



**PRESIDENT'S REPORT
TO ALL NATIONAL CHAPTERS OF AIDA**

Michael Gill

Date: 7 March 2012



1 INTRODUCTION

- 1.1 This report deals with the major activities which have occupied my time as President of AIDA since I was elected at the Paris World Congress in May 2010.
- 1.2 The purpose of this report is to provide useful information to each National Chapter and its members. To that end, I would ask that each National Chapter post a copy of this report on its website, or otherwise make copies available to members. Otherwise, this report can be accessed on the AIDA world website. The website link is: <http://www.aida.org.uk/default.asp>

2 IN MEMORIAM

- 2.1 Before commencing my report can I pay tribute to the memory of the Late Dr Armando Zimolo and the Late Professor Dr Fernando Sanchez Calero. It is a mark of the extremely high esteem in which they were both held that so many members of the Presidential Council exchanged emails speaking of their high regard and fondness for Armando and Fernando. They will both be sadly missed.

3 THE EXECUTIVE AND SECRETARIAT

- 3.1 The vast majority of AIDA's work at the world level is conducted by the Secretariat with the assistance of the members of the Executive, which is composed of the President, four Vice-Presidents, the Chairman of the Finance Committee, and the Secretary-General. Each of the Vice-Presidents have been allocated a specific role which focuses on one of the current important issues:

- 3.1.1 Osvaldo Contreras-Strauch - World Congresses
- 3.1.2 Professor Jerome Kullmann - Scientific Council
- 3.1.3 Eduardo Mangialardi - Working Parties
- 3.1.4 Robert Merkin - Website

- 3.2 The Chairman of the Finance Committee is Taisto Hujala.

3.3 The Secretariat

- 3.4 The Secretariat is made up of:

- 3.4.1 Colin Croly: Secretary-General
- 3.4.2 Tim Hardy - Assistant Secretary-General
- 3.4.3 Sandra Dellimore - Personal Assistant to the Secretary-General



- 3.5 The work of the Secretariat and AIDA World is also aided by Joaquin Alarcon who is responsible for the Spanish translation of important documents.
- 3.6 We have a settled protocol for the way the Secretariat operates with the Executive between meetings of the Presidential Council.

4 PRESIDENT'S MEETINGS WITH NATIONAL CHAPTERS

- 4.1 I have met with a number of National Chapters and spoken to their membership on a variety of themes:
- 4.1.1 British Insurance Law Association (BILA) - 9 July 2010 and 10 May 2011.
 - 4.1.2 Insurance Law Association of Singapore (ILAS) - 13 July 2010 and 24 May 2011.
 - 4.1.3 New Zealand Insurance Law Association (NZILA) - 5 August 2010.
 - 4.1.4 Hong Kong Insurance Law Association (HKILA) re Hong Kong and the People's Republic of China - 22 October 2010 and 16 June 2011.
 - 4.1.5 Danish Insurance Law Association (DAIL)- 5 May 2011.
 - 4.1.6 Thai insurance lawyers and industry - September 2011 and February 2012.
 - 4.1.7 Indian Insurance Law Association (in formation) - teleconference with organisers in October 2011.
- 4.2 I attend the National Board meetings of the Australia Insurance Law Association (AILA) each month and have participated in the AILA National Conferences in Adelaide in 2010 and Perth 2011.
- 4.3 To assist the members of National Chapters to better understand AIDA, I have prepared a generic presentation on the theme 'What is AIDA?' with accompanying PowerPoint presentation. This is on the AIDA website.

5 PRESIDENTIAL COUNCIL

- 5.1 The membership of the Presidential Council (and the National Chapters for which each member has liaison responsibility) is as follows:

Presidential Councillor	Country of Origin	Liaison Roles (as at June 2010)
<i>President</i>		
Michael Gill	Australia	Australia, New Zealand
<i>Executive/Vice-Presidents</i>		
Oswaldo Contreras-Strauch	Chile	Chile
Eduardo Mangialardi	Argentina	Argentina, Costa Rica



