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FOR COMMERCIAL ARBITRATION

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GENERAL EDITOR
ALBERT JAN VAN DEN BERG

with the assistance of
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INTRODUCTION

The twenty-second Volume of Yearbook Commercial Arbitration continues to be guided by the aims of ICCA to encourage the use of international commercial arbitration as a means of settling disputes in international trade and to promote knowledge of arbitration. The Yearbook strives to fulfil these aims by providing an up-to-date relevant selection of arbitral awards, court decisions, arbitration rules and similar texts which together provide a global perspective of the current state of international commercial arbitration.

While the basic framework of the Yearbook still adheres to the concept developed in the first Volume in 1976, National Reports which were originally contained in Part I have been transplanted to the Yearbook's companion publication, the loose-leaf *International Handbook on Commercial Arbitration* where each National Report is accompanied by the text of the arbitration legislation of the country concerned. To illustrate this link, the Table of Contents of the Handbook is reproduced in Part I of the Yearbook. The Yearbook has also sprouted several new branches. This year's new growth is represented by the new Part V - D which reports court decisions on the Panama Convention 1975.

Another recent addition to the Yearbook is Part II - C which reproduces the excerpts of court decisions applying the UNCITRAL Model Law on International Commercial Arbitration published in UNCITRAL's periodical, *Case Law on UNCITRAL Texts (CLOUT)*. The addition of this Part is symbolic of UNCITRAL's growing significance as a source of instruments and texts which are gaining ever increasing acceptance by States, arbitral institutions and practitioners of arbitration. Part II - A contains for the first time two challenge decisions taken by Appointing Authorities called upon to decide on the challenge of an arbitrator under the UNCITRAL Rules. Part III - A reproduces the newly issued UNCITRAL Notes on Organizing Arbitral Proceedings. The UNCITRAL Arbitration Rules have also served as the source for the Permanent Court of Arbitration arbitration rules reproduced in Part III - A. Moreover, Part III - B contains awards and decisions of the Iran-US Claims Tribunal, whose proceedings are conducted under an adapted version of the UNCITRAL Arbitration Rules. Part IV on Recent Developments in Arbitration Law and Practice provides summaries of new or amended arbitration legislation, all of which find their inspiration in the UNCITRAL Model Law.

The largest branch of the Yearbook framework is Part V - A reporting on the New York Convention 1958 which this year contains sixty-nine decisions

INTRODUCTION

from nineteen countries. The Yearbook concludes with a Bibliography announcing new publications both in the field of international commercial arbitration and closely related fields such as ADR and new commercial dispute resolution mechanisms established by the WTO and NAFTA.

I would like to thank each of the following persons for their unique contribution to the compilation of the Yearbook:

- Ms. Ellen Meijkamp, my secretary, for her assistance with the word processing of the manuscript;
- Ms. Mamie Mutchler, research assistant, who has assisted in every aspect of the production of the Yearbook;
- Ms. Hilmar Requena who has been solely responsible for the desk editing and production of the camera-ready-copies;
- D.ssa Silvia Borelli, former researcher at the Sanders Institute at the Erasmus University, Rotterdam, and presently employed by the Permanent Court of Arbitration as a member of the editorial staff, who once more prepared a great number of excerpts as well as translations of Dutch, German, French, Italian and Spanish language arbitral awards and court decisions (much of this in connection with her collaboration in the preparation of the second edition of *The New York Arbitration Convention of 1958*);
- Mrs. Judy Freedberg who has magnificently contributed to the substance of the Yearbook as well as managing the production of the Yearbook (also in connection with her collaboration in the preparation of the second edition of *The New York Arbitration Convention of 1958*).

