II. BIBLIOGRAPHIC MATERIALS AND CHECK LIST OF DOCUMENTS

A. Compilation of bibliographies on international trade law (A/CN.9/L.25)*

INTRODUCTION

At its fourth session (1971), the Commission requested the Secretary-General to invite members of the Commission to provide him with bibliographies relating to subject-matters included in the work of the Commission, i.e. international sale of goods (uniform rules, time-limits and limitations (prescription), and general conditions of sale and standard contracts), international payments (negotiable instruments, bank guarantees, security interests in goods and bankers' commercial credits), international commercial arbitration and international legislation on shipping. The Secretary-General was requested to publish such bibliographies as documents of the Commission.[1]

The present document is a compilation of bibliographical materials supplied by Australia, Austria, Belgium, Brazil, Chile, Hungary, India, Italy, Romania, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics.[2] The materials are presented under the following headings:

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II.	International payments	224
III.	International commercial arbitration	227
IV.	International legislation on shipping	233
V.	General	241

I. INTERNATIONAL SALE OF GOODS

Australia[3]

Bright, C. H. Contracts of adhesion and exemption clauses. November 1967. *Australian Law Journal*, vol. 41, p. 261.

Commercial Law Association. Frustration of contract: Suez Canal closure. March 1968. *Bulletin*, No. 1, article No. 1.

Breaches of contract and repudiation—vital consequences in long-term contracts. November 1971. *Bulletin*, vol. 3, No. 6, p. 31.

Breach of contract—some aspects of the remedy of damages. November 1968. *Bulletin*, No. 5, article No. 7.

The effects of frustration. December 1968. *Bulletin*, No. 5, article No. 9.

The Hague Convention (of 1964)—its effect on Australian traders. April 1969. *Bulletin*, No. 6, article No. 10.

F.O.B. Contracts. April 1970. *Bulletin*, vol. II, No. 2, p. 13.

Donovan, F. P. The unification of international commercial law—sale and arbitration 1959-1960 *Melbourne University Law Review*, vol. 2, p. 172.

International Chamber of Commerce (Australian Council). Incoterms as a source of law; arbitration convention welcomed. October 1965. *Newsletter*, p. 9.

Law Council. Convention relating to Uniform Laws on International Sale of Goods. 1969 *Newsletter*, vol. 4, No. 3, p. 8.

The Defaulting Overseas Banker and the Australian Exporter. 1966 *Newsletter*, vol. 2, No. 3, p. 8.

Uniform Sale of Goods Act. 1965 *Newsletter*, vol. 1, No. 2, p. 5.

Ogilvie, A. G. The American Uniform Commercial Code, the Tasmanian Goods Act of 1896, a Comparative Study. 1966 *University of Tasmania Law Review*, vol. 2, pp. 288-299.

Peden, J. R. Common law liens—An Anglo-Australian Conflict. 1968 *Sydney Law Review*, vol. 6, p. 39.

Samek, R. A. *An Analytical Guide to Contract and Sale of Goods*. Sydney, Law Book Co., 1963.

Sutton, K. C. T. The Law of the Sale of Goods in Australia and New Zealand. Sydney, Law Book Co., 1967.

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Walter, J. S. (with H. Muntz and D. A. Walsh). Incoterms. 1970 *Law Council Newsletter*, vol. 5, No. 1, p. 23.

Austria

Dölle. Einheitliches Kaufgesetz und internationales Privatrecht (Uniform Law on the International Sale of Goods and private international law). *Rabels Zeitschrift für internationales und ausländisches Privatrecht* (*RabelsZ*) 1968, 438.

Kanada. Nichterfüllung eines internationalen Kaufvertrages, Die Regelungen des tschechoslowakischen Gesetzes über den internationalen Handel und des Haager Einheitlichen Kaufgesetzes (non-performance of an international contract of purchase; the rules of the Czech law on international commerce and the Hague Uniform Law on the International Sale of Goods). *RabelsZ* 1970, 315.

Schinnerer. Um ein Recht des internationalen Handels (about a law on international commerce). *Zeitschrift für Rechtsvergleichung* 1968, 185.

Tiling. Haftungsbefreiung, Haftungsbegrenzung and Freizeichnung im einheitlichen Gesetz über den internationalen Kauf beweglicher Sachen (exemption from, limitation of, and renunciation of, liability under the Uniform Law on the International Sale of Goods). *RabelsZ* 1968, 258.

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* 28 August 1973

[1] Report of the Commission on its fourth session (A/8417), para. 137; UNCITRAL Yearbook, Vol. II: 1971, part one, II, A. Three previous documents containing bibliographical information have been submitted to the Commission: bibliography on arbitration law (A/CN.9/24 of 10 March 1969, and Add.1 and 2); bibliography on international sale of goods, standard trade terms, negotiable instruments and bankers' commercial credits (A/CN.9/R.3, of 20 March 1970); survey of bibliographies relating to international trade law: report of the Secretary-General (A/CN.9/L.20, of 5 March 1971, and Add.1), reproduced in UNCITRAL Yearbook, Vol. II:1971.

[2] In some cases members of the Commission, to increase the usefulness of the bibliographical data, have included translations of items into a second language.

[3] As noted in the introduction, these bibliographical materials have been prepared by members of the Commission. The bibliographies with respect to each topic are presented under the name of the member State which supplied the material in question.

Belgium

De Keyser, L. De eenvormige wetten inzake de internationale koop van roerende lichamelijke zaken. *Rechtskunding Weekblad,* 7 November 1971, No. 10, koll. 449-460.

