TABLE OF CONTENTS

VOLUME XIV - 1989

	Page
INTRODUCTION	
Prof. Albert Jan van den Berg, General Editor	v
TABLE OF CONTENTS	ix
PREFACE	
Prof. Giorgio Bernini, President of ICCA	ix
PART I	
NATIONAL REPORTS	
NOTE	
General Editor	NOTE-1
SWITZERLAND	
Dr. Robert Briner	1
PART II	
II - A. ARBITRAL AWARDS	
Commercial Arbitration	
AD HOC	
Final award of 20 November 1987	47
AMERICAN ARBITRATION ASSOCIATION	
Award of 3 December 1987, case no. 16 199 00214 85P, Philip Morri. International Finance Corporation v. Overseas Private Investment.	
Corporation	71
Award and Opinion of 20 February 1988, case no. 16 199 00209 87G	,
Beckman Instruments, Inc. v. Overseas Private Investment Corporation	
INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES	
Final award of 6 January 1988, Maritime International Nominee	s

ix

Yearbook Comm. Arb'n XIV (1989)

Establishment (MINE) v. The Republic of Guinea	82
Decision on jurisdiction of 10 May 1988, Amco Asia Corporation v. The	
Republic of Indonesia	92
INTERNATIONAL CHAMBER OF COMMERCE	
Case no. 3572 of 1982, final award	111
Case no. 4975 of 1988, final award	122
Case no. 5294 of 1988, final award	137
Case no. 5428 of 1988, final award	146
Case no. 5485 of 1987, final award	156
Case no. 5649 of 1987, final award	174
POLAND, COURT OF ARBITRATION AT THE CHAMBER OF FOREIGN TRADE	
Award of 28 August 1986, case no. 127/85	181
Award of 18 May 1987, case no. 69/86	183
Award of 2 July 1987, case no. 122/85	187
ROMANIA, ARBITRATION COMMISSION OF THE CHAMBER OF COMMERCE	
Award of 21 January 1983, case no. 4/1983	191
Maritime Arbitration	
USSR MARITIME ARBITRATION COMMISSION	
Award no. 48/1978 of 6 January 1981	195
Award no. 20/1981 of 21 December 1981	197
Award no. 15/1982 of 18 March 1983	199
Award no. 82/1981 of 14 February 1984	201
Award no. 25/1981 of 17/18 May 1984	203
Award no. 2/1983 of 29 May 1984	200
Award no. 24/1984 of 16 April 1985	209

INDEX OF ARBITRAL AWARDS, VOLUME XIV

The Consolidated Index of Arbitral Awards, Volumes I-XII is contained in the Yearbook Key 1987, which accompanies Yearbook XII. The Index of Arbitral Awards, Yearbook XIII (1988) is included in Yearbook XIII, pp. Index Awards – 3 – Index Awards – 18.

INTRODUCTION	Index Awards - 1
INDEX OF ARBITRAL AWARDS, VOLUME XIV	Index Awards - 3

II - B. COURT DECISIONS ON ARBITRATION

HONG KONG	
High Court, 12 September 1986, Shui On Construction Co. Ltd. v. Moon Yik Co. Ltd. and Xipho Development Co. Ltd.	215
SINGAPORE	
High Court, 30 March 1988, Turner Pte Ltd. v. Builders Federal and Josef	
Gartner & Co.	224
SWITZERLAND	
Tribunal Fédéral, 23 October 1985, Société d'études financières et de	
réalisations immobilières internationales (SEFRI) S.A. v. Komgrap	
combinat de construction	232
PART III	
THAT III	
III - A. ARBITRATION RULES	
GERMAN ARBITRATION COMMITTEE	
Introduction: Doris Möller	239
Arbitration Rules of the German Arbitration Committee, 1 January 1988	241
STOCKHOLM CHAMBER OF COMMERCE	
Arbitration Rules of the Arbitration Institute of the Stockholm Chamber	
of Commerce, 1 January 1988	251
AMERICAN ARBITRATION ASSOCIATION	
Introduction: Howard M. Holtzmann	263
Commercial Arbitration Rules, 1 September 1988	268
USA-POLAND-AUSTRIA TRIPARTITE AGREEMENT	
Tripartite Agreement	284
Attachment 1 to Tripartite Agreement	286
USSR CHAMBER OF COMMERCE AND INDUSTRY	
Decree of the Presidium of the USSR Supreme Soviet, 14 December 1987	290
Statute on the Arbitration Court at the USSR Chamber of Commerce and	
Industry	291
Rules of the Arbitration Court at the USSR Chamber of Commerce and	
Industry, 11 March 1988	293
Schedule on Arbitration Fees and Costs and on Expenses of the Parties	305

