

BIBLIOGRAPHY OF WRITINGS RELATED TO THE WORK OF UNCITRAL

Compiled monthly (August 2011)

I. GENERAL

Boyeras Schumann, D. UNCITRAL: la Comisión de las Naciones Unidas para el derecho mercantil internacional en 2009. *Anuario de derecho marítimo* (Madrid) 28:511-516, 2010.

Del Duca, P. Choosing the language of transnational deals: practicalities, policy, and law reform. Chicago, Ill., ABA, 2010. 306 p.

II. INTERNATIONAL SALE OF GOODS

Kobayashi, Ichiro. ウィーン売買条約における書式の戦い: なぜCISGはラスト ショット ルールを採用したのか. *JCAジャーナル = JCA journal* (Tokyo). Pt. 1 in 58:6:20-28, June 2011; Pt. 2 in 58:7:42-49, July 2011; Pt. 3 in 58:8:38-45, August 2011. In Japanese. Translation of title: Battle of forms under the CISG (1980): why the CISG uses the last shot rule.

Nick, C. The case for Ireland's accession to the UN Convention on Contracts for the International Sale of Goods. *Dublin University law journal* (Dublin) 32:346-364, 2010.

Niibori, Satoshi. グローバル商取引法各論: ウィーン売買条約後の国際商取引法統一の行方: 条約からリステイトメントへ. *JCAジャーナル = JCA journal* (Tokyo) Pt. 24 in 58:3:62-68, March 2011; Pt. 25 in 58:4:54-58, April 2011; Pt. 26 in 58:5:47-53, May 2011; Pt. 27 in 58:6:66-70, June 2011; Pt. 28 in 58:7:59-65, July 2011; Pt. 29 in 58:8:68-72, August 2011. In Japanese. Translation of title: Topics of global commercial law, harmonization of international trade law after the CISG (1980): from treaty to restatement.

Osaka Bar Association. International Practice Study Group. 国際物品売買契約に関する国際連合条約(C I S G)のシリーズ解説 (2) . *Kokusai shoji homu* (Tokyo) 39:8:1155-1161, 2011. In Japanese. Translation of title: Practical guide to the CISG (1980): through a comparison with Japanese civil and commercial law (part 2).

Rodríguez Fernández, M. El deber de mitigar el daño en la Convención de Viena de 1980 sobre Compraventa Internacional de Mercaderías: una breve aproximación al tema. *Revista e-mercatoria* (Bogotá) 6:2, 2007.

_____. La conformidad material de las mercaderías en la Convención de Viena de 1980 sobre Compraventa Internacional: estado actual de la materia. *Revista e-mercatoria* (Bogotá) 9:1, 2010.

_____. La obligación de entregar mercaderías libres de derechos o pretensiones de terceros en la Convención de Viena de 1980 sobre Compraventa Internacional. *Revista e-mercatoria* (Bogotá) 10:1, enero-junio 2011.

Schwenzer, I. and C. Kee. International sales law: the actual practice. *Penn State international law review* (Carlisle, Pa.) 29:425-447, 2011. Symposium issue: International Academy of Commercial and Consumer Law, 15th Biennial Meeting, Toronto, July 21-24, 2001: International Trade.

Sono, Hiroo. Japan's accession to and implementation of the United Nations Convention on Contracts for the International Sale of Goods (CISG). *Japanese yearbook of international law* (Tokyo) 53:410-437, 2010.

Wilson, T. Promoting uniformity: a comparative review of J Honnold and H Flechtner, Uniform Law for International Sales under the 1980 United Nations Convention and P Schlechtriem and I Schwenzer, Commentary on the UN Convention on the International Sale of Goods. *Journal of private international law* (Oxford, U.K.) 7:2:411-422, 2011.

III. INTERNATIONAL COMMERCIAL ARBITRATION AND CONCILIATION

Ali, S. F. The morality of conciliation: an empirical examination of arbitrator "role moralities" in East Asia and the West. *Harvard negotiation law review* (Cambridge, Mass.) 16:1-30, 2011.

