

TABLE OF CONTENTS

VOLUME XVIII – 1993

	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
<i>Note General Editor</i>	1
Part II – A. Arbitral Awards	9
<i>Commercial Arbitration</i>	
<i>International Chamber of Commerce</i>	
Case no. 4629 of 1989, final award	11
Case no. 5759 of 1989, final award	34
Case no. 6527 of 1991, final award	44
Case no. 6752 of 1991, final award	54
Case no. 7006 of 1992, final award	58
Cases no. 7385 and 7402 of 1992, final award	68

<i>Italy</i>		
	<i>Chamber of National and International Arbitration of Milan</i>	
	Case no. 1491, 20 July 1992, final award	80
<i>USSR</i>		
	<i>Foreign Trade Arbitration Commission at the USSR Chamber of Commerce and Industry</i>	
	<i>All-Union Foreign Trade Association "Sojuznefteexport" v. Joc Oil Limited</i>	
	Case no. 109/1980, 9 July 1980, final award	92
	<i>Maritime Arbitration</i>	111
<i>USA</i>		
	<i>Society of Maritime Arbitrators, Inc., New York</i>	
	<i>Triumph Tankers Ltd. v. Kerr McGee Refining Corp.</i>	
	Final award no. 2642, 28 March 1990	112
	<i>Trade & Transport, Inc. as Owners of "M/T LAUBERHORN" v. Valero Refining Company, Inc.</i>	
	Final award no. 2699, 23 August 1990	124

Index of Arbitral Awards, Volumes XVI (1991) – XVIII (1993)

	Index Awards – 1
<i>Introduction</i>	Index Awards – 1
<i>Index of Arbitral Awards, Volumes XVI (1991) – XVIII (1993)</i>	Index Awards – 3

Part II – B. Court Decisions on Arbitration 135

<i>France</i>	
	Cour de Cassation, 22 October 1991 (<i>Compania Valenciana de Cementos Portland SA v. Primary Coal Inc.</i>)
	137
	Cour de Cassation, 7 January 1992 (<i>Siemens AG and BKMI Industrienlagen GmbH v. Dutco Construction Company</i>)
	140
<i>Switzerland</i>	
	Tribunal Fédéral, 28 April 1992 (<i>V SpA v. G SA</i>)
	143
<i>United States</i>	
	United States Court of Appeals, Second Circuit, 28 January 1991 (<i>Kerr-McGee Refining Corporation v. M/T TRIUMPH et al.</i>)
	150

Part II – C. Court Decisions Applying the UNCITRAL Model Law 157

Canada

- No. 1. British Columbia Court of Appeal, British Columbia, 24 October 1990 (*Quintette Coal Limited v. Nippon Steel Corporation et al.*) 159
- No. 2. Ontario Court of Justice, General Division, Toronto, Ontario, 1 March 1991 (*Rio Algom Limited v. Sammi Steel Co. Ltd. and Sammi Steel Canada Inc.*) 166
- No. 3. Saskatchewan Court of Appeal, 4 September 1991 (*Aamco Transmission, Inc. v. Eric Kunz*) 172

Hong Kong

- No. 2. Supreme Court of Hong Kong, High Court, 29 June 1992 (*Katran Shipping Co. Ltd. v. Kenven Transportation Ltd.*) 175
- No. 3. Supreme Court of Hong Kong, High Court, 30 July 1992 (*Pacific International Lines (Pte) Ltd. & another v. Tsinlien Metals and Minerals Co. Ltd.*) 180
- No. 4. Supreme Court of Hong Kong, High Court, 24 September 1992 (*Guangdong Agriculture Company Limited v. Conagra International (Far East) Limited*) 187

Part III – A. Arbitration Rules 193

Chamber of Commerce and Industry of Geneva (CCIG)

- Chamber of Commerce and Industry of Geneva (CCIG) Arbitration Rules, 1 January 1992 195

Federal Economic Chamber Vienna

- The New Rules of Arbitration and Conciliation of the International Arbitral Centre of the Federal Economic Chamber Vienna (Vienna Rules), by DDr. Werner Melis 206
- Rules of Arbitration and Conciliation of the International Arbitral Centre of the Federal Economic Chamber Vienna (Vienna Rules) 1 September 1991 207

London Maritime Arbitrators Association (LMAA)