III - B. IRAN - US CLAIMS TRIBUNAL

INTRODUCTION	311
SURVEY OF AWARDS AND DECISIONS	314
AWARDS AND DECISIONS OF THE FULL TRIBUNAL	
Case B 1 (Claim 4) (382-B1-FT), 31 August 1988 (Islamic Republic of Iran	
v. United States of America)	321
Case B 1 (Claim 5) (370-B1-FT), 16 June 1988 (Islamic Republic of Iran v.	
United States of America)	331
AWARDS, DECISIONS AND ORDERS OF THE CHAMBERS	
Case B8 (333-B8-2), 30 November 1987 (Iran National Airlines	
	336
Case 121 (379-121-2), 22 July 1988 (George W. Drucker, Jr.)	339
Case 187 (342-187-3), 18 December 1987 (Gordon Williams)	341
Case 193 (68-193-3), 23 June 1988 (Reza Said Malek)	349
Case 195 (358-195-1), 15 April 1988 (Agrostruct International, Inc.)	354
Case 202 (DEC 83-202-2), 19 September 1988 (The First National Bank	
of Boston)	362
Case 208 (369-208-2), 15 June 1988 (The Bendix Corporation, Bendix	
International Service Corporation)	366
Cases 227 and 12384 (329-227/12384-3), 11 November 1987 (Eastman	
Kodak Company, Eastman Kodak International Sales Co., and Kodak	
	370
Case 261 (377-261-3), 18 July 1988 (AVCO Corporation)	377
Case 366 (325-366-3), 3 November 1987 (Endo Laboratories, Inc.)	383
Case 375 (352-375-1), 11 March 1988 (Bendone-Derossi International)	385
Case 381 (375-381-1), 6 July 1988 (Uiterwyk Corporation, Jan C.	
Uiterwyk, Maria Uiterwyk, Robert Uiterwyk, Hendrik Uiterwyk, Jan D.	
	398
Case 409 (323-409-1), 2 November 1987 (Harris International	
	405
Case 409 (DEC 73-409-1), 26 January 1988 (Harris International	
	413
Case 423 (343-423-3), 18 December 1987 (Minnesota Mining and	
그렇게 되었다. [1] [1] [1] [1] [1] [1] [1] [1] [1] [1]	414
Case 481 (373-481-3), 28 June 1988 (Motorola, Inc.)	419
Case 484 (338-484-1), 1 December 1987 (Arthur Young & Co.)	425
Case 829 (367-829-2), 9 June 1988 (Lockheed Corporation)	429

Case 10199 (324-10199-1), 2 November 1987 (Kenneth P. Yeager) Case 10273 (399-10273-3), 31 October 1988 (Hidetomo Shinto) Case 10427 (354-10427-2), 16 March 1988 (Kathryn Faye Hilt) Case 10513 (372-10513-2), 28 June 1988 (Linen, Fortinberry and Associates, Inc.) Case 10514 (360-10514-1), 20 April 1988 (Leonard and Mavis Daley) SELECTIVE BIBLIOGRAPHY ON THE IRAN – UNITED STATES CLAIMS TRIBUNAL Nassib G. Ziadé	442 451 455 456 460 466
PART IV	
RECENT DEVELOPMENTS IN ARBITRATION LAW AND PRACTICE	Ξ
ARGENTINA	487
AUSTRALIA	
Prof. John Goldring	488
BRAZIL	489
BULGARIAN PEOPLE'S REPUBLIC	492
CANADA	
Prof. Ludwik Kos-Rabcewicz-Zubkowski	493
REPUBLIC OF CYPRUS	498
ENGLAND	
Sir Johan Steyn, V.V. Veeder, QC	499
NIGERIA	508
PORTUGAL	509
SINGAPORE	510
SWITZERLAND	
Swiss Private International Law Act	511
THAILAND	519
PART V	
V - A. COURT DECISIONS ON THE NEW YORK CONVENTION	
Prof. Albert Jan van den Berg	
1101. Mibere jan van den beig	
INTRODUCTION	523
Yearbook Comm. Arb'n XIV (1989)	xiii

