PREFACE
Albert Jan van den Berg, General Editor

WELCOMING ADDRESSES
Mr. Sven Swarting, President Stockholm Chamber of Commerce
Mrs. Birgitta Blom, President Svea Court of Appeal
Mrs. Laila Freivalds, Minister of Justice of the Kingdom of Sweden

OPENING AND CLOSING ADDRESSES
Prof. Giorgio Bernini, President of ICCA

WORKING GROUP I
Preventing Delay and Disruption of Arbitration

Judge Howard M. Holtzmann, Editor of the Proceedings of Working Group

FOREWORD
Judge Howard M. Holtzmann and Mr. J. Martin H. Hunter

HOW TO PREVENT DELAY AND DISRUPTION OF ARBITRATION: LESSONS OF THE 1990 ICCA STOCKHOLM CONGRESS
Judge Howard M. Holtzmann

RAPPORTEURS
Judge Stephen M. Schwebel
  Practice of Public International Law Arbitral Tribunals
Prof. Karl-Heinz Böckstiegel
  Practices of Various Arbitral Tribunals
Prof. Emmanuel Gaillard
  Laws and Court Decisions in Civil Law Countries
V.V. Veeder, Q.C.
  Laws and Court Decisions in Common Law Countries and the UNCITRAL Model Law
Prof. Ivan Szász
  Arbitration Rules and Practices of Institutions

EXPERT PANELISTS
(In alphabetical order of their subjects)
Mrs. Tiuade Ovekunle, Africa
Prof. Yasuhei Taniguchi, Asia
Prof. Alexander Komarov, Eastern Europe
Mr. Stephen Bond, International Chamber of Commerce
Dr. Aron Broches, International Centre for Settlement of Investment
Prof. José Luis Siqueiros, Latin America
Mr. Hatim S. Zu’bi, Middle East
GENERAL REMARKS OF RAPPORTEURS AND EXPERT PANELISTS

I. CONDUCT BY A PARTY TO DISRUPT ESTABLISHING THE TRIBUNAL AND STARTING THE ARBITRAL PROCEEDINGS

**Topic 1** Failure of a party to appoint an arbitrator, or of a party appointed arbitrator to agree on a chairman, with the purpose of delaying or disrupting the arbitration

**Topic 2** Refusal by a party (a) to make advance deposits for the costs of the arbitration, and (b) to submit a statement of defense

**Topic 3** Use by a party of challenges to delay or disrupt the arbitration

**Topic 4** Efforts by a party to seek intervention by a national court for the purpose of delaying or disruption the arbitration

II. CONDUCT BY A PARTY DURING THE ARBITRAL PROCEEDINGS

**Topic 5** Unjustified failure of a party to comply with directions of the tribunal relating to timely written submissions and presentation of evidence

**Topic 6** Unjustified failure of a party to participate in hearings

III. CONDUCT BY A PARTY-APPOINTED ARBITRATOR DURING THE ARBITRAL PROCEEDINGS

**Topic 7** Failure by a party-appointed arbitrator to participate in the arbitral proceedings

**Topic 8** Resignation of a party-appointed arbitrator

**Topic 9** Remedies against arbitrators who obstruct the arbitral proceedings

IV. CONDUCT BY A PARTY-APPOINTED ARBITRATOR IN THE MAKING OF THE AWARD

**Topic 10** Refusal of a party-appointed arbitrator to participate in deliberations

**Topic 11** Refusal of a party-appointed arbitrator to sign the award

WORKING GROUP II

*Effective Proceedings in Construction Cases*

**INTRODUCTION**

Me. Yves Derains, Chairman of Working Group II

**ANALYSIS OF THE ARBITRATION PRACTICE IN CONSTRUCTION DISPUTES**

**RAPPORTEURS**

- Mr. Hans Herrlin

- Mr. Jean Cuisinier
  - Typical Construction Dispute Problems

**PRE-ARBITRAL DECISIONS AND THEIR IMPACT ON THE ARBITRATION**

**RAPPORTEURS**
Mr. Michael F. Hoelling
The Qualification of Arbitrators for Construction Disputes
Mr. Guillermo Aguilar-Alvarez
Selecting Arbitrators for Construction Disputes

ESTABLISHING THE ARBITRATION PROGRAMME

RAPPORTEURS
Mr. Christopher R. Seppala
Pre-arbitral Decisions and Their Impact on the Arbitration: The Decisions Made by the Consulting Engineer
Mr. Sigvard Jarvin
Alternative Solutions to the Intervention of the Engineer
Supplementary Comments: Rules for a Pre-arbitral Referee Procedure

RAPPORTEURS
Mr. Humphrey Lloyd
Construction Arbitrations: Organization of the Proceedings
Dr. Robert Briner
Effective Proceedings in Construction Cases: Establishing the Programme
Mr. Jan Paulsson
Establishing Priorities in International Arbitrations with Multiple Claims
Mr. Piero G. Parodi
Interim Measures in Respect to Arbitration in the Construction Business

PRESENTATION OF DOCUMENTARY EVIDENCE AND WITNESSES

RAPPORTEURS
Mr. Fall Nariman
Presentation of Documentary Evidence and Witnesses: The Indian Experience
Mr. Svetozar Hanak
Effective Proceedings in Construction Arbitration Cases: The Experience in Czechoslovakia
DDr. Werner Melis
Presentation of Documentary Evidence and Witnesses

EVIDENCE BY EXPERTS DURING THE ARBITRATION

RAPPORTEURS
Me. Yves de Haller
A Case Study of the Role of the Expert in an Arbitration Involving the Construction of an Energy Plant
Prof. Rafael Eyzaguirre Echeverria
Evidence by Experts during Arbitration
Mr. Max W. Abrahamson
Evidence by Experts during the Arbitration
Prof. Ahmed S. El-Kosheri
Evidence Presented by Experts during the Arbitration

SUPPLEMENTARY COMMENTS
Federation Internationale des Ingenieurs-Conseils (FIDIC)
Conditions of Contract for Works of Civil Engineering Construction
Part I General Conditions. Fourth Edition 1987 as reprinted 1988,
Clause 67 Settlement of Disputes