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SPECIAL FEATURES

INTRODUCTION: COMMERCIAL ARBITRATION IN CENTRAL AMERICA

ALEJANDRO M. GARRO*

The following articles are English translations of papers submitted at a conference series on commercial arbitration, held in El Salvador, Costa Rica, Honduras, and Guatemala. The program originated in late 1985 when the Section of International Law and Practice of the American Bar Association opened discussions with Central American bar leaders on ways the ABA might contribute to the efforts of the local bars in improving the administration of justice. In 1987, local bar associations proposed a series of conferences on commercial and labor arbitration which were carried out with the technical assistance of the ABA and funding from the Agency for International Development.

The conferences were held on December 7 to 12, 1987 (El Salvador), February 29 to March 4, 1988 (Costa Rica), March 7-11, 1988 (Honduras), and March 14-18, 1988 (Guatemala). Speakers at the conferences included Henry Dahl, who spoke on the use of arbitration in Cuba; Felix Lopez Antón, whose paper on the 1988 Spanish Arbitration Act is also included in this issue; Alejandro Fargosi, who spoke on commercial arbitration in Argentina; and Carlos Bernal Silva and Luis Nelson Segovia, who spoke on the legal framework of domestic and international commercial arbitration in El Salvador. Each lecture was followed by an extended discussion based on questions posed by the participants.

The judicial systems in Central America, as in many other parts of the developing world, operate under physical, financial, and personnel conditions which range from inadequate to virtually

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nonexistent. As a result, the courts encounter serious problems in meeting caseload demands imposed by a growing population. Goal VIII of the American Bar Association is "to advance the rule of law in the world." Consistent with this goal, the ABA focused its resources on exploring the possibility of using arbitration as an alternative or complementary method of dispute resolution. An efficient alternative to litigation, arbitration helps avoid court delays and provides an opportunity for the speedy resolution of commercial disputes. An increase in the use of arbitration is likely to reduce congestion in the courts and facilitate the more efficient operation of the administration of justice. The success of the arbitration conferences held in 1987 to 1988 prompted the organization of Phase II conferences, which have taken place during the course of 1989. These conferences are specifically targeted to provide more intensive follow-up workshops aimed at outlining a program for reform.

The next issue of the *Inter-American Law Review* will include those papers submitted in the labor arbitration conferences.