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**BIBLIOGRAPHY
OF RECENT WRITINGS RELATED TO THE WORK OF UNCITRAL¹**

Note by the Secretariat

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¹Case-law on UNCITRAL texts (CLOUT) and bibliographical references thereto are contained in the documents series A/CN.9/SER.C/...

I. GENERAL

Abascal Zamora, J. M. Aspectos prácticos del derecho de los contratos del comercio internacional : la prensa y los contratos del comercio internacional. *Financiero* : [sección] guía legal (México, D.F.).

In four instalments:

I in 14:5A, martes, 1 de marzo de 1994;

II in 14:8A, miércoles, 9 de marzo de 1994

III in 14:7A, miércoles, 16 de marzo de 1994;

IV in 14:6A, miércoles, 23 de marzo de 1994.

Individual titles of the instalments: El derecho del comercio internacional. -- Inconvenientes de aplicar las soluciones domésticas a los problemas del comercio internacional. -- La libertad de contratación y el principio de legalidad. -- Qué es eso del arbitraje?

Running title of newspaper: *Financiero*, análisis.

Bibliography of recent writings related to the work of UNCITRAL. *International journal of legal information* : International Association of Law Libraries (Washington, D.C.) 23:1:66-98, spring 1995.

This is a reproduction of UNCITRAL document A/CN.9/402, 11 April 1994.

Bischoff, J. Allgemeine Erfahrungen bei der Rechtsvereinheitlichung in der UNCITRAL. *Schweizerische Zeitschrift für internationales und europäisches Recht* : Schweizerische Vereinigung für internationales Recht (Zürich, Switzerland) 3:5:623-638, 1993.

Parallel titles of journal: *Revue suisse de droit international et de droit européen* = *Swiss review of international and European law* = *Rivista svizzera di diritto internazionale e di diritto europeo*.

Booyesen, H. Völkerrecht als Vertragsstatut internationaler privatrechtlicher Verträge. *Rabels Zeitschrift für ausländisches und internationales Privatrecht* : Max-Planck-Institut (Tübingen, Germany) 59:2:244-257, 1995.

Congreso conmemorativo de la UNCITRAL. *Anuario de derecho marítimo* : Gobierno Vasco, Departamento de Transportes y Obras Públicas, Escuela de Administración Marítima (Barcelona, Spain) 11:1116-1117, 1993.

Fisher, G. UNCITRAL gives international trade law CLOUT; case-law on UNCITRAL texts. *Australian business law review* (North Ryde, Australia) 21:362-367, October 1993.

Greiner, M. J. Übersicht zu einigen Entwicklungen im internationalen Handels- und Verfahrensrecht. *Schweizerische Zeitschrift für Wirtschaftsrecht* (Zürich, Switzerland) 66:5:251-256, 1994.

Parallel titles of journal: *Swiss review of business law* = *Revue suisse de droit des affaires*.

This article deals among other topics with UNCITRAL's work in the fields of independent guarantees, procurement and electronic data interchange.

Herrmann, G. United Nations Commission on International Trade Law : text of the statement of Dr. G. Herrmann, Secretary of the Commission, on the work of its twenty-sixth session, Vienna, 1993. In *Asian-African Consultative Committee : report of the thirty-third session, held in Tokyo (Japan) from 17 to 21 January 1994 / prepared by the Secretariat*. New Delhi : Secretariat, 1994. p. 57-72.

Klein, H. Komisija ujedinjenih naroda za međunarodno trgovačko pravo. *Slobodno poduzetništvo : časopis za poduzetništva i tržišnog gospodarstva* (Zagreb, Croatia) 12/13:387-389, prosinac 1994.

In Croatian.

Translation of title: United Nations Commission on International Trade Law.

Rechtsprechung zu UNCITRAL-Texten : (Case-law on UNCITRAL-texts; CLOUT). *Zeitschrift für europäisches Privatrecht* (München, Germany).

In two instalments:

I in 2:2:319-321, 1994;

II in 2:4:694-695, 1994.

This is a table of cases based on UNCITRAL CLOUT documents A/CN.9/SER.C/ABSTRACTS/1 and A/CN.9/SER.C/ABSTRACTS/2. Will be updated in regard to those cases that touch UNCITRAL texts as adopted by Germany.

Seminario El Derecho Comercial Internacional (20-21 October 1993 : Buenos Aires, Argentina)

UNCITRAL y el futuro derecho comercial : el arbitraje comercial, garantías y pagos internacionales, contrataciones públicas / A. I. Piaggi, *coordinator*. Buenos Aires : Depalma, 1994. xiv, 253 p.

