) and 2(l) added in the draft of the Constitution which has been circulated for the current meeting. He understands that these clauses have been included to avoid running after deadlines due to staggered appointments of the Council Officers, nevertheless he thinks that the Council is not obliged to fill in a vacancy when it occurs; furthermore, he stresses the importance to preserve the "institutional memory" of the Council by having staggered appointments (and, therefore, by avoiding the election and retirement in a block). For the above mentioned reasons, he suggests to erase the clause 2(g) and 2(l).

7.3 Annette Magnusson agrees that the issue of continuity is very strong, in particular as far as the projects are concerned: the Council needs someone who keeps track of what is happening in order to preserve the Institution's memory. Nassib Ziadé thinks that the continuity can be assured by the President who can be elected for more than 2 terms. Diana Droulers agrees with Adrian Winstanley as to the term of the Councillor which is related to the individual and not to the Institution. The Council further discusses the importance to avoid the passive role of the General Assembly and to give them the authority to really interact and take decisions. Mohamed Abdel Raouf underlines that it is extremely important to devote time to the voting process (also by circulating CVs of the candidates to the General Assembly members) and not to do vote on the spot, as it was done in the past.

7.4 After a thorough discussion, the Council agrees 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.

7.5 The Secretary Treasurer will take care of drafting a new version of the proposal for an amended Constitution (with the above mentioned amendments) and will circulate it during the General Assembly to be held tomorrow; he will also explain the new wording compared to the version previously received by the General Assembly in order to proceed voting.

8. IFCAI 13th BIENNIAL CONFERENCE

8.1 The Secretary Treasurer reminds that there are two venues which have been proposed to organize next IFCAI Biennial Conference: London (United Kingdom) and Bahrain. He states 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 (while London is fully aware of it).

8.2 Nassib Ziadé, who is proposing BCDR's support to organize the conference in Bahrain, thinks this is a good idea 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 arrangement.

8.3 The Council agrees that, by going in the Gulf region as a Federation, IFCAI could deliver a message and help the several brand new institutions based in the area and achieve one of the main purpose of IFCAI Constitution. Stefano Azzali 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.

8.4 As to the date, Nassib Ziadé thinks that March/April 2015 could be a good period. He also suggests to check any overlapping international events in the arbitral community.

8.5 As to the topic, Richard Naimark proposes to get inspiration from the ICCA panel to be held the day after the current meeting regarding the responsibility of the institution, which will see his and Nassib Ziadé's involvement as panelists. Stefano Azzali asks Nassib Ziadé to sum up after this ICCA panel to see which are the key topics that could be deepened in Bahrain.

8.6 Mohamed Abdel Raouf reminds that during last Council also HKIAC made a proposal to organize the Biennial Conference in Hong Kong. The President and the Secretary Treasurer state that there were no further follow-up and, due to the absence of Chiann Bao at the present meeting, this proposal will be discussed during the General Assembly to be held the day after the present meeting. Should HKIAC still be interested, it could be a good solution to fix Hong Kong as venue for the 2017 Biennial Conference.

9. IFCAI WEBSITE

Lucia Santucci shows the demo 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 of course 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.

10. IFCAI MEMBERS' PROPOSALS

The Secretary Treasurer reminds that, during last meeting held in Paris, the Council discussed about the possibility to find an insurance coverage for all the institutions members of IFCAI. He asks the Council Members to provide information regarding their Centre's insurance coverage (both for arbitrators and the institution itself). Further information about this project will follow in due course.

11. DATE AND PLACE OF NEXT MEETINGS

11.1 The next meeting of the Council will take place in Sharm El Sheikh on the occasion of the Conference "The role of State Courts in international arbitration" which will be held on November 16-17, 2014. Further details shall follow in due course.

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

12. CLOSE OF THE MEETING

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

President

Date