

INTERNATIONAL COUNCIL
FOR COMMERCIAL ARBITRATION

YEARBOOK
COMMERCIAL ARBITRATION
VOLUME XIII – 1988

GENERAL EDITOR
ALBERT JAN VAN DEN BERG

with the cooperation of the
T.M.C. Asser Instituut, Institute for International and European Law, The Hague

Distribution in the U.S.A. and Canada
Kluwer Law and Taxation Publishers
101 Philip Drive
Norwell, MA 02061
U.S.A.

“The Library of Congress has cataloged this serial publication as follows:”

Yearbook: commercial arbitration. v. 1- 1976-
Deventer, Netherlands, Kluwer.

v. 24 cm.

Annual.

At head of title: International Council for Commercial Arbitration.

1. Arbitration and award-Yearbooks. I. International Council for
Commercial Arbitration.

K2400.A53Y4

346.07'0269

76-649721

MARC-S

Library of Congress

77,8206r80,rev

D/1988/2664/30

ISBN 90 6544 359 2

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Deventer/The Netherlands

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INTRODUCTION

The appearance of this Volume of the Yearbook coincides with ICCA's Interim Meeting in Tokyo, 31 May – 3 June 1988. At this meeting, two interesting main subjects will be discussed: (1) Arbitration in Settlement of International Commercial Disputes involving the Far East, and (2) Arbitration in Combined Transportation (for Program, see this Volume, pp. xxi - xxv). The reports of this meeting will be published in ICCA's Congress Series, no. 4 (to appear at the end of 1988).

Most readers will have become familiar with the Yearbook's companion publication, ICCA's *International Handbook on Commercial Arbitration*. This publication, under the editorship of Prof. Pieter Sanders, contains National Reports in the same format as those appearing in Volumes I (1976) – XII (1987) of the Yearbook. Because of its loose-leaf format, the International Handbook is continuously kept up to date. The International Handbook also reproduces, as annex to each National Report, the relevant statutory texts on arbitration. These texts are translated into English if they are in another language.

As all National Reports can conveniently be found in the International Handbook and in order to avoid an overlapping with the Yearbook, new National Reports will in principle no longer appear in Part I – A of the Yearbook.

The most significant changes in the law and practice in the various countries are to be reported in Part IV of the Yearbook, entitled "Recent Developments in Arbitration Law and Practice". In the present Volume, such changes are briefed, or reproduced, in this Part with respect to Australia, Canada, Greece, Italy and Switzerland.

Part V is traditionally devoted to the New York Convention of 1958, containing excerpts of court decisions in which the Convention is interpreted and applied in various Contracting States as well as a Commentary on these decisions. As of the present Volume, Part V is expanded to include court decisions on the European (Geneva) Convention of 1961 (Part V – B) and the Washington (ICSID) Convention of 1965 (Part V – C). This expansion is necessary since both Conventions are increasingly relied upon in court decisions.

The Commentary on court decisions involving the New York Convention does not appear in Part V – A of this Volume for technical reasons. The next Volume of the Yearbook will contain a Consolidated Commentary on the decisions reported in Volumes XIII (1988) and XIV (1989).

This Volume again contains a broad selection of arbitral awards (Part II – A), court decisions on arbitration in several countries (Part II – B), arbitration rules (Part III – A), and materials on the Iran-US Claims Tribunal (Part III – B). Part VI concerning Articles on Arbitration unfortunately will not be used due to a lack of space. Part VII reports on new publications in the field of arbitration.

It is useful to draw the attention to *Yearbook Key 1987*, which accompanied Volume XII (1987) of the Yearbook. This 189 page booklet, which is intended to make the Yearbook more accessible, covers Volumes I through XII by providing:

- a consolidated table of contents;
- a cumulative subject index of arbitral awards;
- cumulative indexes of Commentaries and decisions per section on the New York Convention; and
- a documented list of decisions on the New York Convention.

A cumulative Yearbook Key will be prepared for publication in conjunction with one of the forthcoming Volumes of the Yearbook. In the interim, arbitral awards and court decisions on the New York Convention reported in this and future Volumes will be indexed separately in each Volume. Current research in the Yearbook can, therefore, be carried out in a systematic manner by first consulting Yearbook Key 1987 and by subsequently consulting the Volumes appearing thereafter.

