TABLE OF CONTENTS

VOLUME XVII – 1992

	Page
Introduction	
Prof. Dr. Albert Jan van den Berg, General Editor	V
Table of Contents	ix
Preface	
Prof. Giorgio Bernini, President of ICCA	xvii
Part I – National Reports	1
Note General Editor	1
Part II – A. Arbitral Awards	9
Ad Hoc – UNCITRAL	
Ad Hoc UNCITRAL award of 27 May 1991	11
International Centre for Settlement of Investment Disputes	
Société Ouest-Africaine des Bétons Industriels (SOABI) v. The	
Republic of Senegal in case no. ARB/82/1	42
Jurisdictional Decision of 1 August 1984	46
Dissenting Opinion of Kéba Mbaye	48
Declaration of President	50
Award of 25 February 1988	51
Dissenting Opinion of Kéba Mbaye	69
Amco Asia Corporation, et al. v. The Republic of Indonesia	
Final award of 5 June 1990 in case no. ARB/81/8 and Decision on	
Supplemental Decision and Rectification of 17 October 1990	73
Supplemental Decision and rectification of 17 October 1770	13

Asian Agricultural Products Ltd. (AAPL) v. The Republic of Sri Lanka	
Final award of 27 June 1990 in case no. ARB/87/3	106
International Chamber of Commerce	
Case no. 6162 of 1990, final award	153
Case no. 6230 of 1990, final award	164
Case no. 6283 of 1990, final award	178
Case no. 6363 of 1991, final award	186
Case no. 6379 of 1990, final award	212
Case no. 6531 of 1991, final award	221
Case no. 6560 of 1990, interim award	226
Index of Arbitral Awards, Volumes XVI (1991) and XVII (1992)	
Index Award	ls - 1
Introduction Index Award	
Index of Arbitral Awards, Volumes XVI (1991) and XVII (1992)	
Index Award	ls – 3
Part II - B. Court Decisions on Arbitration	231
Court of Justice of the European Community	
No. 2 Court of Justice of the European Community, Case C-190/89,	
25 July 1991 (Marc Rich & Co. A.G. v. Società Italiana Impianti P.A.)	233
Opinion of Mr Advocate General Marco Darmon in Case C-190/89	
(Marc Rich & Co. A.G. v. Società Italiana Impianti P.A.)	241
Switzerland	
Tribunal Fédéral, 14 November 1991	279
Part II - C. Court Decisions Applying the UNCITRAL Model Law	289
Hong Kong	
Supreme Court of Hong Kong, High Court, 29 October 1991 (Fung	
Sang Trading Ltd. v. Kai Sun Sea Products & Food Co. Ltd.)	289
Part III - A. Arbitration Rules	305
American Arbitration Association	
The New International Arbitration Rules of the American Arbitration Association by Michael F. Hoellering	307

American Arbitration Association International Arbitration Rules, 1 March 1991	310			
European Development Fund				
Procedural Rules on Conciliation and Arbitration of Contracts Financed by the European Development Fund, Introduction by Ole				
Scott-Larsen	323			
Procedural Rules on Conciliation and Arbitration of Contracts Financed by the European Development Fund, 1991	325			
India Council of Arbitration				
Maritime Arbitration Rules of the Indian Council of Arbitration, 1991	345			
Japan Commercial Arbitration Association				
Introduction by Hiroshi Hattori	352			
Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules, 1 June 1991	353			
Part III – B. Iran-US Claims Tribunal	359			
Introduction	361			
Survey of Awards and Decisions and Orders	365			
Award of the Full Tribunal				
Case A15(I:C) (ITL 78-A15(1:C)-FT), 12 November 1990 (Islamic	علالات			
Republic of Iran v. United States of America)	375			
Awards and Orders of the Chambers				
Cases 44, 46 and 47, 26 July 1991 (Shahin Shaine Ebrahimi, et al.)				
Order of Chamber Three	382			
Case 131 (518-131-2), 14 August 1991 (Petrolane, Inc., et al.)	389			
Case 227 (514-227-3), 1 July 1991 (Eastman Kodak Company)	393			
Case 248 (509-248-1), 1 May 1991 (Roy P.M. Carlson) Case 308 (506-308-2), 18 February 1991 (Combustion Engineering,	405			
Inc., et al.) Partial Award	416			
Case 382 (523-382-3), 29 October 1991 (Behring International, Inc.)	427			
Case 386 (507-386-1), 15 March 1991 (General Electric Company) Cases 461, 462, 463, 464 and 465 (505-461,462,463,464&465-2), 4	429			
February 1991 (Ardavan, Roya, Leila, Gitty and Parvin Samrad)	432			
Case 474 (503-474-3), 18 January 1991 (Phibro Corporation)	439			
Decision of the Appointing Authority				
Decision of the Appointing Authority of 26 September 1991				
Concerning the Challenge to Mr. Gaetano Arangio-Ruiz	446			

