

BIBLIOGRAPHY OF WRITINGS RELATED TO THE WORK OF UNCITRAL

Compiled monthly (December 2021)

I. GENERAL

[No publications recorded under this heading.]

II. INTERNATIONAL SALE OF GOODS

Blas Rivas, A. Retrasos en compraventa internacional: ¿quién asume la responsabilidad? *E/ confidencial blog* 16 December 2021.

Bridge, M.G. The CISG and commodity sales: a relationship to be revisited? *Singapore journal of legal studies* (Singapore) 271-290, 2021.

Kochanowski, M. Utracony zysk w myśl przepisów Konwencji Narodów Zjednoczonych o umowach międzynarodowej sprzedaży towarów. *Central and Eastern European online library* (Frankfurt am Main, Germany) 28:75-108, 2021. Translation of title: Lost profit under the CISG (1980).

Meškić, Z. and N. Jevremović. From product-centered to servitized industry: placing product-service integration model under the umbrella of the UN Convention on Contracts for the International Sale of Goods. *University of Pittsburgh law review* (Pittsburgh, Pa.) 83:1:87-135, 2021.

Mohs, F. and C. Chevalley. Recht des Verkäufers, Zahlung in einer anderen als der vertraglich geschuldeten Währung zu verlangen. *Internationales Handelsrecht* (Köln, Germany) 21:6:244-251, 2021. Translation of title: Right of the seller to request payment in a currency other than the currency agreed in the contract.

Perales Viscasillas, M. del P. La transmisión del riesgo a la luz de la Convención de Viena de 1980 y de los Incoterms® 2020. *Ley mercantil* (Madrid) 86:1-39, 2021.

Suresh, A. Interpreting merger clauses in contracts governed by the CISG: delineating the scope for the use of extrinsic evidence. *Uniform law review = Revue de droit uniforme* (Oxford, U.K.) 26:2:223-247, 2021.

Vičić, M. Укључивање општих услова пословања у уговоре о међународној продаји робе. *Strani pravni život* (Belgrade) 59:1:259-274, 2015. Translation of title: Incorporation of standard terms and conditions in the contracts on international sale of goods.

III. INTERNATIONAL COMMERCIAL ARBITRATION AND CONCILIATION

Ali, S. and E. Komolo. UNCITRAL's engagement in African and Latin American dispute resolution reform. *Ohio State journal on dispute resolution* (Columbus, Ohio) 35:3:289-310, 2020.

Amasike, C.J. International arbitration and ADR and the rule of law. Ibadan, Nigeria, University Press Plc, 2020. 715 p.

_____. The dynamics of mediation, negotiation and arbitration in a globalised world. Ibadan, Nigeria, University Press Plc, 2021. 700 p.

Dinleyici, A.S. Güncel kararlar ve son gelişmeler ışığında ICSID tahkiminde hakemin reddi. *Türkiye Adalet Akademisi Dergisi (TAAD)* (Ankara) 48:583-614, 2021. Translation of title: Disqualification of arbitrators in ICSID arbitration in light of recent decisions and developments.

Ener, M.A. Singapur Konvansiyonu: Arabuluculuk Anlaşmalarının New York Konvansiyonu. *Ankara Hacı Bayram Veli Üniversitesi Hukuk Fakültesi Dergisi* (Ankara) 23:1:227-248, 2019. Translation of title: The Singapore Convention: New York Convention of Mediated Settlement Agreements.