In all of its publications, ICCA is advised by ICCA's Editorial Board composed of members and advisory members as follows: Prof. Giorgio Bernini, in his capacity as past President of ICCA; Prof. Karl-Heinz Böckstiegel (Germany); Mr. Robert Coulson (USA); M^e Yves Derains (France); Dr. Mauro Ferrante (Italy); M^e Michel Gaudet (France); Prof. Pierre Lalive (Switzerland); DDr. Werner Melis (Austria); Mr. Fali Nariman, President of ICCA (India); Prof. Tudor R. Popescu (Romania); Prof. José Luis Siqueiros (Mexico); Prof. Iván Szász (Hungary); Prof. Yasuhei Taniguchi (Japan); Prof. Pieter Sanders (Netherlands) as advisor and as of 1993 co-editor of the *International Handbook on Commercial Arbitration*, and the undersigned as General Editor of the ICCA publication.

The readers of the Yearbook throughout the world are also a major source of the materials which it contains. Therefore, may I call on you, as reader and user of the Yearbook, to submit texts concerning:

- recent changes in arbitration legislation

INTRODUCTION

- newly enacted arbitration rules
- arbitral awards (the confidentiality of which is ensured)
- court decisions of general interest and, in particular, court decisions applying the UNCITRAL Model Law or the New York, European, Washington or Panama Conventions.

The names of the readers who have provided materials for this Volume are acknowledged in the appropriate Parts.

1997 marked a change for the ICCA publications. The cooperation with the TMC Asser Institute came to an end and, as of 1 February 1997, the production of the ICCA publications will take place at the International Bureau of the Permanent Court of Arbitration (PCA) at the Peace Palace in The Hague. ICCA is most grateful to the International Bureau, and in particular to Mr. Hans Jonkman, Secretary-General of the PCA, for so generously arranging for this assistance in the production of the ICCA publications. ICCA was delighted that Mmes. Freedberg, Borelli and Requena, who have worked for many years on the ICCA publications, have assured the continuity of those publications by accepting employment at the International Bureau of the PCA. Special thanks also go to our publisher, Kluwer Law International, for facilitating the transition of the ICCA publications to their new address. Readers are kindly invited to take note of the new address at the Peace Palace (mentioned below), to which materials for the ICCA publications can be sent.

Amsterdam
August 1997

Albert Jan van den Berg
General Editor

Materials for the Yearbook are to be addressed to the General Editor or to the ICCA editorial staff at their new address at the International Bureau of the Permanent Court of Arbitration as indicated below.

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TABLE OF CONTENTS

VOLUME XXII – 1997

	Page
Introduction	
Prof. Dr. Albert Jan van den Berg, General Editor	v
Table of Contents	ix
Preface	
Fali S. Nariman, President of ICCA	xxi
Part I – National Reports	1
<i>Note General Editor</i>	
Table of Contents of <i>International Handbook on Commercial Arbitration</i>	1
Part II – A. Arbitral Awards	11
<i>Egypt</i>	
<i>Cairo Regional Centre for International Commercial Arbitration</i>	
Final award of 21 December 1995	13
<i>France</i>	
<i>Paris Chamber of Arbitration</i>	
Award of 8 March 1996	28
<i>Germany</i>	
<i>Hamburg Chamber of Commerce</i>	
Partial award of 21 March 1996 and final award of 21 June 1996	35
Award of 4 September 1996	51
Yearbook Comm. Arb'n XXII (1997)	ix

TABLE OF CONTENTS

<i>Hamburg Commodity Exchange (Grain Merchants' Association)</i>	
Award of 18 March 1994	53
Award of 7 December 1995	55
<i>Hamburg Friendly Arbitration</i>	
Interim award of 30 August 1996	57
<i>International Centre for Settlement of Investment Disputes</i>	
<i>American Manufacturing & Trading, Inc. v. Republic of Zaire</i>	
Award of 21 February 1997	60
<i>International Chamber of Commerce</i>	
Case no. 7063 of 1993, final award	87
Case no. 7236 of 1994, interim award	92
Case no. 7453 of 1994, final award	107
Case no. 7528 of 1993, partial award	125
Case no. 7626 of 1995, final award	132
Case no. 7661 of 1995, final award	149
Case no. 8362 of 1995, final award	164
<i>Italy</i>	
<i>Italian Arbitration Association</i>	
Final award in case no. 41/92 of 1993	178
Final award in case no. 57/94 of 24 November 1995	182
<i>Chamber of National and International Arbitration of Milan</i>	
Award of 2 February 1996	191
<i>Sweden</i>	
<i>Arbitration Institute of the Stockholm Chamber of Commerce</i>	
Interim award of 17 July 1992 and final award of 13 July 1993	197
<i>Switzerland</i>	
<i>Zurich Chamber of Commerce</i>	
Preliminary award of 25 November 1994	211
<i>UNCITRAL</i>	
Challenge decision of 15 April 1993	222
Challenge decision of 11 January 1995	227