Part IV - Recent Developments in Arbitration Law and Practice

China, PR	453
England	456
V.V. Veeder Q.C.	
Scotland	460
Part V - A. Court Decisions on the New York Convention 1958	
Prof. Dr. Albert Jan van den Berg	
Introduction	465
List of Contracting States and Extensions (as of 1 May 1992)	467
Index of Court Decision Reported in Volume XVII (1992)	472
Excerpts of Court Decisions	
China, PR	
No. 1 Guangzhou Maritime Court, 17 October 1990 (Guangzhou	
Ocean Shipping Company v. Marships)	485
France	
No. 17 Cour d'Appel, Versailles, 23 January 1991 (Bomar Oil N.V.	
v. Entreprise Tunisienne d'Activités Pétrolières – ETAP)	488
FR Germany	100
No. 36 Oberlandesgericht Hamburg, 26 January 1989	491
No. 37 Oberlandesgericht Munich, 7 April 1989	500
No. 38 Bundesgerichtshof, 18 January 1990 (III ZR 269/88)	503
No. 39 Bundesgerichtshof, 12 November 1990 (II ZR 249/89)	510
No. 40 Bundesgerichtshof, 26 February 1991 (XI ZR 349/89)	513
Hong Kong	010
No. 1 High Court, 28 November 1990 and Court of Appeal, 18	
January 1991 (Tiong Huat Rubber Factory (SDN) BHD v. Wah-	
Chang International Company Limited and Wah-Chang	
International Corporation Limited	516
Italy	
No. 109 Corte di Cassazione, 12 February 1987 (no. 1526) and Corte	
di Cassazione, 26 May 1987 (no. 4706) (Jassica SA v. Ditta	
Gioacchino Polojaz)	525
Cionecinità I otopial)	020

No. 110 Corte di Cassazione, 3 April 1987 (no. 3221) (SpA Abati	
Legnami v. Fritz Häupl)	529
No. 111 Tribunale, Bologna, 18 July 1987 (Coveme SpA v. CFI -	
Compagnie Française des Isolants SA)	534
No. 112 Tribunale, Milan, 8 January 1990 (Paolo Donati and Lupalu	
(HK) Ltd v. SAIMA)	539
No. 113 Corte di Appello, Genoa, 3 February 1990 (Della Sanara	
Kustvaart – Bevrachting & Overslagbedrijf BV v. Fallimento Cap.	
Giovanni Coppola srl, in liquidation)	542
No. 114 Corte di Cassazione, 8 August 1990 (no. 7995) (Vento & C	
snc v. E. D. & F. Man (Coffee) Limited)	545
No. 115 Corte di Cassazione, 18 October 1990 (no. 10151) (Gri	
Settimo & Figli snc v. Pik Vrbovec Mesna Industrija and Krmiva	
Radna Organizacija)	551
No. 116 Corte di Cassazione, 25 January 1991 (no. 749) (Marc Rich	
& Co AG v. Italimpianti SpA)	554
No. 117 Corte di Cassazione, 13 March 1991 (no. 2846) (Fratelli	
Damiano snc v. August Topfer & Co.)	559
No. 118 Corte di Cassazione, 28 March 1991 (no. 3362) (Universal	
Peace Shipping Enterprises SA v. Montedipe SpA)	562
Korea	
No. 1 High Court of Seoul, 9 March 1988 (Hanyang Konyoung Co.	= (1
Ltd. v. Mantovani O & C S.P.A.)	564
No. 2 Supreme Court, 10 April 1990 (Kukje Sangsa Co. Ltd. v. GKN	5/0
International Trading (London) Limited) Netherlands	568
No. 14 President, Rechtbank, Amsterdam, 24 April 1991 (V/O	
Tractoroexport v. Dimpex Trading B.V.)	572
Republic of China (Taiwan)	312
No. 1 Taiwan High Court (Serial No. 78th Year Shang Tzu No.	
1306), 5 February 1990 (Boskalis International B.V. v. Condor	
Construction Engineering Corp.)	576
Switzerland	5,0
No. 20 Appellationsgericht, Basel-Stadt, 27 February 1989 (N.Z. v.	
I.)	581
No. 21 Handelsgericht Zurich, 20 April 1990	584
United Kingdom	
No. 30 High Court of Justice, Queen's Bench Division, 21 December	
1988 (Gatoil International Inc. v. National Iranian Oil Company)	587
The state of the s	- 77

