

ICCA CONGRESS SERIES NO. 1
VIIth INTERNATIONAL ARBITRATION CONGRESS
HAMBURG, JUNE 7-11, 1982

NEW TRENDS IN THE DEVELOPMENT OF INTERNATIONAL COMMERCIAL ARBITRATION AND THE ROLE
OF ARBITRAL AND OTHER INSTITUTIONS

INTRODUCTION

ICCA's Council decided that, beginning with the VIIth Congress, held in Hamburg, June 7-11, 1982, ICCA would be responsible for the publication of the papers of its Congresses and Interim Meetings. This frees the organizers of these meetings from the burden of preparing such publications and of their distribution.

In the past, after the various Congresses and Interim Meetings, excellent compilations of materials have been published. It is appropriate to express a special word of thanks to those who charged themselves of this task.

Ist Congress, Paris, May 11-13, 1961, published in 1961 *Revue de l'Arbitrage* no. 2 (Special issue), pp. 37-161.

IInd Congress, Rotterdam, July 6-9, 1966, published in 1966 *Revue de l'arbitrage* no. 3 (Special issue), pp. 1-157.

IIIrd Congress, Venice, October 6-8, 1969, published by the Associazione Italiana per l'Arbitrato in the Series *Collana di Studi sul'Arbitrato* (Unione Tipografico - Editrice Torinese), under the title "Cooperation entre organismes d'arbitrage/Co-operation Among Arbitration Organizations" (Milan, 1970), 575 p.

IVth Congress, Moscow, October 3-6, 1972, published by the USSR Chamber of Commerce and Industry, under the title "Collection of the IV International Congress on Arbitration- Materials/Recueil des materiaux du IVième Congres International de l'Arbitrage" (Moscow, 1974), 829 p.

Vth Congress, New Delhi, January 7-10, 1975, published by the Indian Council of Arbitration, under the title "Fifth International Arbitration Congress, New Delhi, 1975, Proceedings (New Delhi, 1976) various pagings.

VIth Congress, Mexico City, March 13-16, 1978, published by the Cámara Nacional de Comercio de la Ciudad de México, under the title "VI International Arbitration Congress" (Mexico City, 1980) 507 p.

Until now, the following Interim meetings have taken place:

London, February 14-16, 1974, on the theme: "Analysis of Differences in the Way of Presenting Evidence in Arbitrations under Civil and Common Law Systems", published in *Arbitration* (The Journal of the Chartered Institute, of Arbitrators), April 1974 (special issue).

Vienna, September 29-October 1, 1976, published by the Austrian Federal Economic Chamber, as no. 30 in their Series *Schriftenreihe der Bundeskammer der gewerblichen Wirtschaft* (Osterreichischer Wirtschaftsverlag), under the title "Schiedsgerichtsbarkeit und gewerblicher Rechtsschutz" (Arbitration and Transfers of Patents, Know How, Trademarks and Similar Rights for Promoting International Industrial Cooperation) (Vienna, 1977), 112 p.

Warsaw, June 29 July 2, 1980, published by the Polish Chamber of Foreign Trade, under the title "International Arbitration in Multi-Party Commercial Disputes/L'arbitrage international dans les litiges multilateraux" (Warsaw), 1982, 246 p.

It may be recalled that, as announced at the closure of the Hamburg Congress the next Interim Meeting of ICCA will take place in Lausanne, May 9-11, 1984. The next Congress will be held in New York, in the Waldorf Astoria Hotel, May 6 through 9, 1986.

ICCA's decision to take from now on the responsibility for the publication of papers of its Congresses and Interim Meetings will improve the distribution of the material produced at those occasions as those papers, starting with the Hamburg Papers, can be obtained at the address of the publishers of ICCA's Yearbook:

Kluwer Law and Taxation Publishers, PO Box 23, Deventer, Netherlands.

Participants of the Hamburg Congress do not need to order the Hamburg Papers. They will receive a copy of this book from Kluwer at the address they gave when registering for Hamburg (this was included in the Congress fee).

The new series of ICCA publications, the Congress Series, of which I have the pleasure to introduce the first Volume, thus starts with the Hamburg Congress Papers, Congress Series no. I. It contains the Resolutions, Reports and Communications together with the List of Participants at our VIIIth Congress, so well organized by the Hamburg Chamber of Commerce and the German Institute of Arbitration ("Cologne).

The task of assembling all the documents and preparing them for publication has been carried out by the TMC Asser Institute, The Hague. I wish to express my gratitude to the Arbitration Section of the Institute: Mrs. Judy Freedberg and Miss Rosabel Everard who prepared this publication, alongside the work for Volume VIII (1983) of the Yearbook which will appear at the same time. Mrs. Anneke Huybers' assistance in preparing the typescript is worth a special mention.

I hope this new arrangement will work out to the satisfaction of all concerned and that the Congress Series, in the years to come, will constitute a valuable addition to the series of ICCA's Yearbooks.

Pieter Sanders

President of ICCA

Theme of Congress
**New Trends in the Development of International Commercial Arbitration and the Role of Arbitral
and Other Institutions**

Themes of the four Working Groups:

**1. Contributions which Conventions, Treaties and Agreements among Institutions Can Make to the
Development of Arbitration**

This Working Group will explore the contributions which can be made to arbitration by multilateral conventions, bilateral treaties, model laws and cooperative arrangements between arbitral institutions. While past discussions have mainly focused on enforcing foreign arbitral awards, this Working Group will for the first time systematically analyze the role of other international instruments.

Chairman: Dr. Melis, Austria
Speakers: Prof. Lebedev, USSR (Conventions and Treaties)
Mr. Coulson, USA (Inter-institutional Agreements)

2. Resolving Disputes Involving Commodities and Raw Materials

This Working Group will consider the differences in quality arbitration practices in various parts of the world, the contributions of institutions in resolving commodity disputes and arbitration trends in important fields of international commerce involving raw materials.

Chairman: Mr. Krishnamurthi, India
Speakers: Dr. Glossner, FR Germany (Quality Arbitration)
Mrs. Pamela Kirby Johnson, UK (Commodities and Raw Materials)
Prof. Jakubowski, Poland (Commodities and Raw Materials)
Me. Lakhdari, Algeria (Commodities and Raw Materials)

3. New Methods for Resolving International Commercial Disputes

The creation by the United Nations of Conciliation Rules points to a new emphasis on resolving disputes without recourse to arbitration. In addition, there are recent institutional arrangements for helping to settle disputes by the use of technical expertise or through procedures for adapting contracts to changed conditions. These techniques and their relation to arbitration will be reviewed by this Working Group.

Chairman: Mr. Holtzmann, USA
Speakers: Dr. Herrmann, UNCITRAL Secretariat (Conciliation)
Mr. Shao Xunyi, PR China (Conciliation)
Mr. Derains, France (Technical Expertise; Référé Arbitral)
Prof. Bernini, Italy (Adaptation of Contracts)
Prof. Stalev, Bulgaria (Adaptation of Contracts)

4. Developments in Maritime Arbitration

This Working Group will discuss the role of the network of maritime arbitration institutions. It will also consider the effect on arbitration of international maritime conventions, such as the UN Hamburg Rules and UNCTAD Code, and will review other current issues in maritime arbitration.

Chairman: Dr. Hanák, Czechoslovakia
Speakers: Prof. Berlingieri, Italy (Role of Maritime Arbitral Institutions)
Prof. Strohbach, GDR (Role of Maritime Arbitral Institutions)
Dr. Trappe, FR Germany (Legal Issues in the Maritime Arbitration)
Mr. Barclay, UK (Practical Experience in Maritime Arbitration)