Amprimo Plá, N. La extensión de los efectos del convenio arbitral a nos asignatorios. Reflexiones con motivo del tratamiento que la nueva ley peruana de arbitraje efectúa a dicha figura. *Revista oficial del poder judicial* (Lima) 3:5:209-216, 2009.

Bermann, G. A. and L. A. Mistelis, eds. Mandatory rules in international arbitration. Huntington, N.Y, Juris, 2010. 339 p. Selected contents: Investment arbitration / A. K. Bjorklung, p. 233-274.

Bermann, G. A. The UK Supreme Court speaks to international arbitration: learning from the Dallah case. *American review of international arbitration* (New York) 22:1-20, 2011.

Birch Reynardson, T. and R. Talbot-Garman. The consultation paper on amendments to the Indian Arbitration and Conciliation Act 1996: does it go far enough? *International arbitration review* (London) 14:3:90-98, 2011.

Carducci, G. Arbitration, anti-suit injunctions and lis pendens under the European Jurisdiction Regulation and the New York Convention. *Arbitration international* (London) 27:2:171-197, 2011.

Chovancová, K. Švédská arbitráž od islandských ság až po súčasnosť. *Právnik* (Praha) 150:8:798-822, 2011. In Czech. Translation of title: Swedish arbitration - from Icelandic sagas until the presence.

Halonen, L. Bridging the gap in the notion of "investment" between ICSID and UNCITRAL arbitrations: note on an award rendered under the bilateral investment treaty between Switzerland and Uzbekistan (Romak SA v Uzbekistan). *ASA bulletin* (Alphen aan den Rijn, The Netherlands) 29:2:312-326, 2011.

Hamamoto, Shotaro. UNCITRAL 仲裁部会における投資仲裁手続透明性規則作成作業. *JCA ジャーナル = JCA journal* (Tokyo) 58:8:4-10, August 2011. In Japanese. Translation of title: UNCITRAL working group on arbitration: preparation of rules on transparency in investment arbitration proceedings.

Hulbert, R. W. The case for a coherent application of chapter 2 of the Federal Arbitration Act. *American review of international arbitration* (New York) 22:45-85, 2011.

Jakoba, R. Le régime spécifique de l'arbitrage commercial international dans le droit malgache de l'arbitrage. *Revue du Centre d'Arbitrage et de Médiation de Madagascar [CAMM]* (Antananarivo) 1:5-8, avril 2002.

- Karrar-Lewsley, R. Revolution in Bahrain: Decree No.30 of 2009 and the world's first arbitration freezone. *International arbitration review* (London) 14:3:80-89, 2011.
- Kim, Grace Gunah. After the ECJ's West Tankers: the clash of civilizations on the issue of an anti-suit injunction. *Cardozo journal of conflict resolution* (New York) 12:2:573-607, 2011.
- Levi-Tawil, E. East meets West: introducing sharia into the rules governing international arbitrations at the BCDR-AAA. *Cardozo journal of conflict resolution* (New York) 12:2:609-636, 2011.
- Lévy, L. and Y. Derains, eds. *Liber Amicorum en l'honneur de Serge Lazareff*. Paris, Pedone, 2011. 642 p. Selected contents: The origins of article VII.1 of the New York Convention 1958 / G. H. Pointon, p. 499-504.
- Madsen, F. Navigating in the archipelago of Swedish due process safeguards: a sea chart indicating a few treacherous reefs. *Stockholm international arbitration review* (Huntington, N.Y.) 2:19-38, 2009.
- Nariman, F. S. Ten steps to salvage arbitration in India: the first LCIA-India arbitration lecture. *Arbitration international* (London) 27:2:115-127, 2011.
- Pinkston, J. In rem jurisdiction in an action to confirm and enforce a foreign arbitral award generally and jurisdiction based upon the presence of a U.S. subsidiary specifically. *Review of litigation* (Austin, Tex.) 30:415-474, 2011.
- Reichert, K. Initial experience of the Irish Arbitration Act 2010. *International arbitration review* (London) 14:3:99-102, 2011.
- Rojas Elgueta, G. Understanding discovery in international commercial arbitration through behavioral law and economics: a journey inside the minds of parties and arbitrators. *Harvard negotiation law review* (Cambridge, Mass.) 16:165-191, 2011.
- Rudahindwa, J. B. International commercial arbitration in Africa: the organization for harmonization of business law in Africa (OHADA) sets the tone. Indianapolis, Ind., s.n., 2011. 76 p. Thesis (masters) -- Indiana University School of Law-Indianapolis, 2011. Available online at <http://www.ohada.com/fichiers/newsletters/1393/OHADA-International-Commercial-Arbitration.pdf>
- Schwartz, E. A. The new French arbitration decree: the arbitral procedure. *Cahiers de l'arbitrage = Paris journal of international arbitration* (Paris) 2:349-374, 2011.
- Sexton, E. J. and M. Kotrly. Looking out and looking in: reconciling domestic and internationalist considerations in the enforcement and review of arbitration awards in Canada. *Arbitration international* (London) 27:2:211-231, 2011.
- Tan, P. Competing priorities in international commercial arbitration. *International arbitration review* (London) 14:3:67-72, 2011.