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Rob Merkin	England	Hong Kong, England
Jerome Kullmann	France	Lebanon, Morocco, CEFAREA
<i>Honorary Presidents</i>		
John Butler	Australia	
Agostino Gambino	Italy	
Emilio Bullo	Argentina	
Arturo Diaz Bravo	Mexico	
Mikael Rosenmejer	Denmark	Denmark, Iceland, Norway
Prof B Viret	Switzerland	
Karoly Bard	Hungary	Hungary
Carlos Ignacio Jaramillo	Colombia	Colombia
Marcel Fontaine	Belgium	Czech Republic, Canada
Peter Gad Naschitz	Israel	
<i>Chairmen of Working Parties</i>		
Joaquin Alarcon	Spain	
Gunne Bahr	Germany	
Colin Croly	England	Ireland, ARIAS UK
Enrique Jose Quintana	Argentina	
Tim Hardy		
Francois Werner	France	
Samim Unan	Turkey	Turkey
Robert Koch	Germany	Kazakhstan, Poland, Russia
Ioannis Rokas	Greece	Greece, Montenegro, Serbia
Louis Habib-Deloncle	Switzerland	
Bill Dufwa	Sweden	
<i>Councillors</i>		
Alejandro Venegas	Colombia	Honduras
Alfonso de Virgilis	Italy	Italy, D.P.R Korea
Alfonso Puig	Uruguay	Paraguay, Uruguay
Birgit Kuschke	South Africa	South Africa
Christian Felderer	Switzerland	Switzerland
Claudio Russo	Italy	Romania
Ferenc Kiss	Hungary	Bulgaria, Slovakia
Hans Londonck Sluijk	Netherlands	Netherlands
Herman Cousy	Belgium	Belgium, China
Jean Bigot	France	France
Justyn Jagger	Singapore	Indonesia, Singapore, Taiwan
Koichi Otani	Japan	Japan, Republic of Korea (South



		Korea)
Manfred Wandt	Germany	Germany, ARIAS Europe
Moritz Kuhn	Switzerland	Switzerland
Paolo Montalenti	Italy	Slovenia
Pedro Pais de Vasconcelos	Portugal	Portugal
Peggy Sharon	Israel	Israel
Rafael Illescas Ortiz	Spain	Spain
Rose-Marie Lundstrom	Sweden	Sweden
Sandra Ramirez	Bolivia	Bolivia, Peru
Sergio de Mello	Brazil	Brazil, Venezuela
Steve Acunto	United States of America	United States of America, ARIAS USA
Taisto Hujala	Finland	Estonia, Finland
Yves Hayaux-du-Tilly	Mexico	El Salvador, Guatemala, Mexico

5.2 To assist members of the Presidential Council and invitees to better understand their role, we have prepared a brief commentary on 'What it Means to be a Member of the Presidential Council'. This document can be accessed on the AIDA world website.

5.3 One of the most important roles is that of the Liaison Representative for National Chapters and provision of regular reports about the activities of those National Chapters.

5.4 The most recent meetings of the Presidential Council have been in:

5.4.1 Lisbon, Portugal, November 2010.

5.4.2 Asuncion, Paraguay, April 2011.

5.4.3 Tel Aviv, Israel, September 2011.

5.5 The proposed future meetings are:

5.5.1 Istanbul, Turkey: 3-5 May 2012.

5.5.2 London, England: 12-14 September 2012 in conjunction with a meeting of AIDA Europe.

5.5.3 Lisbon, Portugal: May 2013 in conjunction with the Congress of CILA.

5.5.4 Sydney, Australia: 18-21 September 2013 in conjunction with the National Conference of AILA.

5.5.5 The Presidential Council will also meet on 29 September 2014 in Rome as part of the Rome/Florence AIDA World Congress, which will be held from 28 September to 2 October 2014.

- 5.6 The structure and format of Presidential Council meetings is running quite smoothly. They follow a meeting of the Executive which gives preliminary consideration to the major issues on the Presidential Council's agenda. In most instances, the Executive is able to provide a report and specific recommendations to the Presidential Council on all major issues. This aids the efficiency of those meetings.
- 5.7 In Tel Aviv, a new feature was introduced to meetings of the Presidential Council. A significant amount of time was allocated for the discussion of a Special Issue. In Tel Aviv it was 'Lessons for a Successful National Chapter'. This format will be followed again in Istanbul where the Special Issue will be 'How to Obtain Sponsorships for AIDA Activities'.

6 NATIONAL CHAPTERS

- 6.1 The following table shows the progress which has and is being made as regards the resuscitation of old National Chapters and the establishment of new National Chapters.

