Bibliography of recent writings related to the work of UNCITRAL*

Note by the Secretariat**

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* Case-law on United Nations Commission on International Trade Law (UNCITRAL) texts (CLOUT) and bibliographical references thereto are contained in the document series A/CN.9/SER.C/-.

** The present document has been submitted late for the following reasons: (a) since its a non-legislative text, the need for its distribution prior to the session of the Commission is less than for a legislative text; (b) the present workload of the Secretariat necessitated the prioritization of staff resources; (c) as a bibliography, it has been deemed desirable to include the latest publications relevant to the work of the Commission; and (d) the document requires minimal translation.
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I. General

Bakhin, S.V.S. Mezdynarodnee svodee ynefetzerovannogo kontraktnogo prava (International codifications of unified contractual law). Saint Petersburg, Russian Federation, Law Faculty of Saint-Petersburg State University, 2002.

Text in Russian.

Legal Committee calls for membership of United Nations Commission on International Trade Law to be increased; extra 24 would be elected next year; debate ends on plans for treaty on jurisdictional immunities of states and their property. M2 presswire (Coventry, United Kingdom of Great Britain and Northern Ireland) 25 October 2002.

Discusses meetings of the General Assembly concerning UNCITRAL.


UN legal committee reviews the role of international trade commission, on proposals to enlarge membership, ensure efficiency; debate also begins on report on protection of UN-related personnel. M2 presswire (Coventry, United Kingdom) 1 October 2002.

In two parts. Meetings of the General Assembly concerning UNCITRAL are discussed.


Discusses CLOUT.


II. International sale of goods


Butler, A. E. Interpretation of “place of business”; comparison between provisions of the CISG (article 10) and counterpart provisions of the PECL. *Vindobona journal of international commercial law and arbitration* (Vienna) 6:2:275-280, 2002.


Discusses CISG.


______. Overview of case law on the CISG’s international sphere of application and its applicability requirements (articles 1(1)(A) and (B)). *Revue de droit des affaires internationales/International business law journal* (Paris) 8:961-975, 2002.


Discusses CISG case in the United States of America regarding lender’s perfected security interest in inventory.


CISG is discussed in chapter 4.


Kee, C. Remedies for breach of contract where only part of the contract has been performed; comparison between provisions of the CISG (articles 51, 73) and counterpart provisions of the PECL. *Vindobona journal of international commercial law and arbitration* (Vienna) 6:2:281-286, 2002.


______. International law trumps the UCC for deals in 61 nations. *Purchasing.* (Newton, Massachusetts) p. 20, 6 February 2003.

Plate, T. The buyer’s remedy of avoidance under the CISG; acceptance from a common law perspective. Vindobona journal of international commercial law and arbitration (Vienna) 6:1:57-82, 2002.


Schroeter, U. Freedom of contract; comparison between provisions of the CISG (article 6) and counterpart provisions of the PECL. Vindobona journal of international commercial law and arbitration (Vienna) 6:2:257-266, 2002.

______. Interpretation of “writing”; comparison between provisions of the CISG (article 13) and counterpart provisions of the PECL. Vindobona journal of international commercial law and arbitration (Vienna) 6:2:267-274, 2002.


Torzilli, P. The aftermath of MCC-Marble; is this the death knell for the parol evidence rule? St. John’s law review (Jamaica, New York) 74:843-873, 2000.

III. International commercial arbitration and conciliation


In English. Revised Draft Text of Law on Arbitration (derived from UNCITRAL Model Law) reproduced in the annex.


Berger, K. P. *Arbitration interactive; a case study for students and practitioners*. Frankfurt, Peter Lang, 2002.

Includes interactive DVD-ROM.


The UNCITRAL Model Law on International Commercial Arbitration is discussed in chapter 29.


Discusses new Jordanian enactment of model law.


The UNCITRAL Arbitration Rules are discussed in chapter 11.


*Discusses Korean enactment of the UNCITRAL Model Arbitration Law.*


*Title and text in Russian.*


*In Korean. Includes a discussion of the current work programme of UNCITRAL Working Group on Arbitration.*
Includes a discussion of the use of the UNCITRAL Arbitration Rules in bilateral investment treaties.


