

YCAP RESOLUTION

WHEREAS the first object of the Corporation is “to promote interest in and understanding of international arbitration, particularly in Canada, among young lawyers working in private practice and with corporations and government, as well as among other interested young professionals” (hereinafter “**First Object**”);

WHEREAS Yugraneft Corp. v. Rexx Management Co. (2010 SCC 19) raised important questions as to the ability of the Corporation to intervene in judicial matters relevant to international arbitration, and the considerations relevant to any decision to authorise such intervention;

WHEREAS uncertainty currently exists as to whether the scope of the First Object currently embraces advocacy before the Courts;

WHEREAS the Executive and Board of Directors of the Corporation have determined that it would be desirable for the Corporation to intervene in judicial proceedings in appropriate cases related to international arbitration, and to dispel any doubt as to its ability to do so; and

WHEREAS it is equally expedient to contemplate that the Corporation may advocate issues related to international arbitration not only before the Courts, but in other public *fora* including Canadian and foreign legislative bodies and arbitral institutions developing, enacting or modifying law and policy or rules related to international arbitration;

BE IT RESOLVED THAT:

1. The First Object be replaced by the following:

“to promote interest in and understanding of international arbitration, particularly in Canada, among young lawyers working in private practice and with corporations and government, as well as among other interested young professionals, the Courts, the Canadian and international business community, Canadian and foreign legislative bodies and arbitral institutions, and the public at large;”
2. The Treasurer and Secretary are authorised to carry out all necessary and useful acts to effect the amendment of the Corporation’s Objects as aforesaid; and
3. The Board of Directors develop and adopt a policy setting out the matters to be considered by the Board of Directors in resolving to intervene in a given judicial proceeding, and any conditions that should govern such intervention, without unduly limiting the flexibility of the Executive to act expediently in the conduct of any intervention.