International Court of Arbitration
Dispute Resolution Services

World Chambers Federation®

ATA®
Speed through customs with your passport for goods

World Chambers Network
Working together

ICC Commercial Crime Services
Helping business stay in business

International Maritime Bureau (IMB)
Financial Investigation Bureau (FIB)
Counterfeiting Intelligence Bureau (CIB)
Fraudnet

ICC initiatives:

BASCAP
Business Action to Stop Counterfeiting and Piracy

BASIS
Business Action to Support the Information Society

IRU
International Road Transport Union

TIR
Dear Members,

In 2010 the Pakistan National Committee of the International Chamber of Commerce with the active support of its members has continued its efforts towards the implementation of trade, investment and transport facilitation related international rules, conventions and treaties in keeping with ICC Pakistan’s objectives.

I would like to thank all fellow office bearers, members and the ICC Pakistan staff for the support and confidence that I have received in trying to implement an agenda which would not only benefit Pakistan but also the region and the international community. As per practice our National Committee’s agenda is always for the promotion of rules, treaties and facilitation programs which provide for extensive benefits for a vast cross-section of common stakeholders in trade, industry, services and also government.

We are making additional efforts to obtain accession by the Government of Pakistan to the TIR Convention which would serve to tremendously boost the services sector in Pakistan and also provide for huge transit revenues to the government. In this regard during the year we received support from not only the Union of Chambers and Commodity Exchanges of Turkey (TOBB) but also from the International Road Transport Union (IRU) of which our National Committee is an Associate Member in Pakistan. The IRU oversees the implementation of the TIR Convention internationally. Several meetings took place in this regard in Geneva at the IRU Headquarters, in Hong Kong and in Islamabad. We had a visiting delegation from the IRU and also from the Economic Cooperation Organization (ECO).

The Chair of the IRT-TIR Commission of ICC Pakistan Mr. Babar Badat played a key role in the interaction of the ECO and the Government of Pakistan for the promotion of the TIR Convention. The ECO secretariat has endorsed the TIR Convention as the most important transport facilitation measure for the entire ECO region and is actively supporting its promotion. We have received the fullest support of the Ministry of Commerce through the National Trade & Transport Facilitation Committee (NTTFC), the International Customs Division of the Federal Board of Revenue as well as the Ministry of Communications. Even Cabinet level support has been forthcoming however observations from the Foreign Office in Islamabad is delaying the process despite all clarifications and apprehensions having been addressed in terms of the treaty already having ample provision for precluding selective access by any country which may be subject to being precluded. The Foreign Office has assured us of a full review of the matter. The TIR Convention will follow ICC Pakistan’s implementation of the Istanbul Convention on ATA Carnets which has been duly accomplished since 2007.

Meanwhile we have seen progress in other trade and transport facilitation measures such as the Carriage of Goods by Road Bill, Carriage of Goods by Sea Bill, Sea Carriage Shipping Documents Bill and the Carriage by Air Bill. Efforts made by the Chair of the E-BITT Commission of ICC Pakistan Mr. Zahid Jamil are ongoing in obtaining legislation for e-Crimes law, Cyber Crimes law and Data Protection laws. His activity with ICC is also at the international level in the context of WSIS and BASIS.

ICC Pakistan’s Banking Commission in 2010 under the Chairmanship of Mr. Ahsan Aziz launched the ICC Uniform Rules for Demand Guarantees (URDG 758) and the International Commercial Terms (Incoterms® 2010). Workshop on URDG 758 was convened in June 2010 in Karachi which was conducted by Ms. Farideh Tazhibi from Iran. Incoterms 2010 workshop was convened in December 2010 in Karachi which was facilitated by the IFC and promoted by the TDAP. The Incoterms 2010 workshop was conducted by Mr. Vincent O’Brien from Ireland.

In the regional context as Chairman of ICC Pakistan I conducted the second ICC Regional Consultative Group (RCG) South Asia Middle East (SAME) meeting on 15th February 2010 in Damascus. At the conclusion of my term as the Regional Coordinator in June 2010 I was asked to become the Regional Coordinator for RCG Middle East North Africa (MENA) as India had opted to join the Asia Pacific region which would therefore also include Nepal, Bangladesh and Sri Lanka. The first ICC RCG MENA meeting is scheduled to be held on 20th April 2011 in Amman, Jordan and is open for attendance by National Committee members.
This annual report will serve to provide for you details of deliberations of various interactions ICC Pakistan had during the year. In particular importance is of our having succeeded in getting the ICC World Council through the forum of the Regional Consultative Group to recognize and implement the elevation of ICC at the UN to that of retaining the status of a Permanent Observer. We hope we will be able to realize this objective.

Another issue of great importance which was amply clarified during the Incoterms® 2010 workshop in Karachi related to international rules which recognize In-house Bills of Lading as a negotiable instrument. We have proposed to the ICC Headquarters for examining the possibility of ICC National Committees rendering a role in the certification wherever needed of In-house Bills of Lading as a negotiable instrument with appropriate legal safeguards governed by an international convention.

The business conditions within Pakistan have been severely tested during the year not only because of record floods but also because of energy shortages, lack of foreign direct investment and fiscal deficits. We still await re-promulgation of the Ordinance to provide for the Recognition and Enforcement of Arbitration Agreements and Foreign Arbitral Awards (New York Convention 1958) which is still pending in the National Assembly and are hopeful of its early passage. Chairman of the ICC Pakistan Arbitration Commission Mr. Mahomed J. Jaffer has provided in this Annual Report an update on the status of the law. The courts within Pakistan in the meantime continue to recognize international arbitration as per past practice since its first promulgation in 2005 as an ordinance. It is interesting to note the level of foreign direct investment in consonance to the prevalence of the law on the statutes and the reduction of foreign direct investment in terms of the law’s statutory abeyance and its consequent uncertainty.

We have actively started promoting ICC World Chambers Federation in Pakistan and have obtained the membership of national chambers in Pakistan to represent Pakistan within the WCF. The WCF will be hosting the 7th World Chambers Congress from 8-10 June 2011 in Mexico City. We continue to encourage the direct interaction of National Committee members with ICC and WCF. ICC Pakistan has been rated by ICC amongst the top National Committees internationally in terms of membership interaction and participation at ICC deliberations in Paris and other international meetings.

In conclusion I remain optimistic of our National Committee being able to obtain results which we are working towards especially in the context of the TIR Convention for transit trucking as we anticipate both multilateral and bilateral support for this initiative. The TIR Convention has been on our agenda ever since we hosted the ICC Regional Foreign Direct Investment Conference in February 2002 and obtained all necessary Cabinet resolutions as well as completing the process of IRU membership which your National Committee has been funding. It has been conveyed to us on several occasions by the IRU, the UN, the IFC and many counterparts of the immense potential of TIR related transit trucking benefits to Pakistan which if realized would far exceed those of Egypt’s Suez Canal in the context of maritime transit in the movement of transit trade. Hence we hope to continue our efforts in this regard in 2011 and seek your active support for this objective.

The implementation of multilateral rules and conventions would result in the realization of not only major commercial benefits to Pakistan but also the realization of a major CSR objective which accompanies each one of us as members of ICC Pakistan and the responsibilities which are shouldered by the business community for the betterment of our economic, trade and industrial development both nationally and internationally.

Best regards,

Tariq M. Rangoonwala
Members have received updates from time to time regarding two major laws affecting arbitration in relation to foreign investment in Pakistan. The present position in respect of both these laws is unfortunate and in fact as of date of writing, these two laws are no longer on the statute book.

The law to give effect to the 1958 New York Convention was enacted as an Ordinance in 2005 and has been renewed from time to time by Ordinances since that date. However, this is no longer possible since the 18th Constitution Amendment and related Supreme Court Judgments now do not permit re-promulgation of an Ordinance after it has lapsed. In the result, a law must be passed by the National Assembly and Senate. A Bill has been presented and it seems the Senate Standing Committee has approved the draft Bill. However, progress has still to be made in the National Assembly before the Ordinance becomes a permanent part of the statute book of Pakistan as an Act.

Similar is the position in respect of the Washington Convention briefly referred to as the “ICSID Convention”. This was also promulgated as an Ordinance and renewed from time to time and having lapsed now awaits legislation in Parliament.

The net result is that the first law for reciprocal enforcement of foreign arbitration awards and the second law relating to arbitration between an investor and the State or a para-statal organization of another member country to the Convention are both in limbo. This obviously has an unfortunate effect on foreign direct investment in projects in Pakistan and the uncertainty which is created is equally unfortunate. ICC Pakistan is constantly lobbying for their enactment as laws.

So far as domestic arbitration is concerned, the Arbitration Act, 1940 still rules the field and the Bill which was proposed to replace it and modernize it in accordance with international best practice still awaits legislative action.

From time to time the attention of members has been drawn by a memorandum issued by the Chairman, ICC Pakistan. Three such memoranda have been issued. The first on 28th September dealing with a decision of the Supreme Court of France interpreting the standard ICC arbitration clause and extending it to a claim in tort. The second memorandum in 6th October dealt with an important decision in Canada which provided that a security would be mandatory when award enforcement was adjourned pending a foreign appeal. A very important decision was also rendered by the Court of Appeal in England relating to an arbitration clause which provided for the selection of an arbitrator by the parties from a certain religious community. The Court held that under European Union Regulations, an arbitrator was “employed” and discrimination in employment was not permissible. This Judgment has been appealed to the Supreme Court of England (which has now replaced the House of Lords as the apex court). The Supreme Court’s Judgment is awaited.

Another very important Judgment1 has been given by Britain’s apex Court relating to Pakistan. The Supreme Court of England dismissed an appeal by an overseas holding company against the Ministry of Religious Affairs and held that the Government was not a party to an agreement on the development of pilgrim facilities in the holy city Makkah. The dispute was the subject matter of an ICC arbitration and the Supreme Court held that since the Government of Pakistan was not a signatory to the arbitration clause, no arbitration award could be given against it. The Court also observed in the course of very lengthy printed Judgment extending to over 37 pages that neither of the parties was aware at the relevant time of the drastic effect under Pakistan law of the failure to promulgate again the Ordinance regarding arbitration which had lapsed. The implications of this decision, whilst constituting a success for the Pakistan Government, has much wider implications for international arbitration and indeed arbitration in general in the UK and elsewhere and those who practice law will need to examine this Judgment very carefully.

A further memorandum was issued on 25th November 2010 giving relevant extracts of the 2009 Statistical Report of the work of the ICC International Court of Arbitration, particularly in relation to our region.

Members who wish to consider these matters further should be able to get copies of relevant Memoranda from the ICC Pakistan Secretariat.

