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INTRODUCTION

The contents of the seventeenth volume of the Yearbook are a reflection of the many developments in international commercial arbitration in the past year.

The rapid pace of changes in arbitration law and practice and the growing number of countries where international arbitration plays a significant role in the settlement of commercial disputes necessitated a companion publication to the Yearbook, ICCA's **International Handbook on Commercial Arbitration**. The Handbook contains National Reports and relevant legal texts and its loose-leaf format makes it possible to keep pace with the dynamic world of arbitration.

Part I of the Yearbook once again does not contain National Reports, and they will only be included in the future on a selective basis. Part IV of the Yearbook serves to inform the Reader of new developments in arbitration law and practice by including updatings on countries where significant developments have taken place in the previous year. This volume contains summaries of amended or new legislation on arbitration in the People's Republic of China, England and Scotland, the latter having adopted the UNCITRAL Model Law on International Commercial Arbitration.

Part II – A contains awards made under the auspices of the ICSID and the ICC, as well as an *ad hoc* award made under the UNCITRAL Arbitration Rules.

The importance of the contributions of UNCITRAL in the field of international commercial arbitration is underlined by the new section, Part II – C which reports on court decisions made under the UNCITRAL Model Law. Hong Kong adopted the Model Law in 1990 and this volume includes the 29 October 1991 decision of the Hong Kong High Court applying the Model Law: *Fung Sang Trading Ltd. v. Kai Sun Sea Products & Food Co. Ltd.*

The relationship of the 1968 Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters to arbitration was examined in the *Atlantic Emperor (1991)* case by the European Court of Justice. This case, along with the informative opinion of the Attorney General, are reproduced in Part II – B.

Part III – A, which reports on new or amended rules of arbitral institutions, continues the UNCITRAL theme by publishing the new Administrative Rules for

Arbitration under the UNCITRAL Arbitration Rules of the Japan Commercial Arbitration Association, with an Introduction by Mr. Hiroshi Hattori. New rules from the American Arbitration Association and the Indian Council of Arbitration are also included as well as the newly implemented rules for the arbitration of disputes arising from contracts concluded under the European Development Fund.

1991 marks the first decade of the Iran – US Claims Tribunal, and the Yearbook continues its coverage of the Tribunal in Part III – B.

Part V of the Yearbook reports on three major multilateral arbitration conventions: Part V – A on the New York Convention of 1958; Part V – C on the Washington Convention of 1965 containing court decisions applying and interpreting these Conventions; and Part V – B which contains a revised and updated Commentary on the European Convention of 1961 by Mr. Dominique T. Hascher.

I wish to acknowledge with thanks the support and assistance of the following persons in preparing this volume of the Yearbook:

- Ms. Ellen Meijkamp, my secretary, and Ms. Hilmara Requena, secretary of the Department of International Commercial Arbitration of the TMC Asser Instituut, who were responsible for the word processing of the manuscript and carried out this task with remarkable speed as well as with commendable insight;
- Dott. Silvia Borelli, former staff-member of the TMC Asser Institute and presently associated with the Chamber of National and International Arbitration of Milan;
- the staff of the Department of International Commercial Arbitration of the TMC Asser Instituut, Institute for Private and Public International Law, International Commercial Arbitration and European Law at the Hague, in particular Ms. Mary Satterlee and Ms. Jennifer Constantino, interns at the Institute. Special thanks are due to Dr. Bernadette Demeulenaere for her skillful assistance in compiling and editing various parts of the Yearbook. Above all, I would like to express my gratitude and admiration for Mag. jur. Judy Freedberg who, in addition to obtaining her Dutch law degree, managed to carry the editorial work on the Yearbook in a most commendable manner

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. Zhivko Stalev (Bulgaria); Prof. Ivan Szász (Hungary); Prof. Pieter Sanders as advisor (Netherlands) and the undersigned as Chairman and General Editor of the ICCA publications. Their advice on the compilation of the Yearbook is gratefully acknowledged.

The contents of the Yearbook are the result of a mutual effort, represented not only by its staff and advisors, but also by its readers. Please help to inform your fellow readers by reporting on and contributing court decisions and arbitral awards 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,
arbitral awards (the confidentiality of which is ensured),
court decisions of general interest and, in particular,
court decisions 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 Volume XVII.

Amsterdam
January 1992

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