- Ferrari, F. Plures leges faciunt arbitrum. *Arbitration international* (Oxford, U.K.) 37:3:579-597, 2021.
- Gouambe, S. La liberté des parties dans le droit de la médiation OHADA. *Uniform law review = Revue de droit uniforme* (Oxford, U.K.) 26:300-326, 2021.
- Hwang, M. and K. Tan. The time limit to set aside an award under Article 34(3) of the Model Law: a comparative study. *Journal of international arbitration* (Alphen aan den Rijn, The Netherlands) 38:5:553-600, 2021.
- Kalafatoğlu, M.P. Milletlerarası tahkim kanunu uyarınca iptal davası açma hakkından feragat. *Public and private international law bulletin* (Istanbul) 38:2:339–368, 2018. Translation of title: Waiver of setting aside action under the Turkish International Arbitration Code.
- Knieper, J. The making of the UNCITRAL mediation framework. *BCDR international arbitration review* (Alphen aan den Rijn, The Netherlands) 6:2:239-260, 2019.
- Morris-Sharma, N.Y. The Singapore Convention: a milestone for mediation. *BCDR international arbitration review* (Alphen aan den Rijn, The Netherlands) 6:2:261-296, 2019.
- Nottage, L. International commercial and investor-state arbitration: Australia and Japan in regional and global contexts. Cheltenham, U.K., Edward Elgar Publishing Limited, 2021.
- Perez, B. The UNCITRAL Expedited Arbitration Rules 2021. *Asian dispute review* (Hong Kong) 23:4:184-191, 2021.
- Pislevik, S. I now pronounce you “null and void”: manner of determination and the applicable law under the New York Convention. *Arbitration international* (Oxford, U.K.) 37:3:721-734, 2021.
- Reyes, A. and W. Gu, eds. The developing world of arbitration: a comparative study of arbitration reform in the Asia Pacific. Oxford, U.K. ; Portland, Oregon, Hart Publishing, 2018.
- Xavier, M.P. and others. Acordos de mediação e perspectivas de aplicação da recente Convenção de Singapura no Brasil. *Constituição, economia e desenvolvimento* (Curitiba, Brazil) 29 November 2021. Translation of title: Mediation agreements and prospects for the application of the recent Singapore Convention in Brazil.

IV. INTERNATIONAL TRANSPORT

- Magklasi, I. The Rotterdam Rules and international trade law. New York, N.Y., Routledge, 2018.
- Nawrot, J. and Z. Pełowska-Dąbrowska, eds. Codification of maritime law: challenges, possibilities and experience. Abingdon, U.K., Informa Law from Routledge, 2020. 263 p.
- Takahashi, K. Blockchain-based negotiable instruments (with particular reference to bills of lading and investment securities). *Social science research network* 18 November, 2021. To be published (subject to formatting and copy-editing) as a chapter from Andrea Bonomi and Matthias Lehmann (eds) *Blockchain & Private International Law* (Brill).

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

[No publications recorded under this heading.]

VI. ELECTRONIC COMMERCE

- Ganne, E. Blockchain for trade: when code needs law. *American journal of international law unbound* 115:419-424, 6 December 2021. Part of the symposium on the global governance implications of blockchain.

- Mayana, R.F. and T. Santika. Legalitas tanda tangan elektronik: kemungkinan dan tantangan notary digitalization di Indonesia. *Acta diurnal: jurnal ilmu hukum kenotariatan* (Bandung, Indonesia) 4:2:244-262, 2021. Translation of title: Electronic signature legality: the possibilities and challenges of notary digitization in Indonesia.
- Pem, T. Applicability of smart contract in the Bhutanese legal system. *Thammasat business law journal* (Bangkok) 11:65-78, 2021.
- Takahashi, K. Blockchain-based negotiable instruments (with particular reference to bills of lading and investment securities). *Social science research network* 18 November, 2021. To be published (subject to formatting and copy-editing) as a chapter from Andrea Bonomi and Matthias Lehmann (eds) *Blockchain & Private International Law* (Brill).
- Vaudry, W. and S. Green. Electronic trade documents: the Law Commission's provisional proposals, the MLETR, and the concept of possession. *Journal of business law* (London) 8:625-648, 2021.

VII. SECURITY INTERESTS (includes former RECEIVABLES FINANCING)

- Bazinas, S.V. and E.E. Smith. The UNCITRAL Model Law on Secured Transactions and UCC Article 9 compared. *Uniform commercial code law journal* (New York) 50:2:79-141, 2021.
- Elmas, Ö. Türk Hukukundaki Mevduat Rehnine, Teminat İşlemleri İçin Uncitral Model Kanun Açısından Bir Bakış. *İstanbul Medipol Üniversitesi Hukuk Fakültesi Dergisi* (Istanbul) 5:1:187-212, 2018. Translation of title: A glance with regard to UNCITRAL Model Law on Secured Transactions to the deposit pledge in Turkish Law.
- Koekemoer, M.M. and R. Brits. Towards reforming South African secured transactions law: the value of a comparison with international and regional legal instruments. *Tydskrif vir hedendaagse Romeins-Hollandse reg = Journal of contemporary Roman-Dutch law* (Johannesburg) 83:528-541, 2020.
- Takahashi, K. Blockchain-based negotiable instruments (with particular reference to bills of lading and investment securities). *Social science research network* 18 November, 2021. To be published (subject to formatting and copy-editing) as a chapter from Andrea Bonomi and Matthias Lehmann (eds) *Blockchain & Private International Law* (Brill).