TABLE OF CONTENTS

Index of Arbitral Awards	243
<i>Introduction</i>	243
<i>Index of Arbitral Awards</i>	245
Part II – B. Court Decisions on Arbitration	261
<i>Austria</i>	
Oberster Gerichtshof, 4 December 1994 (<i>Respondent v. Arbitral tribunal</i>)	263
<i>Germany</i>	
Oberlandesgericht, Dresden, 5 December 1994 (<i>Distributor v. Manufacturer</i>)	266
<i>India</i>	
Supreme Court of India, 18 November 1996 (<i>MMTC Limited v. Sterlite Industries (India) Ltd.</i>)	273
<i>United States</i>	
Supreme Court of the United States, 22 May 1995 (<i>First Options of Chicago, Inc. v. Kaplan, et uxor and MK Investments, Inc.</i>)	278
Part II – C. Court Decisions Applying the UNCITRAL Model Law	287
<i>Case Law on UNCITRAL Texts (CLOUT)</i>	289
<i>Bermuda</i>	
Case 127. The Supreme Court of Bermuda, 21 January 1994 (<i>Skandia International Insurance Company and Mercantile & General Reinsurance Company and various others</i>)	290
<i>Hong Kong</i>	
Case 128. Court of Appeal, 24 November 1995 (<i>Tai Hing Cotton Mill Limited v. Glencore Grain Rotterdam B.V. and another</i>)	292
Case 129. High Court of Hong Kong, 19 April 1996 (<i>Nassetti Ettore S.p.a. v. Lawton Development Limited</i>)	292
<i>Russian Federation</i>	
Case 146. Moscow City Court, 10 November 1994	293
Case 147. Moscow City Court, 13 December 1994	294
Case 148. Moscow City Court, 10 February 1995	294
Case 149. Moscow City Court, 18 September 1995	295

TABLE OF CONTENTS

<i>Index of Articles</i>	297
Part III – A. Arbitration Rules	301
<i>American Arbitration Association</i>	
International Arbitration Rules, 1 April 1997	303
<i>Commercial Arbitration and Mediation Center for the Americas</i>	
Mediation and Arbitration Rules, 15 March 1995	320
<i>International Chamber of Commerce</i>	
The 1998 Arbitration Rules of the International Chamber of Commerce: Foreword by Horacio A. Grigera Naón	345
Rules of Arbitration, 1 January 1998	347
<i>Japan Shipping Exchange: Tokyo Maritime Arbitration Commission (TOMAC)</i>	
TOMAC Arbitration Rules, 1 September 1996	371
TOMAC Simplified Rules, 1 September 1996	383
<i>Permanent Court of Arbitration</i>	
Optional Rules for Arbitration involving International Organizations and States, 1 July 1996	388
Optional Rules for Arbitration between International Organizations and Private Parties, 1 July 1996	409
Optional Conciliation Rules, 1 July 1996	430
<i>Stockholm Chamber of Commerce</i>	
Rules for Expedited Arbitrations, 1 July 1995	439
<i>UNCITRAL</i>	
Background Remarks by Jernej Sekolec	448
UNCITRAL Notes on Organizing Arbitral Proceedings, 1996	452
Part III – B. Iran-US Claims Tribunal	477
<i>Introduction</i>	479
<i>Survey of Awards, Decisions and Orders</i>	482
<i>Decision of the Full Tribunal</i>	
Cases A15 and A24 (DEC 125-A15(IV) and A24-FT), 11 October 1996 (<i>The Islamic Republic of Iran v. The United States of America</i>)	497
<i>Awards and Decisions of the Chambers</i>	
Cases 213/215 (567-213/215-3), 7 November 1995 (<i>Dadras International, Per-Am Construction Corporation v. The Islamic Republic of Iran, Tehran Redevelopment Company</i>)	504