A new arbitration law is now being drafted. *JCA newsletter* (Tokyo) 15:2, 2002.


Includes a discussion of the Croatian enactment of the Model Law.


Weiler, T. NAFTA investment law in 2001; as the legal order starts to settle, the bureaucrats strike back. *International lawyer* (Chicago) 36:345, 2002.


### IV. International transport


Beare, S. Liability regimes; where we are, how we got there and where we are going. *Lloyd’s maritime and commercial law quarterly* (London) 3:306-315, 2002.


Includes papers presented at a symposium on the UNCITRAL preliminary draft instrument on the carriage of goods, held by the Institute of Maritime Law at the University of Southampton.


Heber, R. Jurisdiction and arbitration; should the new convention contain rules on these subjects? Lloyd’s maritime and commercial law quarterly (London) 3:405-417, 2002.


In Slovenian.


UN agency moves in on rules for container traffic liability. Insurance day (London) 8 October 2002.


In English.


V. International payments


VI. Electronic commerce


Discusses CISG in the context of electronic commerce issues.

E-bill passes to applause by Microsoft. The press (Christchurch, New Zealand) 15 October 2002.


Faria, J.A.E. International harmonisation of e-commerce law; the way ahead. TMI; treasury management international (London) 110:1, 2002.


VII. Independent guarantees and stand-by letters of credit


Dole, R. F., Jr. Warranties by beneficiaries of letters of credit under revised article 5 of the UCC; the truth and nothing but the truth. Houston law review 39:375-411, 2002.


Financements et garanties dans le commerce international; guide juridique. Genève, Centre du commerce international, 2002.


**VIII. Procurement**


**IX. Cross-border insolvency**

Australia. *Cross-border insolvency; promoting international cooperation and coordination*. 2000. (Proposals for Reform, 8)

Clift, J. The UNCITRAL Model Law on Cross-Border Insolvency; an answer to insolvency issues in the framework of international trade and of international projects. In *Faillite et concordat judiciaire; un droit aux contours incertains et aux interférences multiples*. Louvain, Belgium, 2002. p. 81-113. (v. 9)


Appendix compares articles of the Model Law with its corresponding provisions in Indian law.

Esplugues Mota, C. Hacia la elaboración de un standard legislativo internacional en materia concursal; la propuesta de guía legislativa sobre el régimen de la insolvencia de la Comisión de Naciones Unidas para el derecho mercantil internacional (CNUDMI/UNCITRAL). *Derecho de los negocios* (Madrid) 146:19-40, 2002.


Frieswick, K. Going bust not the same all over; filing for bankruptcy protection means different things in different countries; will a uniform code ever be


Includes a discussion of the role of INSOL in the UNCITRAL insolvency and secured interests projects.


CD-ROM.


Includes appendix comparing articles of the Model Law with its corresponding provisions in Indian law.

Murphy, P. J. Why won’t the leaders lead? The need for national governments to replace academics and practitioners in the effort to reform the muddled world of international insolvency. *University of Miami inter-American law review* (Coral Gables, Florida) 34:1:121-153, 2002.


CD-ROM. Various UNCITRAL texts are reproduced.


Includes appendix on the Insolvency Institute of Canada, Canadian Association of Insolvency and Restructuring Professionals; reform proposals.

X. Receivables financing


Article briefly discusses the Receivables Convention in the context of the UNIDROIT conventions on factoring and mobile equipment.


In Japanese.


XI. **International construction contracts**

*[No publications recorded under this heading.]*

XII. **International countertrade**


XIII. **Privately financed infrastructure projects**


Discusses the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects.

XIV. **Security interests**


Discusses the role of INSOL in the UNCITRAL insolvency and secured interests projects.

Ikeda, M. Project of making a legislative guide on secured transactions by UNCITRAL. *NBL (New business law)* (Tokyo) 748:19-24, 2002.

Title and text in Japanese.


The work of UNCITRAL in the areas of cross-border insolvency and security interests is discussed in chapter 6.
### Annex

**UNCITRAL legal texts**

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Notes  


i United Nations publication, Sales No. E.93.V.7.  


k United Nations publication, Sales No. E.87.V.10.  

l United Nations publication, Sales No. E.01.V.4.


General Assembly resolution 56/81, annex, of 12 December 2001.
