



[Articles]

Strategies for International Arbitration: how to achieve successful outcomes and reducing cost

*Michelle Mizutani**

Being involved in a legal dispute, particularly a cross-border arbitration, is often an unfamiliar and daunting experience for companies and their employees. There are however a number of things that companies can do to increase prospects of success and to reduce the costs of an arbitral dispute.

1. CONTEMPORANEOUS EVIDENCE AND DOCUMENT MANAGEMENT

There are many differences between the common law legal system and the civil law legal system but one thing that they both agree on is the importance of contemporaneous evidence. That is, evidence which came into existence during the same period as the event or events which are the subject of the dispute. Both legal systems accord high probative value to contemporaneous evidence. Therefore, in international arbitration, whether you have an arbitral tribunal consisting of common law lawyers, civil law lawyers or a combination of both, contemporaneous evidence will be a key factor in the outcome of the case. The reason why contemporaneous evidence is *prima facie* given high probative value is because it is often more reliable than “after the event” oral or written testimony. Contemporaneous evidence is less susceptible to manipulation and not subject to the limitations of a witness’ memory, which can be unreliable, particularly when a long period of time has passed since the event in question.

It is therefore important for companies to understand the importance of contemporaneous evidence from day one of their contractual relationships and to manage document creation and retention. Some tips for this include:

- Avoid documents being lost or difficult to find by having good document retention policies and filing systems (for both hard and electronic records);
- Where a counterparty defaults in performing a

contractual obligation, even if it seems only minor at the time, consider whether the default can be recorded in a written communication with them. Over time, you want to build a strong “paper trail” against a defaulting counterparty;

- Consider what is put into writing—could such a document be harmful later?
- Think about whether keeping records of any damage, the present state of affairs etc. would help evidence your case later. For example, dated photographs, meeting minutes and diaries recording the status quo are often invaluable later.

2. KNOW YOUR CLAIM IN DETAIL BEFORE STARTING AN ARBITRATION

Knowing the case in detail before issuing a request for arbitration can help with obtaining a successful outcome for a party as well as saving on costs and time on arbitration. This is because such knowledge often gives a party the chance to:

- Access the best expert witnesses: It is not unusual for there to be only a few true experts in a field for a particular matter;
- Identify the most appropriate arbitrator candidates: Would your dispute be best decided by a person with a particular background or skill set (more on this below)?
- Identify preliminary issues: Is the outcome of the dispute dependent on the resolution of a preliminary issue? Costs and time savings may be possible if the arbitration can be split (known as “*bifurcation*”) so that a preliminary issue is dealt with first and the rest of the dispute later, if necessary. For example, it is not uncommon to split an arbitration between issues of liability and the quantum of damages. If liability is not found, the parties save on the costs of preparing evi-

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dence and arguments for the quantum part of the dispute. Another common situation where split hearings are used is where there is a preliminary issue regarding jurisdiction. Again, if jurisdiction is not found for the dispute or a particular part of the dispute, there is the potential for parties to save on costs and time on arbitration;

- Expose flaws in the opponent's case: Such knowledge may assist with forcing an early resolution of the dispute;
- Put pressure on the opponent: Being prepared should mean that you will not be operating from a reactive, time-pressured position and may mean you can push for an arbitration timetable that will put pressure on your opponent.

3. SELECT APPROPRIATE ARBITRATORS

Having the right person or people to hear your dispute is one of the most important aspects of an arbitration. Fortunately, parties will often have some input on who is appointed to their arbitral tribunal as a result of their arbitration clause (for example, many arbitration clauses permit the claimant(s) and the respondent(s) to each select one arbitrator on a three-member panel), an arbitral institution's rules (for example, Rules 25(3) and 26(5) of the JCAA's rules permit a party to request the association to give consideration to the arbitrator's nationality if the association is to appoint an arbitrator pursuant to Rules 25(2) and 26(4)) and by making submissions generally to the arbitrator appointing authority.