I most sincerely thank the following persons for their support and assistance in preparing this Volume of the Yearbook:

- the staff of the Department of International Commercial Arbitration of the TMC Asser Institute, and in particular Ms Judy Freedberg, whose coordinating and editorial work was again invaluable;
- Ms Pauline IJdo, whose assistance was made available by my law firm, for preparing the index of arbitral awards;
- Ms Pascale van den Berg-de Wouters d'Oplinter who again generously made her free time available for translating a number of court decisions from French into English;
- Dott. Silvia van den Muijsenbergh-Borelli who also again generously made her free time available for preparing a number of excerpts of court decisions;

- Ms Ellen Meijkamp, my secretary, who again efficiently ensured the word-processing of the major part of the voluminous manuscript.

The editorial team of the Yearbook was advised by the Editorial Board of ICCA, which is, as of May 1987, composed of : Prof. Pieter Sanders, chairman (Netherlands); Prof. Giorgio Bernini, in his capacity of President of ICCA (Italy); Mr. Robert Coulson (USA); Dr. Ahmed Al-Kosheri (Egypt); Dr. Mauro Ferrante (Italy); Mr. Michel Gaudet (France); Prof. Pierre Lalive (Switzerland); Prof. Zhivko Stalev (Bulgaria); Prof. Dr. Ivan Szász (Hungary); and the undersigned, in his capacity of General Editor. The Editorial Board, whose advice is gratefully acknowledged, ensures a broad spectrum of reporting on international commercial arbitration.

Yet, above all, the Yearbook cannot function without its readers in more than 100 countries around the world. The Yearbook relies on their invaluable reporting of new developments in the field of arbitration by sending texts concerning recent changes in arbitration laws, arbitral awards (the confidentiality of which is ensured) and court decisions of general interest and, in particular, on the New York, European and Washington Conventions. Their names are acknowledged in the appropriate Parts of this Volume.

Rotterdam,
December 1987

Albert Jan van den Berg,
General Editor

Material for the *Yearbook* is to be addressed to :

Dr. Albert Jan van den Berg
c/o Van Doorne & Sjollema
Advocaten
PO Box 22105
3003 DC Rotterdam
The Netherlands
Telex : 24377 vdsr nl
Telephone : (10) 400 82 22
Telecopy : (10) 400 83 33

and/or
TMC Asser Institute
Department of International
Commercial Arbitration
PO Box 30461
2500 GL The Hague
The Netherlands
Telex : 32473 assen nl
Telephone : (70) 63 09 00 *
Telecopy : (70) 63 81 71 **

* As of latter part of 1988: (70) 363 09 00.

** As of latter part of 1988: (70) 363 81 71.

TABLE OF CONTENTS

VOLUME XIII – 1988

	Page
INTRODUCTION	
Dr. Albert Jan van den Berg, General Editor	v
TABLE OF CONTENTS	viii
PREFACE	
Prof. Giorgio Bernini, President of ICCA	xvi
ICCA TOKYO CONFERENCE 1988: PROGRAM	xxi

PART I

Note General Editor. As of this Volume, Part I – A will no longer contain National Reports. New National Reports along with relevant legal texts appear in the Yearbook's companion publication, *International Handbook on Commercial Arbitration*. Furthermore, Part I – B will no longer contain Updatings of National Reports. Updatings now appear in Part IV, "Recent Developments in Arbitration Law and Practice".