Mahieu, Paul. Organisatie en techniek van de internationale handel, Leuven, Nauwelaerts, 1960, 310 p.

Stoels, J. La politique commerciale extérieure de la Belgique. Bruxelles, Bruylant, 1945, 358 p.

Brazil

Azulay, Fortunato. Três Teses (three theses): (a) Venda Condicional com Reserva de Domínio (conditional sale with reserved right of ownership); . . . Rio de Janeiro, 1950.

Gil, Otto. Novo Regulamento das Vendas Mercantis (decreto No. 22.061, de 9 de novembro de 1932; notas e comentarios) (new regulation on sale of merchandise; decree No. 22.061 of 9 November 1932; notes and comments). Rio de Janeiro, Livraria Jacintho Editora, 1932.

Nonato, Orosimbo. Fraude Contra Credores (Ação Pauliana) (fraud against creditors; legal action Pauliana). Rio, São Paulo, Editora Jurídica e Universitária, Ltda., 1969.

Chile

Raul Contreras Guerraty. La Asociación Latinoamericana de Libre Comercio en relación con la Agricultura Nacional. Santiago de Chile, Memoria de Prueba, 1966.

Hungary

Eörsi, Gyula. The 1968 general conditions of delivery. *The Journal of Business Law,* April 1970.

Eörsi, Gyula. The Hague Conventions of 1964 and the international sale of goods. *Acta Juridica* 3-4/1969.

Eörsi, Gyula. On the question of the unification of the law on the sale of goods, with special regard to the unification of conflict rules (in Hungarian). *Állam- és Jogtudomány* 2/1964.

Eörsi, Gyula. Regional and universal unification of the law of international trade. *The Journal of Business Law,* April 1967.

Faragó, László. Experiences about the application of the general conditions of delivery (in Hungarian). *Jogtudományi Közlöny* 5/1962.

Harmathy, Attila. Adhesion contracts, model contracts. *Droit hongrois — droit comparé. Hungarian Law — Comparative Law.* Akadémiai Kiadó, Budapest 1970, pp. 129-148.

Karlóczai, János. The self-regulatory character of the international sale of goods. *Questions of International Law 1968,* pp. 131-156.

Katona, Péter. Unification of the law on the international sale of goods (in Hungarian). In *Jogi problémák a nemzetközi kereskedelemben* [legal problems in international trade], vol. 2. Közgazdasági és Jogi Könyvkiadó, Budapest 1959, pp. 163-192.

Katona, Péter. Unification of the law of international trade. The first session of UNCITRAL. *Jogtudományi Közlöny* 11-12/1968.

Mádl, Ferenc. Foreign Trade Monopoly—Private International Law. Akadémiai Kiadó, Budapest 1967, 170 p.

Vörös, Imre. The regulation of delay in the 1968 General Conditions of Delivery of CMEA and the practice of arbitration (in Hungarian). *Jogtudományi Közlöny* 1/1969.

Vörös, Imre. The regulation of default in the 1968 General Conditions of Delivery of CMEA and the practice of arbitration (in Hungarian). *Jogtudományi Közlöny* 5/1969.

Italy

Alessi, G. P. L'unificazione della disciplina della vendita internazionale tra Stati socialisti membri del Consiglio per la cooperazione economica. *Studi internaz.* 1960-62, 221.

Astolfi, A. Cenni introduttivi sul regolamento giuridico della vendita commerciale internazionale. *Diritto negli scambi internazionali,* 1969, 35.

Bernini, G. Uniform laws on international sale. The Hague Conventions of 1964, *Journal of World Trade Law,* 1969, vol. 3, 671.

Bernini, G. La Conv. dell'Aja del 1964 sulla formazione e disciplina del contratto di vendita internaz. di beni mobili. *Riv.civ.* 1969, 2, 626.

Longo, G. La convenzione dell'Aja sulla formazione dei contratti di vendita internazionale, banco di prova di un incontro fra ordinamenti "romani" e "common law". Un nuovo progetto di studi. *Riv. dir. comm.* 1966, 96.

Matteucci, M. Verso l'unificazione internazionale del diritto commerciale, Le leggi uniformi sulla vendita. *Il diritto dell'economia,* vol. 3, p. 338, e vol. 4, p. 460.

Giardina, A. Il mutamento della disciplina internazionalprivatistica della vendita. Problemi intertemporali. *Riv. studi europ.* 1966, 180.

P. P. Vendita internazionale cose mobili. *Unum Jus* 1961, 523.

Severini, M. G. Sulla legge regolatrice di una clausola di deroga alla giurisdizione italiana contenuta in polizza di carico. In *Rivista di diritto internazionale,* 1966, 374.

Starace, V. Sulla legge applicabile alla polizza di carico, *ibid.,* 1958, 199.

Stolfi, M. Cenni introduttivi sul regolamento giuridico della vendita commerciale internazionale. *Il Diritto negli scambi internazionali,* 1969, 35.

G. S. Vendita internazionale. *Unum Jus* 1962, 41.

Romania

Ionaşcu, Traian and Ion Nestor. The limits of party autonomy, *in* The sources of the law of international trade, with special reference to East-West Trade, edited by C. M. Schmitthof, London, 1964.

———. Le risque de perte en transit: existe-t-il des différences quant aux effets de certaines clauses similaires concernant le risque?, *in* Unification of the law governing international sales of goods. The comparison and possible harmonization of national and regional unification, edited by John Honnold, Paris, 1966.

Ionaşcu, Traian. Queques aspects juridiques des relations commerciales s'établissant entre pays à structure économique différente, *in* Aspects juridiques du commerce avec les pays d'économie planifiée, Paris, 1961.