TABLE OF CONTENTS

Case 419 (569-419-2), 6 March 1996 (<i>Roubollah Karubian v. The Government of the Islamic Republic of Iran</i>)	541
Case 967 (DEC 124-967-2), 14 December 1995 (<i>Harold Birnbaum v. The Islamic Republic of Iran</i>)	560
Part IV – Recent Developments in Arbitration Law and Practice	567
<i>Introduction: Guatemala, Hong Kong, Malta, Sri Lanka and others</i>	569
<i>Brazil: Carlos Nehring</i>	572
<i>New Zealand: Tomás Kennedy-Grant</i>	575
<i>Zimbabwe</i>	580
Part V – A. Court Decisions on the New York Convention 1958	583
Prof. Dr. Albert Jan van den Berg	
<i>Introduction</i>	585
<i>List of Contracting States (as of 21 July 1997)</i>	588
<i>Index of Cases Reported in Volume XXII (1997)</i>	593
<i>Excerpts of Court Decisions</i>	
<i>Australia</i>	
No. 12. Supreme Court of New South Wales, Commercial Division, 6 August 1996 (<i>Shanghai Foreign Trade Corp. v. Sigma Metallurgical Co. Pty Ltd. et al.</i>)	609
<i>Austria</i>	
No. 10. Oberster Gerichtshof, 25 June 1992 (<i>S Establishment for Commerce, R and G v. H Corporation</i>)	619
No. 11. Oberster Gerichtshof, 30 November 1994 (<i>Not indicated v. Not indicated</i>)	628
<i>Belgium</i>	
No. 8. Rechtbank van Koophandel, Brussels, 6 May 1993 (<i>Pierreux NV v. Transportmaschinen Handelshaus GmbH</i>)	631
No. 9. Tribunal de Commerce, Brussels, 5 October 1994 (<i>Société Van Hopphynus v. Société Coherent Inc.</i>)	637
No. 10. Cour d’Appel, Brussels, 24 January 1997 and Tribunal de Première Instance, Brussels, 25 January 1996 (<i>Inter-Arab Investment Guarantee Corp. v. Banque Arabe et Internationale d’Investissements</i>)	643
Yearbook Comm. Arb’n XXII (1997)	xiii

TABLE OF CONTENTS

<i>Canada</i>	
No. 7. Ontario Court of Justice (General Division), Weekly Court, 1 October 1992 (<i>Canada Packers Inc. et al. v. Terra Nova Tankers Inc. et al.</i>)	669
No. 8. Alberta Court of Queen's Bench, 13 July 1994 (<i>Kvaerner Enviropower Inc. v. Tanar Industries Ltd. et al.</i>)	673
<i>France</i>	
No. 25. Cour d'Appel, Paris, 24 February 1994 (<i>Ministry of Public Works v. Société Bec Frères</i>)	682
No. 26. Cour d'Appel, Paris, 14 January 1997 (<i>The Arab Republic of Egypt v. Chromalloy Aeroservices, Inc.</i>)	691
No. 27. Cour de Cassation, 10 June 1997 (<i>Omnium de Traitement et de Valorisation - OTV v. Hilmarton</i>)	696
<i>Germany</i>	
No. 45. Oberlandesgericht, Frankfurt am Main, 10 November 1993 (<i>Not indicated v. Not indicated</i>)	699
No. 46. Oberlandesgericht, Hamm, 6 July 1994 (<i>Not indicated v. Croatian company</i>)	702
No. 47. Oberlandesgericht, Hamm, 15 November 1994 (<i>Slovenian company v. Agent</i>)	707
<i>India</i>	
No. 25. Supreme Court of India, 10 February 1994 (<i>RM Investment & Trading Co. Pvt. Limited v. Boeing Co. and another</i>)	710
<i>Italy</i>	
No. 142. Corte di Cassazione, 11 July 1992 (<i>Vicerè Livio v. Prodexport</i>)	715
No. 143. Corte di Appello, Milan, 4 December 1992 (<i>Allsop Automatic Inc. v. Tecnoski snc</i>)	725
No. 144. Corte di Cassazione, 7 June 1995 (<i>WTB - Walter Thosti Boswau Bauaktiengesellschaft v. Costruire Coop. srl</i>)	727
No. 145. Corte di Cassazione, 2 March 1996 (<i>Molini Lo Presti SpA v. Continentale Italiana SpA</i>)	734
146. Corte di Cassazione, 9 May 1996 and Corte di Appello, Bari, 2 November 1993 (<i>Société Arabe des Engrais Phosphates et Azotes - SAEPA and Société Industrielle d'Acide Phosphorique et d'Engrais - SIAPE v. Gemanco srl</i>)	737
<i>Japan</i>	
No. 7. Okayama District Court, Civil Section II, 14 July 1993 (<i>Zhe-jiang Provincial Light Industrial Products Import & Export Corp. v. Takeyari K.K.</i>)	744

