

Editorial

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Last December, the Arbitral Tribunal constituted to resolve the Taba territorial dispute between Egypt and Israel held its inaugural session in Geneva.

This was a remarkable event, and of relevance for the international arbitration community. This Arbitral Tribunal is composed of two eminent international commercial arbitrators: Mr. Lagergren, its Chairman, and Mr. Bellet. In addition to their own personal qualities, their presence is also a tribute to the expertise that the international arbitration community has developed in disposing of disputes weighted with political content. Indeed, more and more commercial disputes, especially those between parties from countries with very different political regimes or standards of living, have strong political tones underlying the commercial issues at stake. This situation has reached a peak with the Iran-United States claims arbitral tribunal. In order to fulfil their responsibilities correctly in such cases, commercial arbitrators have had to learn how to cope with these undertones and show the required sensitivity to them. This has had to be done without their being distracted from settling the disputes on the basis of the facts and the applicable law.

Arbitration of political disputes is a very old-established process, which preceded the development of commercial arbitration. However, in this century, it has lost much of its appeal, whereas arbitration of commercial disputes has developed dramatically. Commercial arbitration has now become highly sophisticated, both in arbitration techniques and in constituting a body of experienced international arbitrators able to master proceedings involving conflicting cultures and legal systems: politicians could perhaps take a fresh look at this possibility of settling amicably some of the disputes in our modern world.