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A Path to Resources on International Commercial Arbitration 1980-1986

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A Path to Resources on International Commercial Arbitration 1980-1986

Joni T. Hiramoto†

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INTRODUCTION

A. General Background

You are an American commercial party to a contract with a foreign corporation. The contract is for the manufacture and purchase of computerized widgets. The widgets are to be drawn to your specifications and, if they perform as envisioned, will revolutionize the canned cat food industry as we know it. The widgets arrive and are plugged in, but nothing happens. A dispute arises over whether the graphics boards for the widgets received were manufactured according to the specifications in your company's designs. The foreign corporation admits altering the design of the board, but claims that the fault is in the general design.

You are facing a long, expensive lawsuit whose outcome (thanks to judges who know nothing about computerized widgets, juries who know even less, and the possible involvement of foreign law) is uncertain. Could you have avoided this?

Thanks to recent developments in international commercial arbitration, you now have available, at the time of contracting, an opportunity to avoid the costly, slow, technology-averse judicial process. Arbitration offers numerous advantages over litigation. First, it is cheaper. Arbitration procedures are more informal, and require less paperwork and discovery, than litigation. Second, the hearings and procedures may be kept confidential, at the request of the parties. Thus, important trade secrets may remain under wraps. Third, the parties are, for the most part, in command of their collective destinies. Parties may choose the law that will govern their dispute, and may even fashion their own rules for procedure under that law. Thus, a party is not automatically subjected to unfamiliar foreign laws. The parties may select their arbitrators, or designate a neutral institution to make the selection

for them. The parties may also designate the situs of the arbitration. Last, the parties involved in the dispute may be able to maintain ongoing business relations while the arbitration is proceeding. This is made possible by the relatively light demands the arbitration makes on the parties.

The disadvantages of arbitration stem from the informality and freedom of choice that mark its attractions. First, the lack of an extended discovery procedure may, under certain circumstances, work against one's favor. Second, the arbitral process is perceived to lack certain legal values. It is fast, but there is a sense that it lacks "rightness," or justice. It is contrary to the standard U.S. legal notion, embedded in our codes of civil procedure, which strives for justice in the procedural as much as in the substantive aspects of a dispute. Third, parties may end up in court anyway, challenging the enforceability of an arbitral award or the fairness of the arbitral procedure. Last, parties must go to greater lengths at the time of contracting to agree upon the provisions of their arbitral clauses.

Commentators note the increase in recourse to international commercial arbitration since the 1958 United Nations Convention on the Recognition and Enforcement of Arbitral Awards (hereinafter "the New York Convention"), and especially since the U.S. ratified it in 1970. The New York Convention provides the legal basis for the enforcement of most international commercial arbitral awards today. It provides for the mutual recognition and enforcement of awards and limits the defenses to confirmation of an award. The New York Convention applies to:

1. Awards made in the territory of a state other than the state where the recognition and enforcement of the award is sought, and
2. Arbitral awards not considered as domestic awards in the state where the recognition and enforcement are sought.

Article V of the New York Convention lists the specific types of defenses that may be brought against a motion made in a court for confirmation of an arbitral award. Most U.S. litigation concerning the New York Convention and 9 U.S.C. §§ 201-208 (where it is codified) turns on the judicial interpretation of these sections.

Much arbitration is administered by large, non-governmental arbitral institutions. These are organizations that rent out facilities and neutral, expert arbitrators to decide disputes. Additionally, local arbitral associations and chambers of commerce administer arbitration of smaller scale commercial disputes in many nations. These smaller institutions are often geared toward, or at least prepared to take on, international disputes. The major arbitral institutions are the American Arbitration Association (New York), the International Chamber of Commerce-Court of Arbitration (Paris), the International Centre for Settlement of Investment Disputes (Washington, D.C.), the Arbitration Institute of the Stockholm Chamber of Commerce (Stockholm), the Iran-United States Claims Tribunal (the Hague), and the London Court of International Arbitration (London). These institutions, along with many smaller arbitral organizations, schools for arbitration, research centers and

information clearinghouses (all of which promote international arbitration), are listed in Chapter IX of this pathfinder.

But here you are, stuck with useless widgets. Assuming you wish to know more about arbitral clauses, institutions and procedure for your next contract, you read on.

B. How to Use this Pathfinder

1. Scope of this Pathfinder

The purpose of this resource guide or pathfinder is to give the user a comprehensive list of resources available to assist in either academic or practical inquires. In view of several excellent bibliographies already compiled on the subject, covering roughly 1970-1980, see, for example, Laura Ferris Brown's bibliography on international commercial arbitration in Chapter VII, this pathfinder will concentrate on the period 1980-86. For earlier background material, consult the bibliographies contained in Chapter VII. The pathfinder includes references to classic treatises insofar as new editions of them have appeared during this time.

2. Structure of Pathfinder

This pathfinder is divided into four Sections.

Section One: Primary Materials

This lists references to the primary documents that are the bread and butter of an international arbitration in the United States or involving a party from the United States. Chapter I lists the major treaties to which the U.S. is a party and federal statutes that affect international arbitrations conducted in and sought to be enforced in the United States. Chapter II lists references for finding the in-house rules of some of the major arbitral institutions. Chapter III lays out U.S. judicial decisions interpreting the New York Convention and the Federal Arbitration Act.

Section Two: Secondary Materials

This section lists references to articles, books, and looseleaf services. Chapter IV on articles and Chapter V on books have special sections for introductory and background materials. Major treatises are included in the introductory sub-section of the chapter on books. "How To" guides are listed in special sub-sections entitled "Practice of International Arbitration." Articles or books dealing with specific defenses to the enforceability of arbitral awards are listed under "Awards."

Section Three: Past and Future Reference Materials

Chapter VII lists bibliographies, yearbooks and resources that provide references to specialized topics, or cover international arbitration generally up through 1979. Chapter VIII lists specialty journals that will enable the user to stay abreast of current developments in this field.

Section Four: Institutions and Resources

Chapter IX lists arbitral institutions, research centers, and information clearinghouses. Chapter X lists libraries that contain special resources on international commercial arbitration.

I.

STATUTES AND TREATIES

A. *The New York Convention*

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (“the New York Convention”), June 10, 1958, 21 U.S.T. 2517, T.I.A.S. No. 6997, 330 U.N.T.S. 38, No. 4739 (entered into force for the United States Dec. 29, 1970).

This agreement provides the legal basis for most international arbitration today. Currently 70 nations have signed it. The implementing legislation for the New York Convention is part of the Federal Arbitration Act.

Federal Arbitration Act.

Public Law No. 91-368, 84 Stat. 692 (1970).

Codified at 9 U.S.C. §§ 201-208 (1982).

Legislative History of P.L. 91-368: see 1970 U.S. CODE CONG. & AD. NEWS 3601.

B. *Other Statutes and Treaties*

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (“the Washington Convention”), opened for signature, March 18, 1965, 17 U.S.T. 1270, T.I.A.S. No. 6090, 575 U.N.T.S. 159, No. 8359.

Establishes the International Centre for Settlement of Investment Disputes (ICSID). Chapter Four, Articles 50-58, sets out the rules for arbitration, including grounds for annulment, and recognition and enforcement of an award.

Inter-American Convention on International Commercial Arbitration (“the Panama Convention”), Jan. 30, 1976, 42 O.A.S.T.S. 4, (signed by the U.S., 1980, not ratified).

Similar to New York Convention, but ratified by eight Latin American countries.

Also, numerous bilateral treaties of Friendship, Commerce and Navigation may contain clauses permitting the enforcement of arbitrations conducted abroad.

Sovereign Immunity: 28 U.S.C. § 1605(a)(1) (1982).

The Foreign Sovereign Immunities Act § 1605(a)(1) provides that a foreign state shall be denied immunity when, “the foreign state has waived its immunity either explicitly or by implication” (emphasis added). This

is the provision upon which the sovereign immunity defense to enforcement of an arbitral award turns.

Arbitrability of Patent Disputes: 35 U.S.C. § 294 (1983).

Disputes on patent validity, infringement, or interference are made arbitrable under this federal statute. Relevant to international commercial arbitration in view of the fact that 40% of U.S. patents are issued to residents of foreign countries.

II. RULES OF MAJOR ARBITRATION INSTITUTIONS¹

American Arbitration Association Commercial Arbitration Rules (1981) Supplementary Procedures for Int'l Commercial Arb. (1982)	7 <i>Yearbook Commercial Arb.</i> 191 8 <i>Yearbook Commercial Arb.</i> 195
International Chamber of Commerce Rules of Conciliation and Arbitration (1975)	1 <i>Yearbook Commercial Arb.</i> 157
London Court of International Arbitration International Arbitration Rules (1981)	7 <i>Yearbook Commercial Arb.</i> 223
UNCITRAL Model Law on International Commercial Arbitration	24 <i>Intl Legal Materials</i> 1302

For additional listings, see the latest *Yearbook Commercial Arbitration*, Consolidated Table of Contents, Part IIIA.