Before identifying potential arbitrators, it is important to think about the dispute and to evaluate what qualities an arbitrator needs to possess for the particular dispute. Common considerations include:

- Legal expertise: Would your dispute be best served by an arbitrator qualified in a particular jurisdiction or from a particular type of legal system (for example, common law practitioners tend to place a high level of importance on cross-examination whereas civil law practitioners often focus on documentary evidence and submissions from counsel) or with experience in a particular area of the law?
- Technical/industry expertise: Is your dispute one that turns on a factual situation that would be better dealt with by someone with technical or industry expertise? Construction disputes are often decided by arbitrators with an engineering or architectural background (and it is not so difficult to find arbitrators with both a legal and engineering background if a party feels that a legal background is still of high importance). Other examples of the types of disputes that

might benefit from an arbitrator with a technical background are I.T.-related disputes or disputes with a significant scientific aspect.

- Language: Translation and interpretation are usually expensive and time-consuming. Also, it can be difficult to convey the entire meaning of something using translations. Think about the language of the arbitration, the language that most of the evidence will be in and consider what linguistic abilities would best assist an arbitrator of your dispute. It is also worth thinking about the likely native language of the other potential arbitrators on a three member arbitral tribunal and whether your choice of party-appointed arbitrator will be able to communicate well with the other tribunal members, particularly the chairman of the tribunal.

A common method used by parties to avoid cultural bias in the arbitral tribunal is to insert a clause in their arbitration agreement that provides that the arbitrator (or the chairman of a three-person arbitral tribunal) must be of a different nationality to the parties. At present, parties need to take care with such stipulations for certain jurisdictions as a result of the recent English decision of *Jivraj v Hashwani*. In that case, the court found an arbitration clause which required the arbitrators to be "*members of the Ismaili community*" (an Islamic religious group) was in breach of the UK's legislation prohibiting discrimination on grounds of religious belief in matters of employment, and because the qualification was integral to the arbitration agreement, the arbitration agreement was found to be unenforceable in its entirety. Under English law, discrimination in employment on grounds of nationality is also unlawful and unenforceable. It follows from *Jivraj* that an arbitration clause which specifies that arbitrators must be (or must not be) of a particular nationality, will be unenforceable, and again, the whole arbitration agreement must fail. The *Jivraj* decision is presently on appeal and it is hoped that the decision will be overturned. In the meantime, it would be prudent to refrain from specifying discriminatory restrictions on the choice of arbitrators in an arbitration clause for arbitrations seated in England as well as jurisdictions which have an English-derived legal system or which have similar anti-discrimination legislation¹.

4. EFFECTIVE INTERNAL MANAGEMENT OF DISPUTE

Companies can make considerable time savings by appointing one employee (or in large disputes, a small team) to serve as the company's "point person" for an arbitral dispute. This person's responsibilities

¹ Please see "Caution when specifying what kind of arbitrator you want" at http://www.cliffordchance.com/publicationviews/publications/2011/03/caution_when_specifyingwhatkindofarbitrato.html for a more in-depth discussion of this point.

would include being the primary point of contact for external counsel and to be responsible for the internal management of the dispute for the company on a day-to-day basis. It is important however to appoint an appropriate person to fill the role of point person. Two important attributes include:

- the employee has the power to call on employees and resources as is needed for the conduct of the arbitration; and
- the employee is not personally involved in the substance of the dispute.

The second point is key as it is important for the point person to be able to manage the dispute in the best interests of the company without any personal conflict of interest.

