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FOR COMMERCIAL ARBITRATION

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INTRODUCTION

A number of significant new developments have taken place in the field of international commercial arbitration since the completion of the manuscript of the previous Yearbook. This is reflected by the quantity of materials contained in this Volume of the Yearbook.

Part I ‘National Reports’ contains the complete National Report Switzerland as revised and updated by Dr. Robert Briner. Furthermore, a revised translation, as approved by the Swiss Arbitration Committee, of the new Swiss Private International Law Act, in force 1 January 1989, is contained in Part IV ‘Recent Developments in Arbitration Law in Practice’. Other significant changes in the law and practice in various countries are reported as well in Part IV. In the present Volume, changes are briefed, or reproduced with respect to Argentina, Australia, Brazil, Bulgaria, Canada, Republic of Cyprus, England, Nigeria, Singapore and Thailand.

ICCA’s *International Handbook on Commercial Arbitration*, under the editorship of Prof. Pieter Sanders (who is replaced by the undersigned as of 1 January 1989), contains National Reports and, as annexes to the Reports, the relevant statutory texts on arbitration, in English. These Reports are regularly updated, which is facilitated by the loose-leaf format of the Handbook. The Table of Contents of the Handbook is reproduced in the Introduction to Part I ‘National Reports’ in this Volume of the Yearbook. To avoid overlapping with the Handbook, the Yearbook will only publish complete National Reports in Part I on a selective basis.

Part V appears this year once again in its expanded form, including not only decisions on the New York Convention, but also court decisions applying the European (Geneva) Convention of 1961 (Part V – B) and the Washington (ICSID) Convention of 1965 (Part V – C).

The Consolidated Commentary on court decisions involving the New York Convention in this Volume covers the twenty court decisions on the New York Convention reported in Volume XIII (1988) as well as the twenty-three court decisions reported in the present Volume XIV (1989).

The remainder of the Yearbook contains a broad selection of materials. Part II – B ‘Court Decisions on Arbitration’ contains a number of decisions which are of significance to international arbitration practice. Arbitral awards, both *ad hoc* as well as those emanating from a variety of institutions are included in Part II – A ‘Arbitral Awards’ and are indexed by subject in the ‘Index of Arbitral Awards,

Volume XIV''. Awards of the Iran – US Claims Tribunal are reported on separately in Part III – B ‘‘Iran – US Claims Tribunal’’. Part III – A ‘‘Arbitration Rules’’ reproduces the new or amended arbitration rules of four arbitral institutions as well as a new tripartite agreement, and the ‘‘Bibliography’’ reports on recent publications relating to arbitration.

The ‘‘List of Arbitral Institutions’’, which is currently being restructured and revised, does not appear in this Volume.

I would like to express my sincere thanks to the following persons for their support and assistance in preparing this Volume of the Yearbook:

- Ms Ellen Meijkamp, my secretary, who with both speed and insight, carried out the word-processing of the major part of the extensive manuscript;
- the staff of the Department of International Commercial Arbitration of the TMC Asser Institute for International and European Law, in particular, Ms Divera Willenborg and Ms Silvia Borelli. Special thanks are due to Ms Judy Freedberg, head of the Department of International Commercial Arbitration, whose assistance proved invaluable in the coordination and editing of the Yearbook.

The editorial team of the Yearbook was advised by the ICCA Editorial Board, which, as of June 1988, is composed of: Prof. Pieter Sanders, Chairman (Netherlands); Prof. Giorgio Bernini, in his capacity of President of ICCA (Italy); Mr. Robert Coulson (USA); Dr. Ahmed El-Kosheri (Egypt); Dr. Mauro Ferrante (Italy); Mr. Michel Gaudet (France); Prof. Pierre Lalive (Switzerland); Dr. Werner Melis (Austria); Mr. Fali Nariman (India); Prof. Tudor R. Popescu (Romania); Prof. Zhivko Stalev (Bulgaria); Prof. Ivan Szász (Hungary); Dr. C.C.A. Voskuil (Director, TMC Asser Institute, Netherlands) and the undersigned. Their advice on the compilation of the Yearbook is gratefully acknowledged.

Yet, it is the readers of the Yearbook whom we rely upon for their active cooperation in reporting court decisions and arbitral awards which are appropriate for publication in the Yearbook. Therefore, may I call on you as reader of the Yearbook, to send texts concerning recent changes in arbitration legislation, arbitral awards (the confidentiality of which is ensured) and court decisions of general interest and, in particular, on 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 of this Volume.

Amsterdam,
December 1988

Albert Jan van den Berg,
General Editor

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