Contributions dealing with UNCITRAL legal texts:

I. Commercial arbitration: UNCITRAL Model Law on International Commercial Arbitration : background and salient features / J. Sekolec, p. 3-29. (Annex thereto reproduces Spanish text of UNCITRAL Model Arbitration Law (1985), p. 31-48). -- Justicia, arbitraje y las reglas UNCITRAL 1985 en la Argentina / S. Le Pera, p. 49-55. -- Otra vez sobre la conveniencia de adoptar la Ley Modelo de 1985 sobre Arbitraje Comercial Internacional de UNCITRAL / A. I. Piaggi, p. 61-67.

II. International payments: UNCITRAL Model Law on International Credit Transfers / E. E. Bergsten, p. 117-131. -- UNCITRAL Draft Convention on International Guaranty Letters / E. E. Bergsten, p. 133-145.

III. Public procurement: UNCITRAL Model Law on Procurement of Goods and Construction : background and salient features / J. Sekolec, p. 167-183. -- La Ley Modelo sobre Contratación Pública de la CNUDMI : conveniencia de su adopción por la República Argentina / M. G. Reiriz, p. 185-191. -- El proyecto de Ley Modelo sobre Adjudicación de Trabajos Públicos : conveniencia de su adopción / J. A. Sánchez, p. 197-204. -- La regulación de la contratación pública / T. Hutchinson, p. 205-210. (Annex to this section is the Spanish text of the UNCITRAL Model Law on Procurement of Goods and Construction (1993), p. 211-253).

Snijders, H. J. UNCITRAL 25 jaar, een jubileum met een congres over Uniform Commercial Law in the twenty-first century / H. J. Snijders. *Tijdschrift voor arbitrage* (Zwolle, Netherlands) 4:122-125, 1992.

Spanogle, J. A., Jr. The arrival of international private law. *George Washington journal of international law and economics* : National Law Center, George Washington University (Washington, D.C.) 25:2:477-522, 1991.

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A/CN.9/SER.C/ABSTRACTS/1 of 17 May 1993;

A/CN.9/SER.C/ABSTRACTS/2 of 4 November 1993;

A/CN.9/SER.C/ABSTRACTS/3 of 24 May 1994;

A/CN.9/SER.C/ABSTRACTS/4 of 30 August 1994;

A/CN.9/SER.C/ABSTRACTS/5 of 14 October 1994.

Documents in the CLOUT series are published in all six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish.

Each issue contains abstracts of court decisions and arbitral awards prepared by national correspondents; including bibliographical references to primary sources and scholarly commentaries to the cases.

Currently, CLOUT covers: Limitation Convention (1974/1980), United Nations Sales Convention (1980), UNCITRAL Model Arbitration Law (1985) and Hamburg Rules (1978).

Copies of the decisions and arbitral awards are available to the public in their original language and sent to interested persons upon request to the UNCITRAL secretariat, against a fee covering the cost of copying and mailing.

Published in other subseries: User guide [to CLOUT]. (A/CN.9/SER.C/GUIDE/1 of 19 May 1993).

United Nations Commission on International Trade Law (UNCITRAL) [and its work products]. In B. Colas, ed. *Global economic co-operation : a guide to agreements and organizations*. Didcot : Management Books 2000, c1994. (ICC Publication ; no. 932)

Entries dealing with UNCITRAL and its work products: United Nations Commission on International Trade Law, p. 366-367, 370. -- Convention on the Limitation Period in the International Sale of Goods, p. 374-375. -- United Nations Convention on Contracts for the International Sale of Goods, p. 375-376. -- Provisions Concerning a Unit of Account, p. 389. -- Uniform Rules on Contract Clauses for an Agreed Sum Due Upon Failure of Performance, p. 389-390. -- United Nations Convention on International Bills of Exchange and International Promissory Notes, p. 396-397. -- UNCITRAL Model Law on International Credit Transfers, p. 397-398. -- UNCITRAL Model Law on International Commercial Arbitration, p. 412-413. -- UNCITRAL Arbitration Rules, p. 421-422. -- UNCITRAL Conciliation Rules, p. 422.

II. INTERNATIONAL SALE OF GOODS

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Aguiar Júnior, R. R. de. A Convenção de Viena e a resolução do contrato por incumprimento. *Revista de informação legislativa* : Senado Federal, Subsecretaria de Edições Técnicas (Brasília, Brazil) 31:121:211-225, 1994.

Annexes reproduce in Portuguese relevant articles from: I. United Nations Sales Convention (1980), p. 219-224. -- II. Brazilian Civil and Commercial Codes, p. 224-225.

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II in 7:3:651-659, luglio-settembre 1993.

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Ferrari, F. Estudios comparativos en materia de conclusión del contrato en los países de América del Sur con referencias a la Convención de Viena sobre la venta internacional / tr. M. Pastorino de Solari Yrigoyen. *Revista del derecho comercial y de las obligaciones* (Buenos Aires, Argentina) 25:145/150:51-84, 1992.