LIST OF CONTRACTING STATES AND EXTENSIONS (as of 1 March 1989)	525
CONSOLIDATED COMMENTARY CASES REPORTED IN VOLUMES XIII (1988) -	
XIV (1989)	528
EXCERPTS OF COURT DECISIONS	
AUSTRALIA	
No 4 Supreme Court of Queensland, 16 March 1984, SPP (Middle East)	
Limited v. The Arab Republic of Egypt	614
BELGIUM	
No 6 Cour d'appel, Brussels, 4 October 1985, Company M. v. M. S.A.	618
CAYMAN ISLANDS	
No 1 Grand Court, 17 June 1988, The Republic of Gabon v. Swiss Oil	
Corporation	621
FRANCE	
No 13 Cour de Cassation, 5 May 1987, Commander of the Air Forces of	
the Islamic Republic of Iran v. Bendone Derossi International	627
FR GERMANY	
No 32 Oberlandesgericht, Hamm, 2 November 1983, Xv. Y	629
GREECE	
No 7 Court of Appeal, Athens, Decision no. 3894 of 1976, The	
Government of Greece v. Foreign shipowner-charterer	634
No 8 Court of Appeal, Patras, Decision no. 426 of 1982; Judge of First	
Instance, Zakynthos, Decision no. 103 of 1979, Czechoslovakian export	
organization v. Greek shipping company	636
No 9 Court of Appeal, Athens, Decision no. 6886 of 1984, parties not	
indicated	637
No 10 Court of Appeal, Athens, Decision no. 4458 of 1984, Greek	
company v. FR German company	638
No 11 Areios Pagos, Decision no. 149 of 1986, Greek company v. Foreign	
company	640
No 12 Court of Appeal, Piraeus, Decision no. 77 of 1985, Greek-owned	
Panamanian shipping company v. Japanese shipbuilding company	641
INDIA	
No 15 High Court, Bombay, 19 November 1984, Northern Sales Co. Ltd.	
v. Reliable Extraction Industries Pvt. Ltd.	644
No 16 High Court, Gujarat, 19 April 1985, Orient Middle East Lines	
Ltd., Bombay, and another v. M/s Brace Transport Corporation of	
Monrovia and another	648
No 17 Supreme Court, 11 August 1987, General Electric Co. v.	
Renusagar Power Co.	663

ITALY

No 96 Corte di Cassazione, 18 March 1988, no. 2488, Italsempione SpA	
v. Seport SpA and Agenzia Marittima Italo-Scandinava	673
No 97 Corte di Cassazione, 19 November 1987, no. 8499, Mara	
Confezioni SpA v. International Alltex Corporation	675
No 98 Corte di Cassazione, 2 November 1987, no. 8050, Agenzia	SOFT THE THE
Marittima U. Bos e Figli snc v. Occon Schiffahrtsgesellschaft mbH;	
intervenor: Christian F. Ahrenkiel	677
No 99 Corte di Appello, Bari, 28 October 1983, H. & H. Hackenberg v.	37.4.8
Ventrella Guido Francesco e Figli snc	680
No 100 Tribunale, Naples, 10 May 1985, Colandrea v. Government of	19.50
Malta and Ambassador of Malta in Italy	682
No 101 Tribunale, Naples, 22 February 1985, Rocco Giuseppe e Figli snc	
v. Fossano Shipping Company Ltd	683
JAPAN	
No 4 District Court, Kobe, 30 June 1987, Fujiwara Line Ltd. v. Ming	
Chiao Shipping PTE Ltd.	685
NETHERLANDS	
No 13 Gerechtshof, The Hague, 28 April 1988, L. Nordström-Janzon v.	
Van Nievelt Goudriaan & Co. BV	687
ROMANIA	
No 1 Supreme Court, 16 February 1985, no. 332; Municipal Court of	
Bucharest, 28 June 1984, no. 27, Lebanese company v. Romanian foreign	
trade enterprise	689
No 2 Supreme Court, 3 June 1984, no. 1560, Romanian company v.	
Panamanian company	691
SOUTH AFRICA	
No 4 Supreme Court, Durban and Coast Local Division, 27 August 1985,	
Laconian Maritime Enterprises Ltd. v. Agromar Lineas Ltd.	693
SPAIN	
No 14 Tribunal Supremo, 13 July 1982, Billerud Uddeholm Aktiebolag	
v. R. Cervigón Guerra	699
No 15 Tribunal Supremo, 10 May 1983, Promociones Euro-Venezolanas	
S.A. v. Hidrocarburos & Derivados S.A.	700
No 16 Tribunal Supremo, 1 June 1983, B.I.T. Inc. v. C. de C.E., S.A.	702
No 17 Tribunal Supremo, 6 June 1983, Agro Company of Canada Ltd. v.	
Continental de Comercio Exterior, S.A.	703
No 18 Tribunal Supremo, 29 March 1985, Pastrederiet m/v Jytte Dania v.	
Más, S.A.	704
No 19 Tribunal Supremo, 28 October 1985, Maaden General Foreign	