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Jacotă, Mihai. Problemele soluţionării conflictelor de legi în materia contractelor (problèmes de la solution des conflits de lois en matière de contrats). *Analele Universităţii din Iaşi,* 1959.

———. Les relations économiques internationales de la Roumanie et les Conditions générales de livraison de la Commission Economique pour l'Europe de l'ONU. *Revue roumaine d'études internationales,* No. 2/1971.

Millieş, Aurel. Aplicaţii ale noilor Condiţii generale de livrare CAER în contractele economice pentru importul şi exportul de produse (L'application des nouvelles Conditions générales de livraison CAEM dans les contrats économiques pour

l'importation et l'exportation des produits). *Arbitrajul de Stat,* No. 6/1969.

Nestor, Ion and Octavian Căpăţînă. Chronique de jurisprudence roumaine. *Journal du droit international (Clunet),* No. 2 1968.

————. La réglementation de la prescription extinctive conformément aux nouvelles Conditions générales de livraison CAEM-1968. *Revue roumaine de sciences sociales. Série de sciences juridiques,* No. 2 1969.

————. Chronique de jurisprudence roumaine de droit international privé, *Journal du droit international (Clunet),* No. 3/1971.

Păltineanu Alexandru, Emil Puscariu. Unele aspecte juridice ale relaţiilor contractuale privind comerţul exterior. (certains aspects juridiques des relations contractuelles concernant le commerce extérieur). *Arbitrajul de Stat,* 1962, No. 5.

Petrescu, Ada. Condiţiile generale de vînzare elaborate sub egida Comisiei Economice pentru Europa a ONU Cîteva precizări asupra încheierii contractului de vînzare internaţională (les conditions générales de vente élaborées sous l'égide de la Commission économique des Nations Unies pour l'Europe — quelques précisions sur la conclusion du contrat de vente internationale). *Studii şi cercetări juridice,* No. 2/1967.

————. Obligaţia de livrare (predare) în contractele-tip de vînzare internaţională de cereale, elaborate sub egida Comisiei Economice pentru Europa a ONU (l'obligation de livraison (remise) dans les contrats-type de vente internationale de céréales, élaborés sous l'égide de la Commission économique des Nations Unies pour l'Europe). *Analele Universităţii Bucureşti. Seria Stiinte Sociale, Stiinte juridice,* 1967.

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United Kingdom

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ABBREVIATIONS

ICLQ *International and Comparative Law Quarterly*
JBL *Journal of Business Law*
JWTL *Journal of World Trade Law*
MLR *Modern Law Review*

GENERAL AND COMPARATIVE

1. Aubrey, Michael D. Frustration reconsidered—some comparative aspects. (*In* (1963) 12 ICLQ 1165-1188) A. description of frustration of contract in English, French, German and Swiss law is followed by a discussion of those aspects of the concepts which are common to each of these legal systems. Although frustration is considered in this article in relation to the field of contract as a whole, many of the cases cited refer to international sale of goods and the common aspects are compared with the ECE's General Conditions.

2. The British Institute of International and Comparative Law. Some comparative aspects of the law relating to sale of goods. A report of a symposium held on January 28, 1964, under the auspices of the British Institute of International and Comparative Law at the Law Society's Hall, Chancery Lane, London W.C.2. 1964. vi, 91pp. (ICLQ Supplementary Publication No. 9. (1964)).
See items nos. 8, 16, 35 and 38 for details of contents. The texts of the Conventions and Uniform Laws are reprinted in an appendix.

3. Cheshire, G. C. International contracts for the sale of goods. (*In* (1960) JBL 282-286).
This brief article explains with illustrations the choice of law problems in litigation over contracts for the international sale of goods. It discusses the possible solution to this problem through ratification of the Draft Convention on the Contract for the International Sale of Goods put forward at the Hague Conference on Private International Law in 1951.

4. Goldštajn, Aleksander. International conventions and standard contracts as means of escaping from the application of municipal law—I. (*In* Schmitthoff, The sources of the law of international trade. 1964. p.103-117. See item no. 10.)
The author examines *inter alia* the possibilities of the unification of the law of international trade between the West and the East.

5. Johnson, A. Bissett. Efficacy of choice of jurisdiction clauses in international contracts in English and Australian Law. (*In* (1970) 19 ICLQ 541-556).
Some English and Australian decisions involving choice of law problems in international contracts litigation are reviewed.

6. Kopelmanas, Lazare. International conventions and standard contracts as means of escaping from the application of municipal law—II. (*In* Schmitthoff. The sources of the law of international trade. 1964. p.118-126. Item no. 10).

7. Lagergren, Gunnar. The limits of party autonomy—II. (*In* Schmitthoff, The sources of the law of international trade. 1964. p.201-224. See item no. 10).
The full title of this report indicates that it includes the admissibility of conflict avoidance devices, and the municipal conflict of laws rules for the ascertainment of the law governing international trade transactions.

8. Riese, Otto. International problems in the law of sale. (*In* Some comparative aspects of the law relating to sale of goods... 1964. p.32-37. See above, item no. 2).

9. Schmitthoff, Clive M. Colloquium on some problems of non-performance and *force majeure* in international contracts of sale. (*In* (1960) 9 ICLQ 677-682).
This report summarises the proceedings of the colloquium held in Finland in 1960 and organised by the International Association of Legal Science.

