

BIBLIOGRAPHY*

I. General

2. Congresses

L'ARBITRAGE INTERNATIONAL PRIVE ET LA SUISSE. DIE INTERNATIONALE SCHIEDSGERICHTSBARKEIT, UND DIE SCHWEIZ. Colloque des 2 et 3 avril 1976, 144 p. (1977).

Mémoires publiés par la Faculté de Droit de Genève no. 53.

Georg, Librairie de l'Université, Corrairie 5, 1211 Geneva 11.

- Reports and discussions of a colloquium organized by the Department of private international law of the Faculty of law of the University of Geneva in collaboration with the Swiss Committee on Arbitration. The first report is written by Dr. Werner Wenger: *Die Rechtsmittel gegen Schiedsrichterliche Entscheidungen* (Means of recourse against arbitral decisions; in German, with a summary in French). The second report is written by Prof. Pierre Lalive: *Les règles de conflit de lois appliquées au fond du litige par l'arbitre international siégeant en Suisse* (the rules of conflict of laws as applied to the substance of the dispute by the international arbitrator located in Switzerland; in French with a summary in German).

SCHIEDSGERICHTSBARKEIT UND GEWERBLICHER RECHTSCHUTZ. Interim Meeting of the ICCA, Vienna, 29 September–1 October 1976.

Schriftenreihe der Bundeswirtschaftskammer no. 30.

Bundeskammer der gewerblichen Wirtschaft, Stubenring 12, 1010 Vienna.

- This interesting publication (in French and English) contains the 'Basic Reports' of the ICCA Interim Meeting on 'Arbitration and Transfers of Patents, Know-how, Trademarks and Similar Rights for Promoting International Industrial Cooperation'.
Chavanne A., *Arbitrage et transfert de brevets, savoir-faire, marque de fabrique et de commerce, et autres droits de nature à promouvoir la coopération internationale*.
Henderson, G., *Arbitration and Transfers of Patents, Know-how, Trademarks and other rights, with the view of promoting industrial cooperation: the viewpoint of Anglo-American countries*.
Briseno Sierra, H., *The use of arbitration for the settlement of controversial points arising in the transference of technology*.
Sebestyén, G., *Arbitration and international industrial cooperation*.
Burst, J., *Arbitrage et transfert de brevets, know-how, marques de fabrique et autres droits en vue de la promotion d'une coopération industrielle*.
Derains, Y., *L'expérience de la Cour d'Arbitrage de la Chambre de Commerce Internationale en matière de propriété industrielle*.

Each report is followed by a record of the discussions. The publication concludes with a summary of the meeting by Pointet, P., *Rapport de Synthèse*.

3. Bibliographies and Dictionaries

A SELECTED BIBLIOGRAPHY OF INTERNATIONAL COMMERCIAL ARBITRATION 1970–1976, ENGLISH LANGUAGE, compiled by Laura Ferris Brown, 26 p. (August 1976).

AAA, 140 West 51 Street, New York, N.Y. 10020.

* Additions to the bibliographies contained in Volume I (1976), pp. 238–255 and Volume II (1977), pp. 278–280. Unless indicated otherwise, all publications are in English.