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TRADE & TRANSPORT FACILITATION MEASURES

ICC PAKISTAN ATA CARNET DIVISION

ATA CARNET SYSTEM UNDER THE ISTANBUL CONVENTION

Pakistan has been receiving incoming ATA Carnets from all over the world since October 2007 and the first ATA Carnet for equipment relating to the power sector issued by the USCIB in New York on behalf of General Electric arrived in Pakistan in October 2009. ICC Pakistan issued its first outgoing ATA Carnet on 22nd April 2010 for Commercial Samples of electric equipment bound to Algeria. So far ICC Pakistan has issued ATA Carnets for Algeria, South Africa and Mauritius.

The Pakistan Federal Cabinet in June 2002 approved the ratification of the Istanbul Convention and completed the accession process in June 2004. ATA Carnets are being accepted by Pakistan Customs under the Istanbul Convention annexures A, B1 & B2 effective 1st October 2007.

ICC PAKISTAN IRT-TIR COMMISSION

CHAIR – MR. BABAR BADAT

TIR CONVENTION

The ratification and implementation of the TIR system in Pakistan is still pending. A Cabinet resolution for the accession process was first obtained by ICC Pakistan in 2002. ICC Pakistan besides being the Guaranteeing & Issuing Organization for ATA Carnets is also the National Guaranteeing & Issuing Organization for TIR Carnets. ICC Pakistan is the Associate Member of the International Road Transport Union in Pakistan, which oversees the implementation internationally of the TIR Convention and is affiliated with the UNECE.

ICC Pakistan has been a strong advocate of the TIR Convention in view of its vast potential in the context of earning transit fees in foreign exchange for Pakistan. In fact so large is the potential as mentioned by Chairman ICC Pakistan and Mr. Martin Marmy of IRU that the revenues which could accumulate to the Government of Pakistan with this convention has the potential of exceeding those of the Suez Canal in Egypt. In the case of Switzerland just the transit revenue from any truck crossing its territory is 1 euro per kilometer. This would be in addition to all other ancillary services availed by international transit traffic in Pakistan.

Both Mr. Rangoonwala and Mr. Badat have interacted with government officials and ministries at all levels for Pakistan’s earliest accession to the TIR Convention. In fact at one point accession documents were processed and signed but certain conditions imposed by the Pakistan Foreign Office led to the rejection of Pakistan’s accession at the UN Depository. These conditions related to the preclusion of certain countries in our region. These were unnecessary conditions as there are already provisions within the TIR Convention that allows precluding transit from any country without having to make any preconditions which would violate the legal sanctity of a multilateral treaty. This has been explained on many occasions by not only ICC Pakistan but also by international representations of multilateral organizations as well as the ECO and other countries with whom Pakistan enjoys close bilateral relationships. During the meeting with the IRU delegation in Islamabad the Foreign Office has assured us of a full review of the matter.

THE PNC-ICC (ICC PAKISTAN) CHAIRMAN’S MEETING WITH SECRETARY GENERAL IRU

MR. MARTIN MARMY - GENEVA

The International Road Transport Union (IRU) Secretary General Mr. Martin Marmy received PNC-ICC Chair Mr. Tariq M. Rangoonwala at the IRU Headquarters in Geneva on 23rd September 2010. The meeting was scheduled to discuss the progress viz. Pakistan’s accession to the TIR Convention and to discuss and finalize modalities for Mr. Martin Marmy’s upcoming visit to Pakistan on the occasion of the launching ceremony of the ECO-IRU Silk Road Truck Caravan from Islamabad on 29th September 2010.
ECO-IRU SILK ROAD TRUCK CARAVAN FROM ISLAMABAD TO ANKARA

The Economic Cooperation Organization (ECO) and the International Road Transport Union (IRU) scheduled an ECO-IRU Silk Road Truck Caravan with the participation of 10 trucks coming from 10 ECO member states i.e., Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyz Republic, Pakistan, Tajikistan, Turkey, Turkmenistan and Uzbekistan. Pakistan was represented in the Caravan by M/s. Haji Fateh Khan Enterprises (Pvt.) Ltd., Quetta.

The ECO-IRU Silk Road Caravan departed from Islamabad, Pakistan on the 29th of September 2010 and arrived in Ankara, Turkey on 22nd October 2010.

VISIT OF THE IRU SECRETARY GENERAL MR. MARTIN MARMY TO PAKISTAN

The International Road Transport Union (IRU) delegation led by Mr. Martin Marmy, Secretary General, accompanied by Mr. Haydar Ozkan visited Pakistan on 29-30 September 2010 on the occasion of the launching ceremony of the ECO-IRU Silk Road Truck Caravan.

The IRU delegation comprising of Mr. Martin Marmy, Secretary General IRU and Mr. Haydar Ozkan, General Delegate of IRU to the Middle East accompanied by Mr. Tariq M. Rangoonwala, Chairman ICC Pakistan and Mr. Babar Badat, Chair of the IRT-TIR Commission of ICC Pakistan met with the officials of the Government of Pakistan including the Additional Secretary Commerce, the Secretary Communications, the Chief International Customs Federal Board of Revenue and the Special Secretary of the Ministry of Foreign Affairs.

In the case of the latter the meeting was held in the Ministry of Foreign Affairs in Islamabad to allay any apprehensions the Government of Pakistan may have on Pakistan’s accession to the TIR Convention by informing them of the provisions within the TIR Convention which allow for any acceding country to preclude transit from any country which may not be in the acceding country’s national interest.

In order for the UN based TIR Convention to be implemented in Pakistan enabling national legislation will also need to be enacted thereby further safeguarding national interest concerns as may be stipulated by the Government of Pakistan. The Ministry of Foreign Affairs is in the process of a full re-examination of the TIR Convention and therefore Pakistan’s early accession to the TIR Convention is expected.
In June 2010 Chairman ICC Pakistan Mr. Tariq M. Rangoonwala had a meeting with the President of The Union of Chambers and Commodity Exchanges of Turkey (TOBB) Mr. Rifat Hisarciklioglu in Hong Kong to discuss the progress viz. Pakistan’s accession to the TIR Convention. During the meeting Mr. Hisarciklioglu assured Turkish Government and business community’s fullest support in terms of any facilitation required for Pakistan’s accession to the TIR Convention.

ICC PAKISTAN BANKING COMMISSION
CHAIR – AHSAN AZIZ

ICC PAKISTAN’S WORKSHOP ON
ICC UNIFORM RULES FOR
DEMAND GUARANTEES
(URDG758)

ICC Pakistan Banking Commission under the Chairmanship of Mr. Ahsan Aziz hosted the Introductory Workshop on “ICC Uniform Rules for Demand Guarantees (URDG 758)” held at Karachi on 10th June 2010. The workshop was conducted by Ms. Farideh Tazhibi, Member of the ICC Group of Experts and ICC’s Drafting Group for revision of ICC URDG 758, from Iran.

The workshop provided an opportunity for participants to receive an indication of the changes to the rules, the implication for day to day usage of the URDG 758. The workshop was attended by representatives of large corporations, banks, law firms, logistics companies etc. Workshop participants also received ICC Certificate. The event was sponsored by Habib Bank Limited and Bank Al Habib Limited.
The revised Uniforms Rules for Demand Guarantees were announced by ICC on 4th December 2009 and entered into force effective 1st July 2010.

**ICC PAKISTAN’S WORKSHOP ON INCOTERMS® 2010**

ICC Pakistan Banking Commission under the Chairmanship of Mr. Ahsan Aziz hosted the Introductory Workshop on “Incoterms® 2010 by the International Chamber of Commerce” held at Karachi on 13th December 2010. The workshop was conducted by Mr. Vincent O’Brien, a renowned practitioner of International Trade Finance, a member of ICC Banking Commission and Chair of its Market Intelligence Group.

The workshop focused on the major changes to the revision of the Incoterms® rules, the first revision in a decade. It was a case study driven workshop to achieve the maximum practical benefit in everyday agreement of sales contracts with particular focus on the international contract of sale. A full presentation of the new rules and demonstration through case-studies was provided by the speaker.

Participants included representatives of multinational companies, large groups, banks, insurance companies, law firms, institutions, freight forwarding companies, transport & logistics companies and shipping companies. Workshop participants also received ICC Certificate.

The event was facilitated by the International Finance Corporation (IFC), the Trade Development Authority of Pakistan (TDAP) and supported by the Rangoonwala Group of Companies and Excel Insurance Company Ltd. courtesy of Mr. Ghulam Ali Mohammed.

ICC Pakistan plans to hold a series of workshops on

**Incoterms® 2010**

by the International Chamber of Commerce (ICC)

in the later half of 2011

For further information please contact

**ICC Pakistan**

www.iccpakistan.com
11th ANNUAL MEETING OF ICC PAKISTAN

11th Annual Meeting of ICC Pakistan was convened at Karachi on 26th January 2010 over lunch. Members participated include; Mr. Ahmed Tabba, Mr. Ahsan Aziz, Dr. Amjad Bokhari, Mr. Aziz A. Shaikh, Mr. Babar Badat, Mr. Ghulam AliMohammed, Mr. Haroon Rashid, Mr. Iqbal AliMohammed, Justice (Retd.) S. A. Sarwana, Mr. Kamal A. Chinoy, Mr. Khawaja Samiullah Askari, Mr. Mahomed J. Jaffer, Mr. Mohammed A. Rajpar, Mr. Muhammad Hansia, Mr. Qumail R Habib, Mr. Sajid Zahid, Mr. Sikander Dada, Mr. Sohail P. Ahmed, Mr. Sultan Ul Arfeen, Mr. Tariq M. Rangoonwala, Mr. Valy T. Rangoonwala, Mr. Zia Khaleeli, Mr. Hunain Khaleeli. Nawabzadah Habibullah Askari of Dhaka attended the meeting as Special Guest.

The meeting discussed the prevailing trade and investment conditions nationally and globally. The Chairman presented the Annual Report 2009 to all members present. Besides other agenda items the meeting also received and approved the annual audited accounts for the year 2008-2009 and approved the budget for the year 2009-2010.

GLIMPSES OF THE ANNUAL MEETING

From Left to Right: Mr. Iqbal AliMohammed, Mr. Ahmed Tabba, Justice (Retd.) S A Sarwana, Mr. Mahomed J. Jaffer, Mr. Qumail Habib and Mr. Babar Badat

From Left to Right: Mr. Ahsan Aziz, Mr. Ebrahim Hasham and Mr. Javaid Basini

From Left to Right: Mr. Sikander Dada, Mr. Sajid Zahid and Mr. Khuwaja Samiullah Askari

From Left to Right: Mr. Kamal A Chinoy, Mr. Mahomed J. Jaffer, Mr. Tariq M. Rangoonwala and Mr. Zia Khaleeli.

Mr. Tariq Rangoonwala, Mr. Mohammed A Rajpar and Dr. Anjed Bokhari discussing a point
ICC WORLD COUNCIL SESSION – HONG KONG

ICC World Council session was held on the 29th of June in Hong Kong. The World Council elected Mr. Rajat Gupta, Senior Partner Emeritus of McKinsey & Company as the next ICC Chairman from July 1 2010 to June 30 2012. The World Council also elected Mr. Stephen Green, Chairman HSBC Holdings as the next ICC Vice Chairman from July 1 2010 to June 30 2012. The Vice Chairman’s appointment was subsequently altered as Mr. Green was asked to take up the responsibilities of the UK Minister for Trade (see page No. 23).

