VOLUME XXIVa – 1999

Texas de stien	Page
Introduction Prof. Dr. Albert Jan van den Berg, General Editor	v
Table of Contents	ix
Preface Fali S. Nariman, President of ICCA	xix
Part I – National Reports	1
Note General Editor Table of Contents of International Handbook on Commercial Arbitration	1
Part II – A. Arbitral Awards	11
 Germany Hamburg Friendly Arbitration Final award of 29 December 1998 International Centre for Settlement of Investment Disputes (ICSID) Decision of 11 July 1997 on Objections to Jurisdiction and 	13
award of 9 March 1998 Fedax N.V. v. Republic of Venezuela	23
• Decision of the Tribunal on Objections to Jurisdiction, 24 May 1999 Ceskoslovenska Obchodni Banka, A.S. v. The Slovak Republic	44
International Chamber of Commerce (ICC) • Case no. 6497 of 1994, final award • Cases nos. 6515 and 6516 of 1994, final award • Case no. 6955 of 1993, final award • Case no. 7319 of 1992, partial award • Case no. 7337 of 1996, interim award • Case no. 8486 of 1996, final award • Case no. 8938 of 1996, final award	71 80 107 141 149 162 174

Italy Italian Arbitration Association	
 Final award in case no. 66/96 of 16 February 1998 	182 189
• Final award in case no. 75/97 of 20 July 1998 Chamber of National and International Arbitration of Milan	
• Final award in case no. 1795 of 1 December 1996	196
Japan	
Tokyo Maritime Arbitration Commission at the Japan Shipping Exchange • Final award of 18 March 1997	207
North American Free Trade Agreement (NAFTA) • Decision of 28 November 1997 and Award of 24 June 1998	211
Russian Federation	
International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation	
• Final award in case no. 31/1998 of 20 October 1998	236 240
• Final award in case no. 17/1998 of 8 February 1999	240
Index of Arbitral Awards	247
Introduction	247
Index of Arbitral Awards	249
Part II – B. Court Decisions on Arbitration	263
Egypt	
Cairo Court of Appeal, 5 December 1995	
Ministry of Defense of the Republic of Egypt v. Chromalloy Aeroservices Inc.	265
European Union	
Court of Justice of the European Communities, 17 November 1998 Van Uden Maritime BV trading as Van Uden Africa Line	
v. Kommanditgesellschaft in Firma Deco-Line and Another	269
FranceCour d'Appel, Paris, 1 July 1997	
Agence Transcongolaise des Communications – Chemin de fer	
Congo Océan (ATC-CFCO) v. Compagnie Minière de l'Ogooue – Comilog S.A.	281
Cour d'Appel, Paris, 15 September 1998 Cali Defense Sectors Inc. International Chamber of Community	297
Cubic Defense Systems, Inc. v. International Chamber of CommerceCour d'Appel, Paris, 19 June 1998	287
UNESCO – United Nations Educational, Scientific and Cultural	
Organisation, in the person of its legal representatives v. Max-Henri Boulois	294