10. Schmitthoff Clive M. *ed.* The sources of the law of international trade with special reference to East-West trade. London: Stevens & Sons Ltd., 1964. xxvi, 292pp. This is a report of the proceedings of the London colloquium in the series arranged by the International Association of Legal Science on various aspects of international trade law. It contains the papers presented by the participants and a note of discussions. Although only some of the papers relate specifically to international sale of goods, this is an important source book on international trade law. There are lists of participants and contributors; international and municipal legislation and customs; cases; and an index. Foot-notes refer to legislative and judicial

sources and literature from many countries. See also item nos. 4, 6, 7 and 30.

11. Sundström, G. O. Z. International sales and the conflict of laws. (*In* (1966) JBL 122-127, 245-250).
An academic article on the concept of the proper law of the contract. Foot-note references to an international range of publications.

12. Szaszy, S. Proper law of the contract in trade between Eastern Europe and the West; the position of East European socialist States. (*In* (1969) 18 ICLQ 103-128). The writer draws on sources and literature from many jurisdictions in discussing the East European attitude to the proper law of the contract. A long list of East European legal textbooks on private international law, foreign trade, and sale contracts is included in a foot-note.

13. Wortley, B. A. Need for more uniformity in the law relating to the international sale of goods in Europe. (*In* Legal problems of the European Economic Community and the Eurpean Free Trade Association pp. 45-57. ICLQ, Supplementary Publication No. 1 (1961)).
A uniform law for the contract for the international sale of goods would lessen the risk of conflicts of laws and lengthy litigation. Difficulties such as formal requirements, measure of damages on breach, passing of risk and property are considered with reference to conflicting practices in legal systems in Europe and a solution offered in the form of the Rome Institute's draft Convention on the Uniform Law on International Sales of Goods.

NATIONAL PRACTICE

(a) *Czechoslovakia*

14. Drucker, A. Code of international trade. (*In* (1964) 13 ICLQ 671-675).
The Czechoslovak Code of International Trade 1963, which "regulates the whole body of commercial law in the international trade of Czechoslovakia", is discussed and compared with the Hague draft of a uniform law on international sale of goods.

15. Kalenský, Pavel. The new Czechoslovak International Trade Code (*In* (1966) JBL 179-186).
The scope and contents of the Czechoslovak International Trade Code 1963 is described against the background of international efforts to unify the law of international trade.

(b) *Federal Republic of Germany*

16. Zweigert, Konrad. Aspects of the German Law of sale. (*In* Some comparative aspects of the Law relating to sale of goods . . . 1964. p. 1-15. See above, item no. 2).
A comparison is made between the German and the English law on sale of goods, which are both then compared with the (then) draft uniform law on international sale of goods.

(c) *People's Republic of China*

17. Smith, Alan H. Standard form contracts in the international commercial transactions of the People's Republic of China. (*In* (1972) 21 ICLQ 133-150).
This is a useful survey for practical and academic purposes of the international trade organisation and practice of the People's Republic of China. It covers formation, arbitration, language, payment terms, commodity inspection, insurance, shipping documents, quality of goods and breaches of contract in the standard form contracts used by the People's Republic of China. There are extracts from their standard contracts to illustrate the points made.
Foot-note references to English language articles on Chinese foreign trade.

(d) *Union of Soviet Socialist Republics*

18. Ramzaitsev, Dmitri. The law of international trade in the new Soviet legislation. (*In* (1963) JBL 229-237).
This is an examination of those rules in the 1961 "Fundamentals of Civil Legislation of the USSR and Union Republics" and the "Fundamentals of Civil Procedure of the USSR and Union Republics" which have a bearing on international trade law.

(e) *United Kingdom*

19. Chalmers' Sale of Goods Act, 1893 including the Factors Acts 1889 & 1890. 16th ed. by Michael Mark. London: Butterworths, 1971. xcii, 350pp.
A commentary on the Sale of Goods Act, the Factors Acts and various other acts is preceded by an introduction which covers the relationship of the law of sale with the general law of contract and international contracts of sale. Table of statutes, cases and index.

20. Eisemann, F. Incoterms and the British export trade. (*In* (1965), JBL 114-122).
Standards trade terms and uniform laws are complementary as a means of standardising international trade law. The significance of Incoterm 1953 as evidence of international commercial custom is discussed.

21. Feltham, J. D. Uniform Laws on International Sales Act 1967. (*In* (1967) 30 MLR 670-676).
A résumé is given of the background to the Uniform Laws on formation and sale. The Uniform Laws on International Sales Act is compared with the Sale of Goods Act 1893.
(For academic lawyers.)

22. Graveson, R. H., Cohn, E. J. and Graveson, D. The Uniform Laws on International Sales Act 1967. London: Butterworths, 1968. xii. 195pp.
This legal textbook discusses the implications for English law of the enactment of the Uniform Laws on International Sales and on Formation of Contract for International Sales; reprints the text of the Act with annotations; and reprints in French and English the conventions relating to Uniform Laws on the International Sale of Goods and the Formation of Contracts for the International Sale of Goods. There are tables of cases and statutes, a bibliography and an index.

23. Sassoon, David M. CIF and FOB contracts. London: Stevens & Sons, 1968. (British Shipping Laws Vol. 5). xxxiv, 460, [6] pp.
A legal textbook for exporters, practising and academic lawyers on two important aspects of the sale of goods contracts gives extensive coverage to English case law supplemented by references to American and Commonwealth decisions.
Table of statutes, cases and index.

24. Sassoon, David M. Damage resulting from natural decay under insurance, carriage and sale of goods contracts. (*In* (1965) 28 MLR 180-192).
Questions of liability for, and onus of proof of, damage to goods in transit are discussed with reference to mainly English cases involving international sales.

