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INTRODUCTION

Volume XIX (1994) of the Yearbook continues to report on recent significant developments in the field of international commercial arbitration. The accelerating rate of change in this field makes it increasingly difficult to reflect all these changes in a single volume.

National Reports and relevant legal texts are published in the companion publication to the Yearbook, the International Handbook on Commercial Arbitration. Thanks to the loose-leaf format of the Handbook, the materials can be conveniently updated and in the course of 1993, three supplements were issued. The current contents of the Handbook are reported in Part I of the Yearbook. In principle, National Reports are no longer included in the Yearbook, although space remains reserved in Part I for their inclusion on a selective basis in future volumes. Part IV of the Yearbook contains brief announcements of new arbitration legislation and other significant developments. These developments are reported on more fully in the Handbook.

Part II – A contains arbitral awards made either by ad hoc arbitral tribunals or under the auspices of the International Centre for Settlement of Investment Disputes, the International Court of Arbitration of the International Chamber of Commerce and the Arbitration Court of the German Coffee Association. Part II – B contains a selection of significant court decisions from the Federal Republic of Germany, France, Hong Kong, Switzerland, United Kingdom and United States as well as the Court of Justice of the European Communities.

Part II – C, which reports on court decisions applying the UNCITRAL Model Law, is in an entirely new format. This is possible due to the assistance of UNCITRAL in making the abstracts of 30 court decisions on the UNCITRAL Model Law on International Commercial Arbitration as published in Case Law on UNCITRAL Texts (CLOUT) available for reproduction in the Yearbook. We are very grateful for their cooperation.


Part III – B continues with coverage of the Iran-US Claims Tribunal
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which has completed its twelfth year in the Hague.

Part V of the Yearbook reports in successive years on the three major multilateral arbitration conventions. This year the emphasis lies on Part V – A which contains 42 new court decisions interpreting and applying the New York Convention as well as a Consolidated Commentary on the New York Convention, written by myself, covering three volumes of the Yearbook, Volumes XVII-XIX (1992-1994).

I wish to acknowledge and thank the following persons for their support and assistance in the compilation of this volume of the Yearbook:

Ms. Ellen Meijkamp, my secretary, and Ms. Hilmara Requena, secretary to the Department of International Commercial Arbitration of the TMC Asser Instituut, who have borne the burden of the word processing of the manuscript and who have done so with good will, accuracy and, above all, insight;

D.ssa Silvia Borelli, former staff-member of the TMC Asser Instituut and presently associated with the Milan Chamber of National and International Arbitration in preparing a number of excerpts;

the staff of the Department of International Commercial Arbitration of the TMC Asser Instituut for Private and Public International Law, International Commercial Arbitration and European Law, and in particular Ms. Vesna Lazic and Ms. Priska van Dijk. Special thanks go to Dr. Bernadette Demeulenaere who with great skill has assisted in the translating and editing of portions of the Yearbook. Above all, I would like to thank the head of the Department, Ms. Judy Freedberg, for her efforts throughout the year, in compiling and producing the Yearbook.

The Editorial Staff of the Yearbook were advised by ICCA’s Editorial Board composed of Prof. Giorgio Bernini, in his capacity as President of ICCA (Italy); Mr. Robert Coulson (USA); M. Yves Derains (France); Dr. Mauro Ferrante (Italy); M. Michel Gaudet (France); Prof. Pierre Lalive (Switzerland); DDR. Werner Melis (Austria); Mr. Fali Nariman (India); Prof. Tudor R. Popescu (Romania); Prof. José Luis Siqueiros (Mexico); Prof. Iván Szász (Hungary); Prof. Yasuhei Taniguchi (Japan); Dr. C.C.A. Voskuil (Asser Instituut); Prof. Pieter Sanders (Netherlands) as advisor and as of 1993 co-editor of the International Handbook on Commercial Arbitration, and the undersigned as Chairman and General Editor of the ICCA publications. Their advice on the compilation of the Yearbook, as well as the International Handbook on Commercial Arbitration and the ICCA Congress Series is acknowledged with gratitude.

The Yearbook is the result of the mutual efforts of the Yearbook staff, its advisors, and its readers. Please help inform your fellow readers by reporting on new developments and contributing arbitral awards and court
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decisions which are appropriate for publication in the Yearbook. May I call on you as reader of the Yearbook to send texts concerning:
- recent changes in arbitration legislation
- newly enacted arbitration rules
- arbitral awards (the confidentiality of which is ensured)
- court decisions of general interest and, in particular, court decisions applying the UNCITRAL Model Law, and the New York, European and Washington Conventions.

The names of the readers who have provided materials for this volume are acknowledged in the appropriate Parts.

Amsterdam
February 1994

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General Editor

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