TABLE OF CONTENTS

<i>Kuwait</i>	
No. 1. Supreme Appeal Court of Kuwait, Cassation Circuit, 21 November 1988 (<i>Contract party v. Contract party</i>)	748
<i>Malaysia</i>	
No. 1. High Court of Kuala Lumpur, 10 December 1993 (<i>Harris Adacom Corp. v. Perkom Sdn Bhd</i>)	753
<i>Netherlands</i>	
No. 21. Arrondissementsrechtbank, Zwolle, 12 January 1994 (<i>Jan Verhoef v. Cooper Queenship Yachts Inc.</i>)	757
No. 22. Arrondissementsrechtbank, Rotterdam, 28 September 1995 (<i>Petrasol BV v. Stolt Spur Inc.</i>)	762
No. 23. Arrondissementsrechtbank, Zutphen, 3 September 1996 (<i>Tianjin Stationary & Sporting Goods Import and Export Corp. v. Verisport BV</i>)	766
<i>Netherlands Antilles</i>	
No. 2. Gemeenschappelijk Hof van Justitie van de Nederlandse Antillen en Aruba, 22 December 1992 (<i>Princess Juliana International Airport NV v. ICLE – Istituto Nazionale di Credito per il Lavoro Italiano all’Estero SpA</i>)	768
<i>Singapore</i>	
No. 1. High Court, 29 September 1995 (<i>Hainan Machinery Import and Export Corp. v. Donald & McCarthy Pte Ltd.</i>)	771
<i>Spain</i>	
No. 29. Audiencia Provincial, Seville, 10 December 1991 (<i>I. de ME, SA v. D. Ltd., KSMA and KBS de P., SA</i>)	780
No. 30. Tribunal Supremo, 18 February 1993 (<i>Black Sea Shipping Co. v. Novo Viaje, S.A.</i>)	785
<i>Switzerland</i>	
No. 28. Tribunal Fédéral, 9 January 1995 (<i>Inter Maritime Management SA v. Russin & Vecchi</i>)	789
No. 29. Tribunal Fédéral, 21 March 1995 (<i>Insurance company v. Reinsurance company</i>)	800
<i>Turkey</i>	
No. 1. Court of Appeals, 15th Legal Division, 1 February 1996 (<i>Osuuskunta METEX Andelslag V.S. v. Türkiye Elektrik Kurumu Genel Müdürlüğü General Directorate, Ankara</i>)	807
<i>United Kingdom</i>	
No. 41. Court of Appeal (Civil Division), 20 May 1993 (<i>Star Shipping A.S. v. China National Foreign Trade Transportation Corp. (The STAR TEXAS)</i>)	815
No. 42. Queen’s Bench Division (Commercial Court), 21 March	