5. WITNESS PREPARATION

Witness testimony in international arbitrations is usually a combination of written witness statements and oral witness testimony. Witness statements are used primarily for a witness' "evidence-in-chief" (generally speaking, the evidence in support of the party for whom the witness is appearing) while the bulk of the time for oral testimony is spent on cross examination (where opposing counsel tests the witness' evidence-in-chief). Giving oral evidence is often an intimidating and arduous experience for a witness, particularly in cross-examination. Some very simple but nevertheless important tips for witnesses who are to give oral evidence are:

- Prepare: A witness should make sure they have refreshed their memory by re-reading their witness statement ahead of giving evidence;
- Concentrate and think before speaking;
- Be honest;
- If a question is not understood or not heard properly, request that it be clarified or repeated;
- If asked questions about a document, take the time to read it carefully first;
- Answer only the question asked: Giving further

information is dangerous. If the cross-examiner wants more, he or she will ask for it. If counsel for the party for whom the witness is appearing feels that more is required, counsel can ask for further information during re-examination;

- Do not guess at an answer or speculate: A witness should only provide their view if they are asked for it and are sure of the facts. If the witness thinks that there is a document that contains the answer, the witness should ask for time to find the document and read it before giving their answer;
- Maintain eye contact: A witness should maintain eye contact with the arbitral tribunal when answering questions;
- Be professional: A witness will likely lose credibility if he or she becomes angry and aggressive when giving evidence. While sometimes difficult, it is important to remain composed;
- Learn how to work with interpreters: To help interpreters make the most accurate translation of what is being said, witnesses should speak clearly and slowly and try to keep answers short. If answers need to be longer, a witness should break after every few sentences and let the interpreter translate what has been said. It is also important to give oral answers rather than using gestures and to avoid irreverence and sarcasm as all of these things are difficult to translate. Parties would also be well advised to consider bringing their own translator to hearings to check the accuracy of the interpreters being used for witness testimony.

International arbitration can be time consuming and expensive. It is therefore important for a company to do all that is possible to minimise disruption and loss to the business by the dispute. Following the strategies described above should help achieve these objectives.

The challenge of Intercollegiate Negotiation Competition

~A unique moot competition of arbitration and negotiation in Japan

*Tetsuo Morishita**

Mooting is an effective way to study law and there are lots of national and international moot competitions in the world. In Japan, however, mooting had not been a popular way to teach laws and there existed only a few national competitions (probably, the most well-recognized moot competition has been the Japan round of Jessup International Law Moot Court Competition).

Since 2002, the Intercollegiate Negotiation Competition, which is an annual moot competition held at Sophia University in Tokyo, Japan, has been offering students an important opportunity to study law and negotiation through a moot competition. This competition has some features which makes it very unique compared to other competitions in the world, such as Jessup International Law Moot Court Compe-

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tition and Willem Vis International Commercial Arbitration Moot. The competition has achieved a great success and is recognized as the remarkable event which gives participants very meaningful learning experience.

In this article, I, as one of the members of the steering committee of the competition, would like to explain the basic structure and the features of the competition. Then, I will highlight what it has achieved and what has still to be achieved.

1. Japanese legal education system and the competition

Before entering to the main topic of this article, it would be useful to explain the Japanese system of legal education, because the structure of the competition is affected by the situation of the legal education in Japan.

Before 2004, the legal education was mainly made at the law department of universities, at the undergraduate level. The education of the law departments has focused on providing students with knowledge about statutes, cases and theories through lectures. Because the traditional legal education at undergraduate level had put stress on delivery of basic knowledge of law rather than training of practice, mootings was not a popular teaching method. For the same reason, advocacy and negotiation had not been popular subjects in legal departments. Most graduates of legal departments entered the business world or national and local governments, and the number of graduates who became practice lawyers was limited (This was because the number of those who passed the bar exam in a year had been limited to about 500 to 1,000).

In 2004, Japan introduced a new legal education system, "law school system" following the US law schools. It was said to be necessary to increase the number of lawyers in Japanese society in light of globalization, and the main target of the newly established law schools was said to be creating education and training necessary for practice lawyers. However, such an ideal was soon found to be unrealistic. Now, the education at most law schools mainly focuses on how to pass the bar exam as cram schools, reflecting the low passing rate of 20-30%. Students spend most of their energy and time to study the subject of the bar exam, and don't have much room to learn other subjects or actively participate in extra-curricular activities such as mootings and editing of law reviews. Even after 2004, the traditional legal education system at the undergraduate level, which mainly focuses on general legal education, has been maintained alongside law schools. In addition, there has been graduate level legal education which mainly focuses

on training for future researchers and academics or education of students from foreign countries.