 American Arbitration Association (AAA) Commercial Mediation Rules, 1 January 1999 Commercial Arbitration Rules, 1 January 1999 Expedited Procedures, 1 January 1999 Optional Procedures for Large, Complex Commercial Disputes, 1 January 1999 Optional Rules for Emergency Measures of Protection, 1 January 1999 China International Economic and Trade Arbitration Commission (CIETAC) 	361 366 380 382 385
 Commercial Mediation Rules, 1 January 1999 Commercial Arbitration Rules, 1 January 1999 Expedited Procedures, 1 January 1999 Optional Procedures for Large, Complex Commercial Disputes, 1 January 1999 	366 380
 Commercial Mediation Rules, 1 January 1999 Commercial Arbitration Rules, 1 January 1999 Expedited Procedures, 1 January 1999 	366
Commercial Mediation Rules, 1 January 1999	
American Arbitration Accoration (AAA)	2(1
A . A	
Part III – A. Arbitration Rules	359
Index of Articles	354
1998 Dajen (Pvt) Ltd. v. Durco (Pvt) Ltd.	353
 Durco (Pvt) Ltd. v. Dajen (Pvt) Ltd. Case 234. Supreme Court of Zimbabwe, 22 June and 7 September 	352
Zimbabwe • Case 233. Harare High Court, 10 July and 20 August 1997	250
Case Law on UNCITRAL Texts (CLOUT)	351
Part II – C. Court Decisions Applying the UNCITRAL Model Law	349
Tony Brower, et al. v. Gateway 2000, Inc., et al.	343
 Supreme Court of New York, Appellate Division, First Department, 13 August 1998 	
United States	549
Court of Appeal, Civil Division, 30 January 1998 Sion Soleimany v. Abner Soleimany	329
A.I. Trade Finance Inc. v. Bulgarian Foreign Trade Bank Ltd. United Kingdom	321
• Svea Court of Appeal, Dept. 16, 30 March 1999	
 Swedish Supreme Court, 15 October 1997 MS "EMJA" Braack Schiffahrts KG v. Wärtsilä Diesel Aktiebolag 	317
Sundaram Finance Ltd. v. NEPC India Ltd. Sweden	309
<i>India</i> • Supreme Court of India, 13 January 1999	
Oberlandesgericht Düsseldorf, 18 July 1997 Not indicated v. Not indicated	303
Germany	270
Implementation Authority of the Great Man-Made River Project	296
• Cour d'Appel, 1 July 1999 Braspetro Oil Services Company – Brasoil v. The Management and	

 International Bar Association (IBA) IBA Rules on the Taking of Evidence in International Commercial Arbitration: David W. Rivkin IBA Rules on the Taking of Evidence in International Commercial Arbitration, 1 June 1999 Stockholm Chamber of Commerce (SCC) Arbitration Institute Arbitration Rules, 1 April 1999 Rules for Expedited Arbitrations, 1 April 1999 Mediation Institute Mediation Rules, 1 April 1999 	408 410 420 435 448
Part III – B. Iran-US Claims Tribunal	455
Introduction Survey of Awards, Decisions and Orders	457 460
 Awards of the Full Tribunal Case A15(IV)/A24 (590-A15(IV)/A24-FT), 28 December 1999 The Islamic Republic of Iran v. The United States of America 	472
• Case A27 (586-A27-FT), 5 June 1998 The Islamic Republic of Iran v. The United States of America Awards of the Chambers	512
 Case 457 (585-457-1), 5 March 1998 George E. Davidson v. The Islamic Republic of Iran Case 953 (587-953-2), 2 July 1998 Kamran Hakim v. The Islamic Republic of Iran 	524 537
Part IV – Recent Developments in Arbitration Law and Practice	549
Introduction Belgium Costa Rica Ireland Latvia Macao Sweden Taiwan Venezuela	551 553 554 555 556 557 559 560
Part V – A. Court Decisions on the New York Convention 1958	563
Prof. Dr. Albert Jan van den Berg Introduction List of Contracting States (as of 1 October 1999)	565 568

