TABLE OF CONTENTS
VOLUME XVII – 1992

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

Yearbook Comm. Arb'n XVII (1992) ix
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)

Introduction
Index Awards – 1

Index of Arbitral Awards, Volumes XVI (1991) and XVII (1992)
Index Awards – 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,
Opinion of Mr Advocate General Marco Darmon in Case C-190/89
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

*European Development Fund*
- Procedural Rules on Conciliation and Arbitration of Contracts Financed by the European Development Fund, Introduction by Ole Scott-Larsen
- Procedural Rules on Conciliation and Arbitration of Contracts Financed by the European Development Fund, 1991

*India Council of Arbitration*

*Japan Commercial Arbitration Association*
- Introduction by Hiroshi Hattori
- Administrative and Procedural Rules for Arbitration under the UNCITRAL Arbitration Rules, 1 June 1991

Part III – B. Iran-US Claims Tribunal

*Introduction*

*Survey of Awards and Decisions and Orders*

*Award of the Full Tribunal*
- Case A15(I:C) (ITL 78-A15(I:C)-FT), 12 November 1990 (Islamic Republic of Iran v. United States of America)

*Awards and Orders of the Chambers*
- Cases 44, 46 and 47, 26 July 1991 (Shahin Shaine Ebrahimimi, et al.)
- Order of Chamber Three
- Case 227 (514-227-3), 1 July 1991 (Eastman Kodak Company)
- Case 248 (509-248-1), 1 May 1991 (Roy P.M. Carlson)
- Case 308 (506-308-2), 18 February 1991 (Combustion Engineering, Inc., et al.) Partial Award
- Case 382 (523-382-3), 29 October 1991 (Behring International, Inc.)
- Case 386 (507-386-1), 15 March 1991 (General Electric Company)
- Case 474 (503-474-3), 18 January 1991 (Phibro Corporation)

*Decision of the Appointing Authority*
- Decision of the Appointing Authority of 26 September 1991 Concerning the Challenge to Mr. Gaetano Arangio-Ruiz

Part IV – Recent Developments in Arbitration Law and Practice

China, PR 453

England 456
  V.V. Veeder Q.C.

Scotland 460


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

FR Germany
  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
  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

xii Yearbook Comm. Arb’n XVII (1992)
No. 110 Corte di Cassazione, 3 April 1987 (no. 3221) (SpA Abati Legnami v. Fritz Häusli) 
No. 111 Tribunale, Bologna, 18 July 1987 (Coveme SpA v. CFI – Compagnie Française des Isolants SA) 
No. 112 Tribunale, Milan, 8 January 1990 (Paolo Donati and Lupalu (HK) Ltd v. SAIMA) 
No. 113 Corte di Appello, Genoa, 3 February 1990 (Della Sanara Kustvaart – Bevrachting & Overslagbedrijf BV v. Fallimento Cap. Giovanni Coppola srl, in liquidation) 
No. 114 Corte di Cassazione, 8 August 1990 (no. 7995) (Vento & C snc v. E. D. & F. Man (Coffee) Limited) 
No. 115 Corte di Cassazione, 18 October 1990 (no. 10151) (Gri Settimo & Figli snc v. Pik Vrbovec Mesna Industrija and Krmiva Radna Organizacija) 
No. 117 Corte di Cassazione, 13 March 1991 (no. 2846) (Fratelli Damiano snc v. August Topfer & Co.) 
No. 118 Corte di Cassazione, 28 March 1991 (no. 3362) (Universal Peace Shipping Enterprises SA v. Montedipe SpA) 

Korea 
No. 1 High Court of Seoul, 9 March 1988 (Hanyang Konyoung Co. Ltd. v. Mantovani O & C S.P.A.) 
No. 2 Supreme Court, 10 April 1990 (Kukje Sangsa Co. Ltd. v. GKN International Trading (London) Limited) 

Netherlands 
No. 14 President, Rechtbank, Amsterdam, 24 April 1991 (V/O Tractoroexport v. Dimpex Trading B.V.) 

Republic of China (Taiwan) 
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.) 

Switzerland 
No. 20 Appellationsgericht, Basel-Stadt, 27 February 1989 (N.Z. v. I.) 
No. 21 Handelsgericht Zurich, 20 April 1990 

United Kingdom 
No. 30 High Court of Justice, Queen’s Bench Division, 21 December 1988 (Gatoil International Inc. v. National Iranian Oil Company) 

No. 31 House of Lords, 25 January 1990 (Kate Shipping Co. Ltd. v. 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. 114 United States District Court, M.D. Tennessee, Nashville Division, 14 August 1990 (Tennessee Imports, Inc. v. Pier Paulo Filippi and Prix Italia, s.r.l.) 620
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. 120 United States District Court, Eastern District of Louisiana, 31 January 1991 (Sembawang Shipyard, Ltd. v. M/V Charger) 682


List of Contracting States and Signatories (as of 1 February 1992)


Part V – C. Court Decisions on the Washington Convention 1965

List of Contracting States and Signatories (as of 10 January 1992)

Excerpts of Court Decisions

France


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 – Bibliography

I. General Bibliography

II. Countries

III. Journals on Arbitration

List of ICCA Officers and Members