

1989

Bibliography of Books and Articles on International Commercial Arbitration

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BIBLIOGRAPHIES

BIBLIOGRAPHY OF BOOKS AND ARTICLES ON INTERNATIONAL COMMERCIAL ARBITRATION

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INTRODUCTION

This is a selected bibliography of books and articles on international commercial arbitration which are part of the library collection of Baker & McKenzie, New York. This is not a comprehensive listing of all materials available on the subject. Emphasis is on the materials which are used in our practice. Therefore, certain topics, such as maritime arbitration are not covered. Annotations are included for those books which are particularly useful to the practitioner. This represents a personal and subjective selection of material available in June 1989.

The bibliography is organized according to the following topics.

- I. General Materials on Arbitration
- II. Arbitrability—The Agreement to Arbitrate
- III. Choice of Law
- IV. Procedure—Establishment of Tribunals—Selection of Arbitrators
- V. Awards—Orders—Injunctive Relief Damages
- VI. Enforcement—Judicial Review
- VII. Fora—Including ICC, AAA, ICSID, UNCITRAL, CMEA, Ad Hoc
- VIII. Treaties—Conventions
- IX. Local and Regional Arbitration

Due to the diverse nature of many of the items, their classification may be considered arbitrary. In many instances, materials could have been listed under multiple topics.

Following the bibliography is a list of Serials which regularly publish articles on arbitration and a list of national arbitration associations and their official publications. This list represents a selected list of arbitral institutions and their publications which are collected by the Baker & McKenzie library in New York. Several of the books listed in the bibliography contain additional national entries.

I. GENERAL MATERIALS ON ARBITRATION

Books

American Arbitration Association. Office of the General Counsel, *Arbitration and the Law: AAA General Counsel's Annual Report*, New York: AAA, 1982-.

American Arbitration Association, *Survey of International Arbitration Sites*, New York: AAA, 1984.

Cohn, Ernest J., Martin Domke, and Frederic Eisemann, editors, *Handbook of Institutional Arbitration in International Trade: Facts, Figures and Rules*, Amsterdam, New York: North Holland Publishing Co., 1977.

Coulsen, Robert, *Business Arbitration—What You Need to Know*, Rev. 3rd edition, New York: American Arbitration Association, 1987.

David, Rene, *L'Arbitrage dans le Commerce International, Arbitration in International Commerce*, Paris: Economica, 1981.

*Janet S. Zagorin, Library and Professional Development Director, Baker & McKenzie, New York, U.S.A.

Domke, Martin, *Domke on Commercial Arbitration (The Law and Practice of Commercial Arbitration)*, Revised Edition, Wilmette, IL.: Callaghan, 1983.

An excellent overview of the arbitration process, the agreement, and award enforcement procedures - often cited.

Gaillard, Emmanuel and Robert B. von Mehren, Chairmen, *International Commercial Arbitration: Recent Developments*, New York: Practising Law Institute, 1988.

Goldberg, George, *A Lawyer's Guide to Commercial Arbitration*, Philadelphia: American Law Institute—American Bar Association Committee on Continuing Professional Education, 1977.

Goldscheider, Robert and Michel de Haas, editors, *Arbitration and the Licensing Process*, New York: Clark Boardman Co., 1981.

International Council for Commercial Arbitration, *Yearbook: Commercial Arbitration*, 1976—edited by Albert Jan Van den Berg, with the cooperation of the T.M.C. Asser Instituut, Institute for International and European Law, Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1976.

Published annually, this is an indispensable source of information on international commercial arbitration. Contains extracts of significant arbitral awards from various arbitral chambers and institutions including the ICC, AAA, ICSID, Society of Maritime Arbitrators, tribunals of various countries and Ad Hoc decisions. Contains extracts of various court decisions on arbitration with a special section devoted to those construing the New York Convention. The English text of new or amended arbitration rules from various tribunals is published. Contains an annual report on developments in the Iran U.S. Claims Tribunal and abstracts of decisions, awards and orders of the tribunal. Articles on arbitration are sometimes reprinted. A list of arbitral institutions, journals dealing with arbitration and a bibliography are reprinted. From its inception, the Yearbook contained the text of national statutes and amendments on arbitration. In 1984 a companion volume, the *International Handbook on Commercial Arbitration* was instituted for National reports. The *Yearbook Key* was published in 1987 containing cumulative indices.

