参考文獻

中文部分

一 書籍及研究報告

- 1. 王澤鑑,2000年,《民法總則》,三民書局
- 2. 王肖卿,2005年,《物流單證與國際運輸法規釋義》,文史哲出版社。
- 3. 王肖卿,2005年,《海上貨物索賠之理論與實務》,文史哲出版社。
- 4. 李復甸,1980年,《貨櫃運送之法律問題》,聯經出版事業有限公司。
- 5. 林一山,2005年,《運送法新論》,三民書局。
- 6. 林群弼,2003年,《海商法論》,三民書局
- 7. 施智謀,1978年,《海商法專題研究》,三民書局。
- 8. 柯澤東,2006年,《海商法-新世紀幾何觀海商法學》,自版。
- 9. 柯澤東,2000年11月,《海商法修訂新論》,元照出版。
- 10. 梁宇賢,2000年5月,《海商法實例解說》,瑞興書局。
- 11. 梁宇賢,2007年3月,《海商法精義》,瑞興書局。
- 12. 張新平,2004年,《海商法》,增訂二版,五南書局。
- 13. 張新平,1995年,《海商法專題研究》,月旦出版社。
- 14. 張錦源,2004年,《國際貿易法》,修訂六版,三民書局。
- 15. 張錦源,2004年,《國際貿易實務詳論》,修訂十一版,三民書局。
- 16. 曾國雄、張志清,2003年,《海商法》,自版。
- 17. 曾國雄、黃主列,1984 年,《最新海運實務指南》,文京圖書有限 公司。
- 18. 楊仁壽,2003年4月,《海商法思潮》,三民書局總經銷。
- 19. 楊仁壽,2002年3月,《最新海商法論》,三民書局總經銷。
- 20. 楊仁壽,2002年2月,《傭船契約》,三民書局總經銷。

UNCITRAL全部或一部為海運之國際貨物運送公約草案之研究

-以多式運送為中心

- 21. 楊仁壽,2000年10月,《海商判決解說》,三民書局總經銷。
- 22. 楊仁壽,2000年9月,《海牙威士比規則》,三民書局總經銷。
- 23. 楊仁壽,1990年,《載貨證券》,三民書局總經銷。
- 24. 楊仁壽,1990年,《漢堡規則》,三民書局總經銷。
- 25. 賴來焜,2002年,《最新海商法論》,神州書局
- 26. 劉宗榮,1991 年,《論多式運送經營人責任制度及其影響》,三民書 局。
- 27. 劉宗榮,2007年,《新海商法》,三民書局。
- 28. 司法行政部民事局、經濟部國貿局編譯,1979 年 8 月,《國際貿易法規暨慣例彙編 第二冊》,司法行政部民事局、經濟部國貿局出版兼發行。
- 29. 信用狀統一慣例+電子信用狀統一慣例編譯委員會,2007年1月,《信用狀統一慣例+電子信用狀統一慣例》,財團法人台灣金融研訓院總經銷。
- 30. ICC Publishing S.A 原著;陳達景譯,2007 年 1 月,《國際標準銀行實務-跟單信用狀下單據之審查》,財團法人台灣金融研訓院總經銷。

二 期刊文章及討論文獻

- 1. 王肖卿,2004年11月14日,〈新國際貨物運送公約草案適用範圍之探討〉,國立政治大學法學院財經法新趨勢研討會(八)暨兩岸財經法學術研討會(一)。
- 2. 林一山,2004年7月,〈運送人之確定以及貨櫃廠位於基隆港區域外所產生之法律問題〉,月旦法學,第110期。
- 3. 林一山,2000年5月,〈以比較法的觀點談國際運送中複合運送 人的責任〉,海運月刊。
- 4. 邱錦添,2004年4月,〈多式運送經營人之責任制度兼述兩岸多 式運送規定之比較〉,法令月刊。

- 柯澤東,1985年12月,〈現階段貨櫃及複合運送法律問題之探討〉,國立台灣大學法學論叢。
- 6. 經濟部商業司,2005年9月,〈物流業貨物損害賠償責任制度研 究報告〉。

