

MINUTES OF THE MEETING OF THE IFCAI COUNCIL

held at ICC Hearing Centre, Suez Conference room, Paris, France

at 5.30 pm, 16 November 2010

PRESENT

Diana Droulers (President)
Stefano Azzali
Adrian Winstanley
Jens Bredow
Jason Fry
William K Slate II
Abdelwahab El Behi
Annette Magnusson
Nassib Ziadé
Meg Kinnear

1. PRESIDENT'S WELCOME

1.1 The President thanked all those present for attending.

1.2 The Council acknowledged the hospitality offered by ICC and, in particular, by Mr. Jason Fry in hosting this meeting and granting the Council members a "complementary" participation to the "Triple Colloquium" of the 17th of November.

2. APOLOGIES FOR ABSENCE

Alexander Komarov, Nabil Elaraby, 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 Rio de Janeiro (Brazil), on May 23, 2010, and circulated on June 16, 2010, were approved by the Council and signed by the President.

4. IFCAI CONSTITUTION

During the meeting, Mr Winstanley circulated two drafts, the first one denominated "2d DRAFT (December 3, 2009)" (enclosure 1), the second one denominated "aww

amendment to Bill's second draft – redline" (enclosure 2). Those drafts deserve proper consideration.

Council members are invited to submit other comments and/or proposals, if any, to the Secretary, in order to be forwarded to the Steering Committee in charge of the revision.

Among the main issues to be defined should be, first, the problem of the "vacancy" of a Council member (a member in general); second, the criteria in order to join IFCAI ("the membership").

Another suggestion was to amend the name IFCAI to include investment arbitration (ICSID).

In order to modify the IFCAI constitution it was decided that the first suggestions and proposals might be discussed during an "informal meeting" that should follow the UNCITRAL working groups that will be held in New York next February 2011. Then, IFCAI Council members should draft the final version of the Constitution during a conference call, which may be scheduled the first days of March 2011.

This final version has to be submitted to the IFCAI General Assembly in Berlin on May 16 – 18, 2011.

5. FINANCES AND MEMBERSHIP

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

5.2 As of November 2010, the IFCAI account stood at approximately US\$102.050.

5.3 At the date of this meeting, there were 52 fully-paid members of IFCAI, with another 4 whose membership fees were outstanding for the current year. Finally there were 2 members whose membership fees were outstanding for 2009 and 2010 to be struck off (see the complete list attached).

5.4 The following institutions (possible new IFCAI members) from Latin America have been contacted: Bolivia, Chile, Colombia, Costa Rica, Panama.

6. RESEARCH COMMITTEE

6.1 At the President's invitation, the Secretary Treasurer – as coordinator of the Research Committee – updated the meeting on our research activity.

6.2 The IFCAI research activity on awards rendered in 2008 began. The initial step was the distribution of a first Template to the Institutions for the collection of the total number of awards rendered in 2008 within the procedures administered by IFCAI members Institutions. This information represents the "universe" of awards.

6.3 During the meeting the data collected with the First Template were distributed: the total number of awards was 9986.

6.4 Secondly, two version of the Second Template were circulated: the "September 2010 draft" and the so called "Mr Fry draft" together with a standard letter to be submitted to the users/counsels' parties.

6.5 Once the IFCAI Council members decide between the two above mentioned versions of the Template, it shall be posted on a reserved area in the IFCAI website where each counsel party will have access for its completion.

Or, as Mr Fry proposed, the questions of the second Template should be simply uploaded on a website called www.surveymonkey.com.

Then e-mails will be sent to the counsels' parties of each institution giving the instructions to enter "SurveyMonkey".

Survey Monkey should be a very simple way to proceed with the research, because participants have only to click the link to the website and answer the question online, which should not take them more than ten minutes.

According to Mr Fry point of view, it should be a tidy and more useful system to do the research, because paper mailings are more expensive and create a burden for the participants.

As to the website, it has a cost of \$US 300 (\$US 200 for the subscription and \$US 100 for security encryption) and it keeps the survey online for a period of 1 year.

Survey Monkey allows organizing the questions in such a way that depending on the answer to a given question, the system would take the participant to the next relevant question, it allows an unlimited number of questions and participants, and it processes the answers and compiles them in data sheets and tables according to the relevant information.

6.6 Further to an active discussion sharing comments and proposals about the final version of the Second Template and the possible outcome of the research, the Council members set a fifteen-days deadline, in order to chose the final version of the "Template 2" between the two mentioned above.

7. IFCAI WEBSITE: UPDATE

7.1 The President illustrated the news about the IFCAI Website focusing on the enrichments added both to the section of the events and news and the members' Institutional directory.

8. 11TH BIENNIAL IFCAI CONFERENCE (BERLIN, 2011)

8.1 The President reminded everyone that the next Biennial Conference (Costs in arbitration) and next IFCAI Council meeting will be held in Berlin, Germany on May 16 – 17, 2011.

8.2 Mr Bredow also briefly illustrated a few details about the event, contained in the brochure circulated during the IFCAI meeting.

Please save the above mentioned dates.

9. CLOSE OF MEETING

There being no further business, the meeting was declared closed at 7.30 pm.

President

Date