International Council for Commercial Arbitration, *International Handbook of Commercial Arbitration—National Reports—Basic Legal Texts*, Pieter Sanders, General Editor, Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1984.

This looseleaf companion volume to the *ICCA Yearbook* contains reports on arbitration laws and arbitration practice organized alphabetically by country. Since 1988 (corresponding to Yearbook Volume XIII) this is the source for national reports on arbitration law and practice. The English text of arbitration statutes is printed as well as a report on arbitration in that jurisdiction accompanied by a bibliography.

Lee, Eric, *Encyclopedia of International Commercial Arbitration*, London: Lloyd's of London Press, 1986.

Lew, Julian D.M., editor, *Contemporary Problems in International Arbitration*, London: Queen Mary College, University of London, 1986.

Unlike the previous text, this looseleaf volume contains the text of selected country statutes and the rules of selected arbitral institutions. Discussion of the background and interpretation of the rules is included. A general discussion of international commercial arbitration is followed by the text of major conventions, arbitral clauses and the address of local arbitral institutions.

Redfern, Alan and Martin Hunter, *Law and Practice of International Commercial Arbitration*, London: Sweet & Maxwell, 1986.

Sanders, Pieter, general editor, International Arbitration Congress (8th: 1986: New York), *Comparative Arbitration Practice and Public Policy in Arbitration*, Deventer; Boston: Kluwer Law and Taxation Publishers, 1987.

Schultsz, Jan C. Albert, and Jan van den Berg, editors, *The Art of Arbitration: Essays on International Arbitration*, Deventer, Boston: Kluwer Law and Taxation Publishers, 1982.

Seide, Katherine, *A Dictionary of Arbitration and its Terms; Labor, Commercial, International; A Concise Encyclopedia of Peaceful Dispute Settlement*, Dobbs Ferry, N.Y.: Published for the Eastman Library of the AAA by Oceana Publications, 1970.

Smit, Hans and Vratislav Pechota, editors, *World Arbitration Reporter*, London, England, Butterworth Legal Publishers, 1986.

This is an encyclopedic approach to the topic of international commercial arbitration. Written with the cooperation of the Parker School of Foreign and Comparative Law, these looseleaf volumes contain the current text of national legislation, international agreements and rules and the text of awards and decisions. Each section contains an introduction describing the background, history and purpose of the material. Volume I contains the texts of general and multilateral arbitration Conventions, other international Instruments of General Application involving arbitration, Regional Conventions affecting arbitration, Bilateral arrangements, and the articles of Nongovernmental Organizations relevant to arbitration. Volumes 2 and 2A contain discussion and text of the national legislation of thirty-three countries. Volume 3 describes numerous international arbitral institutions and contains the text of their rules. Volumes 4 and 4A contain the text of the rules of the arbitral institutions within each country. There is a unique classification system for the materials contained throughout the reporter, providing subject access to the various sources presented.

Schmitthoff, Clive M. compiler and editor, *International Commercial Arbitration*, New York: Oceana Publications, 1986.

These binders contain the text of international arbitration conventions, model laws, agreements, arbitration, rules of national states and international organizations. The material is organized under the topics of International Conventions, Regional Arbitrations, Eastern European Arbitrations, Chamber of Commerce and Arbitration Associations, Commodities, Shipping and National Enactments. Selected awards and cases are published and are organized by country. These binders contain a wealth of valuable material but the format, as with all the volumes in this series, makes them very difficult to use.

Articles

DeVries, Henry P., "International Commercial Arbitration: A Contractual Substitute for National Courts", 57 *Tulane Law Review* 42 (1982).

Ehrenhaft, Peter D., "Effective International Commercial Arbitration", 9 *Law and Policy in International Business* 1191 (1977).

"General Principles of Law In International Commercial Arbitration", 101 *Harvard Law Review* 1816 (1988).

Glossner, Ottoarndt, "International Commercial Arbitration", *International Business Lawyer* 9 (1983).

Glossner, Ottoarndt, "Sociological Aspects of International Commercial Arbitration", 10 *International Business Lawyer* 311 (1982).

