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FOR COMMERCIAL ARBITRATION

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NOTICE TO READERS

YEARBOOK KEY 1987

Materials published in the Yearbook Volumes I (1976) through XII (1987) are now made accessible in the separate booklet **Yearbook Key**, accompanying this Yearbook.

The Yearbook Key contains:

- Consolidated Table of Contents
- Index of Arbitral Awards
- New York Convention:
 - Cumulative Index of Commentaries and Decisions per section
- New York Convention:
 - Documented List of Cases.

INTRODUCTION

1. The twelfth Volume of the Yearbook involves a number of organizational innovations. These innovations serve to keep the size of the Yearbook manageable and to make the continuously increasing amount of materials published in the Volumes more accessible.
2. The first innovation concerns the updatings of National Reports which previously were published in Part IB. They are henceforth included in an expanded Part IV, entitled “Recent Developments in Arbitration Law and Practice”. This consolidation will avoid overlapping between the previous Parts IB and IV.
3. The updatings included in Part IV are mainly based on the National Reports as appearing in the Yearbook’s companion publication, ICCA’s **International Handbook on Commercial Arbitration**. This publication, under the editorship of Prof. Pieter Sanders, contains National Reports in the same format as those appearing in the Yearbook. Because of its loose-leaf format, the International Handbook is continuously kept up to date. The International Handbook also reproduces the relevant statutory texts on arbitration.
4. As all National Reports can conveniently be found in the International Handbook, Part I of the Yearbook is limited to National Reports of countries which have enacted an entire new arbitration act or which are not yet covered by the Yearbook. An example of both categories can be found in this Volume. The Netherlands enacted a completely new Arbitration Act in 1986, replacing the old Act of 1838. The National Report on Spain is included in this Volume as this country had not been represented in the Yearbook before.
5. The second innovation concerns the introduction of a separate booklet, the **Yearbook Key**. This booklet is intended as a tool for making the Yearbooks more accessible. It contains:
 - Consolidated Table of Contents;
 - Cumulative Index of Arbitral Awards;
 - New York Convention: Cumulative Indexes of Commentaries and Decisions per Section;
 - New York Convention: Documented List of Cases.

The first three items are well known since they have appeared in the previous Volumes of the Yearbook. The Consolidated Table of Contents provides a quick reference per Part to all materials published in the twelve Volumes. The Cumulative Index of Arbitral Awards appeared in Volume XI (1986) for the first time and has already proven its usefulness in practice. The Cumulative Indexes of Commentaries and Decisions per Section are taken from the annual Commentary on Cases concerning the New York Convention in Part V of the Yearbook.

Finally, a new item is the Documented List of Cases on the New York Convention of 1958, which is included in the **Yearbook Key**. In this List, all court decisions reported to date in the twelve Volumes of the Yearbook are listed per country in sequence of their numbering. The information as to where each decision has been published has been updated and references to law review articles and other publications in which a decision is discussed have been added.

6. This Volume includes again a broad selection of arbitral awards (Part IIA), court decisions on arbitration in several countries (Part IIB), arbitration rules (Part IIIA), and materials on the Iran–U.S. Claims Tribunal (Part IIIB). Part IV on recent developments in arbitration law and practice was already mentioned above. Part V reports 25 new court decisions on the New York Convention of 1958, bringing the total of reported cases to 313 from 23 countries. Due to the limited space available in the Yearbook, Part VI concerning Articles on Arbitration unfortunately could not be used. Part VII reports on new publications in the field of arbitration.

7. It may be useful to mention here the publication of the reports of ICCA's VIIIth International Arbitration Congress in New York, 6–9 May 1986, which are printed in **ICCA's Congress Series no. 3**. The Congress dealt with two main subjects: (1) Comparative Arbitration Practice, and (2) Arbitration and Public Policy.

8. I most sincerely thank the support and assistance of the following persons in preparing this Volume of the Yearbook:

- Ms. Judy Freedberg of the Department of International Commercial Arbitration of the TMC Asser Institute, whose coordinating and editorial work was invaluable;
- Ms. Pauline IJdo, whose assistance was made available by my law firm, for updating the Index of Arbitral Awards and, in particular, the painstaking work of composing the Documented List of Cases on the New York Convention of 1958;
- Dott. Silvia van den Muijsenberg-Borelli who generously made her free time available for preparing a number of extracts of arbitral awards and court decisions;

- Ms. Patricia Beerkens who also generously made her free time available for checking quotations and references;
- Ms. Ellen Meijkamp, my secretary, who again sacrificed so many evenings and weekends for word-processing the several thousand pages of manuscript.

9. The editorial team of the Yearbook was advised by the Editorial Board of ICCA, which is, as of May 1986, composed of: Prof. Pieter Sanders, chairman (Netherlands); Prof. Giorgio Bernini, in his capacity as President of ICCA ((Italy); Mr. Robert Coulson (USA); Dr. Ahmed Al-Kosheri (Egypt); Dr. Mauro Ferrante (Italy); Mr. Michel Gaudet (France); Prof. Pierre Lalive (Switzerland); Prof. Zhivko Stalev (Bulgaria); Prof. Dr. Ivan Szász (Hungary); and the undersigned, in his capacity as General Editor. The Editorial Board, whose advice is gratefully acknowledged, ensures a broad spectrum of reporting on international commercial arbitration.

10. Yet, above all, the Yearbook cannot function without its readers in more than 100 countries around the world. The Yearbook relies on their invaluable reporting of new developments in the field of arbitration by sending texts concerning recent changes in arbitration laws, arbitral awards (the confidentiality of which is ensured) and court decisions of general interest and, in particular, on the New York Convention of 1958. Their names are acknowledged in the appropriate Parts of this Volume.

Rotterdam
December 1986

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