Besides electing next Chairman and Vice Chairman of ICC the World Council also elected members on the Executive Board and members to the ICC International Court of Arbitration.

ICC WORLD BUSINESS SUMMIT – HONG KONG

ICC World Business Summit organized by the International Chamber of Commerce (ICC) and Hong Kong Trade Development Council was held in Hong Kong on 30th June 2010. The Summit, titled “New Global Economic Realities: Asia-Pacific Perspectives”, addressed the transformation of the global economy, global solutions in an increasingly interdependent world, and how the financial and economic crisis has created new trade opportunities.

Victor K. Fung, Chairman of ICC, said: “Following the financial crisis and economic downturn of 2008-2009, ICC felt it was important to talk about how the future global economy has been shaped by these events and what we can do to help ensure its stability and growth. Certainly, the specter of global unemployment, the delicate balancing act between trade, development and sustainability, and the dangers of trade protectionism are key areas that must be dealt with as we develop growth strategies.

The Summit agenda included a Plenary Session with Welcome Remarks by Dr. Victor K. Fung, Chairman ICC; Economic Outlook by Mr. Martin Wolf, Associate Editor and Chief Economics Commentator, Financial Times; and a Key Note Address by The Hon. Donald Tsang, Chief Executive, Hong Kong Special Administrative Region followed by breakout sessions and Panel Discussions.

The event also featured presentations from Leonardo Ferragamo, CEO, Palazzo Feroni Finanziaria and Honorary Chairman of the Altagamma Foundation, as well as Rajat Gupta, incoming Chairman of the International Chamber of Commerce and Senior Partner Emeritus of McKinsey & Company. The final panel discussion included Messrs. Wolf, Sokol, Ferragamo, Gupta and Fung, who also delivered the concluding remarks.

A group photo of speakers at the ICC World Business Summit 2010 in Hong Kong
ICC PAKISTAN’S MEETING WITH THE PRESIDENT OF TOBB

Mr. Tariq M. Rangoonwala, Chair ICC Pakistan met with the President of The Union of Chambers and Commodity Exchanges of Turkey (TOBB) Mr. Rifat Hisarciklioglu on the request of TOBB on the 28th of June in Hong Kong on the sidelines of the ICC World Business Summit.

The meeting discussed Pakistan’s accession to the TIR Convention and an early implementation of the TIR system in Pakistan. Mr. Rangoonwala presented Mr. Hisarciklioglu with an updated position with regard to Pakistan’s accession to the TIR Convention. Mr. Hisarciklioglu on behalf of TOBB and the Turkish Government extended fullest support to ICC Pakistan and the Government of Pakistan in facilitating the accession process and conveyed TOBB’s support in assisting ICC Pakistan in the operational implementation of TIR Convention.

Representatives of the USAID/ Pakistan Trade Project led by Ms. Jennifer Regan met with Mr. Tariq M. Rangoonwala, Chair ICC Pakistan and Mr. Aziz A. Shaikh, Vice Chairman at ICC Pakistan offices. The meeting was requested to discuss the modalities for the Pakistan Afghan Transit Trade and to seek ICC Pakistan’s advise and information on developing a guarantee system. ICC Pakistan being the National Guaranteeing Organization for the ATA Carnets (Istanbul Convention) and the TIR Carnets (TIR Convention) provided the necessary information on the ATA Carnet system.

ICC REGIONAL CONSULTATIVE GROUP MIDDLE EAST-NORTH AFRICA (MENA) FORMERLY SOUTH ASIA-MIDDLE EAST (SAME) TO MEET IN AMMAN, JORDAN ON 20th APRIL 2011 HOSTED BY ICC JORDAN AND ITS CHAIR MR. MOHAMMED ASFOUR

Mr. Tariq M. Rangoonwala is in his capacity as member of the ICC Executive Board’s NC Com attended the meeting of the ICC Executive Board’s NC Com in Paris on 16th September 2010. The meeting finalized the redefinition/ reconfiguration of the Regional Consultative Groups of ICC. It was resolved during this meeting that the ICC RCG South Asia-Middle East (SAME) whose Regional Coordinator is Mr. Tariq M Rangoonwala, Chair ICC Pakistan, will henceforth be known as ICC RCG Middle East-North Africa (MENA).

This change occurred owing to ICC India’s request to join ICC RCG Asia Pacific. Mr. Rangoonwala during the meeting supported the decision of ICC India and mentioned that ICC Bangladesh, ICC Sri Lanka and ICC Nepal should also be invited to join ICC RCG.
Asia Pacific. The meeting resolved that National Committee have the right to decide which Regional Consultative Group they want to be part of. The meeting also renewed the term of the Regional Coordinator for two years.

The revised configuration of the former ICC Regional Consultative Group South Asia-Middle East (SAME) now known as Middle East-North Africa (MENA) includes the following countries:

- Algeria
- Bahrain
- Egypt
- Georgia
- Iran
- Jordan
- Kuwait
- Lebanon
- Morocco
- Pakistan
- Palestine Group
- Qatar
- Saudi Arabia
- Sri Lanka
- Syria
- Tunisia
- United Arab Emirates

India and Nepal have opted to join ICC RCG Asia Pacific. North African National Committees joining MENA include Algeria, Egypt, Morocco and Tunisia. Palestine Group from Middle East has now joined MENA.

The next meeting of the ICC RCG MENA is scheduled to be held on 20th April 2011 at Amman to be hosted by ICC Jordan.

SECOND MEETING OF THE ICC REGIONAL CONSULTATIVE GROUP FOR SOUTH ASIA-MIDDLE EAST (SAME) IN DAMASCUS HOSTED BY ICC SYRIA AND ITS CHAIR DR. A R ATTAR

The second meeting of the ICC RCG South Asia-Middle East (SAME) region was convened at the Four Seasons Hotel, Damascus, Syria on 15th February 2010 hosted by ICC Syria with the theme: “Business – the leading factor in increasing international cooperation, understanding, trade & investment”
The following agenda was adopted for deliberation by the meeting:

- Confirmation of the minutes of the First ICC RCG SAME Meeting held on 3rd May 2009 at Sharjah, UAE.

- Discussions on formulation of a regional strategy for increasing ICC interaction within the region including joint efforts for the promotion of seminars, meetings, formation of new National Committees, ATA Carnet, ICC Arbitration, EBITT, WCN and ICC rules.

- General economic conditions and the outlook for National Committees in the region; & Report and views by National Committees on their ongoing activities, finance and memberships.

- Thematic discussion on regional trade, currencies & valuation, finance, tariffs and markets both in the context of intra-regional and regional groupings i.e., SAARC, GCC, EU, APEC, NAFTA and others and the role of ICC in enhancing cooperation, understanding, trade and investment.

- Conclusions & Recommendations

Mr. Rozwadowski made a presentation of a strategy on a 3-year plan to achieve ICC’s objectives which would also include new cost estimates and revenue streams. He identified the basic segments of ICC being MNCs, SMEs in the context of the World Chambers Federation and law firms in the context of the ICC ICA. He further identified adverse factors affecting ICC as being the Euro/Dollar exchange rates, low interest rates on Court deposits, new accounting rules for recognizing Court revenues, recessionary impacts on memberships and depreciation on Court investments. He also cited increased competition and dysfunctional economic model as additional factors.

There were other technical issues in terms of sharing of resources, productivity and pricing in the Dispute Resolution areas and the definition of whether ICC is an NGO, MNC or SME. He spoke of maximizing ICC’s various components to enhance revenue and improve efficiencies by utilizing ICC assets such as Intellectual Property branding, Arbitration services, a global network of people, privileged access to UN and WTO and finally the network of the World Chambers Federation. He proceeded to identify specifically some of the services of ICC such as ATA Carnet and ICC rules to enhance ICC revenues.

Mr. Rozwadowski identified some of the priorities: To develop a commercial/entrepreneurial culture, develop new revenue streams as well as strengthen existing one, implement a 3-year plan by June 2010, enhance communications, ensure the right issues are debated at the right level and re-examine the legal structure of the organization of ICC.

Confirmation of the minutes of the First ICC RCG SAME Meeting held on 3rd May 2009 at Sharjah, UAE

The Regional Coordinator Mr. Rangoonwala presented the minutes of the First ICC RCG SAME meeting held on 3rd May 2009 at Sharjah, UAE for confirmation by the participating National Committees.

With regard to matters arising from the minutes Mr. Rangoonwala presented a report to the RCG SAME on his interaction with ICC with regard to SAME deliberations and recommendations at the level of the ICC Executive Board’s NC Com meetings in Kuala Lumpur on June 1, 2009 and in New York on October 8, 2009. Mr. Rangoonwala apprised the participants that the First RCG SAME meeting held on 3rd May 2009 in Sharjah, UAE concluded 19 resolutions for conveyance to the ICC Executive Board’s NC Com.
Of these 19 resolutions, resolution No.13 regarding WCF’s circumvention of NCs with regard to direct contact with Chambers of Commerce in their respective countries without intimation to NCs has now been addressed by not only the inclusion of the WCF in the NC Com but also the resolution of an incident which occurred with regard to the recognition of a chamber without intimation to the relevant NC in the SAME region. This recognition was subsequently withdrawn and as such the WCF has agreed to keep relevant NCs informed of any direct contact at their national level.

The Regional Coordinator further mentioned consequent to deliberations in Kuala Lumpur it was accordingly informed and resolved by all regional NCs as per an intimation dated June 12, 2009 addressed to all regional NCs and copied to ICC, to narrow the recommendations to the NC Com as follows:

1. To address the issue of UN & WTO categorizing the ICC as an NGO in view of ICC’s role and actual membership composition.
2. To request ICC for the indication of the RCGs in the ICC Constitution.
3. To seek ICC’s support in terms of the extensive delay faced by regional members in the processing of business visas.

The above was communicated by a letter dated June 18, 2009 to the ICC Secretary General by the Regional Coordinator on behalf of ICC RCG SAME. The letter was also copied to the ICC Chairman, Vice Chairman, all other Regional Coordinators of ICC and ICC’s First Director.

At the NC Com meeting held in New York on 8th October 2009 the Regional Coordinator again presented the 3 recommendations to the NC Com for consideration. The ICC Vice Chairman Mr. Rajat Gupta acknowledged the necessity to address ICC’s status with the UN and the WTO and informed of ongoing efforts in this regard. With regard to the indication of RCGs in the ICC Constitution Mr. Gupta assured the Regional Coordinator that he would take this matter up once he assumes the ICC Chairmanship to which the Regional Coordinator accordingly agreed.