PART II

II – A. ARBITRAL AWARDS

Commercial Arbitration

AD HOC	
Interim Award of 17 October 1985, <i>The Western Company of North America v Oil and Natural Gas Commission (India)</i>	5
AMERICAN ARBITRATION ASSOCIATION	
Opinion of 15 September 1987, case no. 13T-117-063-85, <i>IBM v Fujitsu Ltd.</i>	24

INTERNATIONAL CENTRE FOR THE SETTLEMENT OF INVESTMENT DISPUTES	
Final award of 31 March 1986 and interim award of 24 October 1984, <i>Liberian Eastern Timber Corp. (LETCO) v The Government of the Republic of Liberia</i>	35
INTERNATIONAL CHAMBER OF COMMERCE	
Case no. 5073, 1986, partial award	53
Case no. 5195, 1986, partial award	69
Case no. 5277, 1987, second interim award	80
Case no. 5418, 1987, final award	91
Case no. 5460, 1987, final award	104
Case no. 5505, 1987, preliminary award	110

Maritime Arbitration

SOCIETY OF MARITIME ARBITRATORS, INC., NY	
Award of 30 September 1986, no. 2310, <i>Empresa Publica de Abastacimento de Cerais v Tradigrain, Inc. and Point Endeavor Corporation (The Point Margo)</i>	123
Award of 10 October 1986, no. 2315, <i>Amoco Iran Oil Company and Amoco Transport Company v Tradax Export SA (The Carlantic)</i>	129
Award of 24 April 1987, no. 2373, <i>Buques Centroamericanos SA v Refinadora Costaricense de Petroleo SA (The Team Augwi)</i>	132
US Court of Appeals (Fifth Circuit) 27 March 1987, <i>Valero Refining, Inc. v Trade and Transport, Inc. (The Lauberhorn)</i>	138
USSR MARITIME ARBITRATION COMMISSION	
Award no. 38/1983	143

INDEX OF ARBITRAL AWARDS, VOLUME XIII

The Consolidated Index of Arbitral Awards, Volumes I-XII is contained in the **Yearbook Key**, which accompanies Yearbook XII.

INTRODUCTION	Index Awards – 1
INDEX OF ARBITRAL AWARDS, VOLUME XIII	Index Awards – 3

II – B. COURT DECISIONS ON ARBITRATION

FRANCE

Cour d'appel, Pau, 26 November 1986, *Sponsor AB v FL Lestrade, J-LP Lestrade and MH Lestrade* 149

Cour de Cassation, 6 January 1987, *Southern Pacific Properties, et al. v Arab Republic of Egypt* 152

UNITED KINGDOM

Court of Appeal, 10 November 1987, *Naviera Amazonica Peruana SA v Compania Internacional de Seguros del Peru* 156

UNITED STATES

Supreme Court, 3 March 1987, *Shearson/American Express, Inc., et al. v Eugene McMahon* 165

PART III

III – A. ARBITRATION RULES

INTERNATIONAL CHAMBER OF COMMERCE

ICC Rules of Conciliation and Arbitration, 1 January 1988

Introduction by Stephen Bond, Secretary General of the ICC Court of Arbitration 179