三、 學位論文

- 1. 林宗德,1992年,《運送終站營業人責任法制之研究》,台灣海洋大學海洋法律研究所,碩士論文。
- 林青怡,2004年,《從 CMI/UNCITRAL 草案論析海上貨物運送履行輔助人責任》,台灣海洋大學海洋法律研究所,碩士論文。
- 3. 梁志偉,2003年,《國際海上貨物運送法之新趨勢-----國際海事委員會 運送法草案之研究》」,政治大學法律學研究所,碩士論文。
- 4. 楊憶忠,2005年,《海商法關於貨物運送人之履行輔助人侵權行為責任利益之研究》,台灣海洋大學海洋法律研究所,碩士論文。
- 5. 鄭行人,1991 年,《國際多式聯運運送人及貨物集散場經營者責任之研究》,東海大學法律研究所,碩士論文。
- 6. 簡國棟,2004年,《論國際複合運送經營人之法律地位與責任》,海洋大學海洋法律研究所,碩士論文。
- 蕭元亮,1995年,《從華沙公約論國際航空貨物運送之法律規範》,海 洋大學法律研究所碩士論文。
- 8. 陳思吟,2004年,《航空運送人責任保險問題之研究》,海洋大學法律研究所碩士論文。
- 姜照斌,,2003年,《國際物流產業相關法律問題之研究》,東吳大學 法學院法律學系碩士班國際法組碩士論文。

英文部分

一、書籍

1. T. G. Carver, Carver's Carriage by Sea, 13th edition by Raoul Colinvaux,

UNCITRAL全部或一部為海運之國際貨物運送公約草案之研究

-以多式運送為中心

1987.

- 2. Diana Faber, Multimodal transport: Avoiding legal problems, 1997.
- 3. David A. Glass, Freight Forwarding and Multimodal Transport Contracts, L.L.P, 2005.
- 4. Hugh M. Kindred & Mary R. Brooks, Multimodal transport rules, Kluwer Law International, 1997.
- 5. Lloyd's Maritime and Commercial Law Quarterly(LMCLQ), International Maritime and Commercial Law Yearbook 2003~2006.
- 6. John Richardson, A Guide to the Hague and Hague-Visby Rules, 3rd edition, 1994
- 7. T. E. Scrutton, Scrutton on Charterparties and Bills of Lading, 19th edition by Stewart C. Boyd, Andrew S. Burrows, and David Foxton,1996.
- 8. William Tetley, International Maritime and Admiralty Law, 2003.
- 9. William Tetley, Marine Cargo Claims, 4th edition (to be published in 2008), available at http://www.mcgill.ca/maritimelaw/mcc4th/.
- 10. John F. Wilson, Carriage of Goods by Sea, 5th edition, 2004.
- 11. Ralph De Wit, Multimodal transport, 1995.

二、期刊文章

(一) 非官方文件

- 1. Jose M. Alcantara, The new regime and multimodal transport. L.M.C.L.Q. (August 2002)
- 2. Stuart Beare, Liability regimes: where we are, how we got there and where we are going. L.M.C.L.Q(August 2002)
- 3. Francesco Berlingieri, Shipping Basis of liability and exclusions of liability. L.M.C.L.Q (August 2002)
- 4. Indira Carr, International multimodal transport United Kingdom, International Trade Law & Regulation. (1998)
- 5. Daniel H. Charest, A fresh look at the treatment of vessel managers under COGSA, Tulane Law Review. (February 2004)
- Attilio M. Costabel, The "Himalaya" Clause Crosses Privity's Far Frontier.
 Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd., 125 S. Ct. 385,
 2004 AMC 2705 (2004), Journal of Maritime Law & Commerce. (April 2005)
- 7. Michael E. Crowley, The limited scope of the cargo liability regime covering carriage of goods by sea: The multimodal problem, Tulane Law Review.(June 2005)