25. Sassoon, David M. Deterioration of goods in transit. (*In* (1962) JBL 351-362).
English judicial decisions concerning deterioration of goods in transit to a buyer abroad are discussed. English definitions of terms are compared with suggested international standard definitions in Incoterms 1953 and Trade Terms 1953, and with the American Uniform Commercial Code.

26. Schmitthoff, Clive M. The export trade. The law and practice of international trade. 5th ed. London: Stevens & Sons Ltd., 1969. xxxvii, 451pp.
All aspects of the export trade are covered; a substantial

portion deals with the contract for the international sale of goods. Amendments to the text are contained in the British Business Law section of the Journal of Business Law. There are lists of cases, statutes, international conventions and other formulations of international trade law and a short bibliography of major works on export trade law published in English, French, German, or Spanish is attached to chapter 3. (Standardization of terms in international sales.) Chapter 4 (Market information for exporters) is a brief guide to English non-legal literature on export trade. Appendices reproduce parts of statutes and statutory instruments and the "Standard Trading Conditions 1956" of the Institute of Shipping and Forwarding Agents.

27. Schmitthoff, Clive M. Legal aspects of export sales. 2nd ed. London: Institute of Export, 1969. xi, 76pp.
This book is based on five lectures given to the Institute of Export. It describes "the legal mechanism of the export sale transaction in the light of modern legal and commercial experience". It covers the formation of the contract of sale; the passing of property, possession and risk; F.O.B. and related clauses; C.I.F. and related clauses; breach of contract; and conflict of laws. It is written for students of British export practice and has little to say on international attempts to unify international trade law. Short table of cases, statutes and index.

28. Schmitthoff, Clive M. The sale of goods including the Hire-Purchase Act 1965 and other enactments. 2nd ed. London: Stevens & Sons Ltd., 1966. xxxviii, 381pp.
The field of British sales law is covered in three parts: the history, concepts, modern tendencies and suggested reforms; a commentary on the Sale of Goods Act 1893; and notes on and reprints of other statutes related to sale of goods, and the Uniform Laws on International Sales. Throughout the book there are many references to international sale of goods. Table of statutes, cases and an index.

INTERNATIONAL PRACTICE

(a) *General*

29. Schmitthoff, Clive M. The unification or harmonisation of law by means of Standard Contracts and General Conditions. (*In* (1968) 17 ICLQ 551-570).
This practical guide to the various methods of unifying contracts for the international sale of goods could be useful to practising lawyers as well as academics and students. [Copious foot-note references to an international range of relevant publications].

30. Malintoppi, Antonio. The uniformity of interpretation of international conventions on uniform laws and of standard contracts. (*In* Schmitthoff, The sources of the law of the international trade. 1964. p.127-137. See above, item no. 10).
Measures to prevent divergences in interpreting uniform law and standard contracts can be taken both during and after the drafting of the texts and by means of their revision.

(b) *Council for Mutual Economic Assistance (CMEA)*

31. East European trade council. Contracts with Eastern Europe. London, 1969. 77 pp.
This is a practical guide, for the exporter, to negotiating sales contracts with Eastern European buyers and to the legal and practical aspects of the contract itself.

32. Eörsi, G. 1968 General Conditions of Delivery. (*In* (1970) JBL 99-108).
Member States of Comecon have adopted the 1968 General Conditions of Delivery, which revised the 1958 General Conditions in the light of practical experience. The revision included conflict of laws matters, prescription and additional legal remedies.

(c) *Uniform Laws on International Sales*

33. Aubrey, M. Formation of international contracts, with reference to the Uniform Law on Formation. (*In* (1965) 14 ICLQ 1011-1022).
English, French and German law relating to offer and acceptance are described to illustrate the difference in national practices and thus the difficulties which arose in formulating the Uniform Law on the Formation of Contracts for the International Sale of Goods.

34. Bernini, Giorgio. The Uniform Laws on International Sale: the Hague conventions of 1964 (*In* (1969) 3 JWTL 671-695). The solution offered by the Uniform Laws on International Sales to the problems of offer and acceptance and remedies for breach in international contracts are discussed and compared with English and Italian law, representing common and civil law practices respectively.

35. Ellwood, L. A. The Hague Uniform Laws governing the International Sale of Goods. (*In* Some comparative aspects of the law relating to sale of goods ... 1964. p. 38-56. See above, item no. 2).
This article was written before the Diplomatic Conference at the Hague but revised before publication in the light of the final texts of the Conventions.

36. Foreign Office. Final act of the Diplomatic Conference on the Unification of Law governing the International Sale of Goods, The Hague, 25 April, 1964, together with Convention relating to a Uniform Law on the International Sale of Goods and Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods opened for signature on July 1, 1964. London; HMSO, 1964.
(Miscellaneous No. 19 (1964) Cmnd. 2415.)

37. Lagergren, Gunnar. The Uniform Law on Formation of Contracts for the International Sale of Goods. (*In* [1966] JBL 22-30). A commentary on the Uniform Law on Formation with reference to the solutions offered by various national systems to some of the problems of formation of contract.

38. The Law of Formation. Part III of the report of the United Kingdom delegation to the Diplomatic Conference on Unification of Law governing International Sale of Goods held at The Hague from April 2 to April 25, 1964. (*In* Some comparative aspects of the law relating to sale of goods ... 1964. p. 57-59. See above, item no. 2).