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4. Books

- UNIFICATION DU DROIT ET ARBITRAGE, David René, 18 p. (1977)
C.Ph. Verhagen Lectures, Erasmus Universiteit Rotterdam, The Netherlands.
Kluwer, Deventer, The Netherlands.
- Lecture given by the French comparative law specialist Prof. René David concerning the role of arbitration in the international unification of private law.
In French.
- HANDBOOK OF INSTITUTIONAL ARBITRATION IN INTERNATIONAL TRADE. FACTS, FIGURES AND RULES, Cohn, Ernest J., Domke, Martin, and Eisemann, Frédéric, 300 p. (1977), price U.S. \$56.25.
North-Holland Publishing Company, P.O. Box 211, Amsterdam, The Netherlands;
Elsevier North-Holland Inc., 52 Vanderbilt Avenue, New York, N.Y. 10017.
- Experts from some fifteen countries have contributed to this book which shows how institutional arbitration works in cases arising in connection with international commerce. The following arbitration centres are described:
ICSID: The International Centre for Settlement of Investment Disputes (A. Broches);
ICC: The Court of Arbitration of the International Chamber of Commerce (R. Thompson);
Austria: The Arbitral Centre of the Federal Economic Chamber (W. Melis);
Federal Republic of Germany: Hamburg Friendly Arbitration (K. Straatmann);
German Democratic Republic: The Arbitration Court attached to the Chamber of Foreign Trade (H. Strohbach);
India: The Indian Council of Arbitration (N. Krishnamurthi);
Italy: Associazione Italiana per l'Arbitrato (G. Recchia);
Japan: The Japan Commercial Arbitration Association (T. Kitagawa and F. Fukushima);
The Netherlands: The Netherlands Arbitration Institute (B. van Marwijk Kooy);
Poland: The Court of Arbitration at the Polish Chamber of Foreign Trade (J. Jakubowski and A. W. Wisniewski);
Rumania: The Foreign Trade Arbitration Commission (I. Nestor and O. Capatina);
Sweden: The Stockholm Arbitration Institute (L. Hjerger);
Switzerland: The Court of Arbitration of the Zürich Chamber of Commerce (B. Bachmann);
United Kingdom: The London Court of Arbitration (E. H. Wall);
United States of America: The American Arbitration Association (H. M. Holtzmann);
Union of Soviet Socialist Republics: The Foreign Trade Arbitration Commission of the USSR Chamber of Commerce and Industry (S. N. Lebedev).
- THE CHOICE OF THE APPLICABLE LAW IN INTERNATIONAL COMMERCIAL ARBITRATION, A STUDY IN DECIDED ARBITRATION AWARDS. Lew, Julian D. M., thesis submitted to the Catholic University of Leuven, Faculty of Law, Centre Charles De Visscher for International Law, 3 Vol., 433 p. +notes and bibliography, 1977 (polycopied).
- A detailed study of how arbitrators in international commercial matters determine the applicable law. In a preliminary part the author describes the meaning, nationality and form of arbitration as well as the juridical nature of arbitration. In the first part he examines the determination of the applicable law by the parties (express and implied choice). In the second part the author examines the determination of the applicable law by the arbitrators.
- RECHTSVINDING BIJ TRANSNATIONALE HANDELSARBITRAGE, Houtte, Hans van, thesis submitted to the Catholic University of Leuven, Faculty of Law, Centre Charles De Visscher for International Law, 3 Vol. 356 p., 1977 (polycopied).
- A detailed study of the law applied by arbitrators in what the author calls 'transnational commercial arbitration'. Part one deals with transnational commercial arbitration and the application of the law. The second part examines the criteria for arbitral decision making. The third part concerns the choice of systems of law.
In Dutch.

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II. Countries

German Democratic Republic

ANERKENNUNG UND VOLLSTRECKUNG SCHIEDSGERICHTLICHER ENTSCHEIDUNGEN IN DER D.D.R., Strohbach, Heinz, 51 p. (1977).

Kammer für Aussenhandel der DDR, Schadowstrasse 1b, 108 Berlin, DDR.

- A booklet on the recognition and enforcement of foreign arbitral awards in the German Democratic Republic under the Moscow Convention 1972 and the U.N. New York Convention 1958.
In German.

DIE ARBITRAGE AD HOC UND IHRE REGELUNG UNTER BESONDERER BERÜCKSICHTIGUNG DER UNCITRAL-SCHIEDSGERICHTSREGELN 1976, 150 p. (1977).

Kammer für Aussenhandel der D.D.R.

- A study on the functioning of *ad hoc* arbitrations, with a special view to the application of UNCITRAL Arbitration Rules 1976.
In German.

Latin America (general)

Note – Gen. Ed. Although the editorial policy of the Yearbook is not to include articles in the Bibliography, it was thought useful to include in this Volume a certain number of recent articles which deal generally with commercial arbitration in Latin America. A bibliography of each Latin American country is contained in the relevant National Report under I.3. Extensive bibliographies on Latin America in general can sometimes be found in annexes to the articles listed below.

COMMERCIAL ARBITRATION IN THE AMERICAS, Goldman, Marvin G., 59 p. and 11 p. bibliography (1968). Available from IACAC Secretariat, Federal Bar Bldg. West, Room 310, Washington D.C. 20006, U.S.A.

- Report prepared for submission to the Second Conference on Inter-American Commercial Arbitration, Mexico City, November 7–9, 1968. A comparative study of the statutory regulation of arbitration of almost all countries of the Western Hemisphere. Attached is an extensive bibliography.

REVITALIZATION OF COMMERCIAL ARBITRATION IN THE WESTERN HEMISPHERE, Norberg, Charles R., 3 *International Lawyer* pp. 109–121 (1968).

- Remarks made at a Joint Meeting of the Sections of International and Comparative Law and Corporation, Banking and Business Law of the American Bar Association at its 91st Annual Meeting, Philadelphia, Pennsylvania, August 7, 1968. Historical development, critical analysis and suggestions in respect of commercial arbitration in the Western Hemisphere.

INTER-AMERICAN COMMERCIAL ARBITRATION, Norberg, Charles R., 1 *Lawyer of the Americas* p. 1–16 (1969).

- An account of the Second Conference on Inter-American Commercial Arbitration, held in Mexico City, November 7–9, 1968.