Mr. Rangoonwala proceeded to inform the RCG SAME meeting of what happened subsequently in terms of the minutes received on the deliberations of 8th October 2009 in New York. He read out the exact wordings of the minutes for the information of regional members and quoted as follows:

“Tariq Rangoonwala repeated the request of himself and the RCG SAME that he chairs, for RCGs to be mentioned in the ICC Constitution. The Chairman recalled that this had been considered by the World Council in KL and had not been accepted on the grounds…….. (iii) The RCG should not come to endanger ICC’s global unity and voice by fragmenting messages along regional lines.

Mr. Gupta undertook to give this matter further consideration “at sometime in the future” during his Chairmanship of ICC”

The Regional Coordinator informed the meeting that upon receipt of the minutes of the NC Com meeting held in New York on 8th October 2009 he wrote to Mr. Martin Wassell, ICC’s First Director to accordingly amend the minutes as the RCGs are not here to endanger ICC’s global unity and voice by fragmenting messages along regional lines and as such it was incorrect to mention this. The RCGs are here to in fact enhance ICC’s global unity by conveying their issues and matter to the NC Com which is responsible for creating RCGs and therefore is a commendable initiative. After receiving no reply to this request another message was sent to Mr. Martin Wassell with a copy to ICC Secretary General with the request to amend the minutes in the spirit of cooperation.

The Regional Coordinator pointed out essential flaws in the minutes not only in terms of merits of the recommendations but also of the fact the minutes attributed the recommendations to the Regional Coordinator himself and the RCG SAME whereas in fact it was a resolution solely of the RCG SAME.

In view of the above the Regional Coordinator informed the meeting of the options available to the RCG SAME NCs and in this regard circulated a letter addressed to the ICC Secretary General for the request of inclusion of agenda items in the next ICC World Council meeting to be held in Hong Kong in June 2010 under article 5 Para 7(c) of the ICC Constitution. This letter would need to be signed by each NC with a minimum of 10 NCs in order to include items on the World Council agenda.

Mr. Rozwadowski offered an apology in terms of the manner in which the minutes were recorded and confirmed that he had received a copy of our request for amendment in the minutes. He stressed that it would be better to discuss matters regarding the progress of ICC rather than delving into past issues.
Mr. Rona Yircali, Chairman WCF mentioned of the assurance given by the ICC Vice Chairman & Chairman NC Com Mr. Rajat Gupta to take up this matter during his Chairmanship of the ICC.

Mr. Rangoonwala responded by mentioning that these initiatives were in the interest of progress of ICC and also in the interest of accuracy in terms of recommendations by RCGs, which should not be misstated as being against ICC’s interest. Therefore it was necessary to apprise the RCG SAME NCs to accordingly decide on how to proceed with their recommendations in view of the response they have received. Ultimately it is not a decision of any individual but rather a group of ICC National Committees who are well within their rights under the ICC Constitution to avail the opportunity to put forward their point of view at the next World Council meeting which would be coinciding with Mr. Gupta’s assuming the ICC Chairmanship.

He further said requesting for agenda items at the World Council should not be looked upon as anything other than a desire of ICC NCs to discuss their issues at ICC’s World Council. He requested the ICC Secretary General to look upon it as being in ICC’s best interest and agreed with the Secretary General that we are all part and parcel of ICC and act in its best interest.

The matter being concluded 11 NCs of the RCG SAME accordingly resolved to sign the letter of request for inclusion of two agenda items in the next World Council meeting to be held in Hong Kong in June 2010. The two agenda items being:

1. Discussion on the status of ICC viz. the UN and the WTO.
2. The inclusion/ indication of RCGs in the ICC Constitution.

Discussions on formulation of a regional strategy for increasing ICC interaction within the region including joint efforts for the promotion of seminars, meetings, formation of new National Committees, ATA Carnet, ICC Arbitration, EBITT, WCN and ICC rules

With regard to increasing ICC’s regional interaction within the region in terms of joint efforts three presentations were made. Before the presentations commenced the Regional Coordinator circulated a survey of ICC NCs in the SAME region as to their ICC related activities, programs, initiatives and contributions. In terms of outstanding annual dues / arrears prior to 2010 the most significant arrears were that of ICC Qatar and ICC Nepal. All other were ongoing or in process or were being received for 2010 prior to the meeting. Mr. Francois Ceyrac, Director Membership & NCs has been in contact with ICC Qatar, ICC Nepal and ICC Saudi Arabia to resolve all matters.

Presentation on Incoterms:
A special presentation on Incoterms was made by Emily O’Connor, Senior Policy Manager, ICC Commission on Commercial Law and Practice. She informed the RCG SAME of the requirement to improve education in the use of Incoterms rules worldwide and of the need to replace the introduction with a shorter guidance section and the reformating of existing preambles. She also mentioned the 2010 version of Incoterms will result in fewer Incoterms rules in order to eliminate any redundant terminologies and provided a planned timeline for bringing into force Incoterms 2010 as follows:

- 5 March: Comments on third draft due to IHQ.
- 1 April: Final draft to CLP Commission for approval at 6 May Commission meeting.
- 6 May: Incoterms® 2010 approved by CLP Commission.
- 1 July: Intensive marketing begins for print books and seminars.
- 16/17 September: Incoterms® 2010 approved by ICC Executive Board.
- 17 September: Launch of print books and seminars. Marketing for online offerings, including PDF e-book, begins.

Update on WCF activities:
The second presentation was made by Mr. Rona Yircali, Chairman WCF. He informed that the WCF Chairmanship comprises of the WCF Honorary Chairman Mr. Bobby Mazumdar and Deputy Chairman Peter Mihok and himself as the WCF Chairman. In addition there are six Vice Chairmen; Mr. Mick Fleming, Prince Sifiso Zulu, Mr. Mustafa Mansur, Mr. Mahendra Sanghi, Mr. Hamad Buanim, Mr. Lorenzo Ysasi Martinez.

Mr. Yircali apprised RCG SAME that chambers were 13% of ICC’s global membership but only 10% of the world’s estimated total chamber community. He also mentioned that out of 92 ICC
NCs 55 are hosted within chambers. With regard to standalone NCs there are 37 with chamber memberships. There are also 32 countries without ICC National Committees where membership consists mainly of chambers of commerce and he accordingly listed them.

He identified the role of chambers of commerce in ICC and achievements of the WCF in 2009 which included new memberships. For 2010 he listed the activities on which WCF will be concentrating with priority as: ATA Carnet, Certificate of Origins as well as a WCF Outreach Program.

He informed the RCG SAME of the 7th World Chambers Congress scheduled to be held on 8-10 June 2011 in Mexico City which would cover a fundraising campaign, program development, speakers outreach and a chamber competition among its key components.

Presentation by UN Procurement Services: In line with ICC and WCF’s increased interaction with the United Nations and an MOU signed by the WCF and the UN a presentation on UN Procurement was made by Mr. Ard Venema of UN Procurement Services. Mr. Venema apprised the RCG SAME of the procurement opportunities at the UN for businesses to supply goods and services which in the year 2008 approached US $14billion. He also indicated the various categories the UN procures.

He mentioned that the ICC WCF and UN partnership would like to see more vendors register from countries categorized as developing or as economies in transition in the UN Global Market Place (UNGM – www.ungm.org)

The Regional Coordinator Mr. Rangoonwala commented this was a good program in the context of the WCF and chambers of commerce to participate in and the RCG SAME will certainly apprise their member chambers of the UN opportunities. In the case of NCs themselves he opined that perhaps it would not be as relevant since memberships at NC level are by in large contributory to and supportive of UN efforts rather than to consider the UN as a business opportunity. This would be more relevant at the level of local chambers of commerce.

The presentations were accordingly concluded.

General economic conditions and the outlook for National Committees in the region; & Report and views by National Committees on their ongoing activities, finance and memberships; Thematic discussion on regional trade, currencies & valuation, finance, tariffs and markets both in the context of intra-regional and regional groupings i.e., SAARC, GCC, EU, APEC, NAFTA and others and the role of ICC in enhancing cooperation, understanding, trade and investment

Observations by the National Committees:

ICC UAE (Represented by Dr. Ahmed Saif Belhasa, Chairman and Mr. Saeed Obaid Al Jarwan, Executive Secretary General):

Mr. Saeed Obaid Al Jarwan mentioned currently ICC UAE has created permanent committees on Banking, Arbitration, Transport & Logistics and E-BITT resulting in an increase in membership and enhanced the NC’s finances. In this regard he further mentioned of the benefits to ICC UAE in terms of sponsorships of these permanent committees. These measures have been taken because the NC is not benefited by the regulation for mandatory membership of companies with chambers of commerce, which results in chambers having in some cases 40000 members in the UAE. Hence chamber of commerce are better off than NCs.

Mr. Jarwan mentioned with regard to establishing new NCs in the region ICC UAE has established contact with Oman for a new ICC National Committee and would like for an ICC delegation to visit Oman for a presentation on ICC activities and benefits. He further said ICC UAE is ready to accompany the ICC delegation to Oman as and when they decide to do so.

In terms of economic situation in the UAE he mentioned the real estate sector has been affected as a results of the slow growth globally and recessionary trends.

Dr. Ahmed Saif Belhasa, the Chair of ICC UAE mentioned that even though there has been a global recession which has affected real estate sector in the UAE, the UAE government has helped this sector and continues to support it during this period. He said it is not as negative as has been made to appear in the media. He conveyed that in the case of the UAE only one company has in fact been badly affected and not the government in the UAE. Therefore the impression conveyed in the international media is not correct. In either case the Government of Dubai and the Federal Government of the UAE
are working together closely to solve all matters regarding debts etc.

He further mentioned the recession as having provided for the UAE businesses a good lesson how to handle recessionary trends and accordingly regulations are being further improved and being put into effect. Dr. Belhasa called for the ICC to take bold initiatives to address the international financial systems in terms of their accounting system and banking regulations, which in his opinion has been the reason for this global downturn. He further mentioned the difficulties faced in UAE especially in the construction sector in terms of bank guarantees and performance bonds and the international rules which apply to them. In this connection he mentioned that ICC URDG 758 can play an important role for standardizing procedures.

In terms of international arbitration ICC UAE will extend full cooperation to ICC in terms of developing appropriate international arbitration rules which would not be just restricted to the DFIC but would apply to the whole of UAE.

ICC Sri Lanka (Represented by Mr. Tissa Jayaweera, Chairman and Mr. Gamini Peiris, COO)

Mr. Tissa Jayaweera informed the participants that ICC Sri Lanka is now incorporated as a commercial entity. He informed of ICC Sri Lanka having conducted 8 seminars during the year 2009 on ICC rules and these seminars resulted in supplementing the funds of the National Committee. Some of these seminars were conducted by Mr. Pottengal Mukundan and Mr. Gary Collyer. However ICC Sri Lanka faces difficulty in getting expertise from ICC besides difficulties in paying the airfare and other costs.

He further informed that ICC Sri Lanka was benefited by the ATA Carnet program which is overseen by the National Committee. In Sri Lanka the gem and jewelry industry is the main user of the ATA Carnets. There are only two countries in the SAME region where the National Committees control the ATA Carnet operations i.e., Sri Lanka and Pakistan. ICC Sri Lanka offered its support to ICC Pakistan to enhance its ATA Carnet operations.