Trade Organization for Metals and Building Materials v. Taipe S.A.	/05
No 20 Corte de Primera Instancia, Azpeitia, 27 December 1985, Arnold	
Otto Meyer v. Kendu S. Coop	707
No 21 Tribunal Supremo, 7 October 1986, T.H. v. Juan Antonio	
Dominguez	708
UNITED KINGDOM	
No 23 Court of Appeal, 14 October 1985, S.L. Sethia Liners Ltd. v. State	271
Trade Corporation of India Ltd.	710
No 24 Court of Appeal, 16 May 1986, Zambia Steel & Building Supplies	
Ltd. v. James Clark & Eaton Ltd.	715
No 25 Queen's Bench Division, Commercial Court, 20 November 1986,	
Comdel Commodities Ltd. v. Siporex Trade S.A.	725
No 26 Court of Appeal, 19 March 1987, NMB (UK) Ltd. v. Etri Fans Ltd.;	
third party intervenors: Kondo Ltd. and Minebea Co. Ltd.	731
No 27 House of Lords, 23 June 1988, Shell International Petroleum Co.	
Ltd. (Sitco) v. Deutsche Schachtbau- und Tiefbohrgesellschaft mbH	
(DST)	737
UNITED STATES	
No 82 US District Court, Southern District of New York, 7 March and 18	
July 1985, Oil Basins Limited v. The Broken Hill Proprietary Company	
Limited and BHP Petroleum Pty., Ltd.	751
No 83 US District Court, Eastern District of New York, 26 September	
1986, Michael and Marcia Lippus v. Dahlgren Manufacturing Company,	
Royal Zenith Corp., Veb Polygraph Druckmaschinenwerk Planeta; and	
Royal Zenith Corp. and Dahlgren Manufacturing Company v. Unitechna	
Aussenhandelsgesellschaft mbH, Volkseigener Aussenhandelsbetrieb	
Polygraph Export-Import Company and Four Seasons Printing	
Company, Inc.	758
No 84 US District Court, Central District of California, 14 January 1988,	
Ministry of Defense of the Islamic Republic of Iran v. Gould Inc. and	
others	763
No 85 Supreme Court of New York State, Appellate Division, 21 July	
1988, Drexel Burnham Lambert Inc. v. H. and W. Ruebsamen	767
No 86 US Court of Appeals, Second Circuit, 17 March 1988, James P.	
Corcoran, Superintendent of Insurance of the State of New York, and his	
successors in office as Superintendent of Insurance of the State of New	
York, as Liquidator of Nassau Insurance Company, in Liquidation v.	
Ardra Insurance Company, Ltd., et al.	773

V - B. COURT DECISIONS ON THE EUROPEAN CONVENTION 1961

LIST OF CONTRACTING STATES	779
LIST OF CASES	782

V - C. COURT DECISIONS ON THE WASHINGTON (ICSID) CONVENTION (1965)

LIST OF CONTRACTING STATES

787

PART VI

ARTICLES ON ARBITRATION

In view of the considerable amount of materials in other Parts of this Volume, the limited space did not allow for articles to be published in this Volume.

PART VII

I. GENERAL BIBLIOGRAPHY	794
II. COUNTRIES	805
III. JOURNALS ON ARBITRATION	813
LIST OF ICCA OFFICERS AND MEMBERS	820