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— La rilevanza degli usi nella Convenzione di Vienna sulla vendita internazionale di beni mobili. *Contratto e impresa : dialoghi con la giurisprudenza civile e commerciale* (Padova, Italy) 10:239-258, 1994.

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Gabriel, H. D. Practitioner's guide to the [United Nations] Convention on Contracts for the International Sale of Goods (CISG) and the Uniform Commercial Code (UCC). New York : Oceana, 1994. 276 p.

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Ludwig, K. S. Der Vertragsschluss nach UN-Kaufrecht im Spannungsverhältnis von Common Law und Civil Law : dargestellt auf der Grundlage der Rechtsordnungen Englands und Deutschlands. Wien : Lang, 1994. xxiv, 445 p. (Studien zum vergleichenden und internationalen Recht = Comparative and international law studies ; Bd. 24)

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Nicholas, B. The United Kingdom and the Vienna Sales Convention : another case of splendid isolation? Roma : Centro di studi e ricerche di diritto comparato e straniero, 1993. 9 p. (Saggi, conferenze e seminari / Centro di studi e ricerche di diritto comparato e straniero ; 9)

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II in 9: 316-320, September 1993.

Subtitle of parts: The Vienna Sales Convention 1980 / C. C. Nicoll. -- Obligations under the contract and remedies for breach / W. Mapp and C. C. Nicoll.

Niggemann, F. Erreur sur une qualité substantielle de la chose et application de la Convention sur la vente internationale de marchandises (C.V.I.M.) = Error about a substantial quality of the goods and application of the Convention on the International Sale of Goods (CISG). *Revue de droit des affaires internationales* : Forum Européen de la communication (Paris, France) 4:397-415, 1994.

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Patti, S. Silenzio, inerzia e comportamento concludente nella Convenzione di Vienna sui contratti di vendita internazionale di beni mobili. In *Il contratto : silloge in onore di Giorgio Oppo*. Volume I, Profili generali. Padova : CEDAM, 1992. p. 227-238.

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Piltz, B. Anwendbares Recht in grenzüberschreitenden Kaufverträgen : (zu OLG Köln, 16.10.1992 -- 19 U 118/92, ... und OLG Köln, 2.10.1992 -- 19 U 28/92, ...). *IPRax : Praxis des internationalen Privat- und Verfahrensrechts* (Bielefeld, Germany) 14:3:191-193, Mai/Juni 1994.

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Puget, F. Le navire et la Convention de Vienne du 11 avril 1980 sur la vente internationale de marchandises (C.V.I.M.) : quelques reflexions. In *Études en hommage au professeur Mircea Măteescu-Matte*. *Annuaire de droit maritime et aéro-spatial* : Université de Nantes, Centre de droit maritime et aérien (Paris, France) 12:299-305, 1993.

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III. INTERNATIONAL COMMERCIAL ARBITRATION AND CONCILIATION

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Annex reproduces the text of the new Draft Swedish Arbitration Act, p. 194-202. As will be seen from the Draft there are very few major or essential differences between the Draft and the UNCITRAL Model Arbitration Law (1985), p. 180.

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Seminario El Derecho Comercial Internacional (20-21 October 1993 : Buenos Aires, Argentina)

UNCITRAL y el futuro derecho comercial : el arbitraje comercial, garantías y pagos internacionales, contrataciones públicas / A. I. Piaggi, coordinator. Buenos Aires : Depalma, 1994. xiv, 253 p.

Contributions dealing with UNCITRAL legal texts in the field of commercial arbitration: UNCITRAL Model Law on International Commercial Arbitration : background and salient features / J. Sekolec, p. 3-29. (Annex thereto reproduces Spanish text of UNCITRAL Model Arbitration Law (1985), p. 31-48). -- Justicia, arbitraje y las reglas UNCITRAL 1985 en la Argentina / S. Le Pera, p. 49-55. -- Otra vez sobre la conveniencia de adoptar la Ley Modelo de 1985 sobre Arbitraje Comercial Internacional de UNCITRAL / A. I. Piaggi, p. 61-67.

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Annex reproduces unofficial translation of new law into English, prepared at the Ministry of Trade and Development of Mexico, p. 30-39.

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Ukraine adopts UNCITRAL Model Law. *World arbitration & mediation report: covering dispute resolution in the United States and around the world* (Irvington-on-Hudson, N.Y.) 5:6:131, June 1994.

Highlights title: Ukraine enacted a new arbitration law based on the Model Law and resembling Russia's recent arbitration law.

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The Committee that had been entrusted with the preparation of the new Arbitration Act gave utmost attention to each provision of the UNCITRAL Model Arbitration Law (1985); from the Draft Act will be seen that in substance there are few major or essential differences between the Act and the Model Law. -- Introduction, p. 409.