39. Szakats, A. Influence of common law principles on the Uniform Law on the International Sale of Goods. (*In* (1966) 15 ICLQ 749-779).
The provisions of French, German, United States and United Kingdom law relating to hidden defects, remedies (rescission, damages and specific performance) and the position of third parties in contracts for the sale of goods are compared with each other and with the provisions of the Uniform Laws on International Sale of Goods.

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———. Organisation et fonctionnement de l'arbitrage pour le commerce extérieur dans la République socialiste de Roumanie. *Il diritto negli scambi internazionali*, Milano, No. 2/1969.

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United Kingdom

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Abbreviations

BYIL	*British Yearbook of International Law*
ICLQ	*International and Comparative Law Quarterly*
JBL	*Journal of Business Law*
MLR	*Modern Law Review*

JOURNALS

1. Arbitration. London: Institute of Arbitrators. 1915
   This quarterly journal includes articles on the whole range of arbitration under English law. Occasional articles briefly cover aspects of international commercial arbitration.
2. International Law Association. Reports of conferences. London: International Law Association. 1873
   The annual reports of the International Law Association usually contain a report from the Association's Committee on International Commercial Arbitration covering recent developments in this field.

GENERAL AND COMPARATIVE

3. International arbitration: a symposium. (*In* (1966) 15 ICLQ 718-748)
   This is a report of a one-day symposium held on 20 January 1966 by the British Institute of International and Comparative Law on "The principles and practice of international arbitration". For details of the papers presented to the symposium see item nos. 8, 11, 14 and 15.
4. Lalive, Jean-Flavien. Contracts between a state or a state agency and a foreign company. Theory and practice: choice of law in a new arbitration case. (*In* (1964) 13 ICLQ 987-1021)
   The general principles of law to be applied in arbitration are examined in relation to oil concession contracts where one party is a state-owned agency and the other, a foreign corporation. Extracts from the arbitral judgement in the dispute between Sapphire International Petroleums Ltd. and the National Iranian Oil Company are given in an appendix, and a list of similar arbitrations appears in a foot-note. Reference to an international range of relevant publications is made throughout the article.
5. Mann, F. A. State contracts and international arbitration. (*In* (1967) 42 BYIL 1-37)
   The first part of the article deals with the question of the law—municipal or public international law—to which an arbitration between a State and a foreign national is subject. This is followed by a detailed examination of the difficulties which may arise over such arbitrations.
6. Schmitthoff, Clive M. The sources of the law of international trade, with special reference to East-West trade. London: Stevens & Sons Ltd., 1964 xxvi, 292pp.
   This is a report of the proceedings of the London colloquium in the series arranged by the International Association of Legal Science on various aspects of international trade law. It contains the papers presented and a note of discussions. There are lists of participants and contributors; international and municipal legislation and customs; cases; and an index. International commercial arbitration is considered in the general context of international trade law in several of the papers. For the papers dealing substantially with the subject see items 7 and 35 of this bibliography.
7. Tallon, Denis. The Law applied by arbitration tribunals —II (*In* Schmitthoff, Clive M. The sources of the law of international trade. 1964 p. 154-166 Item 6)
   The author considers first the determination of the law governing the arbitration and the law governing the substance of the dispute, and secondly the determination of the content of the law governing both procedure and dispute, which the arbitrator is to apply. A brief bibliography supplements the foot-note references in the text to a wide range of publications.
8. Tangley, *Lord*. International arbitration today. (*In* (1966) 15 ICLQ 719-725)
   Lord Tangley introduced the symposium on "The Principles and practice of International Arbitration" with comments on the increase in complexity of international trade and therefore of the scope of international commercial arbitration; and also on the unfortunate multiplicity of arbitral bodies due in part to politically based suspicion among nations.
9. Verdross, Alfred. Quasi-international agreements and international economic transactions. (*In* Year Book of World Affairs 1964, Vol. 18 230-247)
   The nature of, and law governing, "quasi-international agreements", i.e. investment or concession agreements between a State and a foreign national, is examined in the light of decisions of arbitration tribunals set up to decide disputes arising between such parties.
10. Wall, E. International congress on arbitration (Venice, October 6-8, 1969). (*In* (1970) 19 ICLQ 153-155)
    This is a brief report of a Congress which examined the extent of recourse to international commercial arbitration and the difficulties involved; and made recommendations as to possible methods of encouraging greater use of arbitration.

INTERNATIONAL CONVENTIONS AND RULES

(a) *Commodity associations*

11. Faure, J. C. A. Commodity market arbitrations with special reference to the Incorporated Oil Seed Association Rules. (*In* (1966) 15 ICLQ 736-742)
    The purpose and organization of trade associations is described with particular reference to the Incorporated Oil Seed Association. Its Rules of Arbitration are explained through examples of possible disputes followed by the method of their solution and appeal procedure.

(b) *World Bank (International Bank for Reconstruction and Development)*

12. Sassoon, David M. Convention on the settlement of investment disputes. (*In* [1965] JBL 334-339)
    The reasons for, and background to the drafting of the Convention by the World Bank are described. The convention is intended to make provision for permanent "facilities to which states and foreign investors could voluntarily submit disputes for settlement through conciliation and arbitration". The article describes the jurisdiction of the International Centre for the Settlement of Investment Disputes and the Convention's provisions for submitting investment disputes to it.

