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INTRODUCTION

The twenty-fourth Volume of the Yearbook, published only few several months before the millennium, is marked by a sign of the times, the issuance of an Arbitration CD-Rom by our publisher Kluwer Law International. This CD-Rom contains the full text of the twenty-three previous Volumes of the Yearbook and the present Volume will soon follow on a future release of the CD-Rom.

ICCA publications presently comprise the major portion of the CD-Rom which also reproduces all of the *International Handbook on Commercial Arbitration* and ICCA's Congress Series nos. 3 (New York) and 8 (Bahrain). It is ICCA's policy that all of its publications will be released in electronic form shortly after the "paper publication".

Apart from two other Kluwer journals, "Arbitration Journal" and "Journal of International Arbitration", the CD-Rom includes "Revue de l'arbitrage" and a Bibliography compiled and regularly updated by the Chamber of National and International Arbitration of Milan. More information on this CD-Rom may be found in the announcement in the Bibliography of this Volume at pp. 987-988 under the new category "6. Electronic Publications".

Part I of the Yearbook as usual reproduces the Table of Contents of the *International Handbook on Commercial Arbitration*, emphasizing the historic link between the Yearbook, which formerly included National Reports on Arbitration Law and Practice in this Part and the text of new arbitration legislation in Part IV. The increased use of arbitration throughout the world and the proliferation of new arbitration legislation led to the creation of the loose-leaf Handbook which could better accommodate this ever-increasing quantity of new information and materials. Part IV of the Yearbook now announces and briefly summarizes new arbitration legislation and refers the reader to the Handbook where the new Acts will be published in full.

Arbitral institutions also respond to the rapid pace of change and continue to update their rules to meet new demands and to bring them in conformity with new national legislation. This year, the Yearbook in Part III - A reproduces new Rules from the American Arbitration Association, the Stockholm Chamber of Commerce and the China International and Economic Trade Arbitration Commission, as well as the newly revised International Bar Association Rules on the Taking of Evidence in International Commercial Arbitration with an Introduction by David Rivkin.

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Arbitral awards are reported in Part II – A as well as in Part III – B on the Iran-US Claims Tribunal. For the first time, the Yearbook reports on an ad hoc arbitration under the UNCITRAL Rules constituted under NAFTA. In the NAFTA arbitral tribunal's Decision on Jurisdiction, as well as in two ICSID Decisions on Jurisdiction, also reported in this Volume, the arbitral tribunals examined the definition of "investment" under the respective treaties. A broad selection of ICC awards examine familiar issues such as jurisdiction, applicable law, breach of contract, liability for termination of contract and calculation of damages. Further awards from the Hamburg Friendly Arbitration, the Italian Arbitration Association, the Chamber of National and International Arbitration of Milan, the Tokyo Maritime Arbitration Commission at the Japan Shipping Exchange and the Chamber of Commerce and Industry of the Russian Federation address an even wider selection of issues such as the consequences of a settlement by the parties, the application of the 1980 UN Sales Convention and the UNIDROIT Principles, as well as the determination of the statute of limitation and its effects on an action.

The Award of the Full Tribunal of the Iran-US Claims Tribunal in Case A27 is reported both in Part III – B which reports on this year's developments at the Tribunal as well as in Part V – A in the reporting on the 1958 New York Convention as it deals with the question of whether Tribunal awards can be reviewed by national courts under the New York Convention.

Leading court decisions of general interest are reported in Part II – B, this year from courts in Egypt, the European Court of Justice, France, Germany, India, Sweden, United Kingdom and the United States. It is becoming increasingly difficult to limit the number of decisions reported in this Part. In the cases selected, the courts have decided on important issues relating to grounds for setting aside, the role of the 1968 Brussels Convention and its successors in arbitration matters, interim measures, truncated tribunals, the responsibilities of arbitral institutions, the distinction between procedural orders and awards, confidentiality, the enforceability of arbitral awards upholding illegal contracts and ICC arbitral clauses in consumer contracts.

Part V of this Volume includes decisions on the New York, European and Panama Conventions. The emphasis lies with the New York Convention where 42 decisions from fifteen jurisdictions are reported, including for the first time, the Court of Justice of the European Union and the Full Tribunal of the Iran-US Claims Tribunal.

A Consolidated Commentary on the New York Convention court decisions reported in Volumes XXII (1997) through XXIV (1999) will be published in several months Volume XXIVb. Please note the enclosed card for ordering this Volume. Subscribers to the Yearbook will receive this Volume as part of their subscription.

INTRODUCTION

It goes beyond the scope of this brief Introduction to enumerate the variety of issues which arise under these Conventions. It is interesting to note however, that the issue of enforcement abroad of awards set aside in the country of origin continues to be addressed, this time in Austria where the Oberster Gerichtshof [Supreme Court] granted enforcement under the European Convention of an award which had been set aside in Croatia (Austria No. E3, pp. 919-927) and in the United States where the United States Court of Appeals for the Second Circuit refused enforcement of two awards which had been set aside in Nigeria (US no. 288, pp. 909-913).

A publication of the size and scope of the Yearbook requires the willing cooperation of many correspondents, as well as a dedicated staff. It is the latter group whom I would like especially to thank here:

- Ms. Ellen Meijkamp, my secretary, who provides a vital link between my practice in Amsterdam and the editorial staff in their offices in the Peace Palace;
- Ms. Elisabeth Spencer who gave essential last minute assistance, particularly in compiling the Bibliography;
- Ms. Hilmara Requena who in producing the CRCs with unfailing accuracy assures that the Yearbook is presented in a reliable and consistent form;
- D.ssa Silvia Borelli, former researcher at the Sanders Institute at the Erasmus University, Rotterdam, and presently employed by the Permanent Court of Arbitration as a member of the editorial staff, for her linguistic and analytic input in the preparation of translations and excerpts of arbitral awards and court decisions;
- Ms. Judy Freedberg who quite simply makes sure it all happens as and when it should.

ICCA would also like to add a special additional word of thanks to Mr. Hans Jonkman who retired in May 1999 as Secretary-General of the Permanent Court of Arbitration for his kindness and hospitality to the ICCA publications and the Editorial Staff. We would also like to welcome his successor, Mr. Tjaco T. van den Hout, and to express our wish for many future years of fruitful cooperation.

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^e Yves Derains (France); Dr. Mauro Ferrante (Italy); M^e Michel Gaudet (France); Prof. Gerold Herrmann (Austria);

INTRODUCTION

Prof. Pierre Lalive (Switzerland); DDr. Werner Melis (Austria); Mr. Fali Nariman, President of ICCA (India); Dr. Jan Paulsson (France and as General Editor of the *International Handbook on Commercial Arbitration*); Prof. Tudor R. Popescu (Romania); Prof. José Luis Siqueiros (Mexico); Prof. Iván Szász (Hungary); Prof. Yasuhei Taniguchi (Japan); Prof. Pieter Sanders (Netherlands) and the undersigned as General Editor of the ICCA publications.

The readers of the Yearbook throughout the world are also a major source of the materials which it contains. Therefore, may I call on you, as reader and user of the Yearbook, to submit 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, Washington or Panama Conventions.

The names of the readers who have provided materials for this Volume are acknowledged in the appropriate Parts.

Amsterdam
October 1999

Albert Jan van den Berg
General Editor

Materials for the Yearbook are to be addressed to the General Editor or to the ICCA editorial staff at their new address at the International Bureau of the Permanent Court of Arbitration as indicated below.

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