III. CASE LAW

A. *US Policy Toward International Arbitration Under the New York Convention.*

1. *Does Not Yield to Policy in Other Areas.*

Sherk v. Alberto-Culver, 417 U.S. 506 (1974).

Landmark case wherein the Supreme Court held that claims involving securities (which are not arbitrable under U.S. law) may be arbitrable internationally where the contract is international. Signals decisive preference for judicial support of arbitration as means of dispute resolution. Note that in *Wilko v. Swan*, 346 U.S. 427 (1958), the Court had not allowed arbitration of an alleged violation of the Securities Act of 1933, on the ground that it would be against public policy.

Mitsubishi Motors Corp. v. Soler-Chrysler Plymouth, — U.S. —, 105 S. Ct. 3346 (1985).

Extended *Sherk* to include international antitrust arbitration.

1. The Appendix of this issue of the *International Tax & Business Lawyer* reprints the rules for UNCITRAL, ICSID, AAA, ICC, and CMEA.

Full text of *amicus curiae* brief in support of Petitioner Mitsubishi appears at 2 *J. Intl Arb.* 82, June 1985. Submitted by Michael F. Hoellering on behalf of the American Arbitration Association.

2. *Liberal Interpretation of What Constitutes a Foreign Award.*

Bergeson v. Joseph Muller Corp., 710 F.2d 928 (2d Cir. 1983).

Held that Chapter 2 of the New York Convention empowers U.S. courts to enforce arbitral awards that are "not considered as domestic awards" under U.S. law, even if award is rendered in the U.S.

3. *Preliminary Matters:*

a. *Pre-Judgment Interest.*

In Re Waterside Ocean Navigation Co. v. International Navigation Ltd., 737 F.2d 150 (2d Cir. 1984).

Pre-judgment interest may be awarded by federal district court when asked to confirm awards under New York Convention.

b. *Pre-Arbitral Attachment of Award.*

Courts that refused to allow pre-arbitral award:

Cooper v. Ateliers de la Motobécane S.A., 57 N.Y.2d 408 (1982).

Observed that pre-award attachment injects uncertainty into resolution process, which arbitration is designed to avoid. Also subjects foreign business to unfamiliar American laws, which it intended to avoid with the arbitration agreement.

See also,

McCreary Tire & Rubber Co. v. CEAT S.p.A., 501 F.2d 1032 (3d Cir. 1974).

I.T.A.D. Associates v. Podar Brothers, 636 F.2d 75 (4th Cir. 1981).

Decisions upholding pre-arbitral attachment:

Carolina Power & Light Co. v. Uranex, 451 F. Supp. 1044 (N.D. Cal. 1977).

Court held that the New York Convention did not bar attachment pending arbitration. Criticizes the reasoning of *McCreary Tire & Rubber Co. v. CEAT S.p.A.* 501 F.2d 1032 (3d Cir. 1974).

Drys Shipping Corp. v. Freights, 558 F.2d 1050 (2d Cir. 1977).

Court upheld *in rem* attachment on the theory that the arbitral agreement did not preclude traditional maritime procedure.

Construction Exporting Enterprises, UNECA v. Nikki Maritime Ltd., 558 F. Supp. 1372 (S.D.N.Y. 1983).

Court upheld maritime attachment under New York Convention as indistinguishable from attachment under state statutory and decisional law.

Paramount Carriers Corp. v. Cook Industries, 465 F. Supp. 599 (S.D.N.Y. 1979).

Maritime attachment upheld to give court jurisdiction to compel enforcement of arbitral provisions.

Compania de Navigacion y Financiera Bosnia, S.A. v. National Unity Marine Salvage Corp., 457 F. Supp. 1013 (S.D.N.Y. 1978).

Court upheld pre-award attachment when defendant had created confusion as to correct corporate name and had caused previous order of attachment to be rendered against nonexistent corporation.

Atlas Chartering Service v. World Trade Group, 453 F. Supp. 861 (S.D.N.Y. 1978).

Pre-arbitral attachment upheld as compatible with New York Convention where basis of jurisdiction is maritime cause of action.

B. Defenses to Enforcement of Award

1. ARTICLE V(1) Express Defenses

a. Incapacity of Parties or Absence of Valid Arbitration Agreement.

Rhone Mediterranee Compagnia Francese Di Assicurazioni E Riassicurazioni v. Achille Lauro, 712 F.2d 50 (3d Cir. 1983).

Rejected defense to enforcement of award which argued that the arbitration provision violated Italian law requiring an odd number of arbitrators. Court held that the provision did not render agreement null and void under Article V(I) of the New York Convention.

b. Lack of Fair Opportunity to be Heard.

Parsons & Wittemore Overseas Co. v. Societe Generale de l'Industrie du Papier, 508 F.2d 969 (2d Cir. 1974).

Court rejected defense, advanced by the U.S., that arbitrators had violated due process by refusing to postpone a hearing because one witness could not be present. Recognized that arbitrators have a strong interest in maintaining a schedule to fulfill obligations to "parties, counsel and arbitrators scattered around the globe." 508 F.2d at 975.

c. Award Outside Scope of Arbitration.

Parsons & Wittemore Overseas Co. v. Societe Generale de l'Industrie du Papier, 508 F.2d 969 (2d Cir. 1974).

Court construed defense narrowly and created the presumption that the arbitral board did not, in fact, exceed its powers. Plaintiff Overseas claimed that arbitral board had no jurisdiction to award damages for loss of production where contract prohibited such damages. Court deferred to arbitral board and refused to reconstruct the contract in court.

Fertilizer Corp. of India v. IDI Management, 517 F. Supp. 948 (S.D. Ohio 1981).

Arbitrators awarded consequential damages despite contract's exclusion of such liability. Court found no action outside the scope of the arbitrator's authority.

See also,

I/S Stavborg v. National Metal Converters, Inc., 500 F.2d 424 (2d Cir. 1974).
Court may overturn only if there is manifest disregard of law.

d. *Improper Composition of Arbitral Tribunal/Improper Arbitral Procedure.*

Imperial Ethiopian Govt. v. Baruch-Foster Corp., 535 F.2d 334 (5th Cir. 1976).

Baruch (an American corporation) asserted successfully that arbitrator, Prof. Rene David, was not impartial because twenty years earlier he had participated in drafting a new civil code for Ethiopia.

International Produce Inc. v. A/S Rosshart, 638 F.2d 548 (2d Cir.), *cert. denied*, 451 U.S. 1017 (1981).

e. *Award Not Yet Binding or Has Been Stayed.*

Fertilizer Corp. of India v. IDI Management, 517 F. Supp. 948 (S.D. Ohio 1981).

Court examined the meaning of the "binding effect" of an award. The issue of a speaking award was under review in an Indian court. The court held: "The award will be considered 'binding' if no further recourse may be had to another *arbitral* tribunal. The fact that recourse may be had to a court of law does not prevent the award from being binding."

2. *Article V(2)a: The Commercial Matters Reservation*

Libyan American Oil Co. v. Socialist People's Libyan Arab Jamahiriya, 482 F. Supp. 1175 (D.D.C. 1980), *vacated*, 684 F.2d 1032 (D.C. Cir. 1981).

Trial court held that it could not enforce arbitral award designed to afford compensation for an expropriation because the subject matter of the dispute was not "capable of settlement by arbitration under U.S. law." This decision was vacated by the Appeals Court, and was criticized in von Mehren, "International Arbitration Between States and Foreign Private Parties," 75 *Am. J. Intl Law* 476, 1981.

3. *Article V(2)b: Public Policy Ground*

Parsons & Wittemore Overseas Co. v. Societe Generale de l'Industrie du Papier, 508 F.2d 969 (2d Cir. 1974).

The court interpreted the public policy defense narrowly. Held that an action of arbitrators which may violate "national policy" should be distinguished from and not preclude enforcement for "public policy" reasons. 508 F.2d at 974.

Fotochrome Inc. v. Copal Co., 517 F.2d 512 (2d Cir. 1975).

The Court found no conflict between Bankruptcy Act and New York Convention that could justify nonenforcement of arbitration commenced

in Japan before bankruptcy proceedings were begun in the U.S. 517 F.2d at 516.

