

President's letter

"Watch out! There is no precedent. Someone, somewhere might say ... We do not think that this would have any merit, but you never know what some state court, somewhere, might say ... So Watch out!"

In arbitration, more than in other areas of the law, we hear this vapuous talk. It sounds scary.

But in Switzerland and many other countries, we know our courts and their robust support of arbitration. So do not be afraid.

An example: Years ago, the UNCITRAL Rules said that the award must be "made" at the place of arbitration. Years ago, in England, an award was considered "made" where it had been physically *signed*. That decision was universally condemned. The Arbitration Act 1996 reversed it.

In Switzerland nobody ever tried to have an award set aside or remain unenforced because it had not been signed at the seat. There was no wrong decision to begin with. Should we now say: "Watch out; no precedent; someone, somewhere might ..."? No. Don't be afraid.

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