IV. INTERNATIONAL TRANSPORT

- [Special issue devoted in part to the Rotterdam Rules (2008)]. *Anuario de derecho marítimo* (Madrid) 28:25-292, 2010. Yearbook with large sections on the Rotterdam Rules (2008). Selected contents: Las reglas de Rotterdam ¿para qué? / I. Arroyo Martínez, p. 25-43 -- Estudio comparado de la responsabilidad del porteador en las reglas de Rotterdam y en

el PLGNM / C. Górriz López, 201-230 -- Armonías y desarmonías entre Rotterdam y el proyecto de ley general de la navegación marítima / C. Salinas Adelantado, 231-241 -- Ventajas y desventajas de las reglas de Rotterdam para porteadores y cargadores. El punto de vista de armadores / F. Peleteiro, 243-248 -- La posición de los aseguradores de la carga / B. González, 249-252 -- La posición de los aseguradores de responsabilidad civil (P&I) ante las reglas de Rotterdam / A. Mestre, 253-256 -- Posibles soluciones en el proyecto de ley general de la navegación marítima / J. Quijano González, 257-263 -- Las reglas de Rotterdam y el Unasur / R. Vigil Toledo, 265-274 -- Las reglas de Rotterdam: ¿convienen al Ecuador?. Punto de vista de un abogado maritimista ecuatoriano / J. Roca Marcos, 275-291.

Berlingieri, F. Arbitrato marittimo e Regole di Rotterdam. *Diritto marittimo* (Genova, Italy) 113:2:387-397, 2011. In Italian. Translation of title: Maritime arbitration and the Rotterdam Rules (2008).

Huybrechts, M. A. Package limitation in modern maritime transport treaties: a critical analysis. *Journal of international maritime law* (Witney, U.K.) 17:2:90-105, 2011.

Llorente Gómez de Segura, C. Las Reglas de Rotterdam (II). *Cuadernos de derecho transnacional* (Madrid) 2:2:104-125, 2010. Available online at <http://kusan.uc3m.es/CIAN/index.php/CDT/article/view/1074/499>

Martinek, M. The Rotterdam Rules: sinking ship or maiden voyage? *Studentische Zeitschrift für Rechtswissenschaft Heidelberg* (Heidelberg, Germany) 3:419-434, 2010.

Wood, D. An Australian perspective on the Rotterdam Rules. *Journal of international maritime law* (Witney, U.K.) 17:2:147-158, 2011.

V. INTERNATIONAL PAYMENTS (includes former INDEPENDENT GUARANTEES AND STAND-BY LETTERS OF CREDIT)

Affaki, G. and R. M. Goode. Guide to the ICC Uniform Rules for Demand Guarantees URDG 758. Paris, ICC, 2011. 511 p.