TABLE OF CONTENTS

1994 (<i>Partenreederei M/S HEIDBERG et al. v. Grosvenor Grain and Feed Co. Ltd. et al.</i>)	828
No. 43. Court of Appeal (Civil Division), 17 May 1994 (<i>Aggeliki Charis Compania Maritima SA v. Pagnan SpA (THE ANGELIC GRACE)</i>)	838
No. 44. Court of Appeal (Civil Division), 15 February 1995 (<i>Daval Aciers d'Usinor et de Sacilor et al. v. Armare Srl (The NERANO)</i>)	849
No. 45. High Court, Queen's Bench Division (Commercial Court), 14 December 1995 (<i>Arab Business Consortium International Finance and Investment Co. v. Banque Franco-Tunisienne</i>)	857
No. 46. Court of Appeal, 12 July 1996 (<i>Philip Alexander Securities and Futures Ltd v. Werner Bamberger et al.</i>)	872
<i>United States</i>	
No. 209. United States District Court, Southern District of New York, 3 May 1994 (<i>Hoogovens IJmuiden Verkoopkantoor B.V. v. M.V. SEA CATTLEYA et al.</i>)	881
No. 210. United States District Court, Eastern District of Louisiana, 28 September 1994 (<i>Japan Sun Oil Co., Ltd. v. The M/V MAASDIJK et al.</i>)	884
No. 211. United States District Court, District of Alaska, 16 February 1995 (<i>Fetinia Basargin v. Shipowners' Mutual Protection and Indemnity Assoc.</i>)	894
No. 212. United States Court of Appeals for the Sixth Circuit, 7 June 1995 (<i>George Fischer Foundry Systems, Inc. v. Adolph H. Hottinger Maschinenbau GmbH</i>)	897
No. 213. United States District Court, Western District of New York, 1 August 1995 (<i>Comptek Telecommunications, Inc. v. IVD Corp.</i>)	905
No. 214. United States District Court, Northern District of Illinois, Eastern Division, 20 October 1995 (<i>National Education Corp. et al. v. Dr. James Martin</i>)	909
No. 215. United States District Court, Eastern District of Louisiana, 15 November 1995 (<i>Continental Insurance Co. et al. v. Jantran, Inc. and Sphere Drake Insurance p.l.c.</i>)	913
No. 216. United States Court of Appeals, First Circuit, 26 December 1995 (<i>Menorah Insurance Co. Ltd. v. INX Reinsurance Corp.</i>)	917
No. 217. United States District Court, Southern District of Mississippi, Western Division, 16 January 1996 (<i>Mississippi</i>	

TABLE OF CONTENTS

<i>Phosphates Corp. v. Unitramp Ltd. and Unitramp S.A.</i>	923
No. 218. United States District Court, Southern District of New York, 18 January 1996 (<i>Barbara Vitzethum, et al. v. Dominick & Dominick, Inc.</i> (94 Civ. 4938)) (<i>Dominick & Dominick, Inc., et al. v. Hubert Anders, et al.</i> (95 Civ. 429))	927
No. 219. United States District Court, Eastern District of Louisiana, 7 February 1996 (<i>Arabian Homes for Foreign Trade v. Lyric Shipping, Ltd. and SAROC, S.p.a.</i>)	942
No. 220. United States District Court, Southern District of New York, 15 February 1996 (<i>American Diagnostica of Connecticut, Inc. v. Centerchem, Inc. and Gradipore Ltd.</i>)	944
No. 221. United States District Court, Southern District of Florida, Miami Division, 3 March 1996 (<i>Creative Tile Marketing, Inc. v. SICIS International, S.r.L.</i>)	948
No. 222. United States District Court, Southern District of New York, 8 March 1996 (<i>Celulosa del Pacífico S.A. v. A. Ahlstrom Corp.</i>)	954
No. 223. United States District Court, Southern District of New York, 11 March 1996 (<i>Ukrvneshprom State Foreign Economic Enterprise v. Tradeway, Inc.</i>)	958
No. 224. United States District Court, District of Maryland, 3 April 1996 (<i>Alamria v. Telcor International Operator Communications et al.</i>)	967
No. 225. United States District Court, Eastern District of Louisiana, 3 May 1996 (<i>Ocean Faith Shipping Co., Ltd. v. Union of India and Food Corp. of India</i>)	976
No. 226. United States District Court, Southern District of New York, 6 May 1996 (<i>Anhui Provincial Import and Export Corp. v. Hart Enterprises International, Inc.</i>)	979
No. 227. United States District Court, Eastern District of Louisiana, 29 May 1996 (<i>McDermott International, Inc. v. Underwriters at Lloyd's et al.</i>)	984
No. 228. United States District Court, Eastern District of New York, 7 June 1996 (<i>Agroengineering v. American Custom Service, Inc.</i>)	990
No. 229. United States Court of Appeals, Sixth Circuit, 3 July 1996 (<i>M&C Corp. v. Erwin Behr GmbH & Co., K.G.</i>)	993
No. 230. United States District Court, District of Columbia, 31 July 1996 (<i>Chromalloy Aeroservices Inc. v. The Arab Republic of Egypt</i>)	1001
No. 231. United States District Court, Southern District of New	