	No. 31 House of Lords, 25 January 1990 (Kate Shipping Co. Ltd. v.	-21
	Metal Scrap Trade Corporation Ltd.)	594
	No. 32 House of Lords, 24 July 1991 (Richard Henry Moffit	
	Outhwaite v. Robert Ralph Scrymgeour Hiscox)	599
USA		
	No. 112 United States Court of Appeals, Eighth Circuit, 9 January	
	1990 (Recold, S.A. de C.V. v. Monfort of Colorado, Inc.)	610
	No. 113 United States District Court, Southern District of Texas	
	(Houston District), 8 May 1990 (Arkwright-Boston Manufacturers	
	Mutual Insurance Company, et al. v. James E. Ross, et al.)	617
	No. 114 United States District Court, M.D. Tennessee, Nashville	
	Division, 14 August 1990 (Tennessee Imports, Inc. v. Pier Paulo	548
	Filippi and Prix Italia, S.R.L.)	620
	No. 115 United States District Court, Southern District of New	
	York, 24 August 1990 (International Standard Electric Corporation	
	v. Bridas Sociedad Anonima Petrolera, Industrial y Comercial)	639
	No. 116 United States District Court, Eastern District of Louisiana,	
	12 September 1990 (Société Française de Transports Maritimes and	
	Société Française de Transports Pétroliers v. BP Oil International,	
	Limited and BP Marine International)	653
	No. 117 United States Court of Appeals, Second Circuit, 21	
	November 1990 (Borden, Inc. v. Meiji Milk Products Co., Ltd.)	662
	No. 118 Court of Appeals, State of New York, 20 December 1990	
	(Ardra Insurance Company, Ltd., et al. v. James P. Corcoran,	
	Superintendent of Insurance of the State of New York)	666
	No. 119 United States Court of Appeals, Second Circuit, 15 January	
	1991 (Metallgesellschaft Limited, et al. v. David L. Threlkeld & Co.,	
	Inc.)	672
	No. 120 United States District Court, Eastern District of Louisiana,	0.50
	31 January 1991 (Sembawang Shipyard, Ltd. v. M/V Charger)	682
	No. 121 United States District Court, Eastern District of New York,	
	29 March 1991 (Meadows Indemnity Company Limited v. Baccala &	
	Shoop Insurance Services, Inc., et al.)	686
	No. 122 United States District Court, Southern District of New	
	York, 12 July 1991 (Oriental Commercial & Shipping Co., (UK),	Variable Control
	Itd et al 71 Rosseel N.V.)	696

Part V - B. Court Decisions on the European Convention 1961	
List of Contracting States and Signatories (as of 1 February 1992)	707
European Convention on International Commercial Arbitration of 1961	
- Commentary by Dominique T. Hascher	711
Part V - C. Court Decisions on the Washington Convention 1965	
List of Contracting States and Signatories (as of 10 January 1992)	749
Excerpts of Court Decisions	754
France	
No. W5 Cour de Cassation, 11 June 1991 (SOABI, Société ouest	
africaine de bétons industriels, et al. v. The State of Senegal)	754
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.	757
Part VII – Bibliography	
I. General Bibliography	761
II. Countries	783
III. Journals on Arbitration	804
List of ICCA Officers and Members	813