- LMAA Conciliation Terms 1991 221

Part III – B. Iran –US Claims Tribunal	227
<i>Introduction</i>	229
<i>Survey of Awards, Decisions, and Orders</i>	232
<i>Award of the Full Tribunal</i>	
Case A15 (II:A and II:B) (529-A15-FT), 6 May 1992 (<i>Islamic Republic of Iran v. United States of America</i>), Partial Award	246
<i>Awards and Decision of the Chambers</i>	
Case 167 (539-167-3), 29 October 1992 (<i>Anaconda-Iran, Inc.</i>)	270
Case 182 (532-182-2), 26 June 1992 (<i>Parviz Karim-Panahi</i>)	280
Case 193 (534-193-3), 11 August 1992 (<i>Reza Said Malek</i>)	283
Case 277 (DEC 106-277-2), 25 June 1992 (<i>Gloria Jean Cherafat, Roxanne June Cherafat, Ramin Cherafat</i>), Decision	292
Case 941 (528-941-3), 6 March 1992 (<i>W. Jack Buckamier</i>)	296
Part IV – Recent Developments in Arbitration Law and Practice	311
<i>Federal Republic of Germany</i>	
Dr.Dr. Ottoarndt Glossner	313
<i>Switzerland</i>	
Dr. Robert Briner	316
Part V – A. Court Decisions on the New York Convention 1958	321
Prof. Dr. Albert Jan van den Berg	
<i>Introduction</i>	323
<i>List of Contracting States (as of 16 March 1993)</i>	325
<i>Index of Cases Reported in Volumes XVII (1992)-XVIII (1992)</i>	330
<i>Excerpts of Court Decisions</i>	
<i>Canada</i>	
No. 2. Alberta Court of Queen's Bench, Judicial District of Edmonton, 14 May 1991 (<i>Kaverit Steel and Crane Ltd. et al. v. Kone Corporation, et al.</i>)	346
No. 3. New Brunswick Court of Queen's Bench, Trial Division, Judicial District of Fredericton, 19 August 1991 (<i>M.A. Industries Inc. v. Maritime Battery Ltd.</i>)	354

No. 4. British Columbia Supreme Court, Vancouver, 13 September 1991 (<i>Brian Harper v. Kvaerner Fjellstrand Shipping A.S.</i>)	358
No. 5. Federal Court of Appeal, Winnipeg, Manitoba, 20 November 1991 (<i>Northern Sales Company Limited v. Compania Maritima Villa Nova S.A.</i>)	363
<i>Hong Kong</i>	
No. 2. Supreme Court of Hong Kong, High Court, Miscellaneous Proceedings, 2 March 1991 (<i>Shenzhen Nan Da Industrial and Trade United Company Limited v. FM International Limited</i>)	377
No. 3. Supreme Court of Hong Kong, High Court, Miscellaneous Proceedings, 23 August 1991 (<i>Guangdong New Technology Import & Export Corporation Jiangmen Branch v. Chiu Shing trading as B.C. Property & Trading Company</i>)	385
No. 4. Supreme Court of Hong Kong, High Court, 2 June 1992 (<i>Zhejiang Province Garment Import and Export Company v. Siemssen & Co. (Hong Kong) Trading Limited</i>)	389
No. 5. Supreme Court of Hong Kong, High Court, 12 August 1992 (<i>J.J. Agro Industries (P) Ltd. v. Texuna International Ltd.</i>)	396
<i>India</i>	
No. 21. Supreme Court, 7 May 1992 (<i>National Thermal Power Corporation v. The Singer Company and Others</i>)	403
<i>Italy</i>	
No. 119. Corte di Appello, Milan, 4 October 1991 (<i>Black Sea Shipping Co. v. Italturist SpA, in liquidation</i>)	415
No. 120. Corte di Cassazione, 19 December 1991 (<i>Israel Portland Cement Works (Nesher) Ltd v. Moccia Irme SpA</i>)	419
No. 121. Corte di Appello, Bologna, 21 December 1991 (<i>SpA Coveme v. CFI - Compagnie Française des Isolants SA</i>)	422
No. 122. Corte di Cassazione, 15 January 1992 (<i>Privilegiata Fabbrica Maraschino Excelsior Girolamo Luxardo SpA v. Agrarcommerz AG</i>)	427
No. 123. Corte di Cassazione, 22 February 1992 (<i>Trans World Film SpA v. Film Polski Import and Export of Films</i>)	433
<i>Jordan</i>	
No. 1. Court of Cassation in its Civil Capacity, 6 February 1992 (<i>Trans-Orient Engineering and Contracting Co. Ltd. (TROCON) v. Henry Boot Railway Engineering Limited</i>)	437
<i>Switzerland</i>	
No. 22. Handelsgericht, Zurich, 14 December 1989 (<i>Assignee of Singapore seller v. Swiss buyer</i>)	442

United Kingdom

- No. 33. Court of Appeal, 22 January 1992 (*Channel Tunnel Group Ltd. and France Manche S.A. v. Balfour Beatty Construction Ltd. et al.*) 446