Mr. Gamini mentioned the high costs of ICC Publications and requested for ICC Publishing to consider outsourcing printing of ICC Publications in the SAME region in order to lower cost of publications, increase profits and discourage photocopying of the same. He further mentioned for ICC with keeping the National Committee informed of their interaction with local chambers and to keep the National Committees advised.

ICC Sri Lanka requested that National Committees should be allowed to impart training and conduct certified courses on Documentary Credits for banks & financial institutions by qualified individuals.

ICC Lebanon (Represented by Mr. Wajih Bizri, Chairman and Carla Rene Saade, Secretary General)

Mr. Wajih Bizri informed that ICC Lebanon could not organize any event in the past year owing to political instability which has also affected its membership. The prospects for 2010 looks good and they have planned meetings and workshops.

He informed the RCG SAME ICC Lebanon has recently signed an MOU with the Chartered Institute of Arbitration and hope this year it will be able to carryout more activities including seminars on URDG 758 and Incoterms 2010 in September and an Arbitration Forum in November.

ICC Lebanon cited its interest in hosting the ICC RCG SAME meeting in Lebanon sometime in the near future.

ICC Lebanon also presented a printed Activity Report for the period 2003-2009 to all participants.

ICC Syria (Represented by Dr. Abdul Rahman Attar, President and Mr. Naji Chaoui, Secretary General)

In a presentation made by ICC Syria Mr. Naji Chaoui informed the RCG SAME that ICC Syria was founded in 1987 as an ICC National Committee with 28 members. It faced limited financial resources and a difficult working environment in view of the limited role of the private sector in a centrally planned economy.

The objective of ICC Syria is to be the leading organization in promoting international best practices in Syria as well as to serve as an access to the international business community to facilitate the transfer of know-how to the local business community concurrent to creating networking opportunities.

ICC Syria has organized meetings and seminars in UCP 500, UCP 600, Incoterms, URDG, IPR, Competition Regulations, Public Private Partnerships, General and Maritime Insurance, Customs trainings, Arbitration and ADR.
Currently in Syria there is a shift from a centrally planned economy to a market economy with establishment of new private insurance companies, private banks, stock markets and a new regulatory framework requiring laws for banking and insurance, competition and anti-dumping laws, laws governing investments, IPR and Public Private Partnerships.

ICC Syria interacts with the government committees in the drafting and implementation of new laws in the area of transport, IPR, Arbitration, new chamber laws and is also interacting with the government in revising company laws and commercial laws.

ICC Syria’s current President Dr. Abdul Rahman Attar is not only on the Executive Board of ICC but also with his guidance ICC Syria has today become truly the voice of the private sector in Syria by introducing new amendments and making policy statements to the Syrian authorities.

In terms of ICC’s initiatives in the region ICC Syria is concentrating on Incoterms, URDG and UCP 600. ICC Syria also scheduled a seminar on Incoterms 2010 in Damascus on 16th February 2010 to be conducted by Ms. Emily O’Connor.

ICC Syria recommended more regional cooperation in projects and conferences, additional attention to websites and for creating links with other National Committees. ICC Syria further recommended for engaging young people in the business environment.

Dr. Mohammad Nahavandian, Chairman and Dr. Mohammad Mehdi Behkish, Secretary General)

Dr. Nahavandian emphasized on regional cooperation to help strengthen ICC overall. He informed that ICC Iran conducted 20 seminars/conferences promoting ICC activities and disseminating information.

Mr. S. N. Agarwal, President and Mr. Ashok Ummat, Executive Director)

Mr. S. N. Agarwal made a presentation on the Indian economy. He mentioned that in 2009-10 the Indian economy is expected to grow at a pace of 7.2% whereas in 2008-09 it grew at a rate of 6.7%. Exports in the period between 2002-03 to 2007-08 (over 6 years) grew 25% whereas imports for the same period grew at 31%. India now has reserves in excess of $300 billion.
India is working closely with the international community and has initiated the Invest India program to encourage public private partnerships.

Mr. Ashok Ummat informed the meeting that ICC India hosted the Regional CEO Forum in New Delhi in December 2009 and is currently focusing for rules on trade facilitation.

A workshop on Incoterms 2010 is being planned for September 2010 and in this regard he requested Ms. Emily O’Connor to recommend an expert to conduct the workshop. Mr. Ummat also said that workshops and seminars on ICC rules are revenue earner for ICC India.

ICC India recommended for a higher visibility of ICC ICA in India and that ICC ICA should have a permanent deputation in Delhi in view of the increasing requirement for arbitration in India with the increase of foreign investment on a increasingly larger scale. In this regard ICC India would provide all necessary facilitation and support to ICC and to the region.

ICC Georgia (Represented by Mr. Fady Asly, Chairman)

Mr. Fady Asly mentioned that according to the World Bank report 2008 Georgia is the No.1 economic reformer in the world and according to the World Bank report 2009 it is the 11th best country to do business.

He informed that Georgia has open markets and fights against corruptions and in fact Georgia is being consulted by UAE in recommending reform strategies.

ICC Georgia offered to host the 4th ICC RCG SAME meeting in Georgia after Jordan.

Mr. Asly also agreed to assist in the formation of new NCs in Armenia and Azerbaijan.

He mentioned the leading role being played by ICC Georgia with regard to all business legislation in the country. The NC plays a leading role in facilitating rules and regulations for trade and investment in Georgia and it is in this regard ICC Georgia is considered the most effective business organization in Georgia.

Mr. Asly informed that the seminars/ workshops planned for the year includes UCP600, Incoterms 2010 and URDG 758.

ICC Bahrain (Represented by Mr. Ebrahim Mohamed Ali Zainal, Chairman)

Mr. Ebrahim Mohamed Ali Zainal mentioned that Bahrain is considered a paradise for foreign investors as they are allowed 100% ownership. Bahrain is a member of GCC and allows for customs free movement and is part of the Arab Customs regulation.

Bahrain has an FTA with the US and through the GCC an FTA with Singapore. Bahrain is not only a regional financial hub but also an international banking hub and is a leader in Islamic banking.

Mr. Zainal informed that ICC Bahrain was founded in 1999 within the Bahrain Chamber of Commerce & Industry. Under the auspices of the Bahrain Chamber of Commerce & Industry a Committee on Trade Finance has been established which is also represented in the drafting groups of ICC for Incoterms, URDG and UCP.

He also informed that under the auspices of the BCCI a Lawyers and Legal Committee has also been constituted which is headed by H. E. Sheikha Haya who is the member of ICC ICA for Bahrain. Sheikha Haya was also President of the United Nations General Assembly and Ambassador of Bahrain to France.

Bahrain’s Ministry of Justice is working closely with the American Arbitration Association and has set up a Chamber for Dispute Resolutions within the Ministry based on recent law issued.

He mentioned that ICC Bahrain had approached ICC ICA for establishing a Court office in Bahrain but there has been no positive response from the ICC ICA. Mr. Zainal recommended that ICC ICA presence in Bahrain will be of great significance to the region.

He informed that ICC Bahrain is part of the BCCI but continues to interact regionally and internationally as ICC’s National Committee retaining its own membership.

ICC Pakistan (Represented by Mr. Tariq M. Rangoonwala, Chairman and Mr. Javaid Basini, Secretary)

ICC Pakistan had circulated its 2009 Annual Report for all participants. ICC Pakistan Chair Mr. Tariq Rangoonwala mentioned although the regional security situation and international recession has somewhat affected economic growth in Pakistan overall.
businesses are seeing healthy growth. Trade has been stagnant and the current account deficit is being kept under control. In terms of FDI the pace has been slow. IMF assistance was availed to overcome the recessionary affects and the economic situation has since stabilized and is expected to grow at 3.5%.

He further said we have seen an increase in international interest in Pakistan however it is more on a state to state basis rather than business to business. During the political changes over the past two years ICC Pakistan has managed to preserve the legislative gains it had made in the previous government and as such the Government of Pakistan maintained continuity in terms of arbitration legislation and foreign arbitral awards enforcement provisions, Incoterms, telecom deregulation, trade facilitation laws and IPR. These are areas in which ICC Pakistan had obtained federal legislation and its implementation.

ICC Pakistan as a National Committee of ICC has now included several large chambers of commerce of the country as its members for interaction with the World Chambers Federation. At the same time ICC Pakistan has started working with the WCN to promote ChamberTrust seal.

In the area of E-BITT ICC Pakistan and ICC Iran are seeking to have a joint regional event and invite other regional NCS. In this regard he informed that E-BITT Commissions of both NCs are working together. ICC Pakistan is promoting legislation related to E-BITT such as Data Protection laws, E-commerce laws and Cyber-crime laws.

Mr. Rangoonwala also informed that ICC Pakistan through its members has also been facilitating ICC internationally in its interaction with business and the UN in the area of BASIS and WSIS. Its members also remain active on the ICC Banking Commission.

ICC Pakistan recommended that in the area of UCP 600 the in-house Bills of Lading issue needs to be explicitly mentioned by ICC as a negotiable instrument under UCP rules because there is currently a controversy between the freight forwarders, banks and businesses on the recognition of in-house Bills of Lading.

ICC Pakistan also recommended the need for ICC to involve the region more actively in its Transport & Logistics Commission because the region is a major hub for transport in its various concentrations and requires close cooperation and support from ICC and ICC expertise in developing appropriate rules and regulatory mechanism on a region wide basis for transport and logistics which would be in compliance with international best practices.

Mr. Rangoonwala also informed that ICC Pakistan plans for an introductory workshop on Incoterms 2010 in October 2010 followed by a series of workshops on Incoterms 2010, URDG 758 and UCP 600. In this regard he also requested Ms. Emily O’Connor to suggest experts for conducting seminars on Incoterms 2010 and URDG 758.

Closing
After the observations and recommendations by all NCS the Regional Coordinator reviewed with all NCS the various recommendations and resolutions to be finalized for conveyance after approval by regional NCS to the ICC Executive NC Com for its deliberations scheduled on the 18th of March 2010 in Paris. These would be circulated to all regional NCS.

He emphasized that RCG recommendations and resolutions are not only supportive of but also reflect changes ICC is trying to bring about internationally in terms of its position and governance. The region is fully supportive and is a part and parcel of ICC and hopes to make a constructive contribution in not only enhancing ICC’s capabilities, its sustainability but also to lend a hand in enhancing its standards.

Mr. Jean Rozwadowski stressed the all inclusive nature of ICC in terms of its regions and National Committees. He assured his continued efforts to enhance ICC’s global reach and to take the recommendations of each region forward for discussion and deliberation.

Mr. Rangoonwala thanked ICC Syria and in particular its President Dr. Abdul Rahman Attar for hosting a successful second RCG SAME meeting and appreciated the efforts of Mr. Naji Chaoui and Ms. Mirna Nayfeh and thanked them for their warm hospitality.

