

1. Record Nr.	UNINA9910778009303321
Autore	Janssen André
Titolo	CISG methodology // edited by Andre Janssen Olaf Meyer
Pubbl/distr/stampa	Munich, Germany : , : sellier european law publishers, , 2009 ©2009
ISBN	1-282-26588-1 9786612265884 3-86653-722-0
Descrizione fisica	1 online resource (408 p.)
Classificazione	86.36
Disciplina	343/.0878
Soggetti	Export sales contracts
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Front matter -- Table of contents -- Preface -- Methodological Problems in the Drafting of the CISG -- Tracing Methodology in the CISG: Dogmatic Foundations -- Literal Interpretation: The Meaning of the Words -- Legislative Intention and the CISG -- Case Law Precedent and Legal Writing -- The Observance of Good Faith in International Trade -- An Economic Analysis of the CISG -- Homeward Trend: What, Why and Why Not -- Macro-Systematic Interpretation of Uniform Commercial Law: The Interrelation of the CISG and Other Uniform Sources -- The CISG and Its General Principles -- The Role of the UNIDROIT Principles and the PECL in the Interpretation and Gap-filling of CISG -- Constructive Interpretation - Applying the CISG in the 21st Century -- The Interpretation of the CISG in China -- The Interpretation of the CISG in the Arab World -- CISG and Arbitration
Sommario/riassunto	The CISG is now being applied extensively both by international arbitral tribunals and by domestic courts of its more than 70 contracting states. But do they also apply it in the same manner? Although Article 7 of the CISG underscores "the need to promote uniformity in its application", it gives little guidance as to how to achieve this goal. Each judge and arbitrator is influenced by the legal methodology of his home jurisdiction. Therefore it is somewhat of a paradox that whilst the number of contracting states is constantly increasing so too is the

threat of variation in application. In this book the most important issues of the CISG's methodology are analysed by leading experts from five continents. Whereas some authors provide a thorough analysis of the central topics of interpretation, others enter almost uncharted territories.

---