Excerpts of Court Decisions

Australia	
No. 15. Supreme Court, New South Wales, Commercial Division,	
26 March 1998	
American Diagnostica, Inc. v. Gradipore Ltd. and Centerchem, Inc.	574
• No. 16. Supreme Court of Victoria, Causes Jurisdiction, 16	
October 1998	
ABI Group Contractors Pty. Ltd. v. Transfield Pty. Limited and	501
Obayashi Corporation	591
Belgium	
No. 11. Cour de Cassation, 5 June 1998 Inter Arch Investment Construction y Penners Arche	
Inter-Arab Investment Guarantee Corporation v. Banque Arabe et Internationale d'Investissements	603
el Internationale a Investissements Bermuda	005
No. 4. Supreme Court of Bermuda, Civil Jurisdiction 1993, 21	
January 1994	
Skandia International Insurance Company et al. v. Al Amana	
Insurance and Reinsurance Company et al. v. Al Amana Insurance and Reinsurance Company Limited	615
European Union	015
• No. 1. Court of Justice of the European Communities, 1 June 1999	
<i>Eco Swiss China Time Ltd. v. Benetton International N.V.</i>	629
France	02)
No. 29. Cour d'Appel, Paris, 22 September 1995	
Dubois & Vanderwalle v. Boots Frites BV	640
• No. 30. Cour de Cassation, 24 March 1998	
Excelsior Film TV, srl v. UGC-PH	643
Germany	
• No. 48. Bayerisches Oberstes Landesgericht, 17 September 1998	
Not indicated v. Not indicated	645
Hong Kong	
• No. 14. High Court of the Hong Kong Special Administrative	
Region, Court of First Instance, 30 November 1998	
T.K. Bulkhandling GmbH v. Meridan Success International Limited	648
No. 15. Court of Final Appeal of the Hong Kong Special	
Administrative Region, 9 February 1999	
Hebei Import & Export Corporation v. Polytek. Engineering	
Company Limited	652
India	
• No. 28. Supreme Court, 4 December 1997	
Sumitomo Heavy Industries Ltd v. ONGC Ltd and another	678
 No. 29. Delhi High Court, 19 February 1999 	
Fuerst Day Lawson Ltd. v. Jindal Exports Ltd.	688
Iran-United States Claims Tribunal	
• Iran-United States Claims Tribunal, Case A27 (586-A27-FT),	
5 June 1998	
The Islamic Republic of Iran v. The United States of America	696
<i>Italy</i>No. 150. Corte di Cassazione, 20 September 1995	

srl Campomarzio Impianti v. Lampart Vegypary Gepgyar	698
No. 151. Corte di Appello, Bologna, 27 May 1996 Bastogi SpA v. Kone Italia SpA	703
 No. 152. Corte di Cassazione, 23 April 1997 	
Dalmine S.p.A. v. M. & M. Sheet Metal Forming Machinery A.G.	709
Luxembourg	
No. 2. Cour d'Appel, 28 January 1999	
Sovereign Participations International S.A. v. Chadmore Developments	
Ltd.	714
Netherlands	
• No. 25. Arrondissementsrechtbank, Zutphen, 11 November 1998	
China Packaging Design Corporation v. SCA Recycling Reukema	
Trading B.V.	724
Switzerland	
No. 32. Bundesgerichtshof, 19 December 1997	
Compañía Minera Condesa SA and Compañía de Minas Buenaventura	
SA v. BRGM-Pérou SAS and ICC Arbitral Tribunal	727
United Kingdom	121
• No. 52. High Court, Queen's Bench Division (Commercial Court),	
20 January 1997 China Amihusing Development Contensition v. Balli Trading	732
China Agribusiness Development Corporation v. Balli Trading	132
No. 53. Queen's Bench Division (Commercial Court), 20 January 1999	
	720
Minmetals Germany GmbH v. Ferco Steel Ltd.	739
• No. 54. Court of Appeal (Civil Division), 12 May 1999	752
Westacre Investments, Inc. v. Jugoimport – SDPR Holding	753
• No. 55. High Court of Justice, Queen's Bench Division	
(Commercial Court), 24 May 1999	
Omnium de Traitement et de Valorisation S.A. v. Hilmarton	777
United States	
• No. 270. United States District Court, Southern District of	
New York, 15 June 1995 and United States Court of Appeals	
for the Second Circuit, 22 March 1996	
Montauk Oil Transportation Corporation v. Steamship Mutual	
Underwriting Association (Bermuda) Limited	786
No. 271. United States District Court, Western District of	
Tennessee, Western Division, 14 February 1996	
Indocomex Fibres Pte., Ltd. v. Cotton Company International, Inc.	792
No. 272. United States District Court, Central District of	
California, 1 May 1997	
Walker & Zanger (West Coast) Ltd. v. Stone Design S.A.	800
• No. 273. United States District Court, District of Colorado,	
17 June 1997	
Mangistaumunaigaz Oil Production Association v. United World	
Trade, Inc.	806
• No. 274. United States Court of Appeals, Second Circuit,	
23 March 1998	
AAOT Foreign Economic Association (VO) Technostroyexport v.	
International Development and Trade Services, Inc.	813
international Development and I have Solders, Inc.	010