As far as Japanese participants are concerned, the majority of the participants of the competition come from the undergraduate level. Some participants come from other undergraduate departments or the graduate level. At least in the past three years, there has been no participant from the law schools, for the above-mentioned reason. We also have participants from foreign countries. In the case of the 9th competition in 2010, about 20-30 of the 270 participants were overseas students of Japanese universities and 8 participants were from Australian universities. The fact that the majority of participants are undergraduate students who will not become practice lawyers brings the basic idea of the competition, that is, the competition is not only for the students who want to become lawyers or to work in legal departments of companies, but for wider variety of students who want to study law and negotiation and will work in various fields in the society.

We started this competition as an opportunity for students to use what they had learned in their class. As a result, the competition accepts relatively many participants from each university, which makes it possible that all members of a seminar teaching negotiation or arbitration, not only a few representatives of the university, attend the competition. The instructors might therefore use the competition as a target of their one-year or half a year seminar (I am one such instructor). In fact, some universities have official classes of arbitration and negotiation which have a target of participating and winning this competition. However, this is not the only pattern of entry. Some universities call for participants regardless of the official classes.

2. The outline of the competition

(1) Program

The competition is a two-day competition held annually in late November or early December. We conduct arbitration of an international business dispute on the first day and cross border business negotiation on the second day. In the 9th competition in December 2010, the program was as follows:

December 4	
12:00	Opening Ceremony
13:00-17:00	Round A (Arbitration: governed by UNIDROIT Principles 2004)
18:00-	Welcome Party
December 5	
9:30-13:30	Round B (Negotiation)
13:30-15:00	Lunch

- 15:00-15:45 Guest Speech by Mr. Yasushi Akashi
(the former Under-Secretary-General of
the United Nations)
15:45-16:45 Closing Ceremony

(2) Language and Participants

The competition has both a Japanese-language division and English-language division. Each university may send 1 or 2 teams in each division. In principle, a team consists of 4-5 members. The reason that each university may send more than the limited number of representatives and why the number of teams may differ in each university is as outlined above. To decide the ranking, the score of each university shall be the average of the scores achieved by all of the teams of the university.

The competition started with 4 universities in 2002. In the 9th competition in 2010, 270 students from 15 leading universities in Japan (Tokyo, Kyoto, Osaka, Nagoya, Kyushu, Chuo, Doshisha, Sophia, Keio, Waseda, Hitotsubashi, Tohoku, Hokkaido, Gakushuin, Ritsumeikan) and 2 universities from Australia (Australian National University and Sydney University) participated. 2 Australian universities participated as Team Australia, 32 teams participated in the Japanese division and 20 teams in the English division. Team Australia also sent both Japanese and English teams. Some of the participants in the English division are overseas students and Japanese students who have undertaken studies in foreign countries, but many Japanese students who don't have any experience of studying abroad also participated in the English division.

(3) Problem

Every year, the problem is written by the Steering Committee and deals with international business between Red Corporation in Negoland and Blue Corporation in Arbitria in a fictitious world. The problem is prepared both in Japanese and English. The problem consists of the main text describing the facts common to both Round A (Arbitration) and B (Negotiation), additional facts and instructions special to Round A and B and attachments such as agreements, letters, maps etc. It is of 30 to 40 pages length in total. I think the problem is difficult even for practitioners. But I believe the level is adequate for students from leading universities who will spend a tremendous number of hours in preparation over two months. The problems of the past competition are available at the website of the competition (<http://www.osipp.osaka-u.ac.jp/inc/eng/index.html>).

Each university is assigned either to Red Corporation or Blue Corporation. In Round A (Arbitration), participants take charge of the role of counsels of Red

Corporation or Blue Corporation. In Round B (Negotiation), each member of a team is assigned as vice-president, general managers of some relevant departments or general counsel, etc.