Higgins, Francis J., "Pitfalls in International Commercial Arbitration", 35 *Business Lawyer* 1035 (1980).

Hoellering, Michael, "International Commercial Arbitration: A Peaceful Method of Dispute Settlement", 40 *Arbitration Journal* 19 (1985).

O'Neill, Jr., Philip D., "Recent Developments in International Commercial Arbitration: An American Perspective" 4 *Journal of International Arbitration* 7 (1987).

Rhodes, James M., "The Pitfalls of International Commercial Arbitration", 17 *Vanderbilt Journal of Transnational Law* 19 (1984).

II. ARBITRABILITY

Books

Fox, William F. Jr., *International Commercial Agreements, A Functional Primer on Drafting Negotiating and Resolving Disputes*, Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1988.

McClenden, Stewart and Rosabel E. Eversad Goodman, editors, *International Commercial Arbitration in New York*, Dobbs Ferry, NY: Transnational Publishers and New York, World Arbitration Institute, 1986.

This is the first book published by the World Arbitration Institute and is a guide to arbitration practice and procedure in New York. The Chapters are written by various arbitration experts. The first section advocates arbitration as a dispute mechanism for international commercial disputes and reviews the reasons for selecting New York as the forum. The second section reviews state and federal arbitral law and procedure. The appendices in the third section contain important texts, model arbitration clauses and case citations. No attention is given to the recognition and enforcement of foreign arbitral awards. This is a useful basic guide to the subject.

Schwebel, Stephen M., *International Arbitration: Three Salient Problems*, Cambridge: Grotius Publications, Limited, 1987.

Articles

"Arbitration: Arbitrability of Antitrust Claims in International Tribunals", 27 *Harvard International Law Journal* 227 (1986).

Fox, William F., "Mitsubishi v. Soler and Its Impact on International Commercial Arbitration", 19 *Journal of World Trade* 579 (1985).

Foustoucos, Anghelos C., "Conditions Required For The Validity Of An Arbitration Agreement", 5 *Journal of International Arbitration* 114 (1988).

Ishizumi, Kanji, "International Commercial Arbitration and Federal Securities Regulations: Reconciling Two Conflicting Policies", 6 *Journal of Comparative Business and Capital Market Law* 81 (1984).

Newman, Lawrence W. and Michael Burrows, "Will RICO Move Abroad through International Arbitration", *New York Law Journal*, November 21, 1985, at 1, col. 1.

O'Neill, Jr., Philip D., "American Legal Developments in Commercial Arbitration Involving Foreign States and State Enterprises", 6 *Journal of International Arbitration* 117 (1989).

Park, William W., "Private Adjudicators And The Public Interest: The Expanding Scope of International Arbitration", 12 *Brooklyn Journal of International Law* 629 (1986).

Ulmer, Nicolas C., "Drafting The International Arbitration Clause", 20 *International Lawyer* 1335 (1986).

Voorhees, Michael R., "International Commercial Arbitration & The Arbitrability of Antitrust Claims: Mitsubishi Motors Corp. v. Soler Chrysler—Plymouth", 14 *Northern Kentucky Law Review* 65 (1987).

Walsh, Linda L., "Arbitration in International Commercial Transactions: Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc. and Its Aftermath", 13 *Syracuse Journal of International Law and Commerce* 200 (1986).

III. CHOICE OF LAW

Books

Bockstiegel, Karl Heinz, *Arbitration and State Enterprises: Survey on the National and International State of Law and Practice*, Deventer, The Netherlands: Hingham, MA: Kluwer Law and Taxation, 1984.

Carbonneau, Thomas E., editor and contributor, *Resolving Transnational Disputes through International Arbitration, Sixth Sokol Colloquium*, Charlottesville, Virginia, University Press of Virginia, 1984.

This is a collection of the principal papers of this conference written by distinguished professionals. They discuss arbitration's role in Public International Law, in a Transnational Commercial Setting, and from a comparative law perspective. Although the result of a scholarly meeting, the collection is an excellent discussion of critical aspects of arbitration useful to the practitioner.

Lew, Julian D.M., *Applicable Law in International Commercial Arbitration*, Dobbs Ferry, NY: Oceana Publications, 1978.

Sanders, Pieter, general editor, *Comparative Arbitration Practice and Public Policy in Arbitration*, Deventer, The Netherlands: Kluwer Law and Taxation, 1987.