Re-vitalisation of Existing National Chapters	Newly Established Chapters	Chapters in Formation	Chapters under Consideration
Hong Kong	Bulgaria	India	Belarus
Poland	Croatia	Malaysia	Canada
Switzerland	Cuba	Montenegro	Indonesia
		People's Republic of China	Ireland
			Thailand
			Vietnam

- 6.2 Many existing National Chapters and members of the Presidential Council have taken responsibility for these positive developments and we thank them for that work.
- 6.3 A form of application has been designed to assist with the formation of the new Chapters. A copy of the form can be accessed via the Secretariat.

7 AIDA BY LAWS

- 7.1 Assistant Secretary-General, Tim Hardy, has successfully concluded the first part of the review of AIDA By Laws and their amendment. The amendments permit electronic meeting of National Chapters and have been used to facilitate the admission of new National Chapters without waiting for a General Assembly. The amendments also enable the admission of a second Chapter from China, given the particular circumstances of Hong Kong.
- 7.2 A second tranche of potential amendments were tabled in Tel Aviv and will be further considered in Istanbul. These include:
- 7.2.1 Retirement Age for Chairmen of Working Parties.
- 7.2.2 Honorary Members.

- 7.2.3 The Definition of a Member.
- 7.2.4 Honorary Distinctions.
- 7.2.5 ARIAS.
- 7.2.6 The Name of the Association.
- 7.2.7 Suspension Provisions for Defaulting Members.

8 WORKING PARTIES

8.1 The current Working Parties, their Chairman and Deputy-Chairman, and a short description of their current activities are as follows:

Name of Working Party	Chairman and Deputy-Chairman	Activities (including recent meetings)
Accumulation of Claims and Subrogation	Chairman: Enrique Jose Quintana	Met in Asuncion in April 2011.
Civil Liability Insurance	Chairman: Osvaldo Contreras-Strauch Deputy: Dr Sheila Dziobon	Met in Lisbon in November 2010, Asuncion in April 2011, and Amsterdam in May 2011.
Climate Change	Chairman: Tim Hardy Deputy: Prof Marco Frigessi di Rattalma	Met in Amsterdam in May 2011 and Tel Aviv in September 2011. Recent topics have included: 'Impact of Climate Change and Responses Around the World', 'Climate Change Liability and Litigation', and 'Carbon Insurance and other "new" Products'
Consumer Protection & Dispute Resolution	Chairman: Prof Samim Unan	Met in Amsterdam in May 2011 and Tel Aviv in September 2011.
Credit Insurance Working Party	Chairman: Louis Habib-Deloncle	Met in Lisbon in November 2010 and in Amsterdam in May 2011.
Distribution of Insurance Products	Chairman: Prof Ioannis Rokas Deputy: Prof Pierpaolo Marano	Met in Lisbon in November 2010, Amsterdam in May 2011, and Tel Aviv in September 2011. Recent topics have included: 'Status and Activities of (Re)Insurance Brokers Around the World', 'Bancassurance and Regulation Issues', 'Marine Insurance Intermediaries', and 'Special Obligations and Liabilities of the Different Types of Insurance Intermediaries. The Borderline Between the Obligations and Liabilities of Insurers and those of Insurance Intermediaries Towards Customers'
Life Pension & Collective Insurance	Chairman: Prof Bill Dufwa	
Marine Insurance	Chairman: Prof Robert Koch Deputy: Dr Dieter Schwampe	Met in Amsterdam in May 2011.
Motor Insurance	Chairman: Francois Werner	Met in Lisbon in November 2010, in Amsterdam in May 2011, and in Tel Aviv in September 2011.