In Re *Waterside Ocean Navigation Co. v. International Navigation Ltd.*, 737 F.2d 150 (2d Cir. 1984).

Public policy defense under Art. V(2)(b) of Convention only receivable when enforcement of award would violate one of the United States' "most basic notions of morality and justice." The policy against inconsistent testimony is not sufficient to invoke the defense.

Transmarine Seaways Corp. of Monrovia v. Marc Rich & Co. A.G., 480 F. Supp. 352 (S.D.N.Y. 1979).

The court acknowledged the viability of duress as grounds for upholding the public policy defense but held that the petitioner did not prove duress.

C. Sovereign Immunity

Sperry International Trade, Inc. v. Government of Israel, 532 F. Supp. 901 (S.D.N.Y. 1982), *aff'd*, 689 F.2d 301 (2d Cir. 1982).

Contractual agreement that "any award, order or judgment pursuant to arbitration shall be [enforceable in any court in Israel or the U.S.]" operated as waiver of sovereign immunity. Court also upheld enforcement of express waiver of sovereign immunity which mentioned arbitration.

Birch Shipping Corp. v. Embassy of United Republic of Tanzania, 507 F. Supp. 311 (D.D.C. 1980).

When foreign state or governmental entity is party to arbitration agreement, the agreement acts as an implicit waiver of sovereign immunity.

D. Reciprocity

Article XIV of the New York Convention provides that a "Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention." This is often interpreted to mean that a defense to enforcement may be based on the ground that arbitral awards rendered in certain states may be denied enforcement if that state expressly or in practice restricts the benefits of the Convention to its own citizens at the expense of foreign parties.

Fertilizer Corp of India v. IDI Management, 517 F. Supp. 948 (S.D. Ohio 1981).

Court acknowledged the reciprocity bar to enforcement as a valid defense, but did not find that India's courts restrict the application of the New York Convention to benefit its own citizens at the expense of foreign parties.

See also,

Audi N.S.U. Auto Union Aktiengesellschaft v. Overseas Motors Inc., 418 F. Supp. 982 (E.D.Mich. 1976).

Evidence of West Germany's declaration of enforcement of awards rendered under New York Convention sufficed to prove requisite reciprocity existed between West Germany and the U.S.

E. Federal Arbitration Act (FAA)

The FAA has generated general substantive law to be applied by state and federal courts.

Southland Corp. v. Keating, 465 U.S. 1 (1984).

Section 2 of FAA is of general application and pre-empts state laws in conflict with it. In enacting section 2, Congress declared a national policy favoring arbitration and withdrew the power of the states to require judicial resolution of claims which contracting parties had agreed to resolve by arbitration. Rejects interpretation of FAA which characterizes it as a procedural statute. The Court concluded that § 31512 of the California franchise investment law was in violation of the Supremacy Clause.

Moses H. Cone Memorial Hospital v. Mercury Construction, 460 U.S. 1 (1983).

Held that the Arbitration Act creates a body of federal substantive law which was applicable in state and federal courts.

Prima Paint Co. v. Flood & Conklin Mfg., 388 U.S. 395 (1967).

The Court held that the validity of the contract is a matter for the arbitral body, not a judge, to determine. Restricted the scope of judicial inquiry into arbitrability to examination of the arbitral clause alone. A court may not examine the rest of the contract to determine the validity of the arbitral clause. Not an international transaction in dispute, but a leading case in establishing deference to arbitral agreements.

1. FAA Defense to Enforcement: Interstate Commerce Requirement

Bernhardt v. Polygraphic Co., 350 U.S. 198 (1956).

Court acknowledged the defense that the contract did not involve interstate commerce, where claim for enforcement brought under federal and not state law.

2. Jurisdiction: Judicial Review by Agreement of the Parties

Fils et Cables d'Acier de Lens v. Midland Metals Corp., 584 F. Supp. 240 (S.D.N.Y. 1984).

Court will review whether arbitrators' findings of fact are supportable by substantial evidence where the parties have agreed to this judicial exercise of authority even though it is beyond the power of the court granted by the Arbitration Act.

IV. ARTICLES

A. *Introductions and Overviews*

- Delaume, Georges R., "ICSID Arbitration: Practical Considerations," 1 J. INTL ARB. 101, March 1984.
Discussion of the technicalities of ICSID arbitral processes, expanding recognition and authority, and quality of ICSID arbitrators.
- Delaume, Georges R., "ICSID Arbitration in Practice," 2 INTL TAX & BUS. LAW. 58, Winter 1984.
- de Hancock, Tila M., "The International Court of Arbitration: The Institution and its Procedures," 1 J. INTL ARB. 21, Jan. 1984.
Introduction to the ICC, its structure, function, internal procedures, and arbitral procedures.
- deVries, Henry P., "International Commercial Arbitration: A Transnational View," 1 J. INTL ARB. 7, Jan. 1984.
Substantive introduction to the international commercial arbitration system, and the rise and importance of international commercial arbitration as an efficient substitute for national courts. Generous footnotes.
- Hoellering, Michael F., "International Commercial Arbitration: A Peaceful Method of Dispute Settlement," 40 ARB. J. 90, Dec. 1985.
Basic introduction to the structure of the international arbitration system: organizations, statutes, case law.
- Jarvin, Sigvard, "Arbitrability of Anti-Trust Disputes: The Mitsubishi v. Soler Case." 2 J. INT. ARB. 69, Sept. 1985.
Analysis of the importance and ramifications of the *Mitsubishi* decision, the Supreme Court decision that clarified the scope of Articles II and V of the New York Convention.
- Jarvin, Sigvard, "ICC: Dispute Prevention Methods," 1 J. INTL ARB. 355, Sept. 1984.
- Levin, Chaim A., "Domestic Recognition and Enforcement of the Inter-American Convention on International Commercial Arbitration (IACAC)," 10 SYRACUSE J. INTL L. & COMM. 169, Summer 1983.
- Meade, Robert E., "Arbitration Overview: The AAA's Role in Domestic and International Arbitration," 1 J. INTL ARB. 263, June 1984.
Description of services and facilities offered by American Arbitration Association.
- Park, William W., "Arbitration of International Contract Disputes," 39 BUS. L. 1783, Aug. 1984.
- Roseberg, Gerald M., "Iran-United States Claims Tribunal," AM. SOC. INTL L. PROC. 1, 1982.
From the Proceedings of the 76th Annual Meeting of the American Society of International Law.

- Stein, Steven J., and Wolman, Daniel R., "International Commercial Arbitration in the 1980s: A Comparison of the Major Arbitral Systems and Rules," 38 *BUS. LAW.* 1685, Aug. 1983.
- Uzan-Spira, Janine, "Appointment of Arbitrators by the Geneva Chamber of Commerce and Industry (CCIG)," 1 *J. INTL ARB.* 73, Jan. 1984.
Description of services offered by the CCIG. CCIG designates arbitrators at the request of parties. It is not a court of arbitration. Article includes text of CCIG directives.
- von Mehren, Robert B., "The Iran-U.S.A. Arbitral Tribunal," 31 *AM. J. COMP. L.* 713, Fall 1983.
- von Mehren, Robert B., and Rivkin, David W., "Contracts for the International Sale of Minerals," 2 *J. INTL ARB.* 49, Sept. 1985.
Basic overview to international arbitration at pp. 58-67. Presents the advantages and disadvantages of choosing arbitration as the mechanism for dispute resolution. Examines the structure of the New York Convention, "the legal basis for enforcement of most international commercial arbitration awards."
- von Mehren, Robert B., "Transnational Litigation in American Courts: An Overview of Problems and Issues," 3 *DICKINSON J. INTL LAW* 43 (1984).

B. Practice of International Arbitration

- Bartels, Martine, "Multiparty Arbitration Clauses," 2 *J. INT. ARB.* 61, June 1985.
Suggests model clauses to facilitate consolidation of multiparty disputes.
- Belland, Stanton P., "Iran-US Claims Tribunal: Some Reflections on Trying to Claim," 1 *J. INTL ARB.* 238, June 1984.
- Dubisson, Michel, "Arbitration in Subcontracts for International Projects," 1 *J. INTL ARB.* 197, June 1984.
Includes sample arbitration clauses for insertion in a subcontract for implementation of international projects.
- Fletcher, Leonard, "Unrealised Expectations: The Root of Procedural Confusion in International Arbitrations," 2 *J. INTL ARB.* 7, Sept. 1985.
Cautions parties entering into arbitration agreement to agree on certain procedural guidelines in advance. For example, the written submission of the claim and defense should follow the same format in form and structure, and the ground rules for the procedure to be used at the hearings and for submission of supporting documentary evidence should be clarified and confirmed in advance.
- Golsong, H., "Guide to Procedural Issues in International Arbitration," 18 *INTL LAW.* 633, Summer 1984.