•	No. 275. United States District Court, Southern District of New York, 20 May 1998	
	NAR S.p.A. – Industria Nastri Adesivi v. I.R. Industries, Inc.	817
•	No. 276. United States Court of Appeals, Eleventh Circuit,	
	22 May 1998	
	Industrial Risk Insurers et al. v. M.A.N. Gutehoffnungshütte GmbH	819
•	No. 277. United States District Court, Southern District of	
	Florida, Miami Division, 13 July 1998	
	Cavalier Construction Company, Ltd. (Bahamas), et al. v. The Bay	
	Hotel and Resort, Ltd., et al.	832
•	No. 278. Court of Appeals of the State of Washington, 27 July 1998	
	Kamaya Co., Ltd. et al. v. American Property Consultants, Ltd. et al.	836
•	No. 279. United States District Court, Southern District of New	
	York, 5 August 1998 and 29 September 1998	
	US Titan, Inc. v. Guangzhou Zhen Hua Shipping Co., Ltd.	847
•	No. 280. United States Court of Appeals, Second Circuit,	
	2 September 1998	
	Europcar Italia, S.p.A. v. Maiellano Tours, Inc.	860
•	No. 281. United States Court of Appeals, Ninth Circuit,	
	4 September 1998	
	Randall R. Melton v. Oy Nautor A.b.	871
٠	No. 282. United States District Court, Southern District of	
	California, 7 December 1998	
	The Ministry of Defense and Support for the Armed Forces of	
	The Islamic Republic of Iran v. Cubic Defense Systems, Inc.	875
٠	No. 283. United States Court of Appeals, Fifth Circuit,	
	8 December 1998	
	China National Machinery Import and Export Corporation v. Trans	
	Chemical Limited	882
•	No. 284. United States Court of Appeals, Second Circuit,	
	26 January 1999	
	National Broadcasting Company, Inc. et al. v. TV Azteca S.A. de	004
	C.V. et al.	884
•	No. 285. United States District Court, Southern District of	
	New York, 3 February 1999	
	Gerling Global Reinsurance Corporation, U.S. Branch v. The Yasuda	892
	Fire & Marine Insurance Co., Ltd.	692
•	No. 286. United States Court of Appeals, Second Circuit, 17 March 1999	
	American Bureau of Shipping v. Tencara Shipyard S.p.A. et al.	895
	No. 287. United States Court of Appeals, Second Circuit,	095
-	29 July 1999	
	Kahn Lucas Lancaster, Inc. v. Lark International Ltd.	900
•	No. 288. United States Court of Appeals, Second Circuit,	900
·	12 August 1999	
	Baker Marine (Nig.) Ltd. v. Chevron (Nig.) Ltd. et al.	909

Part V - B. Court Decisions on the European Convention 1961	
List of Contracting States and Signatories (as of 1 October 1999) Excerpts of Court Decisions	917
 Austria No. E3. Oberster Gerichtshof, 20 October 1993 and 23 February 1998 	
Kajo-Erzeugnisse Essenzen GmbH v. DO Zdravilisce Radenska Germany	919
 No. E14. Bundesgerichtshof, 23 April 1998 Buyer v. Seller 	928
Part V – C. Court Decisions on the Washington Convention 1965	935
List of Contracting States and Signatories (as of 4 October 1999)	937
Part V – D. Court Decisions on the Panama Convention 1975	943
List of Contracting States and Signatories (as of 1 October 1999) Excerpts of Court Decisions	945
 United States No. P4. United States District Court, District of Delaware, 29 October 1998 American Life Insurance Company v. Carlos D. Parra et al. No. P5. United States District Court, Western District of Wisconsin, 5 January 1999 	947
Employers Insurance of Wausau, A Mutual Company v. Banco Seguros Del Estado	958
Part VI – Articles on Arbitration	969
Part VII – Bibliography	971
I. General II. Countries III. Journals on Arbitration	973 989 1005
List of ICCA Officers and Members	1015