

INTRODUCTION

The articles in this special symposium issue of *The American Review of International Arbitration* were delivered at the Institute of Judicial Administration (IJA)'s Research Conference on Domestic and International Arbitration, September 19-20, 2002. Now in its fifty-first year, IJA is the nation's premier organization for the continuing education of federal and state appellate judges. Housed at New York University School of Law, IJA is also committed to supporting high-quality nonpartisan research on topics of policy interest in the administration of justice.

The IJA symposium begins with the text of remarks by the Conference's keynote speaker Andreas Lowenfeld (NYU Law), drawing on his experience as an international arbitrator, and highlighting successful use of international arbitration to resolve disputes between countries, such as the release of American hostages in Iran. His (and our) colleague Linda Silberman emphasizes growing concerns over the cost and delay of international arbitration and its increasing remove from fidelity to the governing law. The issue also contains the luncheon address by Howard Holtzmann, a former member of the Iran-U.S. Claims Tribunal and Claims Tribunal for the Dormant Accounts in Switzerland. Judge Holtzmann focuses on the innovative procedures developed in mass claims tribunals.

The chapters by the distinguished practitioners focus on legal issues concerning challenges to arbitration awards. Robert Smit (Simpson Thacher & Bartlett) offers an illuminating discussion of the respective roles of arbitrator and court in dealing with questions concerning the validity of the underlying contract that may also implicate the validity of the contract's arbitration clause. The contribution by Homayoon Arfazadeh (Pirenne Python Schifferli Peter & Partners) urges a more demanding judicial review of arbitration awards on public policy grounds, especially in a new era when arbitrators are expected to resolve disputes involving substantial statutory and public policy issues. Hans Smit (Columbia Law) urges that review of awards be based on conformity with "international public policy" rather than the public policy of the enforcing forum. William Park (Boston University Law)'s submission follows with proposals for amending the Federal Arbitration Act to deal expressly with international commercial arbitration. The merits of these proposals are debated in the pieces by Richard Hulbert (Clearly, Gottlieb, Steen & Hamilton) and Kenneth Davis (Fordham University Business Administration). The final set of papers by Joseph Weiler (NYU Law) and Jeffrey Dunoff (Temple University Law) discuss whether arbitration in the World Trade Organization (WTO) panel system has become overly-judicialized and thus arguably disserving diplomatic objectives.

On behalf of IJA, we take a derivative measure of pride in the very important contributions the symposium authors have made to our understanding of international arbitration, and thank the *Review* for providing its special forum to these authors.

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