- 8. Paul Stephen Dempsey, International air cargo & baggage liability and the tower of label, George Washington International Law Review. (2004)
- 9. Diana Faber, The problems arising from multimodal transport. L.M.C.L.Q (November 1996)
- 10. Fabrizio Marrella, EMERGING DILEMMAS IN INTERNATIONAL ECONOMIC ARBITRATION: Unity and Diversity in International Arbitration: The Case of Maritime Arbitration, American University International Law Review. (2005)
- 11. Theodora Nikaki, The UNCUTRAL draft instrument on the carriage of goods [wholly or partly][by sea]: The treatment of "through transport" contracts, Transportation Law Journal. (Spring-Summer 2004)
- 12. Theodora Nikaki, The Quasi-Deviation Doctrine, Journal of Maritime Law & Commerce. (January 2004)
- 13. Theodora Nikaki, Conflicting laws in "wet" multimodal carriage of goods: The UNCITRAL Draft Convention on the Carriage of Goods [Wholly or Partly][by Sea]. L.M.C.L.Q (October 2006)
- 14. Erik Rosaeg, The applicability of Conventions for the carriage of goods and for multimodal transports. L.M.C.L.Q (August 2002)
- 15. Michael F. Sturley, The United Nations Commission on International Trade Law's transport law project: An interim view of a work in progress, Texas International Law Journal. (Fall 2003)
- 16. Michael F. Sturley, Phantom carriers and UNCITRAL's proposed transport law Convention. L.M.C.L.Q.(August 2006)
- 17. S. I. Strong, Liability beyond the tackles: Norfolk Southern Ry v. James N Kirby. L.M.C.L.Q (August 2005)
- 18. Joseph C. Sweeney, Crossing the Himalayas: Exculpatory clauses in global transport. Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd., 125 S. Ct. 385, 2004 AMC 2705 (2004), Journal of Maritime Law & Commerce. (April 2005)
- 19. William Tetley, Interpretation and Construction of the Hague, Hague-Visby and Hamburg Rules.
- 20. William Tetley, Reform of Carriage of Goods -- The UNCITRAL Draft and Senate COGSA '99.
- 21. William Tetley, Uniformity of international private maritime law---The pros, cons, and alternatives to international conventions---How to adopt an international convention.
- 22. William Tetley, The CMI Final Draft Instrument Participation versus Decision-Making What We Need is a Two-Track Approach.

UNCITRAL 全部或一部為海運之國際貨物運送公約草案之研究

-以多式運送為中心

- 23. William Tetley, UNCTAD Commentary on CMI/UNCITRAL Draft Instument on Transport Law.
- 24. William Tetley, UNECE Comments on the CMI / UNCITRAL Final Draft Instrument on Transport Law.
- 25. William Tetley, CMI / UNCITRAL Draft Instrument on Transport Law.
- 26. William Tetley, The UNCITRAL Draft Convention Governing Means Choosing. Can one draft details, without first agreeing on the principles?
- 27. Hugo Tiberg, Transfer of document. L.M.C.L.Q (August 2001)
- 28. Johannes Trappe, The reform of German transport law. L.M.C.L.Q (August 2001)
- 29. Georgios I. Zekos, The contractual role of document issued under the CMI draft instrument on transport law 2001, Journal of Maritime Law and Commerce. (January 2004)

(二) 官方文件

- 30. UNCITRAL, A/CN.9/497 Possible future work on transport law
- 31. UNCITRAL, A/CN.9/476 Transport Law: possible future work
- 32. UNCITRAL, A/CN.9/172 Survey of the work of international organizations in the field of transport law
- 33. UNCITRAL, A/CN.9/510 Report of the Working Group on Transport Law on the work of its ninth session
- 34. UNCITRAL, A/CN.9/WG.III/WP.21 Transport Law Preliminary draft instrument on the carriage of goods by sea
- 35. UNCITRAL, A/CN.9/525 Report of Working Group III (Transport Law) on the work of its tenth session
- 36. UNCITRAL, A/CN.9/WG.III/WP.23 Preliminary draft instrument on the carriage of goods [by sea] Proposal by Canada
- 37. UNCITRAL, A/CN.9/526 Report of Working Group III (Transport Law) on the work of its eleventh session
- 38. UNCITRAL, A/CN.9/WG.III/WP.28 Preparation of a draft instrument on the carriage of goods [by Sea]
- 39. UNCITRAL, A/CN.9/WG.III/WP.28/Add.1 Preparation of a draft instrument on the carriage of goods [by Sea] Addendum to compilation of replies to a questionnaire on door-to-door transport and additional comments by States and international organizations on the scope of the draft instrument
- 40. UNCITRAL, A/CN.9/WG.III/WP.29 Transport Law: Preparation of a