Melis, Werner, "*Force Majeure* and Hardship Clauses in International Commercial Contracts in View of the Practice of the ICC Court of Arbitration," 1 J. INTL ARB. 213, June 1984.

ICC cases demonstrate tendency to interpret *force majeure* clauses in a restrictive manner, similar to national courts.

Nelson, S.C., "Planning for Resolution of Disputes in International Technology Transactions," 7 B.C. INTL & COMP. L. REV. 269, Summer 1984.

Wetter, J. Gillis, "Pleas of Sovereign Immunity and Act of Sovereignty Before International Arbitral Tribunals," 2 J. INTL ARB. 7, March 1985. Explains why a plea of sovereign immunity cannot be invoked as a bar to jurisdiction of an international arbitral tribunal.

Wetter, J. Gillis, "The Conduct of the Arbitration," 2 J. INT. ARB. 7, June 1985.

Highlights and discusses the issues that arise at various stages of the arbitral process.

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Comprehensive, rigorous examination of the arbitration process, theory, structure and organizations, law, and political ramifications from the agreement to the award. Includes index, full text of major treaties, and an up-to-date bibliography. Original edition in French.

- Gebrehana, Teklewold. *Arbitration: An Element of International Law*. Stockholm: Almquist & Wiksell International, 1984.
An historical and theoretical approach to the topic. Good sections on sources of arbitration tradition in various regions of the world. Discussion on the impact of modern law on these early theoretical underpinnings and case studies.
- International Chamber of Commerce. *International Arbitration: 60 Years of ICC Arbitration: A Look at the Future*. Paris: ICC Publishers, 1984.
- Lindencrona, Gustaf, and Mattson, Nils. *Arbitration in Taxation*. Boston: Kluwer Law and Taxation Publishers, 1981.
Argues in favor of establishing an international arbitration tribunal to handle fiscal and tax disputes between governments.
- Merrills, J.G. *International Dispute Settlement*. London: Sweet and Maxwell, 1984.
- Sanders, Pieter, ed. *New Trends in the Development of International Commercial Arbitration*. Deventer: Kluwer Law and Taxation Publishers, 1983.
- Sanders, Pieter, ed. *UNCITRAL's Project for a Model Law on International Commercial Arbitration*. Deventer: Kluwer Law & Taxation Publishers, 1984.
Report of conference which examined the Model Law. Presents issues and summaries of seven working groups. 548 participants from around the world.
- Schultsz, J.C., and Van den Berg, Albert J., eds. *The Art of Arbitration: Essays on International Arbitration, Liber Amicorum Pieter Sanders*. Deventer: Kluwer Law and Taxation Publishers, 1982.
A collection of articles presented to Pieter Sanders for his 70th birthday. A potpourri of academic and practical subjects. Addresses a variety of jurisdictions.
- United Nations Commission on International Trade Law. *UNCITRAL Arbitration Rules*. New York: United Nations, 1977.
- Van den Berg, Albert Jan. *The New York Arbitration Convention of 1958—Toward a Uniform Judicial Interpretation*. Deventer: Kluwer Law and Taxation Publishers, 1981.
Advocates a unification of judicial interpretation to improve the effects of the New York Convention, rather than a revision or supplementary protocol. Comprehensive and thoughtful.
- . *Multiparty Business Disputes*. Institute of International Business Law & Practice. Paris: ICC Services, 1980.
General, theoretical treatment of the subject. A small booklet that reports the results of the First Annual Meeting of the Institute.

1. *Maritime Arbitration*

Marks, Cohen M., ed. *Index and Digest of the Award Service of the Society of Maritime Arbitrators*. New York: Society of Maritime Arbitrators, 1979—.

2. *Regional or National Laws and Arbitral Processes*

Lebedev, S.N. *International Commercial Arbitration in the Socialist Countries Members of the CMEA*. The Hague, Netherlands: Martinus Nijhoff Publishers, 1982.

Nirwani, S.C. *Arbitration Law and Dispute Settlement Procedures in the Middle East and African Countries*. New Delhi: Indian Council of Arbitration, 1980.

Practical guide to arbitration with parties from Middle Eastern or African nations.

Saleh, Samir. *Commercial Arbitration in the Middle East*. London: Graham & Trotman Ltd., 1984.

The first comprehensive analysis of Middle Eastern commercial arbitration.

———. *Arbitration Law in Europe*. Paris: ICC Services, 1981.

a. *Australia*

Dorter, John B., and Widman, Gary K. *Arbitration in Australia: Law and Practice*. Sydney: Law Book Co., 1979.

Pryles, Michael C., and Iwasaki, Kazuo. *Dispute Resolution in Australia-Japan Transactions*. Sydney: Law Book Co., 1983.

b. *Austria*

Melis, Werner. *A Guide to Commercial Arbitration in Austria*. Vienna: Federal Economic Chamber, 1983.

Guide to domestic and international arbitration in Austria in light of 1983 Austrian amendments.

c. *Canada*

Kos-Rabcewicz-Zubkowski, L., and Davidson, L.J. *Judicial Assistance in Connection with Arbitration in Canada*. Ottawa: Canadian Arbitration, Conciliation and Amicable Composition Centre, 1981.

d. *France*

Carbonneau, Thomas C., and Robert, Jean. *The French Law of Arbitration*. New York: Matthew Bender & Co., 1983.

Delvolve, Jean-Louis. *Arbitration in France: The French Law of National and International Arbitration*. Antwerp: Kluwer Law & Taxation Publishers, 1982.

e. India

Dass, S.C. *The Arbitration Act (Act X of 1940)*. 4th rev. ed. by Agarwal, R.D. Allahabad, India: Law Book Co., 1978.

f. Japan

Iwasaki, Kazuo, and Pryles, Michael C. *Dispute Resolution in Australia-Japan Transactions*. Sydney: Law Book Co., 1983.

Japan Shipping Exchange, *Handbook of the Japan Shipping Exchange: Guide to Maritime Arbitration*. Tokyo: Japan Shipping Exchange, Inc., 1978.

g. Korea

Cho, Yun Ho. "New York Arbitration Convention of 1958 and its Application by the U.S. and Korean Courts." Master of Laws Thesis, Berkeley, California, 1985.

h. Norway

Thomsen, Hans Bjorn. *International Business Arbitration in Norway*. Oslo: Norges eksportrad, 1977.

i. Soviet Union

Lebedev, S. *International Cooperation in the Field of Commercial Arbitration*. Moscow: USSR Chamber of Commerce, 1980.

Examines arbitral conventions, bilateral treaties of the USSR, and measures taken by the socialist countries that comprise the Council of Mutual Economic Assistance (CMEA). In Russian, with table of contents in English.

Tuttle, William H. "Soviet Socialist Foreign Trade Arbitration." Master of Laws Thesis, Berkeley, California, 1963.

j. Sweden

Stockholm Chamber of Commerce. *An Introduction to Arbitration in Sweden*. Stockholm: Stockholm Chamber of Commerce, 1892.

k. Switzerland

Swiss Arbitration Association. *International Arbitration in Switzerland: What You Should Know About It*. Basle: Swiss Arbitration Association, 1984.

Zurich Chamber of Commerce. *Arbitration Manual*. Zurich: Zurich Chamber of Commerce, 1977.

Compilation of many primary documents—rules, excerpts from bilateral treaties, Zurich statutory provisions—on arbitration. Includes a bibliography.

D. Congresses and Conferences

Bermuda International Arbitration Conference (2nd), Bermuda, April 19-22, 1982. Sponsored by the AAA, the Arbitrators' Institute of Canada, and the Chartered Institute of Arbitrators.

Carbonneau, Thomas, ed. "Resolving Transnational Disputes Through International Arbitration." Sixth Sokol Colloquium, 1984.

Chartered Institute of Arbitrators. "Settlement of International Commercial Disputes." Papers presented at the International Arbitration Conference in Hong Kong. London: Chartered Institute of Arbitrators, 1982.

International Chamber of Commerce (ICC), ICC Court of Arbitration Sixtieth Anniversary, Paris, October 11, 12, 13, 1983.

Conference focused on: "New Developments in International Trade," "Increased Involvement of States and Enterprises as International Commercial Parties," and "The Complementary Role of Judges and Arbitrators."

International Commercial Arbitration Symposium, Stockholm, March 4-5, 1982. Sponsored by the Stockholm Chamber of Commerce, the AAA, the USSR Chamber of Commerce and Industry, and the Secretariat of UNCITRAL.