(4) Round A: Arbitration

In Round A, the problem usually consists of a claim by Red Corporation and a counter-claim by Blue Corporation. Each claim contains 2-3 substantive law issues. The applicable law is UNIDROIT Principles for International Commercial Contracts 2004. We chose UNIDROIT Principles as the applicable law, because the Principle may be used not only for sales transactions but various types of commercial transactions. Also, considering that the majority of the participants come from the undergraduate level, UNIDROIT Principles accompanied by the official comments are convenient to use. In the past competition, only substantive law issues were asked, because substantive law issues are more familiar to undergraduate students. Though UNCITRAL Arbitration Rules are the applicable procedural rules, no issues regarding arbitration law and rules were asked. From such a viewpoint, it might be said that the competition doesn't have the character of the moot on "arbitration". However, in the near future procedural issues may also be asked.

Judges take charge of the role of an arbitrator in Round A, but arbitrators do not make awards.

Each team has to submit its preliminary memorandum within 4,000 words in English (or 10,000 characters in Japanese) by the deadline (about 15 days prior to the competition date). By a second deadline (about 5 days prior to the competition date), a counter argument to the memorandum of the counterparty within 800 words (or 2,000 characters in Japanese) must be submitted. On the competition date, oral arguments are made in about 3 hours with opening and closing arguments by each party.

(5) Round B: Negotiation

For Round B, the confidential information for Red Corporation and for Blue Corporation is provided to each side. The problem of negotiation contains multiple issues. Each team is requested to submit the memorandum describing its negotiation strategy by the deadline (about 5 days prior to the competition date). This memorandum is used by judges to evaluate the performance of each team. On the competition date, each team first makes an oral presentation of their negotiation strategy to the judges. Thereafter, parties negotiate for about 2.5 hours in front of the judges. When an agreement is reached, the parties are requested to make a memo listing what they have agreed. After the negotiation, each team reports the

result of the negotiation to the president of each corporation (one of the judges plays that role). Thereafter, each team makes a self-evaluation of its performance.

(6) Judges and Evaluation

Each match of both Round A and B is evaluated by three judges. The competition is supported by lots of practitioners who kindly act as judges. In 2010, 10 judges, 28 lawyers, 21 practitioners in corporations or government and 25 academics kindly helped as judges. The steering committee considers it valuable that the judging panels consist of distinguished practitioners and academics with different experience and backgrounds. In addition, 27 graduates of this competition have served as judges. The judges who graduated from the competition are helpful to improve the judging system by reflecting their experience into the judging process. Also serving as judges with experienced practitioners and academics is a very good learning experience for such young graduates.

Each judge evaluates the performance of each team on 10 items with a grading scale from 1 (poor) to 5 (outstanding). 3 is average. Evaluation sheets are available at the website. The items in the evaluation sheet show what the Steering Committee considers important for good arbitration and negotiation. For example, evaluation items of Round A (Arbitration) are (1) Persuasiveness of the Brief, (2) Expression and Organization of the Brief, (3) Argument on Issue 1, (4) Argument on Issue 2, (5) Response to Arbitrators, (6) Response to the Counterparty's Argument, (7) Understanding of Facts, (8) Opening and Closing Statements, (9) Presentation, Speech, Attitude, and (10) Teamwork.

It may be noted that the above evaluation puts more weight on the performance on the competition date rather than the memorandums. However, the better the memorandum has been prepared, the better the performance of the team would be on the day of the competition.

(7) Support

Sumitomo Group Public Affairs Committee has given great financial and human support to this competition since the first competition. In addition, this competition is supported by White & Case, Chartered Institute of Arbitrators, Japan Chapter, Japan Association of Arbitrators, Sophia University, and the Ministry of Foreign Affairs of Japan. I would like to express my sincerest gratitude for their kind support.

3. Some features of the competition

I want to enumerate the following seven features of the competition.