TABLE OF CONTENTS

York, 16 August 1996 (<i>Todd's Point Marine, Ltd. v. Antonio Rojas d/b/a Venus Maritime and Comet Lines, Inc.</i>)	1013
No. 232. United States Court of Appeals, Sixth Circuit, 29 August 1996 (<i>August Aasma et al. v. American Steamship Owners Mutual Protection and Indemnity Ass., Inc. (94-3883)</i>) (<i>August Aasma et al. v. West of England Owners Mutual Protection and Indemnity Ass., Inc. (94-3881)</i>)	1016
No. 233. United States District Court, District of South Carolina, 30 August 1996 (<i>Ryobi North American, Inc. and Ryobi Motor Products Corp. v. The Singer Company, Ltd.</i>)	1020
No. 234. United States District Court, Southern District of New York, 3 September 1996 (<i>Texaco Panama, Inc. v. Duke Petroleum Transport Corp.</i>)	1026
No. 235. United States District Court, Northern District of Illinois, Eastern Division, 18 September 1996 (<i>Generica Ltd. v. Pharmaceutical Basics, Inc. et al.</i>)	1029
No. 236. United States District Court, Southern District of New York, 20 September 1996 (<i>Skandia America Reinsurance Corp. v. Seguros La Republica</i>)	1040
No. 237. New York State Court of Appeals, 22 October 1996 (<i>Hirschfeld Productions, Inc. v. Edwin Mirvish, et al.</i>)	1047
No. 238. United States Court of Appeals, Seventh Circuit, 18 February 1997 (<i>Lander Co., Inc. v. MMP Investments, Inc.</i>)	1049
Part V – B. Court Decisions on the European Convention 1961	1061
<i>List of Contracting States and Signatories (as of 20 July 1997)</i>	1063
Part V – C. Court Decisions on the Washington Convention 1965	1065
<i>List of Contracting States and Signatories (as of 14 July 1997)</i>	1067
Part V – D. Court Decisions on the Panama Convention 1975	1073
<i>List of Contracting States and Signatories (as of 25 July 1997)</i> <i>Excerpts of Court Decisions</i>	1075

TABLE OF CONTENTS

Unites States

- No. P3. United States District Court, Northern District of Texas, Dallas Division, 29 September 1995 (*Anderra Energy Corp. et al. v. SAPET Development Corp. et al.*) 1077

Venezuela

- No. P1. Second Court of First Instance in Civil, Mercantile and Transit Matters, Caracas, 24 January 1997 (*C.A. Embotelladora Caracas (Venezuela) et al. v. Pepsi-Cola Panamericana, S.A.*) 1086

Part VI - Articles on Arbitration 1091

Part VII - Bibliography 1093

- I. General* 1095
II. Countries 1112
III. Journals on Arbitration 1124

List of ICCA Officers and Members 1135