International Council for Commercial Arbitration (ICCA), *New Trends in the Development of International Commercial Arbitration and the Role of Arbitral and Other Institutions*. Seventh International Arbitration Congress, Hamburg, June 7-11, 1982. Edited by Prof. Pieter Sanders. Deventer: Kluwer Law and Taxation Publishers, 1983.

Four working groups: "Conventions, Treaties, and Agreements Among Institutions," "Resolving Disputes Involving Commodities and Raw Materials," "New Methods for Resolving International Commercial Disputes," and "Developments in Maritime Arbitration."

International Council for Commercial Arbitration (ICCA), International Arbitration Congress: "Arbitration for Better International Trade." Held in Mexico City, March 13-16, 1978. Edited by Mexico Chamber of Commerce, 1980.

Three working groups: "Arbitration and Business," "Arbitration and the Courts," and "Arbitration and Technology." A list of the papers may be found in 4 *Yearbook Commercial Arbitration* 391, 1979.

Society of Maritime Arbitrators, Fifth International Congress of Maritime Arbitrators, held in New York City, October 20-23, 1981.

VI. LOOSELEAF SERVICES

- Butler, William E., ed. *Soviet Commercial and Maritime Arbitration*. Dobbs Ferry, New York: Oceana Publications, 1980.
Includes decisions rendered by the USSR Foreign Trade Arbitration Commission.
- Delaume, Georges R., ed. *Transnational Contracts, Applicable Law and Settlement of Disputes: A Study in Conflict Avoidance*. Volume 5. Dobbs Ferry, New York: Oceana Publications, 1981—.
Part IV deals with the "Arbitral Settlement of Transnational Contract Disputes."
- Gaja, Giorgio, ed. *International Commercial Arbitration: The New York Conference*. Dobbs Ferry, New York: Oceana Publications, 1978—.
Includes reports of seventy-two decisions rendered by courts interpreting the New York Convention.
- Goldscheider, R., and De Haas, M., eds. *Arbitration and the Licensing Process*. New York: Licensing Executives Society International, 1981—.
Much of the material pertains to international commercial arbitration in general and is not exclusively addressed to licensing issues.
- Institute for International Legal Information. *UNCITRAL Model Law of International Commercial Arbitration: A Documentary History*. Buffalo, New York: U.S. Hein, 1985—.
- International Association for Lawyers. *International Commercial Arbitration*. Paris: Dalloz et Sirey, 1965.
- International Council for Commercial Arbitration. *International Handbook on Commercial Arbitration*. Deventer: Kluwer Law and Taxation Publishers, 1984.
Arbitration statutes, articles, and national reports organized according to country. Contains substantially the same information as the *Yearbook of Commercial Arbitration*. While the *Yearbook* is published annually, this resource is updated more frequently and gathers all reports for one topic together for convenient reference. It is thus easier to use than the *Yearbook*, but it requires periodic maintenance.
- Schmitthoff, Clive M. ed. *International Commercial Arbitration*. Dobbs Ferry, New York: Oceana Publishers, 1979.
One of a trilogy of binders which comprise a set. The other two, edited by Butler, W., and Gaja, G., are also listed in this section.
- Wilner, Gabriel M., ed. rev. ed. *Domke on Commercial Arbitration*. Wilmette, Illinois: Callaghan & Co., 1984—.
This is the looseleaf edition of Dr. Martin Domke's treatise on arbitration.

VII. BIBLIOGRAPHIES, REFERENCES AND YEARBOOKS

American Arbitration Association. *Arbitration and the Law*. New York: AAA, 1984—.

This is the Annual Report of the AAA General Counsel. Digests of ninety-four cases, substantial section on international arbitration that examines case law, foreign legislation, and (in Section 4) current developments in international commercial arbitration.

American Arbitration Association. *Wide World of Arbitration: An Anthology*. New York: American Arbitration Association, 1978.

Brown, Laura F. *Selected Bibliography of International Commercial Arbitration: 1970-1978*. New York: American Arbitration Association, 1978. Comprehensive and easy to use. Author is chief librarian at the Eastman Arbitration Library, the resource center for AAA. Updated with March 1980 supplement. No annotations. Organized in ten categories.

Brown, Laura F. "Recent Acquisitions of the Eastman Library," *ARB. J.* 19—.

Regular column that includes special listings for international commercial arbitration.

Franke, Ulf, ed. *Yearbook of the Arbitration Institute of the Stockholm Chamber of Commerce*. Stockholm: Stockholm Chamber of Commerce, 1981—.

Includes book reviews, a list of foreign periodicals, and articles (some in English).

Goldman, Marvin G., and Routh, E. Charles. "Bibliography on Arbitration and Litigation in East Asian—United States Transactions," 15 *INTL LAW*. 149, Winter 1980.

Comprehensive lists of East Asian articles, books, and resources. Includes a useful list of general resources on international commercial arbitration.

Marks, Cohen M., ed. *Index and Digest of the Award Service of the Society of Maritime Arbitrators*. New York: Society of Maritime Arbitrators, 1979—.

Reichert, Douglas. "Provisional Remedies in International Litigation: A Comprehensive Bibliography," 19 *INTL LAW*. 1429, Fall 1985.

Generously annotated. Pinpoint references to relevant parts of treaties and treatises are especially useful.

Seide, Katherine, ed. *Paul Felix Warburg Union Catalog of Arbitration: A Selective Index of Peaceful Dispute Settlement Procedures*. Totowa, New Jersey: Rowan and Littlefield, 1974.

Sanders, Pieter, ed. *Yearbook Commercial Arbitration*. Deventer: Kluwer Law & Taxation Publishers, 1976-present. (Albert Jan van den Berg takes over as general editor beginning with the 1986 edition.)

This is where all research should begin. A major source of primary materials. Each yearbook contains cumulative tables of contents for each section.

Part I: National Reports. In-depth examination of individual countries' arbitral procedures, laws, and practice.

Part II: Arbitral Awards. Reports of decisions by major arbitral institutions (e.g., ICC, ICSID, etc.) and by national courts.

Part III: Arbitral Rules of Major Arbitral Institutions. Includes updates on amendments and changes in rules. Also, a special section surveying awards of the Iran-U.S. Claims Tribunal.

Part IV: Recent Amendments of Arbitration Statutes. Changes in national statutes.

Part V: Court Decisions on the New York Convention. Reports of decisions of national courts from countries around the globe. Not always the full text of decisions.

Part VI: Articles on Arbitration.

Part VII: Bibliographies, and Lists of Arbitral Institutions.

Stuyt, Alexander Marie. *Survey of International Arbitrations 1794-1970*. Dobbs Ferry, New York: Oceana Publications, 1972.

———. "Books Received," *J. INTL ARB.* 1984— .
Quarterly column with detailed summaries.

VIII. SPECIALTY JOURNALS

A. *Arbitration Journal*

Published by the American Arbitration Association
140 West 51st Street
New York, NY 10020
Quarterly.

B. *Journal of International Arbitration*

P.O. Box 93
1211 Geneva 11
Switzerland

Quarterly. In addition to academic and practice-oriented articles, it contains news of upcoming conferences, news about new programs being established, and comments on recent awards and court cases from various nations.

C. *The Maritime Advisor*

One Greenwich Plaza
Greenwich, CN 06830

Monthly. Contains comprehensive summaries of arbitral awards rendered in maritime cases.

Additional listing of specialty journals may be found in the consolidated index of the *Yearbook Commercial Arbitration*, Bibliography Part III: Journals on Arbitration.

IX. ASSOCIATIONS AND ORGANIZATIONS

A. *International Commercial Arbitration*

1. *Australia*

Institute of Arbitrators

26 Brisbane Avenue Barton ACT 2600

P.O. Box E 139

Canberra Act 2600 Australia

Ph: (062) 73-12-22

Administers arbitrations and trains arbitrators. Rules: Rules for the Conduct of Commercial Arbitration, Dec. 1978.

2. *Austria*

Arbitration Center of Federal Economic Chamber

Stubenring 12, A1010 Vienna

Ph: (0222) 52-15-11

Administers and trains arbitrators. Rules: Rules of Arbitration and Conciliation, Jan. 1975. Available in German, English, French, Italian, Spanish, and Russian.

3. *Belgium*

Benelux Economic Union (BEU)

Rue de la Renence, 39

B-1000 Brussels, Belgium

Ph: (2) 513-86-80

E.D.J. Kruitbosch, Sec. Gen.