Articles

Branson, David J. and Wallace, Richard E., "Choosing the Substantive Law to Apply in International Commercial Arbitration", 27 *Virginia Journal of International Law* 39 (1986).

Croft, Carlo, "The Applicable Law in an International Commercial Arbitration: Is It Still a Conflict of Laws Problem?", 16 *International Lawyer* 613 (1982).

Lando, Ole, "The Lex Mercatoria in International Commercial Arbitration", 34 *International and Comparative Law Quarterly* 747 (1985).

Lew, Julian D.M., "Nationality of International Commercial Arbitration", 5 *Business Law Review* 318 (1984).

Lew, Julian D.M., "The Unification of the Law on International Commercial Arbitration", 5 *Business Law Review* 145 (1984).

Paulsson, Jan, "Delocalisation of International Commercial Arbitration: When and Why It Matters", 32 *International and Comparative Law Quarterly* 53 (1983).

Paulsson, Jan, "The Role of Swedish Courts in Transnational Commercial Arbitration", 21 *Virginia Journal of International Law* 211 (1981).

Rogers, Andrew, "Forum Non Conveniens in Arbitration", 4 *Arbitration International* 240 (1988).

IV. PROCEDURE

Books

De Seife, Rodolphe J.A., *Solving Disputes through Commercial Arbitration*, Wilmette, IL: Callaghan, 1987.

Kos-Rabceiwicz-Zabkowski, Ludwik and Paul J. Davidson, *Commercial Arbitration Associations, An International Directory and Guide*, Dobbs Ferry, NY: Oceana Publications, 1986.

Parker School of Foreign and Comparative Law, Columbia University, *The 1989 Guide to International Arbitration and Arbitrators*, Ardsley-on-Hudson, N.Y.: Transnational Juris Publications, 1989. (This was not yet received at the time of publication of the bibliography).

Peterson, Craig A., and Claire McCarthy, *Arbitration Strategy and Technique*, Charlottesville, VA: Michie Co., 1986.

Wetter, J. Gillis, *The International Arbitral Process: Public and Private*, Dobbs Ferry, New York: Oceana Publications, 1979.

An incomparable five volume treatise on the "international arbitral process". Wetter's thesis is that arbitrations between states and commercial arbitrations are

part of the same process. The study of both public and private arbitral process is relevant to an understanding of arbitration as a whole. The book includes chapters on arbitration as an Alternative to War, Arbitrations between States and Aliens, United States Arbitration Institutions, a Uniform International Arbitration Procedure, Standards of Independence and Impartiality of an Arbitral Tribunal. Wetter focuses on the major national approaches to arbitration and discusses the issues of honesty of arbitrators and the independence and impartiality of arbitral tribunals. Major public arbitrations are reviewed at length. This is a critical title for any arbitration collection.

White, Gillian Mary, *The Use of Experts by International Tribunals*, Syracuse, N.Y.: Syracuse University Press, 1965.

Articles

Coulson, Robert, "A New Look at International Commercial Arbitration", 14 *Case Western Reserve Journal of International Law* 359 (1982).

DeVries, Henry P., "International Commercial Arbitration: A Transnational View", 1 *Journal of International Arbitration* 7 (1984).

Hoellering, Michael F., "Interim Relief in Aid of International Commercial Arbitration", (Transnational Dispute Resolution, 1984 Symposium, Wisconsin International Law Society), 1984 *Wisconsin International Law Journal* 1 (1984).

Hunter, J. Martin H. & Paulsson, Jan, "A Code of Ethics for Arbitrators in International Commercial Arbitration", *International Business Lawyer* 153 (1985).

McClelland, Arden C., "Toward a More Mature System of International Commercial Arbitration: The Establishment of Uniform Rules of Procedure and the Elimination of the Conflict of Laws Questions", 5 *North Carolina Journal of International Law and Commercial Regulation* 169 (1980).

McDonell, Neil E., "The Availability of Provisional Relief in International Commercial Arbitration", 22 *Columbia Journal of Transnational Law* 273 (1984).

Poznanski, Bernard, "The Nature and Extent of An Arbitrator's Powers in International Commercial Arbitration", 4 *Journal of International Arbitration* 71 (1987).