- draft instrument on the carriage of goods [by sea] General remarks on the sphere of application of the draft instrument
- 41. UNCITRAL, A/CN.9/WG.III.WP.30 Transport Law: Preparation of a draft instrument on the carriage of goods [by sea] Information document provided by the United Nations Conference on Trade and Development (UNCTAD)
- 42. UNCITRAL, A/CN.9/544 Report of Working Group III (Transport Law) on the work of its twelfth session
- 43. UNCITRAL, A/CN.9/WG.III/WP.32 Transport Law: Draft instrument on the carriage of goods [wholly or partly] [by sea]
- 44. UNCITRAL, A/CN.9/WG.III/WP.34 Transport Law: Preparation of a draft instrument on the carriage of goods [by sea] Proposal by the United States of America
- 45. UNCITRAL, A/CN.9/552 Report of Working Group III (Transport Law) on the work of its thirteenth session
- 46. UNCITRAL, A/CN.9/WG.III/WP.36 Transport Law: Preparation of a draft instrument on the carriage of goods [wholly or partly] [by sea] Provisional redraft of the articles of the draft instrument considered in the Report of Working Group III on the work of its twelfth session (UNCITRAL, A/CN.9/544)
- 47. UNCITRAL, A/CN.9/572 Report of Working Group III (Transport Law) on the work of its fourteenth session
- 48. UNCITRAL, A/CN.9/WG.III/WP.39 Transport Law: Preparation of a draft instrument on the carriage of goods [wholly or partly] [by sea] Provisional redraft of the articles of the draft instrument considered in the report of Working Group III on the work of its thirteenth session (UNCITRAL, A/CN.9/552)
- 49. UNCITRAL, A/CN.9/WG.III/WP.41 Transport Law: Preparation of a draft instrument on the carriage of goods [by sea] Comments from the UNCTAD Secretariat
- 50. UNCITRAL, A/CN.9/576 Report of Working Group III (Transport Law) on the work of its fifteenth session
- 51. UNCITRAL, A/CN.9/WG.III/WP.44 Transport Law: Preparation of a draft instrument on the carriage of goods [wholly or partly] [by sea] Scope of Application Provisions
- 52. UNCITRAL, A/CN.9/WG.III/WP.46 Transport Law: Preparation of a draft instrument on the carriage of goods [wholly or partly][by sea] Comments from the UNCTAD Secretariat on Freedom of Contract

UNCITRAL全部或一部為海運之國際貨物運送公約草案之研究

-以多式運送為中心

- 53. UNCITRAL, A/CN.9/591 Report of Working Group III (Transport Law) on the work of its sixteenth session
- 54. UNCITRAL, A/CN.9/WG.III/WP.53 Transport Law: Preparation of a draft instrument on the carriage of goods [wholly or partly] [by sea] Comparative table on limitation levels of carrier liability
- 55. UNCITRAL, A/CN.9/WG.III/WP.56 Transport Law: Draft convention on the carriage of goods [wholly or partly] [by sea]
- 56. UNCITRAL, A/CN.9/594 Report of Working Group III (Transport Law) on the work of its seventeenth session
- 57. UNCITRAL, A/CN.9/WG.III/WP.64 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea] Comments of the European Shippers' Council regarding the draft convention on the carriage of goods [wholly or partly] [by sea]
- 58. UNCITRAL, A/CN.9/WG.III/WP.65 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea] Proposal by Japan on scope of application
- 59. UNCITRAL, A/CN.9/WG.III/WP.66 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea]
 Volume Contracts: Document presented for the information of the Working Group by the Comité Maritime International
- 60. UNCITRAL, A/CN.9/WG.III/WP.72 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea] Limitation of Carrier Liability
- 61. UNCITRAL, A/CN.9/WG.III/WP.78 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea] Relation with other conventions
- 62. UNCITRAL, A/CN.9/WG.III/WP.79 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea]
 Identify of Carrier Drafting proposal by the Governments of Italy and the Netherlands
- 63. UNCITRAL, A/CN.9/WG.III/WP.81 Transport Law: Draft convention on the carriage of goods [wholly or partly] [by sea]
- 64. UNCITRAL, A/CN.9/621 Report of Working Group III (Transport Law) on the work of its nineteenth session
- 65. UNCITRAL, A/CN.9/WG.III/WP.97 Transport Law: Preparation of a draft convention on the carriage of goods [wholly or partly] [by sea] Comments from Non-Governmental Organizations
- 66. UNCTAD, TD/B/COM.3/EM.20/2, Development of Mutimodal Transport

and Logistics Services.

網站資料

- 1. 全國法規資料庫入口網站 http://law.moj.gov.tw
- 2. 聯合國貿易法委員會入口網站 http://www.uncitral.org/uncitral/en/index.html
- 3. CMI website http://www.comitemaritime.org/
- 4. Lloyd's Law Report website http://www.lloydslawreports.com/llr/default.jsp
- 5. Tetley's maritime & admiralty law http://www.mcgill.ca/maritimelaw/
- 6. Google Search http://www.google.com
- 7. Westlaw Database
- 8. Lexis-Nexis Database

UNCITRAL 全部或一部為海運之國際貨物運送公約草案之研究

--以多式運送為中心