Purpose is to establish a full merger of the economies of Belgium, the Netherlands, and Luxembourg (the Benelux countries). Maintains a College of Arbitrators to settle disputes regarding the present treaty of conventions. Founded in 1960. Membership: 3. Staff: 90. Languages: Dutch and French. Publishes: *Reneie Benelux* (Dutch and French, quarterly).

Center for Study and Practice of National and International Arbitration
(Centre D'Etude et de la Pratique d'Arbitrage National et International)

8, Rue des Sols

1000 Brussels, Belgium

Ph: (2) 512-65-41

Organizes congresses and seminars. Administers national and international arbitrations. Designates Belgian arbitrators for the International Chamber of Commerce (ICC).

Rules: Rules for Conciliation and Arbitration, June 1, 1979. Available in French, Dutch, English, German, and Spanish.

4. *Canada*

Arbitrator's Institute of Canada, Inc.
234 Ehlinton Ave. East, Suite 411
Toronto, Ontario M4P 1K5

Ph: (416) 487-8433

Promotes the use of arbitration in Canada. Recruits and trains arbitrators. Maintains center for research, information, and education.

Publishes: *Canadian Arbitration Journal* (English, annually).

Rules: AIC Rules for Conduct of Arbitrations, Sept. 1, 1983.

In English.

Canadian Arbitration, Conciliation and Amicable Composition Centre. The Institute for International Cooperation

University of Ottawa

Ottawa, KIN 6N5

Ph: (613) 232-1476

Provides assistance in *ad hoc* arbitrations. Also a research center.

Publishes: *Inter-American Arbitration* for the IACAC.

Rules: Arbitration Rules, Sept. 1, 1980; Conciliation Rules, Jan. 1, 1981;

Administrative Rules concerning arbitrations under the UNCITRAL Rules, Sept. 15, 1982.

5. *Colombia*

Bogota Chamber of Commerce Commercial Arbitration and Mediation Center (Camara de Comercio de Bogota, Centro de Arbitraje y Conciliacion Mercantiles)

Carrera 9a, No. 16-21

Piso 40 Bogota, Colombia

Ph: 421618 and 349112

Maintains list of arbitrators and experts. Administers national and international disputes. Seat of International Commercial Arbitration Center, established by Latin American Chambers of Commerce and IACAC.

Rules: Arbitration Rules (draft) 1983. Available in Spanish.

6. *Denmark*

Danish Institute of Arbitration

Vester Farimagsgade 29

DK—1606 Copenhagen Denmark

Ph: (01) 15-88-54

Administers national and international arbitrations.

Appointing authority under UNCITRAL Rules.

Rules: Rules of Procedure, both domestic and international, Oct. 28, 1981. Available in Danish and English.

7. *Egypt*

AALCC Regional Center for Commercial Arbitration at Cairo
c/o Egyptian Society of International Law
16 Ramses Street
Cairo, Egypt

Administers international commercial arbitrations including *ad hoc* arbitrations and investment disputes. Promotes arbitration in the region. Cooperates with International Center for the Settlement of Investment Disputes (ICSID).

Rules: UNCITRAL Rules (1976).

8. *France*

French Arbitration Committee (Comité Français de L'Arbitrage)
5 rue de Stockholm
75008 Paris, France

Ph: (1) 293-3130

Promotes arbitration in France.

Publishes: *Revue de l'arbitrage* (French, quarterly).

Franco-Arab Chamber of Commerce
193 Rue Lauriston
75116 Paris, France

Ph: (1) 553-2012

Administers arbitration and conciliation.

Publishes: Bimonthly bulletin, Arabic and French.

Institute of International Business Law and Practice (Correspondence address:)

38 Cours Albert 1^{er}

75008 Paris France

Carl Henrik Winquist, Chairman Exec. Committee

Established in 1978 by the ICC to promote the publication of works on the law and practice of international trade. Intended to reach both practitioners and academicians.

International Chamber of Commerce (ICC). See A(14) *infra*.

Paris Maritime Arbitration Chamber See B(1) *infra*.

9. *German Democratic Republic*

Arbitration Court at the Chamber of Foreign Trade of the GDR (Schiedsgericht bei der Kammer für Aussenhandel der DDR)

Am Kupfergraben 7
P.O. Box 70
1080 Berlin, German Democratic Republic

Ph: 207-13-50

Administers international commercial arbitrations. Appointing authority and administering body under UNCITRAL Rules.

Rules: Rules of Arbitration, Feb. 1, 1975. Available in German, English, and Russian.

10. Germany, Federal Republic of

Arbitration Court at the Hamburg Chamber of Commerce (Schiedsgericht der Handelskammer Hamburg)

Adolphsplatz 1

D-2000 Hamburg 11 Federal Republic of Germany

Ph: (040) 36-13-81

Designates arbitrators, administers and assists in arbitration, sometimes for the Hamburg Friendly Arbitration (at the same address). Cooperates with international organizations.

Rules: Rules of Arbitration of the Hamburg Chamber of Commerce, Sept. 4, 1985; with comments August 1967. Available in German, English, and French.

German Arbitration Committee (Deutscher Ausschuss für Schiedsgerichtswesen)

Adenauerallee 148

P.O. Box 1446

D-5300 Bonn 1 Federal Republic of Germany

Ph: (0228) 10-43-28

Administers both national and international commercial disputes.

Rules: Arbitration Rules, Jan. 12, 1982, Statute of the Arbitration Court, Jan. 12, 1982. Available in German and English.

11. Hong Kong

Hong Kong General Chamber of Commerce Arbitration Committee

Swire House, 9th floor

Chater Road Hong Kong

Ph: (5) 23-71-77

Administers international commercial arbitration.

Rules: Memorandum and Articles of Association and By-Laws, (pp. 24-44), November 4, 1976. Available in English.

12. India

Indian Council of Arbitration (CA)

Federation House

New Delhi 110001 India

Ph: 38-88-15

Administers national and international arbitration. Also aids conciliation of disputes.

Publishes: *ICA Arbitration Quarterly* (English).

Rules: Rules of Arbitration, Feb. 15, 1979. Available in English.

13. International Centre for Settlement of Investment Disputes (ICSID)

1818 "H" Street, NW

Washington, D.C. 20433

Ph: (202) 477-1234

Ibrahim F.I. Shihata, Sec. Gen.

Annual Administrative Council

Membership composed of countries that are members of the International Bank for Reconstruction and Development, or, by invitation, parties to the Statute of the International Court of Justice. Facilities for arbitration of investment dispute for use by member nations or in accordance with provisions of the Convention on Settlement of Investment Disputes between States and Nationals of Other States (Washington Convention 1965, entered into force October 14, 1966). Founded in 1966 under auspices of the World Bank. Membership: eighty-seven.

Rules: ICSID Rules and Regulations, revised Sept. 26, 1984.

Available in English, French, and Spanish.

Publishes: *News From ICSID* (biannually in English); *ICSID REVIEW—Foreign Investment Law Journal* (semiannual in English beginning in 1986).

14. International Chamber of Commerce (ICC)

Court of Arbitration

38, Cours Albert 1^{er}

75008 Paris France

Ph: (1) 261-85-97

Michel Gaudet, Chairman

Tila Maria de Hancock, Dir.

Supervises system of ad hoc tribunals for arbitration of business disputes. Does not perform arbitral functions. The Court appoints or confirms the appointment of arbitrators, fixes the amount parties must deposit to cover cost of arbitration, fixes place of arbitration unless agreed to by parties. Conciliation offered as an optional procedure. ICC was founded in 1919. The Court was established in 1923. Administers fifty-six national committees whose members are drawn from national organizations and enterprises that are ICC members.

Rules: Rules for the ICC Court of Arbitration, 1975.
Available in French, English, German, Spanish, and Arabic.

15. *Italy*

Italian Arbitration Association (Associazione Italiana Per L'Arbitrato)
Via XX Settembre 5
00187 Rome, Italy

Ph: (6) 474-3594

Administers national and international arbitration. Appointing authority under UNCITRAL Rules.

Publishes: *Rassegna dell'Arbitrato* (Mainly in Italian, quarterly).

Rules: Arbitration Rules, Sept. 15, 1978. Available in Italian, English and French.

International Council for Commercial Arbitration (ICCA)

Correspondence address:

Dr. Mauro Ferrante, Sec. Gen.

c/o Italian Association of Arbitration

Via XX Settembre 5 00187 Rome, Italy

Ph: (6) 462-438

Pieter Sanders, Pres.

Biennial Symposium: May 6-9 1986, New York City

Membership active in arbitration organizations. Encourages the development of international commercial arbitration and cooperation with UN organizations and other groups. Founded in 1972. Formerly (1975) the International Committee for Commercial Arbitration. Sponsored project to refine and develop UNCITRAL model law. Membership: thirty-six.