(1) The number of team members

In this competition, each team has 4-5 members and teamwork is an important aspect of the evaluation (if any member of a team dominates or makes no contribution, the scoring will be low). Teamwork not only on the day of the competition, but also during the preparation period is very important. Through this competition the participants could experience how it is challenging and yet rewarding to achieve something together with teammates.

(2) Length of each Round

In comparison to similar competitions abroad, this competition requires participants to endure greater hours of oral arguments. In about 3 hours of oral arguments, arbitrators may pose unexpected questions and the balance moves between both sides. It is totally insufficient for participants to present what they have memorized or prepared. The participants are required to understand the case deeply, to grasp what arbitrators and counterparty said adequately and promptly, to consider the points flexibly and to respond to the arbitrators and the counterparty adequately and in a timely manner. Also, such length allows the competition to deal with more issues and to add such elements as making a memorandum on what they agreed in Round B.

(3) Combination of Arbitration and Negotiation

This is the very unique point of this competition. It seems to be valuable for students to experience both arbitration and negotiation in a competition because the dispute resolution as arbitration and negotiation has a close connection in our real life. In 2010, participants are requested to negotiate in Round B the same issue which they disputed in Round A. Some teams got comments from judges that they failed to change their mind and attitude from arbitration to negotiation and behaved too aggressively in Round B.

(4) Support from people in real world

As mentioned above, many practitioners kindly help us as judges. Participants could learn various things from the comments, questions, attitude, and case handling of the judges. Any other communications with judges of varied experience and backgrounds are also meaningful. Some participants maintain their connections with judges even after the competition. The competition could contribute to the creation of such human relationships, too.

(5) Various topics

The past problems dealt with various transactions such as the export of medicines, the car distributorship, the construction of a bridge, the manufacture of

mobile phones, the import of beef, the creation of movies, opening of a theme park, and the licensing of technology. By using UNIDROIT Principles as the governing law, there is no limit on the transactions which may be covered by the problem. Students may learn various business and transactions through this competition. The problems cover various issues which are important in international business and which students should have opportunities to consider, such as environment, culture, history, foreign exchange, governmental intervention, bribes, etc. Also, the problems sometimes intentionally contain additional information which is considered to be valuable for students to learn, even though such elements don't have a direct relationship with the specific issues to be considered in the problem. By struggling with the problems, students could learn a lot of things in addition to law and negotiation.

(6) International aspects

The competition would like to contribute to creating young generations who could work actively in the global economy. The problem contains international aspects and is accompanied with English contracts. The competition has the English division where Japanese students may improve their ability to use English as a communication and business tool. Some judges and participants in the English division come from foreign countries and participants may enjoy the cross-cultural experience. From such a viewpoint, I really appreciate that we could welcome a team from Australia. I hope we could have one or two more foreign universities who may send Japanese and English teams.

The university who got the best score in the English division of Round B is recommended to the International Negotiation Competition as a Japan representative. It should be noted that Doshisha University so recommended from this competition won 2nd prize in the 9th International Negotiation Competition held in July 2008 in London.

(7) Cross-Generation

Undergraduate students may compete with graduate students or overseas students with working experience. It is good experience for undergraduate students to compete with such people from different generations as in the real world. In some universities, the past participants help the students as coaches. Strong support from the graduates is one of the keys to getting a good result.

The alumni organization of this competition was set up and hosts an annual meeting of the alumni, gives various supports to the management of the competition and gives assistance to the current participants.

The growth of the alumni organization and its additional support are important for the further and continuous development of the competition.

5. What the competition has achieved and what has still to be achieved

The total number of the participants of the competition amounts to 1,810 (some students participated twice or more, so the real number of the participants may be less). The competition has become popular as a wonderful event with great educational effects.