VIII. PROCUREMENT

[No publications recorded under this heading.]

IX. INSOLVENCY

- Čolović, V. Lex fori concursus as the basic rule in the international bankruptcy. *Strani pravni život* (Belgrade) 60:4:85-98, 2016.
- Çon, Ö. İflâsın evrenselliği bağlamında isviçre hukukunda son gelişmeler. *Süleyman Demirel University Faculty of Law review* (Isparta, Turkey) 10:1:167-189, 2020. Translation of title: Recent developments in Swiss law in the context of universality of bankruptcy.
- Kokorin, I. and B. Wessels. Cross-border protocols in insolvencies of multinational enterprise groups. Cheltenham, U.K. ; Northampton, Mass., Edward Elgar Publishing Limited, 2021.
- Kumar, R. Understanding cross border insolvency: an Indian overview. *Jus corpus law journal* (Lakhimpur Kheri, India) 1:3:98-118, 2021.
- Misra, P. and A. Feibelman. The institutional challenges of a cross-border insolvency regime. *Corporate and business law journal* (Phoenix, Ariz.) 2:329-352, 2021.
- Ochocińska, K. Creditors' and third parties' rights in rem under European Union regulations and the UNCITRAL Legislative Guide on Insolvency Law. *Comparative law review* (Torun, Poland) 27:353-366, 2021.

Tiwari, A. Cross border mergers in India in the IBC era: a legal enquiry. *Indian journal of law and justice* (West Bengal, India) 11:2:286-301, 2020.

UN Commission on International Trade Law, ed. UNCITRAL legislative guide on insolvency law, part four: directors' obligations in the period approaching insolvency (including in enterprise groups) second edition. Vienna, United Nations, 2020. 49 p.

Wessels, B. Towards a European code of conduct for creditors' committees. *International corporate rescue* (London) 18:6:375-383, 2021.

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

Koulu, R. Law, technology and dispute resolution: privatisation of coercion. Abingdon, U.K., Routledge, 2019. 226 p.

XIV. MICRO, SMALL AND MEDIUM-SIZED ENTERPRISES

[No publications recorded under this heading.]

XV. INVESTOR-STATE DISPUTE SETTLEMENT

Bohmer, L. UNCITRAL Secretariat publishes initial draft on appellate mechanism, discussing scope of review, articulation with pre-existing remedies, and options for implementation. *Investment arbitration reporter* (New York) 16 December 2021.

Fukunaga, Y. Precedent in investment arbitration: is an institutionalized investment court more desirable? *Collected courses of the Xiamen Academy of international law* (Leiden, The Netherlands) 12:301-339, 2022.

Gaidaenko Schaer, N. Этический кодекс арбитра: нужен ли он? *Commercial arbitration* 1:6:65-72, 2021. Translation of title: A code of ethics for an arbitrator: is it necessary?

Nottage, L. International commercial and investor-state arbitration: Australia and Japan in regional and global contexts. Cheltenham, U.K., Edward Elgar Publishing Limited, 2021.

Şahin, A. and G. Özsü. Yatırımcı devlet uyumsuzluk çözüm sisteminin (ISDS) reformu bakımından önemli bir adım: taslak etik kurallar. *Türkiye Adalet Akademisi Dergisi (TAAD)* (Ankara) 46:477-498, 2021. Translation of title: An important step for reform of ISDS system: draft ethical rules.

Scheu, J. and P. Nikolov. Jurisdiction of tribunals to settle intra-EU investment treaty disputes. *ICSID review* (Oxford, U.K.) 36:1:171-188, 2021.

Sharma, R. Mediation of investor-state disputes: should it be transparent? *Contemporary Asia arbitration journal* (Taipei) 13:2:349-364, 2020.