ARBITRATION AND LATIN-AMERICA, Summers Lionel, 3 *California Western International Law Journal* p. 1–20 (1972).

- Analysis of the development and, as the author puts it “rather deplorable status” of international arbitration in Latin America.

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PRIVATE VERSUS STATE ARBITRATION IN LATIN AMERICA, Summers, Lionel, 4 *California Western International Law Journal* pp. 121-140 (1973).

- This article updates the former; it reviews briefly the outline and growth of private versus state arbitration in general; it indicates some instances where arbitration between a Latin American government and a foreign corporation has been agreed upon; it attempts to determine its status; and it gives a certain number of suggestions to promote the development of arbitration in Latin America.

THE PANAMA CONVENTION STRENGTHENS ARBITRATION IN THE AMERICAS, Lliteras, Juan A. *Inter-American Arbitration* (published by the IACAC) pp. 1-4 (Second Quarter) 1975.

- Analysis of the contents and impact of the Inter-American Convention on International Commercial Arbitration, Panama 1975.

COLLOQUIUM ON CERTAIN LEGAL ASPECTS OF INTER-AMERICAN COOPERATION: ESTABLISHMENT OF MECHANISMS FOR THE SETTLEMENT OF ECONOMIC DISPUTES.

Edited by Wilner, Gabriel M., and Robinson Michael, A., 5 *Georgia Journal of International & Comparative Law* pp. 141-195 (1975).

- Colloquium held on April 20, 1974, at the University of Georgia Law School and presented in cooperation with the Georgia Society of International Law and the American Society of International Law. The published text in the *Georgia Journal* contains a working paper by Dale Beck Furnish on "The Establishment of Mechanisms for the Settlement of Economic Disputes" and a record of the discussions on this subject matter. Attached is a selective bibliography of works dealing with certain legal aspects of Inter-American relations.

INTERNATIONAL COOPERATION IN CIVIL AND COMMERCIAL PROCEDURE. AMERICAN CONTINENT. (Kos-Rabcewicz-Zubkowski, L., editor) 582 p. (1975).

University of Ottawa Press, 65, Avenue Hasry, Ottawa, Ontario, Canada K1N 6N5.

- 22 authors from 19 countries of the Western Hemisphere describe the international procedure in civil and commercial matters, including the enforcement of foreign arbitral awards, under their legal systems.

INTER-AMERICAN COMMERCIAL ARBITRATION REVISITED, Norberg, Charles R., 7 *Lawyer of the Americas* pp. 275-290 (1975).

- An account of the recent developments in Inter-American commercial arbitration.

THE PROCEDURAL MALAISE OF FOREIGN INVESTMENT DISPUTES IN LATIN AMERICA: FROM LOCAL TRIBUNALS TO FACTFINDING, Wesley, Roger C., 7 *Law & Policy in International Business* pp. 813-861 (1975).

- The contents of this article as summarized in the subheading are: "A comprehensive analysis of Latin American jurisdictional limitations on foreign private investment disputes. Mr Wesley begins with an examination of the Calvo-doctrine - the embodiment of the Latin phobia toward third-party interference in disputes with foreign nationals - and proceeds to a country-by-country analysis of contemporary Calvo-type restrictions. The author then catalogues various bilateral and multi-lateral attempts to remove disputes from the local jurisdiction, including two noteworthy initiatives of late - the World Bank's Centre for the Settlement of Investment Disputes, and the factfinding proposals suggested by Secretary of State Kissinger at Tlatelolco in February 1974. Mr. Wesley concludes that although the Calvo doctrine is likely to remain riveted in the legal systems of the Latin American countries for some time, all efforts should continue to be made to afford the foreign investor access to neutral forums for the orderly resolution of disputes".

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THE LAW AND PRACTICE OF COMMERCIAL ARBITRATION, 1977 CUMULATIVE SUPPLEMENT, Domke, Martin, 109 p.

Callaghan & Company, 6141 North Cicero Ave., Chicago, Illinois 60646, U.S.A.

- The standard treatise on commercial arbitration law and practice in the United States of 1968 is again completely updated with a 1977 cumulative supplement which covers court decisions and publications through December 31, 1976. In an admirably professional manner, Domke gives full account of the most recent developments on commercial arbitration in the United States. After updating court decisions and arbitration statutes, court decisions are reported in some new fields of commercial arbitration. The latter concern franchising and licensing, securities and exchange controversies and private disputes involving anti-trust issues. This highly valuable supplement also pays much attention to arbitration in international trade, including the New York Convention of 1958 as implemented in the United States.

Yugoslavia

MEDUNARODNA TRGOVAČKA ARBITRAZA (International Commercial Arbitration), Goldštajn, Aleksandar. Vol. I (1975); Vol. II (1976); Vol. III (1977). Zagreb.