Standard ICC Arbitration Clause 181

ICC Rules of Optional Conciliation 182

ICC Rules of Arbitration 185

Appendix I – Statutes of the ICC Court of Arbitration 196

Appendix II – Internal Rules of the ICC Court of Arbitration 197

Appendix III – Schedule of ICC Conciliation and Arbitration Costs 200

NETHERLANDS ARBITRATION INSTITUTE

NAI Arbitration Rules, 1 December 1986 205

SOCIETY OF MARITIME ARBITRATORS, INC., NEW YORK

Society of Maritime Arbitrators Guidelines: Chairmanships and Award Issuance 233

III – B. IRAN-US CLAIMS TRIBUNAL

INTRODUCTION	239
SURVEY OF AWARDS AND DECISIONS	243
AWARDS AND DECISIONS OF THE FULL TRIBUNAL	249
Case A15(I:G) (306-A15(I:G)-FT), 4 May 1987 (<i>Islamic Republic of Iran v United States of America</i>)	249
Case A15(II:A & II:B) (DEC 52-A15(II:A & II:B)-FT), 24 November 1986 (<i>Islamic Republic of Iran v United States of America</i>)	255
Case A19 (DEC 65-A19-FT), 30 September 1987 (<i>Islamic Republic of Iran v United States of America</i>)	258
Case A21 (DEC 62-A21-FT), 4 May 1987 (<i>Islamic Republic of Iran v United States of America</i>)	262
AWARDS, DECISIONS AND ORDERS OF THE CHAMBERS	266
Case B71 (277-B71-2), 6 December 1986 (<i>State University of New York College of Environmental Science and Forestry</i>)	266
Case B72 (276-B72-2), 16 December 1986 (<i>Iowa State University of Science and Technology</i>)	268
Case 18 (DEC 55-18-1), 19 December 1986 (<i>PepsiCo, Inc.</i>)	270
Case 24 (314-24-1), 14 August 1987 (<i>Starrett Housing Corporation, Starrett Systems, Inc., Starrett Housing International, Inc.</i>)	271
Case 36 (DEC 54-36-1), 18 December 1986 (<i>Flexi-Van Leasing, Inc.</i>)	284
Case 48 (DEC 58-48-3), 19 March 1987 (<i>American Bell International, Inc.</i>)	286
Cases 74, 76, 81, 150 (311-74/76/81/150-3), 14 July 1987 (<i>Mobil Oil Iran, Inc., Mobil Sales and Supply Corporation; San Jacinto Eastern Corporation; San Jacinto Service Corporation; Arco Iran, Inc., Atreco Inc.; Exxon Corporation, Esso Trading Company of Iran</i>)	288
Case 93 (289-93-1), 29 January 1987 (<i>Ford Aerospace & Communications Corporation</i>)	293
Case 114 (DEC 53-114-3), 10 December 1986 (<i>United Technologies International, Inc.</i>)	298
Case 123 (290-123-1), 29 January 1987 (<i>International Schools Services, Inc.</i>)	302
Case 123 (DEC 61-123-1), 28 April 1987 (<i>International Schools Services, Inc.</i>)	309
Case 154 (322-154-3), 28 October 1987 (<i>Exxon Corporation</i>)	311

Case 167 (ITL 65-167-3), 10 December 1986 (<i>Anaconda-Iran, Inc.</i>)	317
Case 209 (297-209-1), 22 April 1987 (<i>William J. Levitt</i>)	336
Case 298 (ITL 66-298-2), 12 January 1987 (<i>James M. Saghi, Michael R. Saghi, Allan J. Saghi</i>)	343
Case 353 (292-353-2), 12 February 1987 (<i>FMC Corporation</i>)	348
Case 389 (ITL 67-389-2), 12 February 1987 (<i>Westinghouse Electric Corporation</i>)	359
Case 498 (ITM 64-498-1), 4 December 1986 (<i>Paul Donin de Rosiere, Panacaviar, S.A.</i>)	364
Case 834 (295-834-2), 27 March 1987 (<i>Schlegel Corporation</i>)	367
Case 10832 (Order of 18 February 1987) (<i>Harold Birnbaum</i>)	373
Case 12783 (275-12783-3), 15 December 1986 (<i>Parguin Private Joint Stock Company</i>)	375

PART IV

RECENT DEVELOPMENTS IN ARBITRATION LAW AND PRACTICE

AUSTRALIA	
Prof. John Goldring and Mr. A.G. Christie	381
CANADA	
Prof. L. Kos-Rabcewicz-Zubkowski	393
GREECE	
Prof. Anghélos Foustoucos	417
ITALY	
Prof. Giorgio Bernini	420
SWITZERLAND	
Federal Statute on Private International Law of 18 December 1987, Chapter 12, International Arbitration	446