On behalf of the RCG SAME he thanked the ICC Secretary General Mr. Jean Rozwadowski for his participation and support. He also appreciated and thanked Mr. Rona Yircali, Chairman WCF for his participation which has been a source of encouragement to all regional NCs in terms of ICC’s policies to provide RCGs the opportunity to convey their views and issues for deliberation at the ICC Executive Board level.
The region thanked ICC officials Mr. Francois-Gabriel Ceyrac, Ms. Emily O'Connor and Mr. Sami Houerbi for facilitating this successful meeting and for their participation. Mr. Rangoonwala also wanted to appreciate the efforts of Mr. Javaid Basini in facilitating this meeting.

The meeting concluded with a vote of thanks to the Regional Coordinator.

Conclusions & Recommendations

The following resolutions for conveyance to the ICC Executive Board’s NC Com were concluded:

1. The ICC RCG SAME welcomes the participation of the World Chambers Federation in the NC Com of the ICC Executive Board and recommends the WCF to keep National Committees informed of its interaction with their respective local chambers.

2. Resolved to request ICC for inclusion of two items in the agenda of the next World Council meeting to be held in Hong Kong in June 2010. In this regard letters addressed to the ICC Secretary General signed by 11 NCS were delivered to the ICC Secretary General at the meeting.

3. Resolved to convey a copy of RCG SAME’s request to ICC for inclusion of two items in the agenda for the next World Council meeting to other Regional Coordinators for supporting the all inclusive concept of ICC.

4. Resolved to recommend the need for ICC to involve the region more actively in its Transport & Logistics Commission in view of the SAME region being a major hub for transport & logistics in its various concentrations.

5. Resolved to recommend to ICC to raise in its consultation with governments and IGOs the matter of sanctions being counterproductive and unnatural, thereby creating distortions for the global economy.

6. Resolved to recommend to ICC to enhance its interaction and policy initiatives in terms of accounting standards and financial regulations which should include input from all regions in order to be able to effectively avoid the erosion of accounting standards and the disaffection of markets owing to weak regulation and weak governance.

7. Resolved to recommend to ICC and its Banking Commission to make a clear statement on the interpretation of In-house Bills of Lading as a negotiable instrument under UCP 600 rules.

8. Resolved to recommend to ICC the importance of URDG in the region in view of the lack of uniformity and reliability of financial guarantee systems prevalent in the region. In this regard ICC expertise and trainers should be available not only for individual NCS but also for regional events.

9. Resolved that there is not only a vacuum but a clear requirement for ICC ICA’s presence in the region and to request ICC to deliberate on this matter and provide for the SAME region a projection which may envisage such a development for which the region may provide the requisite assistance without any preconditions in order to ensure the continuing sanctity of the ICC ICA.

10. Resolved to recommend to ICC ICA to always inform a National Committee whenever it intends to participate or conduct an event in its respective country.

11. Resolved to recommend to ICC that National Committees should be allowed to impart training and conduct ICC certified courses on Documentary Credits by qualified individuals.

12. Resolved to recommend for ICC to create a space on its international website for the RCGs and allow to link regional NCS websites in order to enhance interaction.

13. Resolved to recommend for ICC to provide an opportunity to the SAME region NCS and other regions to quote for printing of ICC Publications as it will lower costs and increase profits.

14. Resolved to recommend to ICC to send a delegation to Oman in conjunction with ICC UAE to encourage the formation of an ICC National Committee in Oman.

15. Resolved to recommend to ICC to provide the requisite support to ICC Georgia in its initiative to create ICC National Committees in Armenia and Azerbaijan.

16. Resolved for the next ICC RCG SAME meeting for 2011 to be held in Amman, Jordan hosted by ICC Jordan.
ICC INAUGURATES ASIA REGIONAL OFFICE

Over 150 eminent guests from the legal and business world attended the official inauguration of ICC’s regional Asia office in Singapore on 22nd January 2010.

The office located in the Maxwell Chambers, Singapore, was inaugurated by Guest of Honor Associate Professor Ho Peng Kee, Senior Minister of State, Ministry of Law; John Beechey, Chairman of the ICC ICA and Jason Fry, Secretary General of the ICC ICA.

Leaders from several of ICC’s representative offices in Asia – including ICC Indonesia, ICC Malaysia, ICC Singapore and ICC Sri Lanka – were present at the event. Mustafa Mansur, ICC Regional Coordinator, Asia Pacific, also attended and officially raised a toast to the success of the regional office.

The regional office will be managed by ICC Regional Director for Trade and Policy Lee Ju Song. Ms Lee’s responsibilities include fostering ICC cooperation with regional economic groupings such as the Association of Southeast Asian Nations, the Asia-Pacific Economic Cooperation, the Gulf Cooperation Council and the South Asian Association for Regional Cooperation to create a more conducive business environment in the region.

In December 2009, Kim Kit Ow was appointed Asia Regional Director for ICC Arbitration and Amicable Dispute Resolution, ICC regional office, Asia. Ms Ow, who has a broad legal background, will work in close cooperation with ICC members in the region to promote ICC’s dispute resolution services. She will also help to organize training programs and regional arbitration forums.

ICC ANNOUNCES REVISION OF ARBITRATION COSTS

The International Chamber of Commerce announced a revision of its arbitration costs and fees to become effective on 1 May 2010 and apply to all arbitrations commenced on and after that date.

The revision does not change ICC’s traditional method of calculating administrative costs and arbitrators’ fees on the basis of the amount in dispute. However, the rates applicable to each ‘slice’ of the amount in dispute have been adjusted.

An increase averaging 0.14 of a percentage point has been applied to most slices. At the top end of the scale, a new slice has been added to distinguish between cases valued at US$ 100–500 million and those over US$ 500 million. In the latter cases, a flat rate of US$ 113,215 will be charged for administrative expenses and arbitrators’ fees will be calculated using rates that are the same, or slightly less, than before. The initial payment required when filing a request for arbitration has been raised from US$ 2,500—the level at which it has been held since 1998—to US$ 3,000.

The change in arbitrators’ fees is intended to keep the Court well positioned in an increasingly competitive market. A balance has been struck between the need to keep fees to business users at an acceptable level and the need to offer arbitrators remuneration commensurate with the work they do.

It should be recalled that, when setting arbitrators’ fees, the Court will continue to take into consideration an arbitrator’s diligence, the time spent on the case, the rapidity of the proceedings and the complexity of the dispute.

Cost estimations for amounts in dispute may be obtained using the arbitration cost calculator available on the ICC Court website.

The costs of ICC Arbitration are regulated by Articles 30 and 31 of the ICC Rules of Arbitration and Appendix III to those Rules.
INCoterms® 2010 by the International Chamber of Commerce – Revised Trade Rules for an Inter-Connect World

The International Chamber of Commerce (ICC) today launched the latest revision of its internationally-recognized trade terms Incoterms® 2010. The rules, used by companies in countless business transactions all over the world, will come into effect on 1 January 2011.

Short for ‘international commercial terms’, the Incoterms® rules were first created by ICC in 1936 to help traders avoid misunderstandings by clarifying the costs, risks, and responsibilities of both buyers and sellers in the delivery of goods. Representing a radically new concept in an industry regulated by local rules of law, the rules caused a sensation in the international business world when ICC first introduced them. They were a first real attempt to bring legal certainty to business transactions while simplifying the drafting of international contracts.

"Before ICC developed the Incoterms® rules, the different terms were often subject to varying interpretations in different countries, often giving rise to disputes and litigation," said ICC Chairman Rajat Gupta. "Today the Incoterms® rules for the usage of terms such as Ex Works (EXW), Free on Board (FOB), Cost and Freight (CFR) and Cost, Insurance and Freight (CIF) are part of the recognized canon defining the responsibilities of buyers and sellers in transactions for the sale of goods worldwide."

The Incoterms® 2010 rules take into account developments in global trade since they were last revised in 2000. These include changes in cargo security, which has been at the forefront of the transportation agenda for many countries since 9/11, and the increased use of electronic communications in business transactions.

Revisions have been made to ensure that the wording of the Incoterms® rules clearly and accurately reflects present-day trade practices.

The number of rules has been reduced from 13 to 11 and two new rules have been created: Delivered at Terminal (DAT) and Delivered at Place (DAP). The latest version also features guidance notes at the beginning of each of the rules to help steer the user to the correct Incoterms® rule.

"ICC has a long history of developing rules of practice for business," Mr Gupta said. "Because our rules are developed by experts and practitioners brought together by ICC in a thorough consultative process, they are globally accepted and have become the standard in rules-setting for international business.”

Incoterms® is a registered trademark of the International Chamber of Commerce.

ICC International Maritime Bureau Report

Somali pirates were responsible for 35 of the 67 piracy incidents reported worldwide during the first quarter of the year, the ICC International Maritime Bureau (IMB) reported.

The number of incidents represents a sharp drop from the 102 attacks reported during the first quarter of last year. “This marked reduction can be attributed to the continued presence and success of the navies in the Gulf of Aden along with the robust anti-piracy measures adopted by the merchant navy fleet,” the report said.

Twenty-six vessels were boarded during the first quarter of 2010, with 18 ships fired upon, 12 suffering from attempted attacks, and 11 vessels hijacked. A total of 194 crew members were taken hostage, 12 of whom were injured.

The east and south coast of Somalia recorded 18 incidents including five vessels hijacked and 11 fired upon in the first quarter of 2010 compared with 21 incidents including four vessels hijacked and 11 fired upon for the corresponding period in 2009. Within the Gulf of Aden and in the adjacent Red and Arabian Seas 17 incidents were reported, including the hijacking of four vessels, compared with 41 incidents, including five hijacked vessels, in the first quarter of 2009.

But even as the total number of incidents decline, the range of action by Somali pirates continues to expand, spreading from the Gulf of Aden and the southern part of the Red Sea to the coasts off Kenya, Tanzania, the Seychelles, and even Madagascar in the Indian Ocean and Oman in the Arabian Sea.

IMB Director Captain Pottengal Mukundan said that attacks so far from the Somali coast can be possible only through the use of mother ships, some of whom
have been destroyed by the navies of the various countries that are operating in the area. Mother ships are large vessels from which smaller boats or skiffs can take to sea, thus allowing the pirates to go increasingly further into the ocean. Some attacks, in fact, have taken place 1,000 nautical miles from the Somali coast.

“Such positive and robust action by the navies against mother ships, pirate skiffs and pirate action groups have been vital to keeping the attacks under control and must be sustained,” Captain Mukundan added.

Indonesia reported eight piracy incidents during the first quarter, compared with only one incident for the corresponding period last year. It was the highest number of first quarter incidents the country has seen in two years. It should be noted that while the number of incidents has risen, many were low level attacks against vessels at anchor or at berth.