Tupman, Michael W., "Challenge and Disqualification of Arbitrators in International Commercial Arbitration" 38 *International and Comparative Law Quarterly* 26 (1989).

V. AWARDS

Books

American Arbitration Association, *Corporate Counsel Committee Meeting Minutes*, New York: American Arbitration Association, 1987.

Articles

Bingham, RT Hon Lord Justice, "Reasons and Reasons for Reasons: Differences Between A Court Judgment And An Arbitration Award" 4 *Arbitration International* 141 (1988).

Branson, David J. & Wallace, Jr., Richard E., "Awarding Interest in International Commercial Arbitration: Establishing a Uniform Approach", 28 *Virginia Journal of International Law* 919 (1988).

Brower, Charles N. & W. Michael Tupman, "Court Ordered Provisional Measures Under the New York Convention", 80 *American Journal of International Law* 24 (1986).

Carbonneau, Thomas E., "Rendering Arbitral Awards With Reasons: The Elaboration of A Common Law of International Transactions", 23 *Columbia Journal of Transnational Law* 579 (1985).

- Hunter, Martin, and Volher Triebel, "Awarding Interest in International Arbitration", 6 *Journal of International Arbitration* 7 (1989).
- Koslow, Andrew B., "The Arbitrator's Power to Award Punitive Damages In International Contract Actions" 19 *International Law and Politics* 203 (1986).
- Newman, Lawrence W. and Michael Burrows, "International Arbitration Provisional Remedies" *New York Law Journal*, February 24, 1986, at 1 col. 1.
- Park, William W., "The Lex Loci Arbitri and International Commercial Arbitration (Great Britain)", 32 *International and Comparative Law Quarterly* 21 (1983).
- Praendl, Fleix, "Measure of Damages in International Commercial Arbitration", 23 *Stanford Journal of International Law* 263 (1987).
- Thomas, D. Rhidian, "Restraining Concurrent Foreign Legal Proceedings: Commercial Arbitration", *Lloyds Maritime and Commercial Law Quarterly* 92 (1983).

VI. ENFORCEMENT

Books

- Shenton, David W., and Wolfgang Kuhn, *Interim Court Remedies in Support of Arbitration: A Country-by-Country Analysis*, London: International Bar Association, 1987.

Articles

- Allison, John R. "Arbitration of Private Claims in International Trade: A Study in the Subordination of National Interests to the Demands of a World Market", 18 *New York University Journal of International Law and Politics* 361 (1986)
- Bagner, Hans, "Enforcement of International Commercial Contracts by Arbitration: Recent Developments", 14 *Case Western Reserve Journal of Transnational Law* 573 (1982).
- Bentil, J. Kodwo, "Judicial Intervention and International Commercial Arbitration", *Solicitors' Journal* 191 (1986).
- Carbonneau, Thomas E., "The Elaboration of a French Court Doctrine on International Commercial Arbitration: A Study in Liberal Civilian Judicial Creativity", 55 *Tulane Law Review* 1 (1980).
- Committee on Arbitration and Alternative Dispute Resolution, "The Advisability and Availability of Provisional Remedies in the Arbitration Process", 39 *The Record* 625 (1984).
- Craig, William Laurence, "Uses and Abuses of Appeal from Awards", 4 *Arbitration International* 174 (1988).
- Feldman, Mark B., "An Award Made in New York Can Be a Foreign Arbitral Award", 39 *Arbitration Journal* 14 (1984).
- Hoellering, Michael, "International Arbitration: A U.S. View", 13 *Canadian Business Law Journal* 86 (1987).
- Kennedy, Lionel, "Enforcing International Commercial Arbitration Agreements and Awards not Subject to the New York Convention", 23 *Virginia Journal of International Law* 75 (1982).
- Lessing, Adam, "Sauer—Gietriebe KG v. White Hydraulics, Inc.: Applicability of the Federal Arbitration Act to International Commercial Arbitration", 2 *International Tax & Business Lawyer* 331 (1984).
- Levin, Chaim Alexander, "International Commercial Arbitration: Domestic Recognition and Enforcement of the Inter-American Convention on International Commercial Arbitration", 10 *Syracuse Journal of International Law and Commerce* 169 (1983).

