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INTRODUCTION

In this latest Volume of the *Yearbook Commercial Arbitration*, the goal of providing practitioners and students of international commercial arbitration with a current and comprehensive annual work encompassing significant developments in arbitration continues to be served.

While the field of international arbitration has expanded significantly since Volume I, the format of the Yearbook has altered only slightly. National Reports are now included in the Yearbook's companion publication, *International Handbook on Commercial Arbitration*, and articles are generally not included in the Yearbook. However, these Parts are still named in the event that future developments might warrant their use.

Part II – A contains arbitral awards from two *ad hoc* tribunals applying the Arbitration Rules of the United Nations Economic Commission for Europe and the UNCITRAL Arbitration Rules in the framework of the Convention establishing the Inter-Arab Investment Guarantee Corporation, respectively, and from arbitrations conducted under the auspices of the International Court of Arbitration of the International Chamber of Commerce. Topics covered in the awards range from applicable law (including third country mandatory law), assignment, bribery, brokerage contracts, copyright infringement and breach of contract.

Court decisions which are of general significance to arbitral practice are included in Part II – B, while Part II – C is devoted exclusively to court decisions applying the UNCITRAL Model Law as reported in UNCITRAL's own periodical, *Case Law on UNCITRAL Texts* (CLOUT). For the reader's convenience, Part II – C concludes with a cumulative *Index of Articles* of the Model Law relating to CLOUT decisions reported in *Yearbook Volume XIX* through *Volume XXI*.

The sections devoted to new arbitration rules (Part III – A) and new arbitration laws (Part IV) reflect the scope and tempo of the changes in arbitration laws. This volume announces (draft) arbitration laws for England, Sweden and Germany, in addition to newly adopted arbitration laws for India and Kenya and reproduces rules of arbitral institutions amended in response to new legislation or newly formed arbitral institutions.

The continued significance of court decisions on the New York Convention 1958 in the development of international commercial arbitration is highlighted in my Commentary on the New York Convention which provides an analysis of the specific articles of the Convention in reference to 103 cases reported in

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Yearbook Volumes XX – XXI. Proof of the continued acceptance of the Convention is the ever-increasing number of “first-time” decisions in signatory States; such as, this year in Morocco and Luxembourg.

Part V – B contains one court decision on the European Convention 1961 from Germany, and the Yearbook concludes with an extensive annotated bibliography of recent publications on arbitration.

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

- Ms. Ellen Meijkamp, my secretary, for her assistance with the word processing of the manuscript, and Ms. Hilmara Requena at the TMC Asser Institute who has overseen the compilation, desk editing and production of the entire volume;
- D.ssa Silvia Borelli, researcher at the Sanders Institute at the Erasmus University, Rotterdam, who once again prepared a great number of excerpts and translations (much of this in connection with her collaboration in the preparation of the second edition of *The New York Arbitration Convention of 1958*);
- the TMC Asser Institute for Private and Public International Law, International Commercial Arbitration and European Law and in particular the staff of the Documentation, Information and Publication group. I would like to thank Ms. Vesna Lazic, researcher at the TMC Asser Institute, for the preparation of many extracts. Further thanks are due to Ms. Mamie Mutchler, particularly, in respect to compiling the Bibliography, and to Ms. Jennifer Thelen of Harvard Law School and Ms. Tanya Mehra of the University of Amsterdam for their willing assistance as interns.

Above all, I would like to express my gratitude to Mrs. Judy Freedberg, Senior Researcher and project manager, whose coordinating and editorial work was invaluable.

In all of its publications, ICCA is advised by ICCA’s Editorial Board composed of members and advisory members as follows: Prof. Giorgio Bernini, in his capacity as past President of ICCA; Prof. Karl-Heinz Böckstiegel (Germany); 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, President of ICCA (India); Prof. Tudor R. Popescu (Romania); Prof. José Luis Siqueiros (Mexico); Prof. Iván Szász (Hungary); Prof. Yasuhei Taniguchi (Japan); Dr. G. Tanja (Asser Institute); Prof. Pieter Sanders (Netherlands) as advisor and as of 1993 co-editor of the *International Handbook on Commercial Arbitration*, and

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the undersigned as General Editor of the ICCA publications. Their counsel in helping to guide the path of the ICCA publications is gratefully acknowledged.

The President of ICCA, Mr. Fali Nariman, in his Preface to this volume, refers to “the universal acceptance of international arbitration as the normal method of resolving transnational commercial disputes”. In order to be able to reflect this universal acceptance in the contents of the Yearbook, ICCA counts on the assistance of our readers and users. Therefore, may I call on you, as reader and user 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 or 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
June 1996

Albert Jan van den Berg
General Editor

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