



INTERNATIONAL COUNCIL
FOR COMMERCIAL ARBITRATION

PLANNING EFFICIENT ARBITRATION PROCEEDINGS

—
THE LAW APPLICABLE IN
INTERNATIONAL ARBITRATION

GENERAL EDITOR: ALBERT JAN VAN DEN BERG

with the cooperation of the
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Preface

This is the seventh volume in the ICCA Congress Series. It contains the proceedings of ICCA's XIIth International Arbitration Congress organized in Vienna, 3-6 November 1994. The International Arbitral Centre of the Austrian Federal Economic Chamber was the Congress Host Organization. Their efficient and hospitable organization resulted into a very successful Congress for which we owe a large debt of gratitude.

The topics of the two Working Groups into which the Congress was divided were: (I) Planning efficient arbitration proceedings, and (II) The law applicable in international arbitration.

Working Group I addressed a number of topics: power of arbitrators to determine procedures under various arbitration laws and rules; possible methods of increasing efficiency; improving the presentation of evidence; and UNCITRAL's project for improving the planning of arbitral proceedings. For each of these topics a number of reports were presented by distinguished experts. Numerous, valuable comments were made by panellists and participants. I would like, in particular, to express my thanks to Judge Howard Holtzmann and Prof. Iván Szász, Chairmen of Working Group I, for coordinating the reports and in particular, Howard Holtzmann for his contribution in editing the proceedings of Working Group I.

Working Group II examined the applicable law in international arbitration from various angles: preliminary issues; the law governing the procedure; methods used to determine the applicable substantive law in the practice of arbitration; special features regarding the application of particular laws relevant for the practice of arbitration; and application of rules beyond national law. Here again, distinguished experts presented reports on these aspects which caused lively and interesting comments by panellists and participants at the Congress. I would like to extend my thanks to Prof. Dr. Karl-Heinz Böckstiegel and Mr. Martin Hunter, Chairmen of Working Group II, for coordinating the reports.

The valuable contributions made to this Congress by the participants in the form of oral and written interventions could not, due to limitation of space, be reproduced in this Volume. The names and addresses of all Congress participants are included in the List of Participants reproduced at the end of this Volume.

I would especially like to thank the staff of the Documentation, Information and Publication Group of the T.M.C. Asser Instituut in The Hague, in particular Ms. Mamie Mutchler and Ms. Hilmar Requena. They have done an admirable job on the editing and word-processing of the manuscript. My very special thanks go to Ms. Judy Freedberg, senior researcher, for her invaluable assistance in preparing this Volume.

Prof. Dr. Albert Jan van den Berg,
General Editor

Correspondence regarding ICCA publications may be addressed to the General Editor or to the attention of Mrs. Judy Freedberg at their respective addresses as indicated below:

Prof. Albert Jan van den Berg
Stibbe Simont Monahan Duhot
PO Box 75640
1070 AP Amsterdam, The Netherlands
Telephone: (+31) 20 546 0404
Facsimile: (+31) 20 546 0715

Mrs. Judy Freedberg
Documentation, Information and Publication Group
T.M.C. Asser Instituut
PO Box 30461
200 GL The Hague, The Netherlands
Telephone: (+31) 70 342 0320
Facsimile: (+31) 70 342 0359/342 0351

e addressed to the General Editor
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