- Nattier, Frank, "International Commercial Arbitration in Latin America: Enforcement of Arbitral Agreements and Awards", 21 *Texas International Law Journal* 397 (1986).
- Newman, Lawrence W. and Michael Burrows, "Attachment in Aid of Arbitration", *New York Law Journal*, December 30, 1982, at 1 col. 1.
- Newman, Lawrence W. and Michael Burrows, "Judicial Intervention in Arbitrability of International Claims", *New York Law Journal*, December 26, 1984, at 1 col. 1.
- Newman, Lawrence W. and Michael Burrows, "Remedies in Aid of International Arbitration", *New York Law Journal*, August 8, 1988, at 3 col. 1.
- Park, William W., "Judicial Supervision of Transnational Commercial Arbitration: The English Arbitration Act of 1979", 21 *Harvard International Law Journal* 87 (1980).
- Pietrowski, Jill A., "Enforcing International Commercial Arbitration Agreements—Post Mitsubishi Motors Corp v. Soler Chrysler-Plymouth, Inc.", 36 *American Journal of Law Review* 57 (1986).
- Reichert, Douglas D., "Provisional Remedies in the Context of International Commercial Arbitration", 3 *International Tax & Business Lawyer* 368 (1985).
- Thomas D. Rhidian, "International Commercial Arbitration Agreements and the Enforcement of Foreign Arbitral Awards—a Commentary on the Arbitration Act 1975", *Lloyds Maritime and Commercial Law Quarterly* 17 (1981).
- von Mehren, Robert B., "The Enforcement of Arbitral Awards under Conventions and United States Law", 9 *Yale Journal of World Public Order* 343 (1983).
- Zall, Jayne C., "International Commercial Arbitration: The Nonarbitrable Subject Matter Defense", 9 *Denver Journal of International Law and Policy* 119 (1980).

VII. FORA

Books

- Craig, W., Laurence, William W. Park and Jan Paulsson, *International Chamber of Commerce Arbitration*, Dobbs Ferry, N.Y.: Oceana Publication; Paris: International Chamber of Commerce, 1984.
- This treatise covers every aspect of arbitration at the ICC and is designed for use by the practitioner. Topics covered include a general description of the ICC Court of Arbitration, the Agreement to Arbitrate, ICC Arbitration in Practice, Hearings, Proof and Ancillary Proceedings, National Laws and Arbitral Authority, and Trends in International Commercial Arbitration. The several appendices include data from research on arbitrators, costs, place of arbitration, nationality of parties. Representative ICC awards and national court decisions involving arbitration are digested and discussed. There is also a one volume hardcopy desk edition.
- Holtzmann, Howard M., *A Guide to the UNCITRAL Model Law on International Commercial Arbitration: Legislative History and Commentary*, Deventer, Boston: Kluwer Law and Taxation Publications, 1988.
- This is a recent and comprehensive study of the history and purpose of the Model Law on International Commercial Arbitration approved by the United Nations Commission on International Trade Law in December 1985. It traces the legislative history of UNCITRAL and contains lengthy commentary, background and discussion of each article. Discussions and citations follow the text. This is a useful annotated text of this increasingly relevant Model Law.
- ICSID Regulations and Rules*, Washington, D.C.: International Centre for Settlement of Investment Disputes, [1968].
- ICSID Regulations and Rules for Arbitration Proceedings*, Washington, D.C.: ICSID, 1983.

International Chamber of Commerce, *Guide to Arbitration*, Paris: International Chamber of Commerce, 1983.

Kavass, Igor I. and Arno Luvak, Compilers, *UNCITRAL Model Law of International Commercial Arbitration: A Documentary History*, Buffalo, NY: William S. Hein Company, 1985.

This looseleaf set is an invaluable collection of the United Nations documents which comprise the legislative history of UNCITRAL. It contains all the texts from the first draft in 1979 through the present. It is particularly useful because the compilers have reprinted as much as possible of the actual text of the United Nations documents.

Lillich, Richard B., editors, *The Iran-United States Claims Tribunal 1981-1983, Seventh Sokol Colloquium*, April 1983, Charlottesville, Virginia: University Press of Virginia, 1984.

A Collection of papers on the jurisprudence of the Tribunal which discusses the principles of international law, state responsibility, compensation and international claims as handled by the Tribunal.

