

ICCA'S Past, Present and Future

Speech at the Occasion of the Acceptance of ICCA's Presidency
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Ladies and Gentlemen, Friends

It is a huge honour to have been elected President of ICCA and to walk in the footprints of my illustrious predecessors. They include Jean Robert and my own mentor Pieter Sanders. These two brilliant minds founded ICCA with a few others in 1961 in a Geneva restaurant. Their aspiration was to improve the legislative and judicial climate for international arbitration, which was not favourable in many countries at that time.

These founding fathers gathered leading lights in the field of arbitration from many jurisdictions. They created a club of friends coming from all corners of the globe with a common interest in promoting the field.

In its infancy, ICCA's main activity was organizing congresses to share and spread knowledge about international arbitration.

The New Delhi Congress (1975) was an important milestone for ICCA. The members established a new publication, called the Yearbook: Commercial Arbitration, which was a great success. The Yearbook was followed by the International Handbook on Commercial Arbitration and the ICCA Congress Series. ICCA's publications are now available on line: www.kluwarbitration.com .

These activities have earned ICCA its reputation as the world's leading organization for the promotion of international commercial arbitration.

ICCA, however, did not invite only recognition and admiration; it also invited questions. Who were these men with grey hair? What were they doing? ICCA was mysterious, almost mythical. The outside world considered ICCA to be a closed club.

ICCA's landscape has changed. Its activities have widened. ICCA has introduced a general membership. It is now open to every-one. Membership is as simple as registering at a booth outside these doors or signing up online. And here I pay tribute to Jan Paulsson, whose drive and vision during the years of his Presidency were instrumental in initiating these changes.

ICCA's constituent documents have been overhauled. The original Statement of Purposes and Procedures, drafted in 1975 by Sergei Lebedev and the late Howard Holtzmann, had fallen behind the times. In 2012, ICCA appointed a Committee to revise the Statement. I had the honor to be on the Committee. However, the real credit goes to my fellow Committee members, Guillermo Aguilar-Alvarez and Meg Kinnear. They devised two brilliantly drafted documents—the ICCA Constitution and ICCA Bylaws, together with a Transition Plan.

ICCA's Governing Board adopted the Transition Plan in May 2013 in London. It is a bold plan. It guarantees ICCA's future as a dynamic organization, constantly renewed by fresh talent. It ends the automatic re-election every four years of ICCA Governing Board members. It also provides for a phase out of the terms of current Governing Board members, some of who will have served more than 30 years on the Board. In seven years, by 2020, all current Governing Board members will have been replaced.

The London meeting also adopted the new Constitution and Bylaws, which entered into force on 1 January 2014. An entirely new structure is now in place. ICCA is no longer a centralized organization governed by Governing Board members. Instead, ICCA's activities have been shifted to standing and special

Committees. These Committees in turn guide Interest Groups. A Governing Board member chairs each Committee, but any ICCA member can be a member of a Committee or an Interest Group. You are invited to apply for membership of the Committees and Interest Groups. It is a valuable way of contributing actively to the innovation of international arbitration.

Looking from the past and present towards the future, I would like my presidency of ICCA to be guided by four principles:

My first guiding principle is cooperation. Together we are stronger. ICCA should continue to build on its existing collaboration with other organizations active in the international arbitration field. ICCA benefits from a close dialogue with the International Bar Association (IBA), which undertakes important work across the international arbitration sphere. An example is the IBA Code of Ethics. ICCA also partners with American Society of International Law (ASIL), for example on the current joint task force concerning issue conflicts.

Cooperation with Uncitral goes back many years and is a key part of ICCA's history. I still remember vividly Uncitral's legendary Secretary, Willem Vis (after whom the VIS Moot is named), discussing the first version of the Uncitral Arbitration Rules with Pieter Sanders in 1976. Since then, ICCA has supported several Uncitral projects. Most recently, an ICCA Drafting Committee contributed to the revision of UNCITRAL's Notes on Organising Arbitral Proceedings.

My second guiding principle is expansion. We need to continue our outreach in parts of the world where international arbitration is still a new or growing discipline, and to promote and facilitate the development of both arbitration laws and practice. We will extend the ICCA NYC Roadshows for judges. This is a crucial initiative. It is one thing to have good texts for international arbitration; it is quite another to understand how such texts are interpreted and applied by judges. The Roadshows have shown that judges gain tremendously

from increased familiarity with the texts, their meaning, and their practical application.

In this connection, I should mention ICCA's Guide to the Interpretation of the New York Convention. The Guide is available in many languages and can be downloaded from the ICCA website free of charge.

My third guiding principle is mentorship. We need to build for the future. We need to foster the next generation of international arbitration lawyers. As Kate Brown de Vejar of Young ICCA said, we need to pay forward—this obligation is incumbent on everyone here. ICCA already has a very successful mentorship program. From my own experience, I can tell you that it is truly rewarding to be a mentor.

But we can and we should do more. When I was elected as ICCA's President, I initiated a number of discussions with Young ICCA to find ways of ensuring that our young colleagues benefit from the full support of ICCA and its infrastructure. We also look forward to Young ICCA's continued contribution to the organization as a whole. At the next Congress in Mauritius, the Young ICCA workshop will be an extension of the ICCA Congress.

My fourth and final guiding principle is inclusiveness. We have heard much over the past few days about the desire for diversity, representation, and inclusiveness in international arbitration. ICCA should continue to strive hard to meet these goals.

A continent that merits particular attention is Africa, where international arbitration is rapidly developing. Our Sub-Saharan African Governing Board member, Tinuade Oyekunle, just retired. ICCA must ensure that her successor is an equally knowledgeable person from the region.

ICCA is reaching out to Africa by organizing its next congress in Mauritius in 2016. We invite you all to come! In the next presentation, Salim Moollan will tell us what we can look forward to at the next Congress in terms of both work and play.

I am also very pleased to tell you that the Governing Board has voted last Sunday for Sydney and New Zealand as venue for the ICCA 2018 Congress.

Before I conclude, I would like to take this opportunity to thank a number of people. Actually, there are many to whom I owe a great debt of gratitude, but I would like to mention five in particular. First, Burt Landy for making this Congress possible. Of course, Lucy Reed for chairing the Program Committee in such a wonderful and innovative manner. ICCA's Executive Director, Lise Bosman, for running ICCA's Bureau in the Peace Palace at The Hague so efficiently and cheerfully. Silvia Borelli, for being the tireless driving force behind many of the ICCA Publications. And, finally, Judy Freedberg, who has served ICCA for more than 35 years, and has been such an important force in making this Congress so successful.

To close, the new Constitution and Bylaws, together with the Transition Plan, establish a structure—at least on paper—that will facilitate an encompassing, diverse and transparent future for ICCA. My task over the coming years is to shepherd the organization through the transition, and to work together with my fellow Governing Board and Executive Body members (Adriana Braghetta, Guillermo Aguilar-Alvarez and Mohamed Abdel Raouf) in giving these plans a concrete form. With their help, and most importantly with the help of all of you, I look forward to four dynamic and successful years ahead for the ICCA family. You are ICCA!

Thank you all very much.