Publishes: *Yearbook Commercial Arbitration: International Handbook on Commercial Arbitration* (looseleaf service).

16. *Japan*

Japan Commercial Arbitration Association

2-2 Marunouchi 3-chome

Chiyoda-ku, Tokyo Japan

Ph: (03) 214-06-46

Administers arbitrations, conciliations, and mediations, both national and international. Appointing authority under the UNCITRAL Rules.

Publishes: *JCA Journal* (Japanese, monthly); *JCA Quarterly* (English).

Japan Shipping Exchange, Inc. See B(2) *infra*.

17. *Korea*

Korean Commercial Arbitration Board

World Trade Center

P.O. Box 681
10-1, 2-ka, Hoehyon-dong
Chung-Ku, Seoul

Administers arbitration, conciliation, and mediation. Renders consultations and legal services.

Publishes: *Journal of Commercial Arbitration* (Korean, monthly).

Rules: Commercial Arbitration Rules, April 3, 1973. Available in Korean and English.

18. Malaysia

AALCC Regional Centre for Arbitration at Kuala Lumpur
576 Japan Taming Sari
Kuala Lumpur Malaysia

Ph: 91-00-22

Promotes arbitration under UNCITRAL Rules in the Asian and Pacific region. Maintains cooperation agreements with ICSID, Toyko Maritime Arbitration Commission, Korean Commercial Arbitration Board, Indian Council of Arbitration, and Japan Commercial Arbitration Association.

Rules: UNCITRAL Rules, 1976.

19. The Netherlands

Iran-United States Claims Tribunal
Parkweg 13
2585 JH The Hague, Netherlands

Ph: 31-70-52-00-34

Established in the Hague in 1981. Main function is deciding international commercial claims.

Netherlands Arbitration Institute
Oppert 34
3011 HV Rotterdam Correspondence address:
P.O. Box 22105
3303 DC Rotterdam, Netherlands

Ph: (10) 11-02-80

Administers national and international commercial arbitration.

Appointing authority under UNCITRAL Rules.

Publishes: *Tijdschrift voor Arbitrage*, (Dutch, bimonthly).

Rules: Rules of Arbitration, Feb. 1, 1979. Available in Dutch, English, French, and German.

20. Norway

Arbitration Institute of the Oslo Chamber of Commerce
Drammensveien 30

0255 Oslo 2 Norway

Ph: (02) 563-620

Administers national and international arbitrations. Provides education and consultation services. Appointing authority under the UNCITRAL Rules.

Rules: Rules of Arbitration, Dec. 12, 1982. Available in Norwegian and English.

21. *Pakistan*

Commercial Arbitration Tribunal Federation of Pakistan Chambers of Commerce and Industry

Share-a-Firdousi, Main Clifton

Karachi-6 Pakistan

Ph: 53-2179

Determination, settlement, and adjustment of international commercial disputes. Joint arbitration clauses with the Japan Commercial Arbitration Association (JCA) and the American Arbitration Association (AAA).

Rules: Rules and Regulations of the Commercial Arbitration Tribunal, July 7, 1964. Available in English.

22. *People's Republic of China (PRC)*

Foreign Economic and Trade Arbitration Commission China Council for the Promotion of International Trade

4 Tai Ping Chiao Street

Beijing PRC

Ph: 66-52-12

Administers disputes arising from international trade and joint ventures.

Rules: Provisional Rules of Procedure, Mar. 31, 1956.

Available in Chinese and English.

Maritime Arbitration Chamber. See B(6) *infra*.

23. *Poland*

Arbitration Court, Polish Chamber of Foreign Trade

Trebacka 4

00-074 Warsaw

P.O. Box 361

Poland

Ph: (22) 26-02-21

Administers international arbitrations. Maintains education and training services.

Rules: Arbitration Rules, Jan. 22, 1974. Available in Polish, French, English, German, and Russian.

International Court of Arbitration for Marine and Inland Navigation, Gdynia. See B(7) *infra*.

24. *Spain*

Spanish Arbitration Association (Asociacion Española de Arbitraje)
Plaza San Amaro 1
Madrid 20 Spain

Ph: (1) 270-32-32

Administers national and international arbitration. Sponsors doctorate course at the Law Faculty of Madrid University.

Organizes seminars and lectures.

Publishes: *Boletín* (Spanish, biannual).

Rules: Arbitration Rules, Jan. 1979. Available in Spanish, French, and English.

Spanish Court of Arbitration (Corte Española de Arbitraje)
Claudio Coello 19-17
Madrid 20 Spain

Ph: (1) 275-34-00

Administers national and international commercial arbitration.

Organizes seminars, workshops, lectures, etc.

Publishes: *Anuario de la Corte Española de Arbitraje* (Spanish, annual).

Monographs on international and foreign commercial arbitration.

25. *Sweden*

Arbitration Institute of Stockholm Chamber of Commerce
P.O. Box 16050, S-103
22 Stockholm 16, Sweden

Ph: (08) 23-12-00

Administers arbitrations, both national and international, but does not adjudicate. Appoints one arbitrator unless parties agree to have three or more arbitrators. If parties have three or more arbitrators, each party appoints an equal number of arbitrators and the Institute appoints an arbitrator to chair the panel. Active since 1976.

26. *Switzerland*

Swiss Arbitration Association (Association Suisse de l'Arbitrage)
c/o Association Suisse des Banquiers
P.O. Box 4182
4002 Basel, Switzerland

Ph: (61) 23-58-88

Promotes national and international arbitration. Maintains relations with international organizations. Information clearinghouse for members.

Publishes: *Bulletin* (quarterly).
Geneva Chamber of Commerce and Industry (CCIG)
4 Boulevard du Théâtre
1204 Geneva, Switzerland
Ph: (022) 21-53-33
Janine Uzan-Spira, Sec.
Sole function is to appoint arbitrators at the request of a party. Not an arbitration court.
Rules: June 1, 1980. In French, German, and English.

27. *United Kingdom*

Centre for Commercial Law Studies, School of International Arbitration
Queen Mary College
University of London
London E1 4NS England
Prof. R.M. Goode, Dir.

Offers a one-year, full-time course in arbitration law and practice for the Master of Laws degree. Established in 1985. Intended primarily for postgraduate lawyers but hopes to develop course for scientists and engineers as well.

Chartered Institute of Arbitrators
69-75 Cannon Street
London EC4N 5BH England
Ph: (01) 236-87-61

Maintains international panel of arbitrators. Organizes seminars and congresses, and trains arbitrators.

Administers arbitration through London Court of International Arbitration, located at same address.

Publishes: *Arbitration* (quarterly).

Rules: Arbitration Rules, March 1, 1981. International Arbitration Rules of the London Court of International Arbitration, January 1, 1985.

International Bar Association (IBA), Business Law Section, Committee on Procedures for Settling Disputes

2 Harewood Pl.
Hanover Square
London W1R 2HB England
Madeline May, Exec. Dir.

Conventions: 1986 Sept. 14-19 New York City
1987 Sept. 14-19 London
1988 Sept. 14-19 Buenos Aires

Federation of national bar associations and individual members of the legal profession. Promotes uniformity in appropriate fields of the law, and the legal aspects of principles and aims of the United Nations.

Publishes: *International Business Lawyer* (11/yr.).
International Bar News (quarterly).
International Legal Practitioner (quarterly).
Also numerous books on commercial topics.

London Court of International Arbitration (LCIA)

69-75 Cannon Street

London EC4N 5BH England

Ph: (01) 236-87-61

Issued new international arbitration rules effective January 1, 1985.

Jointly controlled by City of London, London Chamber of Commerce and Industry, and Chartered Institute of Arbitrators.

London Maritime Arbitrators Association. See B(3) *infra*.

28. United States

American Arbitration Association (AAA)

140 West 51st Street

New York, NY 10020

Ph: (212) 484-4000

Robert Coulson, Pres.

Annual Spring Meeting, New York City.

Provides administrative services for arbitrating, negotiating disputes, and administration of elections. Maintains panels of arbitrators and mediators for referral. Conducts workshops, seminars, and conferences. Private, non-profit corporation.

Active since 1926. Staff of 450.

Publishes: *Arbitration Journal* (quarterly).

Arbitration Times (quarterly).

Lawyer's Arbitration Letters & Digest of Court Decisions.
Newsletters of the World Arbitration Institute.

Affiliated with the Inter-American Commercial Arbitration Comm.

Rules: Commercial Arbitration Rules, latest version April 1, 1981; Procedures for cases under the UNCITRAL rules, March 1, 1981.