Serious incidents of piracy, including armed robbery, have been declining in Indonesia since 2003. In the late 1980’s and 1990’s Indonesian waters were among the world’s most dangerous, but steps taken by the Indonesian authorities have been effective in reducing acts of violent piracy. Nonetheless, due regard and caution should be exercised while transiting these waters, the report said.

In the first quarter of 2010, no incidents were reported in the Malacca and Singapore Straits, and only one incident was reported off the coast of Bangladesh.

NEW ICC CHAIRMAN

The ICC World Council elected Mr. Rajat Kumar Gupta as the next ICC Chairman from 1 July 2010 to 30 June 2012. Mr. Gupta is the Senior Partner Emeritus of McKinsey & Company. Mr Gupta served as the Managing Director Worldwide of McKinsey from 1994 to 2003 and as Senior Partner Worldwide from 2003 to 2007.

Mr. Gupta joined McKinsey’s New York office in 1973, assumed leadership of its Scandinavian offices in 1981 and its Chicago office in 1989. In his 34-year career in consulting, he has served many leading companies on a broad set of topics related to strategy, organization and operations.

Mr. Gupta holds a bachelor of technology degree in mechanical engineering from the Indian Institute of Technology and an M.B.A. from the Harvard Business School.

NEW ICC VICE CHAIRMAN

The World Council elected Mr. Stephen K. Green as the next ICC Vice-Chairman. Owing to Mr. Green’s appointment as the Trade Minister for the Government of UK ICC has nominated Mr. Harold McGraw III, Chairman, and President & Chief Executive of The McGraw Hill Companies, to be the new ICC Vice Chairman.

Mr. McGraw will assume the responsibilities as the Vice Chairman of ICC effective 24th January 2011 after his official election by the ICC World Council, which is expected to meet on the 24th of January 2011 in Paris.

McGraw, 62, joined The McGraw Hill Companies in 1980 and has held number of positions with increasing responsibilities. McGraw received an MBA from the Wharton School of the University of Pennsylvania in 1976 and BA from Tufts University in 1972.

ATA CARNET COUNCIL RE-ELECTED PETER BISHOP AS CHAIRMAN

The WCF World ATA Carnet Council (WATAC), responsible for monitoring ATA operations, has re-elected Chairman Peter Bishop to serve a further three-year term.

Mr. Bishop first became WATAC Chairman in 2004, succeeding Patrick Coidan from Switzerland, and was re-elected in 2007. Following a proposal by WCF Chairman Rona Yircali, Mr. Bishop agreed to Chair WATAC and its Administrative Committee for another term.

“I am honoured to continue in the role of WATAC Chairman to ensure the continuity and stability of the work performed by the ATA team,” said Mr. Bishop.

Mr. Bishop is Deputy Chief Executive of the London Chamber of Commerce and Industry where he is responsible for the Chamber’s international trade activities which include documentation, a European
Information Centre, events, trade missions and exhibitions.

Mr. Bishop was re-elected Chairman by WATAC in June 2010 to complete a final three-year term.

CYNTHIA DUNCAN ELECTED VICE CHAIR OF THE WORLD ATA CARNET COUNCIL (WATAC)

Cynthia Duncan, Senior Vice President, Carnet Operations, United States Council for International Business (USCIB) has been elected Vice-Chair of the ICC WCF World ATA Carnet Council (WATAC) during its meeting in Dubai on 16-17 December 2010. In her new position, Ms. Duncan will support WATAC Chairman, Peter Bishop, to coordinate the activities of the Council and its Administrative Committee.

Ms. Duncan has served as head of Carnet Operations at the United States Council for International Business (USCIB) since February 2000 and sits on the Executive Board of the World ATA Carnet Council, based in Paris. Ms. Duncan also serves on the Steering Committee of World Trade Week New York (NY) City and on the NY District Export Council. She is a member of the Board of Directors of the Organization of Women in International Trade, New York and previously served in a number of other capacities at USCIB, including as vice president for membership.

Currently accepted in 68 countries, ATA Carnets are passports for goods for world trade that permit the duty and tax-free temporary export of goods. The WCF WATAC is the International Chamber of Commerce working body that administers the international guarantee chain for Carnets. The chain comprises chambers and business organizations which have been appointed by their national Customs authority to issue and guarantee ATA Carnets. In 2010, Moldova and Macao became the latest affiliates to join the chain.

UAE TO JOIN ATA CARNET CHAIN

The United Arab Emirates (UAE) has confirmed that it expects to start accepting and issuing ATA Carnets early next year, making the federation the 69th country to join the ATA system. The announcement was made by Director General of the Dubai Chamber Hamad Buamim and Director General of the UAE Ministry of Foreign Trade Abdullah A. Al Saleh during the opening ceremony of an ATA Carnet seminar for UAE and Gulf Co-operation Council Customs, chambers and businesses on 15th December in Dubai.

Organized by the Dubai Chamber, the gathering presented a first-of-its-kind opportunity for members to acknowledge the progress achieved towards the implementation of the ATA System in the UAE under the impulse of the Dubai Chamber and the guidance of Lee Ju Song, ICC Asia Director and Deputy Chief Executive of the Singapore International Chamber of Commerce.

WCF WATAC Chairman Peter Bishop and representatives of affiliated organizations, eager to issue their first Carnets for the UAE, were impressed by the Dubai Chamber’s knowledge of ATA Carnet technicalities. All were assured that the chamber is ready to play a full role in the chain and expressed thank the Dubai Chamber’s trainer for their achievement.

The ICC World Chambers Federation (WCF) World ATA Carnet Council (WATAC) met for the first time in Dubai last week at the invitation of the Dubai Chamber of Commerce and Industry.

WORLD CHAMBERS FEDERATION (WCF) GENERAL COUNCIL ELECTIONS

The elections for the new WCF General Council took place from 1-30 November, 2010. 76 chamber leaders from 50 countries, covering every region of the world, submitted their candidacy to serve on the WCF General Council. The candidates submitted their readiness and commitment to protecting the concept and role of chambers of commerce and support WCF in its role of representing the global interests of chambers within the ICC.

Fifty (50) candidates submitted to fill 20 elected seats for the WCF General Council, with an additional 12 members co-opted after the elections to ensure a balanced Council. The elections were carried out with online voting by member chambers from all over the world.

Nominees from Asia included candidates from Australia, Bangladesh, China, Georgia, India, Japan, Korea, Macau, Mongolia, Pakistan, Sri Lanka and from Middle East/ Africa included candidates from...
Iran, Jordan, Morocco, Nigeria, Qatar, Saudi Arabia, South Africa, Syria and UAE.

Mr. Abdul Majid Haji Muhammad, President Karachi Chamber of Commerce & Industry (a member of ICC Pakistan) was the candidate from Pakistan.

WORLD CHAMBERS FEDERATION CELEBRATES 60 YEARS

The ICC World Chambers Federation (WCF) gathered last night to celebrate 60 years of unifying, and facilitating exchange among, the global community of over 12,000 chambers of commerce around the world. To mark the anniversary, WCF hosted a celebratory dinner featuring speeches by Minister of State of the Republic of Lebanon, former WCF Chair and former ICC Chairman Adnan Kassar, President of Eurochambers Alessandro Barberis and WCF Chair Rona Yircali.

Established by the International Chamber of Commerce in 1950 to be the advocate of its chamber of commerce members worldwide, WCF today has members in over 126 countries comprising local, regional, national, bilateral, transnational, public-law and private-law chambers.

WCF strengthen links between chambers and is a unique platform for the exchange of best practices and experience. WCF activities and services help chambers face the challenges of today’s face-paced global economy and include the administration of the world ATA Carnet system, the World Chambers Network and guidance on the usage of Certificates of Origin. The World Chambers Congress – inaugurated in 1999 in Marseille, France has also become the highlight of the chamber calendar and since 2003 has featured the World Chambers Competition; the only awards programme to recognize the most innovative chamber projects.

“Devoted to working for chambers at every level, WCF has come a long way in 60 years to become the backbone of the chamber community,” said WCF Chair Rona Yircali. “As the chamber movement goes from strength to strength, we take the occasion of our 60th anniversary to reaffirm our commitment to promote and protect the role chambers play in their business communities, and strengthen the network between chambers from all over the world.”


Chambers of commerce exist in almost every country of the world and remains the most important type of multi-sectoral business organizations. A worldwide history of the chamber of commerce movement is currently being written by WCF, spanning back to the establishment of the first chamber in 1599.

7th WORLD CHAMBERS CONGRESS MEXICO CITY

Organized biennially by the ICC World Chambers Federation (WCF), the World Chambers Congress is the only international forum for chamber of commerce leaders to share experiences, exchange insights, develop networks and address the current business issues affecting their communities.

This exciting event assembles a global community of more than 12,000 chambers of commerce, their leading business members, and influential world leaders. It provides a unique opportunity for interaction between delegates from more than 100 countries.
The 7th World Chambers Congress in Mexico City from 8-10 June 2011 brings together leaders from around the world to learn, share, and build new networks of opportunity. Over three days, the Congress will feature an array of programmes, plenaries, working sessions, and social opportunities, all designed with a focus on community and progress.

Under the theme “Enterprise – Network – Prosperity,” the Congress will address the following topics:
- The new economy, looking ahead at challenges and opportunities
- Corporate social responsibility
- Today’s labor force
- Chambers working for small- and medium-sized enterprises (SMEs)
- Chamber partnerships: local, regional, national, and transnational
- Attracting members and keeping them satisfied
- Chambers and young entrepreneurs

Competition categories for 2011 are:
- Best Unconventional Project
- Best Small Business Project
- Best International Project
- Best Corporate Social Responsibility Project

ICC BANKING TECHNIQUE AND PRACTICE COMMISSION FACTSHEET

The ICC Banking Commission is a leading global rule-making body for the banking industry, producing universally accepted rules and guidelines for international banking practice, notably letters of credit, demand guarantees and bank-to-bank reimbursement. ICC rules on documentary credits, UCP 600, are the most successful privately drafted rules for trade ever developed and are estimated to be the basis of trade transactions involving more than one trillion dollars a year. The Banking Commission is equally a worldwide forum of trade finance experts whose common aim is to facilitate international trade finance across the world. With over 500 members in 85 countries, many of them emerging, the Banking Commission is one of the largest ICC Commissions. ICC voluntary market-based approaches developed by the Banking Commission have often been praised for leveling the playing field in trade finance practices.

Mandate:
To serve as the global forum and rule-making body for the banking community.

Leadership:
The Officers of the Banking Commission are:

KAH CHYE TAN
Chair, Global Head of Corporate Cash and Trade, Transaction Banking, Standard Chartered Bank, Singapore

GEORGES AFFAKI
Vice-Chair, Member of the Executive Committee and Global Head of Structured Finance, CIB Legal, BNP Paribas, France

GARY COLLYER
Banking Commission Technical Advisor, Founder Collyer Consulting, U.K.