(c) *International Chamber of Commerce*

13. Cohn, E. J. The Rules of Arbitration of the International Chamber of Commerce. (*In* (1965) 14 ICLQ 132-171)
    A short introduction to the disadvantages of litigation over international contracts and the advantages of arbitration is followed by a thorough description of the arbitration machinery of the International Chamber of Commerce. This description covers their officially recommended arbitration clause; the Rules on Conciliation and Arbitration; and comparative material on the differences between the Rules and arbitration and litigation procedure under various national legal systems.
14. Eisemann, *Dr.* F. Arbitrations under the International Chamber of Commerce rules. (*In* (1966) 15 ICLQ 726-736)

Disputes taken to the International Chamber of Commerce for arbitration vary greatly as to the identity and geographical location of the parties, the commodities involved, and the type of contract. This is illustrated by reference to statistics and brief summaries of recent cases. The process of arbitration is described from receipt of the claimants' request for arbitration to the enforcement of awards.

(d) *United Nations Economic Commission for Asia and the Far East*

15. Sanders, Pieter. Trade arbitrations between East and West. (*In* (1966) 15 ICLQ. 742-748)

In this article East means developing Asian countries and West, the developed countries of Europe, the Soviet Union and the United States. It is a report of the 1966 second ECAFE arbitration conference in Bangkok. The conference, having decided on the need for arbitration rules for trade disputes between East and West, formulated principles from which rules could be drafted. Some of the problems in deciding on principles are described.

(e) *United Nations Economic Commission for Europe*

16. Benjamin, P. I. The European Convention on International Commercial Arbitration. (*In* (1961) 37 BYIL 478-495)

The problems which can arise before, during and after arbitration in international trade are discussed with reference to the possible effect on them of the European Convention on International Commercial Arbitration, 1961.

17. Cohn, E. J. The Rules of Arbitration of the United Nations Economic Commission for Europe. (*In* (1967) 16 ICLQ 946-981)

The background to, and contents of, the European Convention on International Commercial Arbitration are summarized. Although the United Kingdom has not ratified the Convention, nevertheless the Arbitration Rules of UNECE are important for United Kingdom firms doing business abroad because they may be adopted by the parties to international contracts. The Rules are explained in detail and compared with those of the International Chamber of Commerce and with English arbitration practice.

18. Sarre, David A. Godwin. European Commercial Arbitration. (*In* (1961) JBL 352-360)

The text of the European Convention on International Commercial Arbitration 1961 is preceded by a brief note on the background to the Convention and the difficulties involved in reaching agreement over the provisions of article 4—the organization of the arbitration.

NATIONAL PRACTICE

(a) *United Kingdom*

19. Cohn, E. J. The Arbitration Act 1960 [sic, ie 1950] section 4 (2) and the Geneva Protocol. (*In* (1962) 11 ICLQ 569-573)

This note on a case concerning stay of arbitration proceedings under Arbitration Act 1950 S.4 (2) considers the implementation by that section of the Geneva Protocol on Arbitration Clauses. The author contends that the words of the subsection do not implement the whole of article 4 of the Protocol.

20. Cohn, E. J. The fifth report of the Private International Law Committee. (*In* (1962) 25 MLR 449-454)

The report on recognition and enforcement of foreign arbitral awards by the Private International Law Committee is reviewed. The 1958 New York Convention which is the subject of the report, is analysed in comparison with the Geneva Protocol of 1923 and Convention of 1927. Its effect, if implemented, on English law is examined.

21. Commercial Court users' conference report. London: HMSO, 1962. 34pp. (Cmnd. 1616)

The purpose of the conference, held in 1960, was to ascertain the views of the commercial community, represented at the conference by 24 organizations, upon the decline of the business of the Commercial Court and how its constitution, practice and procedure might be improved to meet their needs. The report and appendices, containing detailed comments and suggestions by the participating associations, also considers the Court's relation to commercial arbitration and its importance to the international commercial community.

22. Lord Chancellor's Department. Private International Law Committee. Fifth report (recognition and enforcement of foreign arbitral awards). London: HMSO, 1961. 33pp (Cmnd. 1515)

The Committee was asked to study the provisions of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 and advise Her Majesty's Government on its acceptance. The report presents the conclusions of the Committee and a commentary on articles I-VI of the Convention. The text of the Convention and of the 1923 Protocol on Arbitration Clauses are set out in appendices.

23. Mann, F. A. English procedural law and foreign arbitrations. (*In* (1969) 18 ICLQ 997-1001 and (1970) 19 ICLQ 693-696)

The question of what is the procedural law governing an international commercial arbitration was discussed in an English judgement concerning an arbitration in Scotland. In the first article, the author sets out his reasons for disagreeing with the Court of Appeal's decision; in the second, he analyses the House of Lords' reversal of this decision and considers the implication of the House of Lords' judgement.

24. Marshall, E. A. Law of arbitration—a difference between Scots and English. (*In* (1970) Juridical Review 115-134)

Following a discussion of a recent House of Lords' decision concerning an arbitration in Scotland, there is a detailed comparison of the Scottish and English law of arbitration.

25. Polonsky, Michael. Arbitration of international contracts. (*In* (1971) JBL 1-11)

The distinction, which arose in two recent English decisions, between the law governing the contractual rights of the parties to an international contract and the law governing the arbitration proceedings; and the relationship of the arbitration clause to the determination of the proper law of the contract are examined.

26. Russell F. Russell on the law of arbitration. 18th ed. by Anthony Walton. London: Stevens & Sons Ltd, 1970. lvi 542pp.

This major textbook covers the whole field of English arbitration law and practice under such headings as, *inter alia* what matters may be referred to arbitration; who may be an arbitrator; powers and duties of arbitrators; control of the reference by the court; and enforcement of awards. International commercial arbitration is dealt with as it occurs within the scheme of the book. Many of the examples and cases cited relate to international commercial arbitration. There are the usual lists of statutes, delegated legislation, cases and Rules of the Supreme Court referred to in the text. Useful appendices contain reprints of the Arbitration Act 1950; the Rules of the Supreme Court relating to arbitration and a list of notes on arbitration attached to other Rules; a short list of practical books on arbitration; and many forms including the arbitration clauses of the International

Chamber of Commerce and the American Arbitration Association. The book concludes with an index.