New Technologies, Prevention & Insurance	Chairman: Dr Joaquin Alarcon Deputy: Teresa Rodriguez de las Heras Ballel Secretary: Felix Benito	Met in Lisbon in November 2010, and Asuncion in April 2011.
Reinsurance	Chairman: Colin Croly Deputy: Jorge Angell Secretary: Robert Merkin	Met in Lisbon in November 2010, Amsterdam in May 2011, and Tel Aviv in September 2011. Recent topics have included: 'Arbitration (and Jurisdiction) Clauses in Reinsurance Contracts', 'Extra Contractual Liability on Reinsurers', 'Catastrophe Bonds and the Insurance-Linked Securities Market', 'Confidentiality in Arbitration; A Comparative Jurisdictional Perspective', 'Fronting and Captives', and 'Reinsurance Allocations'
State Supervision of Insurance	Chairman: Dr Gunne Bahr Deputy: Ferenc Kiss Secretary: Yannis Samothrakis	Met in Amsterdam in May 2011. Recent topics have included: 'Impact of the Financial Crisis on the Supervisory Systems', 'The New Corporate Governance Rules under the Solvency II Directive', and 'Establishment of EIOPA - Risks and Challenges for State Insurance Supervision in the EU'
Transport & Insurance	Chairman: to be appointed	

- 8.2 I acknowledge the considerable effort which Vice-President Eduardo Mangialardi continues to make as leader of our Working Parties.
- 8.3 In April 2011 the AIDA Working Party Rules were amended to include the following points:
- 8.3.1 30 days after each meeting, the Working Party Chairman must send to the President (Michael Gill) and General Working Parties Co-ordinator (Eduardo Mangialardi) a report of it.
- 8.3.2 The Chairman of the Working Party shall, at the request of the President or the General Working Parties Co-ordinator submit a written report on the Working Party's progress in the period elapsed.
- 8.3.3 The Chairman shall appoint a Vice-Chairman of each Working Party to supplant him when necessary. Any Vice-Chairman is not, by reason of his office alone, entitled to be a member of the Presidential Council. The Chairman can also choose a Secretary who shall be responsible for the task administrator.
- 8.4 More information about the specific Working Party programs can be accessed on the AIDA world website: <http://www.aida.org.uk/workpart.asp>



9 REGIONAL GROUPINGS

9.1 CILA (the regional grouping of the Spanish and Portuguese speaking Chapters) and AIDA Europe continue to grow strongly.

9.2 They benefit significantly from excellent leadership and have done now for some time.

9.3 Following the meetings of both groupings in Paris, they have met as follows:

Grouping	Meetings
CILA	April 2011, Paraguay
AIDA Europe	May 2011, Amsterdam

9.4 The Australian Insurance Law Association has formed a Regional Relationships Committee as a first step towards the creation of a regional grouping in the Asia-Pacific region. There is enormous scope for growth in that region which has eight existing Chapters and six potential future Chapters, either currently being formed or in the early stages of consideration.

ARIAS

9.5 Members of AIDA, or the Presidential Council, may establish ARIAS ('AIDA Reinsurance and Insurance Arbitration Societies') for the purpose of facilitating and advancing the use of arbitration as a means for the resolution of insurance and reinsurance disputes.

9.6 All such societies may be affiliated to AIDA as Centrally Affiliated Chapters and such Chapters shall, in accordance with and subject to such terms and conditions as may be from time to time proposed by the President and approved by the Presidential Council, enjoy and observe the rights and obligations of Members of AIDA, save that they shall not be entitled to vote at the General Assembly.

9.7 Branches of ARIAS exist in the following countries:

- ARIAS USA
- ARIAS UK
- Europe: CEFAREA and ARIAS EUROPE
- Mexico
- ARIAS LATAM (inaugural meeting to be held in Santiago in April 2012)

9.8 ARIAS was the original inspiration of former President, John Butler. Each National Chapter of AIDA has the opportunity to form an ARIAS in their own country.



10 INTERNATIONAL LIAISONS

10.1 European Union

10.2 Close liaison at the personal level has existed for a number of years between members of AIDA and the European Union. In 2010, with the Chairman of the Finance Committee (Taisto Hujala), I paid a visit on Karel van Hulle, Head of the Insurance and Pensions Unit in the European Commission. It was clear from our discussions that there were many good things to explore in pursuit of a closer relationship between the two bodies. Mr van Hulle is a keynote speaker at the meeting of AIDA Europe in London in September 2012.

10.3 Geneva Association

10.4 The Geneva Association is a very important part of the international insurance industry. It is the highly respected think-tank of the general insurance sector. We have been having preliminary discussions with the Geneva Association about working together in the area of climate change, particularly as regards long tail insurance.

10.5 Canadian Bar Association

10.6 AIDA once had a National Chapter in Canada. It has not had a National Chapter for some years. Recently we opened discussions with the Chairman of the Insurance Law Section of the Canadian Bar Association. Those discussions are at an early stage, but we are hopeful that both organisations may see sense in working more closely together in appropriate ways and areas.