Peter, Wolfgang, *Arbitration and Renegotiation of International Investment Agreements*, Dordrecht, The Netherlands: Martinus Nijhoff, 1986.

Sanders, Pieter, general editor, *UNCITRAL's Project for a Model Law on International Commercial Arbitration*; Deventer, The Netherlands: Boston: Kluwer Law and Taxation, 1984.

Sanders, Pieter, and Albert Jan van den Berg, *The Netherlands Arbitration Act 1986*, Deventer, The Netherlands, Boston: Kluwer Law and Taxation Publishers, 1987.

Articles

Baker, James C. and Lois J. Yoder, "ICSID Arbitration and the U.S. Multinational Corporation", 5 *Journal of International Arbitration*, 81 (1988).

Borches, Aron, "A Model Law on International Commercial Arbitration? A Progress Report on the Work Undertaken Within the U.N. Commission in International Trade Law (UNCITRAL)", 18 *George Washington Journal of International Law and Economics* 79 (1984).

Cohen Susan, "International Commercial Arbitration: A Comparative Analysis of the U.S. System and the UNCITRAL Model Law", 12 *Brooklyn Journal of International Law* 703 (1986).

Delaume, Georges R., "ICSID Arbitration Proceedings: Practical Aspects", 5 *Pace Law Review* 563 (1985).

Delaume, George R., "ICSID Arbitration and the Courts", 77 *American Journal of International Law* 784 (1983).

Derains, Yves, "International Chamber of Commerce Arbitration", 5 *Pace Law Review* 591 (1985).

Fleischhauer, Carl-August, "UNCITRAL Model Law on International Commercial Arbitration", 41 *Arbitration Journal* 17 (1986).

Friedland, Paul D., "ICSID and Court-Ordered Provisional Remedies: An Update", 4 *Arbitration International* 161 (1988).

Herrmann, Gerold, "UNCITRAL's Work Towards a Model Law on International Commercial Arbitration", 4 *Pace Law Review* 537 (1984).

Hoellering, Michael, "The UNCITRAL Model Law on International Commercial Arbitration", 20 *International Lawyer* 327 (1986).

Hunnicut, Charles A. [... et al], "Report to the Washington Foreign Law Society on the UNCITRAL Model Law on International Commercial Arbitration", 3 *Ohio State Journal on Dispute Resolution* 303 (1988).

- Hunter, J. Martin H., "International Commercial Arbitration", 10 *International Business Lawyer* 315 (1982).
- Hunter, J. Martin H., "International Commercial Arbitration", 11 *International Business Lawyer* 203 (1983).
- "I.B.R.D.: Convention on Settlement of Investment Disputes between States and Nationals of other States", 4 *International Legal Materials* 524 (1965).
- Lucio, Saturnino, "The UNCITRAL Model Law on International Commercial Arbitration", 17 *University of Miami Inter-American Law Review* 314 (1986).
- McNerney, Mary E. and Esplogues, Carlos A., "International Commercial Arbitration: The UNCITRAL Model Law", 9 *Boston College International and Comparative Law Review* 47 (1986).
- Schmidt, John T., "Arbitration under the Auspices of the International Centre for Settlement of Investment Disputes (ICSID): Implications of the Decision on Jurisdiction in *Alcoa Minerals of Jamaica, Inc. v. Government of Jamaica*", 17 *Harvard International Law Journal* 90 (1976).
- Smit, Hans, "The Future of International Commercial Arbitration: A Single Transnational Institution?", 25 *Columbia Journal of Transnational Law* 9 (1986).
- Stein, Steven J., "International Commercial Arbitration in the 1980's: A Comparison of the Major Arbitral Systems and Rules", 38 *Business Lawyer* 1985 (1983).
- Strohbach, Heinz F., "Arbitration Between Foreign Trade Organizations of Socialist Countries and Parties from the Capitalist Economic Sphere", 4 *Pace Law Review* 601 (1984).
- "UNCITRAL: Model Law on International Commercial Arbitration", 17 *Journal of World Trade Law* 535 (1983).
- Ungar, Kenneth T., "The Enforcement of Arbitral Awards Under UNCITRAL's Model Law on International Commercial Arbitration", 25 *Columbia Journal of Transnational Law* 717 (1987).
- "United Nations Commission on International Trade Law: Model Law on International Commercial Arbitration", 24 *International Legal Materials* 302 (1985).
- Weiss, A.G., "The Status of the UNCITRAL Model Law on International Commercial Arbitration vis-a-vis The ICC, LCIA & UNCITRAL Arbitration Rules: Conflicts or Complement", 13 *Syracuse Journal of International Law and Commerce* 367 (1986).