PART V

V – A. COURT DECISIONS ON THE NEW YORK CONVENTION

Dr. Albert Jan van den Berg

INTRODUCTION	455
LIST OF CONTRACTING STATES AND EXTENSIONS (as of 1 January 1988)	457
INDEX OF COURT DECISIONS REPORTED IN VOLUME XIII	460
EXCERPTS OF COURT DECISIONS	
FRANCE	
No 12 Cour d'appel, Paris, 20 January 1987, <i>Bomar Oil NV v Entreprise Tunisienne d'Activités Pétrolières – ETAP</i>	466
FR GERMANY	
No 31 Bundesgerichtshof, 26 March 1987, <i>Swiss and German buyer v German seller</i>	471
INDIA	
No 12 Supreme Court, 16 January 1987, <i>Oil and National Gas Commission (ONGC) v The Western Company of North America</i>	473
No 13 High Court of Delhi, 30 July 1986, <i>Chimimport Export v State Trading Corporation of India Ltd.</i>	493
No 14 High Court of Calcutta 1986, <i>Josef Meissner GmbH & Co. v Kanoria Chemicals & Industries Ltd.</i>	497
ITALY	
No 94 Corte di Cassazione, 16 October 1985, no. 5071, <i>SpA Cifuindus v OFAG- Ofenbau und Feuerungstechnik AG</i>	504
No 95 Corte di Cassazione, 29 October 1986, no. 6339, <i>Compañia Española de la Penicilina y Antibióticos SA v Crinos Industria Farmacologica SpA</i>	509
SPAIN	
No 12 Tribunal Supremo, 30 January 1986, <i>SA X (Belgium) v Mr. Y (Spain)</i>	512
No 13 Corte de Primera Instancia, Barcelona, 31 July 1984; Audiencia Territorial, Barcelona, 11 April 1984; <i>Desarrollo Cultural SA v Le Club Méditerranée SA</i>	513
SWITZERLAND	
No 16 Tribunal de première instance, 21 May 1987, <i>Continaf BV v Polycoton SA</i>	516

UNITED KINGDOM

- No 22 Court of Appeal, 24 March 1987, *Deutsche Schachtbau- und Tiefbohrgesellschaft mbH v Ras Al Khaimah National Oil Co. and Shell International Petroleum Co. Ltd.* 522

UNITED STATES

- No 73 US District Court, Southern District of New York, 28 August 1986, *Victrix Steamship Co., SA v Salen Dry Cargo AB* 537
- No 74 US District Court, Southern District of New York, 5 January 1987, *Brandeis Intsel Ltd. v Calabrian Chemicals Corp.* 543
- No 75 US District Court, Southern District of New York, 20 March 1987, *Builders Federal (Hong Kong) Ltd., and Josef Gartner & Co. v The Turner Construction, Turner Construction Company and Turner International Industries, Inc.* 556
- No 76 US Court of Appeals (Second Circuit), 1 April 1987, *Genesco, Inc. v Kakiuchi & Co., T. Kakiuchi America, Inc.* 567
- No 77 US District Court, Southern District of New York, 10 April 1987, *Eastern Europe, Inc. v Transportmaschinen, Export-Import* 588
- No 78 US Court of Appeal for the Fifth Circuit, 21 May 1987, *National Oil Company of Iran (NIOC) v Ashland Oil, Inc.* 591
- No 79 US District Court, Southern District of New York, 29 June 1987, *I. Martin Spier v Calzaturificio Tecnica SpA* 602
- No 80 Supreme Court of New York City, Appellate Division, 19 June 1986, *Intermar Overseas, Inc. v Argocean SA* 609
- No 81 US Court of Appeals (Ninth Circuit), 8 July 1987, *Management & Technical Consultants SA v Parsons-Jurden* 611

V – B. COURT DECISIONS ON THE EUROPEAN CONVENTION 1961

- INTRODUCTION 619
- LIST OF CONTRACTING STATES 621
- LIST OF CASES 624

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

- INTRODUCTION 633
- LIST OF CONTRACTING STATES 634
- EXCERPTS OF COURT DECISIONS

NEW ZEALAND	
No 1 High Court, Wellington, June 1987, <i>The Government of New Zealand v Mobil Oil New Zealand Ltd. et al.</i>	638
SWITZERLAND	
No 2 Surveillance Authority, 7 October 1986, <i>Maritime International Nominées Establishment (MINE) v The Republic of Guinea</i>	655
UNITED STATES	
No 1 US District Court, Southern District of New York, 12 December 1986, <i>Liberian Eastern Timber Corp. (LETCO) v The Government of Liberia</i>	661
LIST OF CASES	668

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	677
II. COUNTRIES (see also Chap. I.3 Updatings in Part IV)	692
III. JOURNALS ON ARBITRATION	705
LIST OF ARBITRAL INSTITUTIONS	713
LIST OF ICCA MEMBERS AND OFFICERS	738