What has the competition achieved? I am not confident of how many participants obtained useful knowledge about arbitration law and practice. However, I am sure that arbitration as dispute resolution mechanism becomes more familiar to many participants. I am confident that participants got various things which are important for their lives and future careers and which are difficult to learn in their daily classes at their university. The results of the questionnaires to the participants every year show that more than 95% of participants answer "Yes, I'm very glad to have participated" or "Yes, I am glad to have participated" to the question "Are you happy to have participated in the Competition?". In addition, the following comments from the past participants may give us some confidence about the success of the competition.

<Excerpted comments from the questionnaire to the participants>

- It was a very good experience for me to feel how the arbitration and the court proceedings are held. Valuable experience for a future lawyer.
- This weekend's competition was very interesting and very fun. I will suggest this to future exchange students from my University.
- It was a great learning experience and I was able to meet students from all over the world.
- It's a great professional experience and comments of the judges from different legal professions are valuable.

I myself teach participants of Sophia University. I observed every year that students worked very hard to prepare for the competition with their teammates, that they overcame various difficulties, that they developed their presentation, communication and negotiation skills, that they became more matured and that they made some friends for life. So also from my own experience as an instructor, I could be confident of what the competition has achieved.

The 10th competition will be held on December 3 and 4, 2011, and the further development of the competition is expected. At the end of this article, I

would like to list three points which the competition should attempt to address. First, as mentioned above, we would like to have one or two more universities from foreign countries. It would improve the international and cross-cultural aspects of the competition. Second, the steering committee has to continue its efforts to improve the competition. The quality of the problems and the judging system are two key elements which need further improvement. Third, many people meet together once a year for the competi-

[JCAA Activities]

New Cooperation Agreement Signed between JCAA and BCCI

A new Cooperation Agreement between the Japan Commercial Arbitration Association (JCAA) and the Bulgarian Chamber of Commerce and Industry (BCCI) was concluded on January 24, 2011, signed by Mr. Tsvetan Simeonov, President of the BCCI, and countersigned by Mr. Kosuke Yamamoto, President of the JCAA at the conference room of the Industry of Club of Japan. The signing ceremony was also attended by Mr. Traycho Traykov, Minister of Economy, Energy and Tourism of Bulgaria, Mr. Evgeny Angelov, Deputy Minister of Economy, Energy and Tourism of Bulgaria, Mr. Tzolo Voutov, President of Geotechmin and Mr. Ognian Donev, CEO of Sopharma.

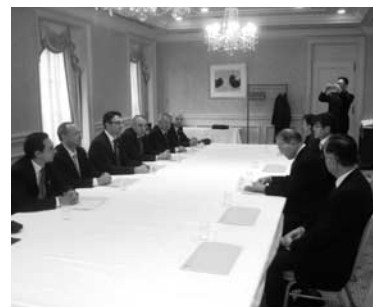
The previous Cooperation Agreement, concluded in 1961, only provided that the JCAA and the BCCI agreed to recommend the home-and-home arbitration clause. In the new Cooperation Agreement, the JCAA and the BCCI have agreed to cooperate in pro-

tion. It would be great if we could use the human network and other resources for the competition to make a greater contribution toward developing better education, training and research of negotiation and arbitration.

Finally, as a member of the steering committee, I would like to express our sincerest gratitude to all who kindly support the competition, and hope for their continued support in the future.

moting arbitration, to assist each other in conducting arbitral proceedings, to exchange information concerning the legislation and legal literature in the field of international arbitration, as well as to recommend model arbitration clauses. The previous Cooperation Agreement has been replaced by the new Cooperation Agreement since the date of signature.

After the signing ceremony, the JCAA held a luncheon to welcome the Bulgarian delegates, in which the participants shared a wide range of views concerning the development of the economic relationship and the promotion of arbitration for dispute resolution between the two countries.



Notes to Contributors for Article Submissions

The Editor welcomes submissions of articles and essays on international arbitrations. Articles should not normally exceed 2500 words in length including notes. Manuscripts must be submitted in the format of MS Word together with CV. Material accepted for publication becomes the property of JCAA. However, author may use the article without permission from JCAA. Submission must be sent via E-mail: arbitration@jcaa.or.jp

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