Appendix reproduces English translation of the Draft Act, p. 429-443.

Zhong wei touzi fa bijiao / Y. B. Zheng, chief ed. Shanghai : Tongji daxue chubanshe, 1993. 613 p.

Translation of title: Foreign investment laws of China : a comparison with the laws of other countries.

Chapter 13. Resolution of disputes on international investment / S. Z. Lu, p. 401-430; among others: UNCITRAL Arbitration Rules (1976).

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Zivy, I. La nouvelle loi sur l'arbitrage au Mexique. *Revue de l'arbitrage : Bulletin du Comité français de l'arbitrage* (Paris, France) 2:295-319, 405-420, 1994.

Annex reproduces new arbitration law of Mexico in French translation with title: Loi sur l'arbitrage du 22 juillet 1993 / I. Zivy and A. Perrot, p. 405-420.

IV. INTERNATIONAL TRANSPORT

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See below under Hamburg Rules : a choice for the EEC?

Hamburg Rules : a choice for the EEC? International Colloquium held on 18 and 19 November 1993 / F. Berlingiere *et al.* Antwerpen : MAKLU Uitgevers, 1994. 239 p.

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See above summary of speeches by L. Delwaide.

Hamburg Rules (1978) United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules). [Vienna, Austria] : United Nations, 1994. iv, 30 p.

Accompanied by Explanatory note by the UNCITRAL secretariat on the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg), p. 21-30, which had been previously issued as A/CN.9/306.

This booklet will also be available in French and Spanish.

Authentic texts of the Convention (Arabic, Chinese, English, French, Russian and Spanish) in Annex to A/CONF.89/13.

- Harten, D. J. Das internationale Übereinkommen über die Haftung der Terminal Operators im internationalen Handelsverkehr und seine Anwendbarkeit auf die deutschen Güterumschlagsbetriebe. Hamburg : Luchterhand, 1993. xli, 271 p. (Schriften zum Transportrecht. Kommentator Verkehrsrecht)
Thesis (doctoral) -- University of Hamburg, Germany, 1993.
Includes bibliography, p. xv-xxxi, and annexes with some relevant legal texts; annexes I and II reproduce the Terminal Operators Convention (1991) in English and German, p. 209-222 and 223-237, respectively.
- Honnold, J. O. Porteadores transoceánicos y carga : claridad y equidad : La Haya o Hamburgo? / tr. P. J. Baena, *Derecho de los negocios* (Madrid, Spain) 7:53:1-15, febrero 1995.
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- Illescas Ortiz, R. Régimen jurídico de la responsabilidad en el ámbito del transporte marítimo : derechos nacionales y convenios internacionales. In Estudios sobre el aseguramiento de la responsabilidad en la gran empresa : [XXV aniversario de MUSINI; Mutua de Seguros del Instituto Nacional de Industria] / dirigidos por F. Sánchez Calero. Madrid : MUSINI, 1994. p. 701-722.
- Joko-Smart, H. M. From the Hague to Freetown via Hamburg, towards modern uniform rules for international sea transport. *Sierra Leone law journal* : University of Sierra Leone (Freetown, Sierra Leone) 1:1:7-25, November 1994.
- Morán Bovio, D. Los límites del período de la responsabilidad del porteador en las Reglas de Hamburgo. In Estudios Homenaje al Profesor Aurelio Menéndez Menéndez (in preparation), 28 p.
This contribution to a Festschrift in honour of Prof. A. Menéndez Menéndez deals with article 4 of the Hamburg Rules (1978).
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- Ramberg, J. and E. Vincenzini. La Convenzione sulla responsabilità degli operatori di "transport terminals" nel commercio internazionale (Vienna, giugno 1989). *Diritto dei trasporti* (Padova, Italy) 2:121-126, 1990. (Collana di diritto dei trasporti / Istituto di diritto della navigazione (Roma, Italy). Sezione attualità ; 6)
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V. INTERNATIONAL PAYMENTS

Abascal Zamora, J. M. Breve resumen de la Ley Modelo de la CNUDMI sobre Transferencias Internacionales de Crédito. *Revista de derecho privado* : Instituto de Investigaciones Jurídicas (México, D.F.) 3:10:67-75, enero-abril 1993.

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*Annex*CHECKLIST OF SHORT TITLES OF UNCITRAL LEGAL TEXTS AS CITED IN THE
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Limitation Convention (1974/1980)

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Terminal Operators Convention (1991)

United Nations Convention on the Liability of
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UNCITRAL Arbitration Rules (1976)

UNCITRAL Conciliation Rules (1980)

UNCITRAL Credit Transfer Law (1992)

UNCITRAL Model Law on International Credit
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