27. Schmitthoff, Clive M. Arbitration: the supervisory jurisdiction of the courts. (*In* (1967) JBL 318-328)

Of the two elements in arbitration, the contractual and the judicial, the latter predominates in England. Judicial control of the substantive correctness of arbitration awards by way of the power of the Courts to break an arbitration clause and the statement of a special case for the opinion of the court is described. This supervisory jurisdiction is explained and justified historically in this article. Suggestions for reforms to judicial supervision, are made including use of judicial arbitration, statements of special cases to the Court of Appeal, and the use of amicable compositors.

(b) *Other countries*

28. Faragó, L. Organisation and activity of the Court of Arbitration of the Hungarian Chamber of Commerce. (*In* (1960) 9 ICLQ 682-688)

29. Faragó, L. Decisions of the Hungarian Chamber of Commerce in "Comecon" arbitrations. (*In* (1965) 14 ICLQ 1124-1143)

Law Decree No. 22/1952 provided for two forms of arbitration. It is with the second, the Court of Arbitration of the Hungarian Chamber of Commerce, that these articles are concerned. The first article describes the administrative organization and rules of procedure of the Court and the function of its Legal Secretary. In the second article, the basis of jurisdiction of, and the law applied by, the Court is described briefly. The greater part of the article comprises selected extracts from eleven judgements of the Court in cases in which both parties were State enterprises of Comecon countries.

30. Govindaraj, V. C. Foreign arbitral awards and foreign judgements based upon such awards. (*In* (1964) 13 ICLQ 1465-1468)

This is a note on a test case before the Supreme Court of India on the enforcement of a foreign arbitral award.

31. Hossain, Kamal. International commercial arbitration, state succession and the Commonwealth. (*In* (1960) 36 BYIL 370-375)

The divergent approaches to the enforcement of English arbitral awards taken by the Indian and Pakistani Courts since their countries' Independence in 1947 is set out. The difficulty arises from the question whether they are parties to the Geneva Protocol on Arbitration Clauses 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards 1927 *vis-à-vis* England since 1947 because of the conditions for recognition of Parties contained in the English and Indian implementing legislation.

32. Jakubowski, J. The settlement of foreign trade disputes in Poland. (*In* (1962) 11 ICLQ 806-821)

This article describes international commercial arbitration procedure in Poland. The judicial practice and procedure of the Court of Arbitration of the Polish Chamber of Foreign Trade is covered in detail, including résumés of several recent cases. The International Arbitration Court for Maritime and Inland Navigation and the Gdynia Cotton Arbitration Chamber are described in less detail. There are foot-note references to works on Polish foreign trade and international law in a variety of languages.

33. Kos-Rabcewicz-Zubkowski, L. East European rules on the validity of international commercial arbitration agreements. Manchester: University Press, 1970. xii, 332pp.

The countries covered by this book are Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, Union of Soviet Socialist Republics and Yugoslavia. Their practice relating to the capacity to conclude international commercial arbitration agreements, their form, and what may be submitted to arbitration both generally and before any specified arbitral body is described by reference to their legislation, international conventions to which they are parties and arbitration decisions. Bibliographical sources are quoted extensively in footnotes, often with indications of where to find English translations of laws or codes.

The remaining two thirds of the book consists of appendices reprinting in English translations (except for Albania, where the translation is into French) the rules of foreign trade arbitration bodies of these countries; international arbitration conventions to which one or more of the East European countries are parties; and various other rules or laws relating to arbitration. An extensive bibliography of an international range of books and articles is followed by a list of arbitral decisions cited in the text and an index.

34. Ramzaitsev, Dmitri. The application of private international law in Soviet foreign trade practice. (*In* (1961) JBL 343-351)

The application of private international law is described through the decisions of the Soviet Foreign Trade Arbitration Commission. Aspects of Soviet trade law discussed are the form of the transaction; legal capacity and competence of the parties; determination of the law to be applied to a transaction; manner of applying foreign law; application of international customs; and questions relating to arbitration agreements.

35. Ramzaitsev, D. F. The law applied by arbitration tribunals—I (*In* Schmitthoff, Clive M. The sources of the Law of international trade. 1964 pp. 138-153. Item 6)

This report, in two parts, is concerned with the practice of the East European countries' permanent foreign trade arbitration tribunals, especially the Foreign Trade Arbitration Commission at the Soviet Chamber of Commerce, in applying rules of law to disputes. In the first part the application of legal rules to the competence of arbitration tribunals is considered while the second part examines their application to the substance of the dispute, with examples from arbitration decisions. There are frequent references to the sources of the law and decisions discussed.

Union of Soviet Socialist Republics

(a) *Books*

Егоров Л. М. Морской арбитраж в Англии, М., 1963.

Egorov L. M. Maritime arbitration in England, M., 1963.

Кейлин А. Д. Судоустройство и гражданский процесс в капиталистических государствах, часть III, Арбитраж, М., 1961.

Keilin A. D. Judicial structure and civil procedure in capitalist countries, part III, Arbitration, M., 1961.

Лебедев С. Н. Международный торговый арбитраж, М., 1965.

Lebedev S. N. International trade arbitration, M., 1965.

Рамзайцев Д. Ф. Внешнеторговый арбитраж в СССР. М., 1957.

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