VIII. TREATIES—CONVENTIONS

Books

- Goja, Giorgio, compiler and editor, *International Commercial Arbitration, The New York Convention*, New York: Oceana Publications, 1984.
- This treatise is a comprehensive and timely treatment of the New York Convention. As a result of the vast number of states which are parties to the convention, international commercial arbitration has flourished. Goja discusses the following topics, Applicability of the Convention, Relations between the Convention and National laws, the Arbitral Agreement, Reservations to the Convention, Recognition and Enforcement of Awards, the Arbitral Procedure, and Judicial Review of Awards. Footnotes and documentation are extensive and there are numerous national judicial decisions and awards digested.
- van den Berg, Albert Jan, *The New York Convention of 1958, Towards a Uniform Judicial Interpretation*, Deventer, The Netherlands: Kluwer Law and Taxation Publishers, 1981.

The classic source on the New York Convention which is the most significant arbitration convention to date. This treatise was actually van den Berg's thesis and provides a general introduction to the convention and then addresses interpretations given by the courts of Contracting States. Specifically, van den Berg focuses his study on the convention's field of application, enforcement of the arbitration agreement and enforcement of the award. He makes the argument for uniform interpretation in each area. This is a reference text on the Convention.

Articles

- Hoellering, Michael, "Inter-American Convention", *New York Law Journal*, November 18, 1986 at 1, col. 1.
- Leich, Marian, "The Inter-American Convention in International Commercial Arbitration", *75 American Journal of International Law* 982 (1981).
- Norberg, Charles Robert, "Recent Developments in Inter-American Commercial Arbitration", *13 Case Western Reserve Journal of International Law* 107 (1981).
- Tang, Houzhi, "Arbitration—A Method Used by China to Settle Foreign Trade and Economic Disputes", *4 Pace Law Review* 519 (1984).

IX. LOCAL—REGIONAL ARBITRATION

Books

- DeBoissesson, Matthieu, *Le Droit Francais de l'Arbitrage, The French Law of Arbitration*, Paris: Juridictionnaires, 1983.
- International Chamber of Commerce, *Arbitration Law in Europe*, Paris: International Chamber of Commerce, 1981.
- Lee, Eric, *Encyclopedia of Arbitration Law*, London: Lloyd's of London Press, 1986.
Essentially a casebook, this looseleaf discusses arbitration from the English point of view. Appendices include the U.K. statutes on arbitration. Updated approximately once a year.
- McClaren, Richard H. and Earl Edward Palmer, *The Law and Practice of Commercial Arbitration*, Agincourt, Ontario: The Carswell Company, 1982.
A treatise on the Canadian Law of Arbitration. Emphasis is given to federal law and jurisprudence and appendices contain the relevant Statutes and rules. Model clauses and forms are included.
- Mishill, Sir Michael J., and Stewart C. Boyd, *The Law and Practice of Commercial Arbitration in England*, London: Butterworths, 1982.
- Paterson, Robert K., and Bonita J. Thompson, editors, *UNCITRAL Arbitration Model in Canada: Canadian International Commercial Arbitration Legislation*, Toronto: Carswell, 1987.
- Robert, Jean, and Thomas E. Carbonneau, *The French Law of Arbitration*, New York: Matthew Bender, 1983.
- Simmonds, Kenneth, R. and Brian H.W. Hill, editors, *Commercial Arbitration Law in Asia and the Pacific*, Dobbs Ferry, New York: Oceana Publications, 1987.
This volume is part of the *International Commercial Arbitration* set by Oceana. Focusing on Arbitration in fourteen Asian and Pacific countries, this looseleaf provides a comprehensive treatment of the arbitration law for each. Discussion of the country's law relating to arbitration, the arbitral process and enforcement of awards is followed by the English text of the Statutes. Abstracts and citations to important cases follow.
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