11 WORLD CONGRESS 2014 - ROME AND FLORENCE

11.1 The next World Congress will take place in the two Italian cities of Rome and Florence over the period 28 September to 2 October 2014.

11.2 The format of the Congress in 2014 will be new. We are moving away from the traditional format. Consistent with what has been, the Italian Chapter has nominated a principal theme on which it will work. That theme is 'Transparency and Insurance'. The reporter is Professor Giovanna Volpe Putzolu, and the questionnaire to National Chapters will be distributed shortly.

11.3 Instead of a second theme being nominated by the Presidential Council of AIDA, there will be four topics, more like a traditional conference or seminar. These four topics are likely to be:

11.3.1 Discrimination

11.3.2 Preventative Measures

11.3.3 On-line Insurance

11.3.4 Insurance and Arbitration



11.4 The Chair of the Italian Organising Committee is Professor Paolo Montalenti.

12 WORLD CONGRESSES IN 2018 AND 2022

12.1 The proposed locations for the 2018 and 2022 World Congresses are Rio de Janeiro and Cape Town respectively.

13 SCIENTIFIC COUNCIL

13.1 One of the objectives I set at the meeting in Paris in 2010 was the creation of a Scientific Council of AIDA to ensure the quality, relevance, and timeliness of the scientific work of all AIDA organs. That includes the Presidential Council work, the Working Parties, the National Chapters, the Regional Groupings, and of course the content of World Congresses.

13.2 The membership of the Scientific Council has now been settled. Its Chairman is Professor Jerome Kullmann and its Deputy-Chairman is Professor Herman Cousy. Other members of the Scientific Council are Angelica Carlini (Brazil), Samantha Traves (Australia), Wenhao Han (Hong Kong), Birgit Kuschke (South Africa) and Robert Merkin (UK).

14 FINANCE

14.1 Finance Committee

14.2 The Finance Committee is made up of the following people:

14.2.1 Taisto Hujala, Chairman

14.2.2 Michael Gill (ex officio)

14.2.3 Colin Croly (ex officio)

14.2.4 Otto Klob (Treasurer)

14.2.5 Peggy Sharon (Israel)

14.2.6 Sergio de Mello (Brazil and President of CILA)

14.2.7 Yves Hayaux du Tilly (Mexico)

14.2.8 Manfred Wandt (Germany)

14.3 Generally, the Committee has responsibility for the consideration of all financial issues for AIDA and for making recommendations to the Executive Committee and the Presidential Council either based on requests from those bodies or self initiated by the Committee.

14.4 At present, the Committee's principal role is to give consideration to the following:



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- (a) The level of subscriptions
 - (b) Exemption from subscriptions including relevant conditions, term of exemption, etc
 - (c) A policy for the admission of new Chapters that may require an exemption
 - (d) A budget for AIDA
 - (e) Funding needs and potential sources

14.5 **Payment of Subscriptions**

14.6 Each year the Secretariat sends to each National Chapter a subscription notice for payment of the annual subscription fee. Many National Chapters pay the subscription very promptly. Unfortunately, the Secretariat does spend some time chasing those National Chapters which are slow with their payments. It would help the work of the Secretariat if all National Chapters responded promptly.

14.7 Under the AIDA By-Laws, National Chapters can apply for a subscription reduction or exemption. The application must be in writing and must set out details of the reasons for the application. If an application is granted, it will only apply for one year.

14.8 National Chapters which do not pay their subscription and do not apply for an exemption run the risk of suspending or losing their membership of AIDA. A number of National Chapters have been removed for this reason in recent years.

15 **WEBSITE**

15.1 Robert Merkin is the Vice President responsible for the website. For the meeting of the Presidential Council in Tel Aviv Professor Merkin's report was tabled and adopted. It is available on the AIDA world website.

15.2 The website is seen as one of the most important media for communicating with National Chapters, members of National Chapters, and everyone who uses the web to seek information about insurance law.

15.3 To that end, it is important for National Chapters to well maintain their own websites and provide information to the AIDA Secretariat for appropriate inclusion on the AIDA world website. Likewise for the AIDA Working Parties.

Kind regards

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