Inter-American Commercial Arbitration Committee (IACAC)

1889 "F" Street, NW Rm 860-D

Washington, D.C. 20006

Ph: (202) 293-1455

Charles R. Norberg, Dir. Gen.

Next biennial meeting: 1987

Members are commercial parties, lawyers, investors, etc., interested in trade in twenty-four American countries. Negotiates arbitration or adjustment of international trade controversies.

Secured enactment of the Inter-American Convention on International Commercial Arbitration. Promotes national arbitration laws. Membership: 22. Staff of 3.

National Academy of Arbitrators
Office of Secretary, Graduate School of Business Administration
University of Michigan
Ann Arbor, MI 49109

Ph: (313) 763-9714

Dallas L. Jones, Sec.-Treas.

May 1986 convention: London, England.

Labor/management disputes. Membership: 516.

Society of Maritime Arbitrators. See B(4) *infra*.

World Arbitration Institute

140 West 51st Street

New York, NY 10020

Ph: (212) 484-4117

Rosabel E. Everard Goodman, Dir.

Established in 1984 by AAA to promote New York as a forum for international arbitration and to serve as a clearinghouse for information. Publishes: *Forum New York* (quarterly). Co-sponsored by ICC Court of Arbitration, IACAC, the Association of the Bar of the City of New York, and the Parker School of Foreign & Comparative Law at the Columbia Law School, New York.

29. *Union of Soviet Socialist Republics (USSR)*

Foreign Trade Arbitration Commission, USSR Chamber of Commerce and Industry

6 Kuibyshev Street

101000 Moscow, USSR

Ph: 221-54-37

Appointing authority under European Arbitration Convention, Geneva, 1961. Arbitrates international commercial disputes.

Rules: Rules of Procedure, Dec. 23, 1981. Available in Russian and English.

Publishes: *Merchant Shipping and Maritime Law* (Russian).

Maritime Arbitration Commission See B(5) *infra*.

B. *Maritime Arbitral Associations.*

1. *France*

Paris Maritime Arbitration Chamber (Chambre Arbitrale Maritime De Paris)

73, Boulevard Haussmann

75008 Paris, France

Ph: (1) 704-53-41

Secretariat: 18, rue du Général Appart

75116 Paris, France
Administers maritime arbitration.
Rules: October 1980. Available in French, with unofficial English translation.

2. *Japan*

The Japan Shipping Exchange, Inc.
Mitsui Rokugokan, No. 8
Muromachi 2-chome, Nihonbashi
Chuo-ku, Tokyo

Ph: (03) 279-1651

Arbitrates and mediates disputes both national and international. Drafts standard forms of maritime contracts.

Available for consultation and advice.

Publishes: *Shipping* (monthly, in Japanese); *Maritime Law Journal* (bi-monthly, in Japanese); *Bulletin of the Japan Shipping Exchange* (in English); *Award Book on Tokyo Maritime Arbitration* (in Japanese).

Rules: The Rules of Maritime Arbitration, April 1, 1982.

Available in Japanese and English.

3. *United Kingdom*

The London Maritime Arbitrators Association
The Baltic Exchange
14-20 St. Mary Ave.
London EC3A 8BU England

Ph: (01) 633-55-01

Assists and encourages London arbitrations. Recommends members as arbitrators.

4. *United States*

Society of Maritime Arbitrators
26 Broadway
New York, NY 10004

Ph: (212) 483-0614

Donald E. Zubrod, Pres.

Annual seminar

Contractual disputes involving all movements by water, shipbuilding, and repair.

Publishes: *The Arbitrator* (quarterly).

Rules: Maritime Arbitration Rules, Sept. 15, 1983.

5. *Union of Soviet Socialist Republics*

USSR Chamber of Commerce and Industry, Maritime Arbitration Commission

6 Kuibyshev Street

101000 Moscow, USSR

Ph: 221-54-37

Administers arbitrations in field of merchant navigation.

Publishes: *Merchant Shipping and Maritime Law* in Russian.

Rules: Rules of Procedure, January 13, 1982. Available in Russian and English.

6. *People's Republic of China*

China Council for the Promotion of International Trade, Maritime Arbitration Commission

4 Tai Ping Chiao Street

Beijing, PRC

Ph: 66-52-12

Administers arbitration for international maritime disputes.

Rules: Provisional Rules of Procedure, January 8, 1959.

Available in Chinese and English.

7. *Poland*

International Court of Arbitration for Marine and Inland Navigation, Gdynia

U1 Pulaskiego 6

81-368 Gdynia, Poland

Administers conciliation and arbitration for international commercial disputes concerning marine and inland navigation.

Appointing authority under UNCITRAL Rules.

Rules: Arbitration Rules, June 17, 1959. Available in Polish, German, Czech, English, and French. Adopted jointly by the Chambers of Foreign Trade of the German Democratic Republic, Poland, and the Czechoslovakian Chamber of Commerce and Industry.

X. LIBRARIES AND SPECIAL COLLECTIONS

A. *New York*

American Arbitration Association

Eastman Arbitration Library

140 West 51st Street

New York, NY 10020

Ph: (212) 484-4127

Special Collection: Arbitration rules of trade associations, chambers of commerce, and arbitral institutions throughout the world; arbitration statutes; Union catalog of arbitration. Open to public.

Elias Lieberman Higher Education
Contract Library
Baruch College of
City University of New York
17 Lexington Avenue
New York, NY 10010
Ph: (212) 725-3390

Access to BRAIN: Baruch
Retrieval of Automated Information
of Negotiations (database).

Open to public for reference only.

B. Washington, D.C.

American Society of International Law Library
223 Massachusetts Ave., NW
Washington, D.C. 20008
Ph: (202) 265-4313

Open to public.

Washington College of Law Library
American University
4400 Massachusetts Ave., NW
Washington, D.C. 20016
Ph: (202) 686-2625

Foreign Claims Settlement Comm. of U.S.
1111 - 20th Street, NW Room 401
Washington, D.C. 20579
Ph: (202) 653-5883

Decisions of the Commission.
Open to public by appointment.

Georgetown University Law Library
600 New Jersey Ave., NW
Washington, D.C. 20001
Ph: (202) 642-8033

Open to public;
usage fee for attorneys.

International Monetary Fund Law Library
700 - 19th Street, NW
Washington, D.C. 20431
Ph: (202) 477-6148

International conflict of laws.
Not open to public.

Johns Hopkins School of
Advanced International Studies
1740 Massachusetts Ave., NW
Washington, D.C. 20036
Ph: (202) 785-6269

International economics and law.
Open to public with registration and
fee.

Library of Congress - Law Division
James Madison Memorial Bldg. Rm 240
Washington, D.C. 20540
Ph: (202) 287-5065

International economics and law.
Open to public.

American - British Law Division
James Madison Memorial Bldg. Rm 235
Washington, D.C. 20540
Ph: (202) 287-5077

Congressional use only.

European Law Division
James Madison Memorial Bldg. Rm 240
Washington, D.C. 20540
Ph: (202) 287-5088

Continental Europe excluding
Portugal and Spain.

Far Eastern Law Division
James Madison Memorial Bldg. Rm 235

Washington, D.C. 20540
Ph: (202) 287-5085

Hispanic Law Division
James Madison Memorial Bldg. Rm 235
Washington, D.C. 20540
Ph: (202) 287-5070

Includes Spain, Portugal,
Philippines, Puerto Rico.

Near Eastern & African Law Division
James Madison Memorial Bldg. Rm 240
Washington, D.C. 20540
Ph: (202) 287-5070

National Law Center
George Washington Law Library
716 - 20th Street NW
Washington, D.C. 20052
Ph: (202) 676-6646

International and comparative law.

Open to public.

U.S. Dept. of Commerce Law Library
14th & Pennsylvania Ave., NW Rm 1894
Washington, D.C. 20230
Ph: (202) 377-5517

Open to public.

U.S. Dept. of State Law Library
Department of State
Washington, D.C. 20520
Ph: (202) 632-0372

Open to public with permission.

U.S. Dept. of State Office of Legal Adviser
Department of State Rm 6422
Washington, D.C. 20520
Ph: (202) 632-4130

Not open to public. Searches done
on fee basis.

World Bank Law Library
1818 "H" Street, NW
Washington, D.C. 20433
Ph: (202) 477-2128

Special collection: international
arbitration materials.

Open to public; permission required.

C. The Netherlands

T.M.C. Asser Institute for International Law
International Commercial Arbitration Library
P.O. Box 30461
2500 GL The Hague
Netherlands

Includes complete collection of
judicial decisions interpreting the
New York Convention.