VI. ELECTRONIC COMMERCE

Baden, M. and L. E. Jeppesen. Cross-border e-commerce from a global perspective: the relation between international organisations and regulation and how they are applied in cross border e-commerce, with emphasis on patents and copyrights. Aarhus, Denmark, s.n., 2009. 129 p. Thesis (masters) -- Handelshøjskolen, Aarhus Universitet, 2009. Available online at <http://pure.au.dk/portal-asb-student/en/studentprojects/crossborder-ecommerce-from-a-global-perspective%2860e721a6-3679-4d15-b7e9-d6a96833aa9a%29.html>

Habibzadeh, T. An overview on electronic signatures: a comparison of the UNCITRAL Model Law on Electronic Signatures and English law. S.I., *teclaw.ir*, 2009. 63 p. Available online at <http://teclaw.ir/LLM%202.pdf>

_____. The rules governing offer and acceptance in electronic contracts compared with paper-based ones: to what extent are they different? A comparative study on the UNCITRAL rules, American law, English law and Iranian law. S.I., *teclaw.ir*, 2010. 21 p. Available online at <http://teclaw.ir/O%20and%20A.pdf>

Kuczerawy, A. and W. Kilian. United Nations Convention on the Use of Electronic Communications in International Contracts. *CBKE e-biuletyn* (Wrocław, Poland) 1:2007.

Nanakorn, Pinai. Electronic transactions law in Thailand. *Thammasat review* (Pathumtani, Thailand) 7:1:52-85, 2002.

Oh, Se-Chang. 전자통신협약의 해설 - CUECIC 에 관한 Explanatory Note 를 중심으로. S.I, 두남, 2009. 264 p. In Korean. Translation of title: Explanatory note on the United Nations Convention on Electronic Contracting (2005).

Oh, Se-Chang and Sung-Ho Park. 무역계약의 기초(CISG CUECIC PICC 를 중심으로) = Principle of trade contracts, CISG CUECIC PICC. S.I, 두남, 2009. 613 p. In Korean.

VII. SECURITY INTERESTS (includes former RECEIVABLES FINANCING)

McCormack, G. American private law writ large?: the UNCITRAL Secured Transactions Guide. *International and comparative law quarterly* (London) 60:597-625, 2011.

Son, Seong Woo and others. 지식재산 담보권에 관한 UNCITRAL 담보거래 입법지침 부속서: United Nations Commission on International Trade Law. Seoul, Ministry of Justice, Republic of Korea, 2011. 318 p. Includes translation into Korean of the Supplement on Security Rights in Intellectual Property, a guide to the supplement and comparative analysis with Korean law. In Korean. Translation of title: UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property.

VIII. PROCUREMENT

Verma, S. Towards transparency in public procurement. *Business standard* (New Delhi) 21 August 2011. Available online at <http://www.business-standard.com/india/news/towards-transparency-in-public-procurement/446455>

IX. INSOLVENCY

Mason, R. and others. The emerging framework of cross-border insolvency in and around Australia: Saad Investments, Japan Airlines and Lehman Brothers - Part one. *International corporate rescue* (Hertfordshire, U.K.) 8:4:262-267, 2011.

Sarra, J. Financing insolvency restructurings in the wake of the financial crisis: stalking horses, rogue white knights and circling vultures. *Penn State international law review* (Carlisle, Pa.) 29:581-609, 2011. Symposium issue: International Academy of Commercial and Consumer Law, 15th Biennial Meeting, Toronto, July 21-24, 2001: Bankruptcy and insolvency.

X. INTERNATIONAL CONSTRUCTION CONTRACTS

[No publications recorded under this heading.]

XI. INTERNATIONAL COUNTERTRADE

[No publications recorded under this heading.]

XII. PRIVATELY FINANCED INFRASTRUCTURE PROJECTS

[No publications recorded under this heading.]

XIII. ONLINE DISPUTE RESOLUTION

Hayakawa, Yoshihisa. UNCITRAL online dispute resolution working group. *JCA ジャーナル* = *JCA journal* (Tokyo) 58:7:2-10, July 2011. In Japanese.