DAN TAYLOR
Vice-Chair, Executive Director, TSS Global Market Infrastructures, JPMorgan

ALEXANDER ZELENOV
Vice-Chair, Director, Financial Institutions Department, Vnesheconombank, Russia

YANLING ZHANG
Vice-Chair, Executive Vice President, Bank of China, China

THIERRY SENECHAL
Policy Manager

Banking Commission meetings:
Each year the ICC Banking Commission brings together bankers, business leaders, finance experts, lawyers and government officials at Commission meetings to promote dialogue make policy recommendations and develop rules to enhance trade finance practices throughout the world. Past meetings have attracted wide audiences and have been extremely useful vehicles for advancing trade finance and business interests across the globe.

Recent and upcoming meetings:
- 1999 Hong Kong
- 2000 Istanbul
- 2001 Frankfurt am Main
- 2002 Roma
- 2003 New Delhi
- 2004 Moscow
- 2005 Dublin
- 2006 Vienna
- 2007 Singapore
2008 Athens  
- 2009 Dubai  
- 2009 Brussels  
- 2010 Beijing (Postponed)  
- 2010 Orlando, USA (Fall)  
- 2011 Zurich, Switzerland (Spring)  
- 2011 Beijing (Fall, Rescheduled from 2010)  
- 2012 Paris, France (Spring)

Task Forces and Working Groups:

MARKET INTELLIGENCE WORKING GROUP:  
This group is responsible for producing ICC Global Survey Series on Trade & Finance. Our continued endeavors are to be the No.1 reputable and reliable Market Intelligence Provider for the industry. We strongly believe that the creation of sustained value and trajectory growth from this project is far reaching not only in key international fora but to all relevant financial institutions, corporations and their clients in the business world.

ICC REGISTER WORKING GROUP:  
ICC created a Trade Finance Register – the first of its kind – to assist the industry in developing empirical evidence for discussions regarding the treatment of trade financing under new regulatory frameworks. The register’s functions include accumulating, sorting and maintaining trade finance default data for concrete use and evaluation.

FORFAITING DRAFTING GROUP AND FORFAITING CONSULTATIVE GROUP:  
Following an initial collaboration whereby the International Forfaiting Association (IFA) invited the ICC to analyze and give feedback on the IFA Forfaiting Primary Market Guide, the two organizations jointly decided to draft uniform rules on forfaiting for both primary and secondary markets, and to this end created the Drafting Group and Consultative Group on Forfaiting to complete the mission.

URDG DRAFTING GROUP AND GUARANTEES TASK FORCE:  
Aim to pool ideas and impact new policy relating to international guarantees, promote a wider use of the Uniform Rules for Demand Guarantees (URDG) and more generally, monitor international guarantee practice in all sectors and jurisdictions as well as the work of other international and regional organizations in the area of guarantees.

ANTI MONEY LAUNDERING (AML) TASK FORCE:  
A working group composed of more than 60 high level experts in the AML field to provide a business view-point on anti-money laundering regulatory initiatives. The Task Force is presently developing a report on the impact of trade sanctions and embargos clauses.

COUNTER TERRORIST FINANCING / FINANCIAL CRIMES GROUP:  
Counter Terrorist Financing / Financial Crimes Group ("CTF/FC Group") to handle new mandates in the area of AML, terrorist financing, financial crimes and proliferation financing.

Recent publications:
Decisions taken at Banking Commission meetings are published in official ICC publications and reported in the ICC quarterly newsletter, Documentary Credits Insight. ICC banking rules, which are contractual and voluntary, are implemented worldwide. Amongst a multitude of ICC Banking Commission publications used by banking professionals and trade finance experts worldwide, highlighted below are some of the Commission’s recent publications:

The ICC Uniform Rules for Demand Guarantees (URDG), first adopted in 1991, reflect international standard practice in the use of demand guarantees while at the same time balancing the legitimate interests of all parties. In the years since their adoption, the URDG have gained increasingly broad international acceptance and official recognition and use by bankers, traders, industry associations and international organizations including UNCITRAL, FIDIC and the World Bank.

ICC Publication No. 758, 2010 Edition

UCP 600 Collection and related texts
ICC Uniform Customs and Practice for Documentary Credits (UCP 600) came into effect on 1 July 2007. The new UCP 600 also contains within the text the 12 Articles of the eUCP, ICC’s supplement to the UCP governing presentation of documents in electronic or part-electronic form.


A “Users’ Handbook for Documentary Credits under UCP 600” has been published to serve as an introduction to users of documentary credits.


The Complete UCP traces the history of the rules from their inception more than 70 years ago through their latest revision, UCP 600.

International Standard Banking Practice (ISBP) This invaluable text demonstrates how UCP 600 – the ICC’s internationally used rules on documentary credits – are applied in everyday practice by documentary credit practitioners around the world. As such, it is an essential complement to the UCP.


DOCDEX cases and opinions
Collected DOCDEX Decision 2004–2008 DOCDEX was established by the International Chamber of Commerce in 1997 as a rapid dispute resolution system using panels of ICC experts to render decisions on disputes involving letters of credit. DOCDEX Decisions, normally rendered within 30-60 days, often allow the disputing parties to avoid lengthy and costly court proceedings. The DOCDEX system was later expanded to cover ICC rules on collections and demand guarantees as well. Most DOCDEX cases are published on a regular basis.


ICC Banking Commission Opinions 2005–2008 This set of ICC Banking Commission Opinions covers the transition period between UCP500 – the ICC rules on documentary credits in effect from 1994 through the first half of 2007 - and UCP 600, the latest revision of the rules, that replaced UCP 500 on 1 July 2007.


Official ICC Banking Commission opinions:
Given that ICC Banking Commission rules and guidelines are used daily by trade finance practitioners worldwide, it follows that when confronted by numerous, and often, complex problems in establishing documentary compliance and the interpretation of rules and document content, these professionals regularly approach the ICC for guidance. In response to these requests, the ICC Banking Commission devised the “Official ICC Banking Commission Opinions” to provide expert interpretation and analysis of the rules in given situations.

Policy Advocacy:
ICC Market Intelligence Global Surveys:
The ICC Banking Commission has taken a lead to provide key information and analysis on the trade finance industry. Recent ICC Global Surveys have been conducted in partnership with SWIFT, BAFT-IFSA, Work Bank, EBRD, IFC, ADB, IaDB and WTO. ICC Surveys are today widely used by both the industry and the regulators to shape policies in trade finance.

WTO, Expert Group on Trade Finance:
The ICC Banking Commission has been invited to participate in the World Trade Organization’s Expert Group on Trade Finance. ICC Reports were prepared in 2008, 2009 and 2010 for WTO to review the impact of the Basel II Framework on trade finance and analyze the trends in trade and finance as a result of the financial crisis.

ADB-ICC Register:
The ICC Banking Commission and the Asian Development Bank have created a Working Group seeking to collect performance data on trade finance.

Financial Action Task Force:
The Banking Commission has been actively engaged with the FATF hosted by OECD to provide guidance on the drafting of specific antimony laundering recommendations.

International Finance Corporation, World Bank Group:
The Banking Commission has been working with the IFC to promote trade in emerging markets. A special joint IFC-ICC meeting and workshop was organized in Paris in 2008.

United Nations Commission on International Trade Law:
The Banking Commission is closely engaged with UNCITRAL efforts to seek wide endorsement of ICC rules in order to facilitate their implementation. A mutual agreement exists for endorsement of rules and conventions issued by the ICC and UNCITRAL.

Partnership:
We have created a wide network of partnerships with professional organizations to help promote the commission’s reach within the banking community. For instance, our technology partner, Coastline Solutions, has developed an extensive range of online training services for the trade finance industry.
# IMPORTANT ICC EVENTS IN 2011

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>24 January</td>
<td>Extra-ordinary session of the ICC World Council.</td>
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<td>Paris</td>
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<td>24-25 January</td>
<td>Meeting of the Permanent Heads of ICC.</td>
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<td>Paris</td>
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<td>25-27 January</td>
<td>ICC National Committee Training Sessions.</td>
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<td>Paris</td>
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<td>2-3 February</td>
<td>6th Global Congress on Combating Counterfeiting and Piracy.</td>
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<tr>
<td>Paris</td>
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<tr>
<td>21-24 March</td>
<td>Meeting of the ICC Banking Commission and 80th anniversary celebration of the ICC Banking Commission.</td>
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<td>Zurich</td>
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<tr>
<td>8-10 June</td>
<td>7th Word Chambers Congress of the ICC World Chambers Federation.</td>
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<td>Mexico City</td>
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Further information including rate structure may be accessed from www.iccpakistan.com

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2. Worldchambers is regularly rated among the top ten business directories in the world by Google (www.google.com/Top/Business/Directories).

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For further details please contact ICC Pakistan.

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About ICC

The International Chamber of Commerce is the world business organization founded in 1919. Headquartered in Paris, ICC promotes multilateral rules for business and groups of thousands of member companies and associations from over 130 countries worldwide. National Committees such as the Pakistan National Committee work with their members to address the concerns of business in their countries and convey to their respective governments business views formulated by ICC.

ICC has three main activities: rules-setting, arbitration and policy. ICC enjoys a close working relationship with the United Nations and other intergovernmental organizations including the World Trade Organization and the G8. ICC's fundamental mission is to promote trade and investment across frontiers and help business meet the challenges and opportunities of the international business environment. ICC believes that trade is a powerful force for peace and prosperity. ICC provides essential services, among them the ICC International Court of Arbitration and the World Chambers Federation, which is ICC's worldwide network of chambers of commerce.

About ICC Pakistan

The Pakistan National Committee of the International Chamber of Commerce was founded in 1955 and participated actively in ICC affairs. In 1960 the PNC-ICC hosted the International Businessmen’s Conference at Karachi under the auspices of the Commission on Asian and Far Eastern Affairs of the International Chamber of Commerce (CAFEA - ICC). ICC Pakistan was reorganized in 1999 and is a consultative body to senior policy makers and providing voluntary guidelines and information, which help to facilitate legislation allowing for the development of a conducive and enabling environment for direct investments and international trade. These include multilateral facilitation treaties, investment protection provision, trade & transport facilitation, intellectual property, E-business, IT & Telecom, Energy, Documentary Credits, Trade Finance rules and other programmes for facilitating growth in trade and investment.

In February 2002 ICC Pakistan hosted the ICC Regional Foreign Direct Investment Conference with the theme "An Emerging Crossroad for Trade & Investment". This was attended by members of the local, regional and international business communities as well as Federal and Provincial Ministers, officials of foreign governments, representatives of IGOs, diplomats and senior members of the legal community. ICC Pakistan continues to organize seminars and workshops on the implementation of its various initiatives and related legislation obtained or in the process of deliberation. ICC Pakistan has facilitated the creation of various organizations creating capabilities for fostering business development in specialized sectors.

Members of ICC Pakistan are representatives of established private sector organizations having a diverse range of business, professional and philanthropic interests with extensive experience in Pakistan and overseas, public sector corporate firms, a regulatory agency and chambers of commerce amongst its membership.

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