

## EDITORS' NOTE

When the editors began to assemble the content for Volume 2, Issue 2 of *CJCA*, we did not set out to publish a special issue on a single theme. However, as the submissions came in, we soon realized that we had a theme after all: looking forward by looking back. All of the contributions to this issue, each in its own distinct way, investigate the past of commercial arbitration in order to help us understand its present and predict its future. With the constant emergency of the Covid pandemic finally on the wane, it is an opportune moment to take stock.

In the issue's first article, legal historian and litigator Mark Bourrie tells the largely unknown story of the first recorded arbitration conducted in what is now Canada. In 1616, leaders of the Huron-Wendat confederacy became locked in a dispute with Iroquet, leader of an Algonkian war party, which easily could have led to war. As a neutral arbiter, the parties made a choice that will surprise some: Samuel de Champlain. Bourrie's article, built on a deep dive into Champlain's memoirs, demonstrates not only the role of arbitration as a traditional method of peaceful dispute resolution among Indigenous peoples, but also its continuing relevance for disputes involving Indigenous lands and governments, especially in their relations with each other and with the federal, provincial, and territorial governments.

Our second article, by Valerie Hughes and Mark Jewett (the lead architect of Canada's adoption of the Model Law), provides a timely update on 35 years of the Model Law in Canada. They trace the enormous impact that adoption of the Model Law has had on arbitration in Canada and, in particular, on the attitudes of Canadian courts. These historical investigations yield three concrete suggestions for further developing international arbitration practice in Canada. Jewett's original article in *International Legal Materials* announcing and explaining Canada's adoption of the Model Law is included as an appendix, and is an interesting look back at how far Canada has come since 1986.

This issue of *CJCA* also includes three shorter contributions that admirably serve the theme of “looking forward by looking back”: first, a review of key developments in Canadian arbitration case law in 2021, penned by Lisa Munro, doyenne of the *Arbitration Matters* blog; and second, an interview with Marek Krasula of the ICC in New York, the first in a series of interviews with Canadian arbitration leaders that is a collaboration between *CJCA* and the Young Canadian Arbitration Practitioners (YCAP). Both the case law year-in-review and the interviews will become regular features of *CJCA*.

Finally, we present a review of an intriguing new history of international arbitration, *The Three Ages of International Commercial Arbitration*. Arbitration practitioners and students alike will find the book absorbing and illuminating.

We hope you will enjoy this glance into the past as we contemplate arbitration’s post-pandemic future. Please consider submitting your own writing to the journal, (information available at <https://cjca.queenslaw.ca/submission>) and do not hesitate to contact us with article ideas, feedback, or suggestions.

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