United States

- No. 123. United States District Court, Northern District of Illinois, Eastern Division, 4 January 1991 (*SMG Swedish Machine Group, Inc. and Robert W. Schooley v. Swedish Machine Group, Inc., et al.*) 457
- No. 124. United States District Court, Southern District of New York, 5 February, 13 March and 20 March 1991 (*Montauk Oil Transportation Corporation v. The Steamship Mutual Underwriting Association (Bermuda) Limited*) 463
- No. 125. United States District Court, Southern District of New York, 2 July 1991 (*Jamaica Commodity Trading Company Limited v. Connell Rice & Sugar Company, Inc. and L & L Marine Service, Inc.*) 466
- No. 126. United States Court of Appeals, Fifth Circuit, 3 October 1991 (*McDermott International, Inc. v. Lloyds Underwriters of London et al.*) 472
- No. 127. United States District Court, Eastern District of Louisiana, 14 February 1992 (*McDermott International, Inc. v. Lloyds Underwriters of London et al.*) 472
- No. 128. United States District Court, Southern District of New York, 11 October 1991 (*Sen Mar, Inc. v. Tiger Petroleum Corporation N.V.*) 493
- No. 129. United States District Court, Southern District of New York, 11 December 1991 (*Transrol Navegacao v. Redirekcommanditselskaber Merc Scandia XXIX*) 499
- No. 130. United States District Court, Southern District of New York, 23 January 1992 (*National Development Company v. Adnan M. Khashoggi*) 506
- No. 131. United States District Court, Eastern District of Louisiana, 14 February 1992 (*Oil Transport Group v. The West of England Ship Owners Mutual Insurance Association*) 511
- No. 132. United States District Court, Southern District of New York, 26 February 1992 (*Cargill International S.A. et al. v. M/T Pavel Dybenko et al.*) 517
- No. 133. United States District Court, Southern District of New York, 2 April 1992 (*Seetransport Wiking Trader Schiffahrtsgesellschaft MbH & Co., Kommanditgesellschaft v. Navimpex Centrala Navala*) 524

No. 134. United States District Court, Southern District of New York, 14 April 1992 (<i>Filanto S.p.A. v. Chilewich International Corp.</i>)	530
No. 135. United States District Court, Southern District of New York, 22 April 1992; United States Court of Appeals, Second Circuit, 16 October 1992 (<i>Exportkhleb v. Maistros Corporation</i>)	550
No. 136. United States District Court, Southern District of Mississippi, Southern Division, 6 May 1992 (<i>Tropical Cruise Lines, S.A. v. Vesta Insurance Company a/k/a Skadedeforsikringsselskapet Vesta A/S et al.</i>)	557
No. 137. United States Court of Appeals, Seventh Circuit, 21 May 1992 (<i>Robin A.G. Jackson et al. v. Employers Insurance of Wausau</i>)	560
No. 138. United States District Court, District of Columbia, 29 May 1992 (<i>Compagnie des Bauxites de Guinee v. Hammermills Inc.</i>)	566
No. 139. United States District Court, Northern District of Illinois, Eastern Division, 29 May 1992 (<i>Daihatsu Motor Co., Inc. v. Terrain Vehicles, Inc.</i>)	575
No. 140. United States District Court, Western District of Texas, San Antonio Division, 17 June 1992 (<i>Tesoro Petroleum Corporation v. Asamera (South Sumatra) Ltd.</i>)	579
No. 141. United States District Court, Southern District of New York, 22 June 1992 (<i>York Hannover Holding A.G. v. American Arbitration Association</i>)	584
No. 142. United States Court of Appeals, Ninth Circuit, 30 June 1992 (<i>Ministry of Defense of the Islamic Republic of Iran v. Gould Inc. et al.</i>)	590
No. 143. United States Court of Appeals, Second Circuit, 24 November 1992 (<i>Iran Aircraft Industries and Iran Helicopter Support and Renewal Company v. Avco Corporation</i>)	596
 Part V – B. Court Decisions on the European Convention 1961	607
<i>List of Contracting States and Signatories (as of 1 April 1993)</i>	609
<i>Excerpts of Court Decisions</i>	
<i>Belgium</i>	
No. E4. Hof van Beroep, Brussels, 15 October 1992 (<i>B.V. Haegens Bouw v. N.V. Theuma Deurenindustrie</i>)	612

<i>Spain</i>		
No. E9. Audiencia Provincial of Cadiz, 12 June 1991 (<i>Bahia Industrial, S.A. v. Eintacar-Eimar, S.A.</i>)		616
Part V – C. Court Decisions on the Washington Convention 1965		619
<i>List of Contracting States and Signatories (as of 7 January 1993)</i>		621
<i>Convention on the Settlement of Investment Disputes between States and Nationals of Other States of 1965 Explanatory Notes and Survey of its Application</i> by Dr. Aron Broches		627
Part VI – Articles on Arbitration		719
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.		719
Part VII – Bibliography		721
<i>I. General Bibliography</i>		723
<i>II. Countries</i>		740
<i>III. Journals on Arbitration</i>		749
List of ICCA Officers and Members		758