



Commercial Law In A Changing Economic Climate

Clive Macmillan Schmitthoff



Commercial Law In A Changing Economic Climate:

Commercial Law in a Changing Economic Climate Clive Macmillan Schmitthoff, 1977 **Commercial Law in a Changing Economic Climate. 2. Ed** Clive M. Schmitthoff, 1981 **Clive M. Schmitthoff's Select Essays on International Trade Law** Chia-Jui Cheng, 2024-10-28 **CISG Methodology** André Janssen, Olaf Meyer, 2009-04-27 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 *Carbonneau on Arbitration* Thomas E. Carbonneau, 2010-05-01 A companion to Carbonneau on International Arbitration Collected Essays the essays in this volume represent the majority of the author's scholarly writings on the topic of U S arbitration law They reflect his three decades of experience as a law professor and as the Editor in Chief of the World Arbitration Mediation Report renamed Review and the Journal of American Arbitration Each one tackles an aspect of the debate about the role of arbitral adjudication in contemporary American society and provides an assessment of the evolution and content of the U S law of arbitration In particular Carbonneau on Arbitration Collected Essays examines the work of the U S Supreme Court in arbitration and provides a critical but balanced assessment of that decisional law The chapters of this volume represent the majority of the author's scholarly writings on international commercial arbitration over thirty years The chapters address various major issues and themes of transborder arbitration law including 1 the importance of courts in developing and maintaining a legal culture that is hospitable to arbitration 2 arbitration as a complete legal system 3 the increasing use of arbitration to resolve political or mixed political and commercial disputes and 4 the judicialization of arbitration Some of the chapters are of a recent vintage while others were written a decade or two ago Whatever their date of production these essays are of continuing interest to practitioners in and scholars of the field **Hague-Zagreb Essays** John Anthony Wade, 1980 The Oxford Handbook of Global Legal Pluralism Paul Schiff Berman, 2020 Abstract Global legal pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the twenty first century

Carbonneau on International Arbitration Thomas E. Carbonneau, 2011-01-01 The chapters of this volume represent the majority of Professor Carbonneau's scholarly writings on the subject of international commercial arbitration They reflect his interest over the course of thirty years of law teaching in international litigation comparative law and of course international arbitration Some of the chapters are of a recent vintage while others were written a decade or two ago

Whatever their date of production the chapters have a continuing professional interest Each addresses some of the major issues of trans border arbitration law A number of chapters emphasize the importance of courts in developing and maintaining a legal culture that is hospitable to arbitration The work of the courts has been instrumental to the reception of arbitration in the United States and in several European jurisdictions The courts can make or break arbitration by upholding arbitration agreements and enforcing arbitral awards Other chapters underscore that arbitration can operate as a complete legal system It not only provides workable trial procedures but arbitrators can also create law in their rulings With the addition of an internal arbitral appellate mechanism arbitrations can function with almost absolute independence The world law on arbitrations seems to favor the a national and a juridical operation of the arbitral process A few of the chapters recognize that arbitration is being increasingly employed to resolve political or mixed political and commercial disputes Investment arbitration and BITs are the most recent expression of this development it had been apparent in WTO and NAFTA dispute resolution The Iran U S Claims Tribunal presented the first great occasion for assessing the vocation of arbitration in a mixed dispute situation While arbitration has made significant inroads in this area political sovereignty remains resistant to the imposition of limitations In many less visible political cases determinations are nonetheless made and rendered enforceable The concluding chapters address more specific developments in the field of ICA A number of cases point to the strong perhaps overweening support of the judiciary for arbitration The courts in some jurisdictions support arbitration unequivocally and are bent upon a single outcome no matter the impact on doctrine Lawyer presence in the arbitral process has lead to increased formalization in some proceedings The judicialization of arbitration tilts the process toward the protection of rights and hinders its ability to function effectively and reach finality Lawyers can readily misunderstand and undermine the gravamen of arbitration The concluding chapters also establish that the UK Arbitration Act 1996 is one of the world s outstanding arbitration statutes It rivals and bests the UNCITRAL Model Law on ICA and is the equal of the French codified law on arbitration Finally the express text of the New York Arbitration Convention appears to have been altered significantly by court practice The possible limitations of national law have been neutralized and the provisions of the Convention articulate a truly trans border regulation of the enforcement of awards In sum the chapters in this book reflect the author s lifetime work in the area of international arbitration and are required reading for all those practicing in the field law students arbitrators academics and practicing lawyers

Basic Documents on International Trade Law Chia-Jui Cheng, 2024-11-25

Uniformity of Transport Law through International Regimes Olena Bokareva, 2019 Uniformity of Transport Law through International Regimes addresses the problem of uniformity of transport law and the potential solutions at international and EU levels It concerns transport conventions and other instruments dealing mainly with carriage of goods by sea and multimodal transport as well as examining the Rotterdam Rules as one of the solutions towards uniformity in carriage of goods law The discussion on international uniformity in transport law is complemented by an

examination of regional harmonization in the context of EU law making and jurisprudence in the field of international transport The comparison between international and regional regimes reveals the complexities in application and interpretation of the certain transport conventions which is detrimental to achieving uniformity

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