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Scholarly Commentary on Articles of the United Nations Convention on Contracts for the International Sale of Goods**

INTRODUCTION

The United Nations Convention on Contracts for the International Sale of Goods¹ was drafted to be a body of commercial sales law which would transcend national legal systems. Though its evolution began nearly fifty years ago,² realistically, the work to develop a truly uniform body of law has just begun. The real test of the viability of this law will come in the effort to use its provisions in the international commercial world.

The CISG is a product of legal scholars and practitioners from diverse legal backgrounds.³ It is a transnational law with a transnational

* Director, Institute for International Trade, Educational Services Exchange with China, Inc. The author wishes to express his appreciation to Professor Peter Winship for his seminal work in developing a comprehensive bibliography on the CISG, to Stephen Brock for his invaluable research assistance and to Professor John Honnold and Peter Pfund for their encouragement in the development of this research tool.

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1. United Nations Convention on Contracts for the International Sale of Goods, U.N. Doc. A/CONF.97/18, Annex I (1980) [hereinafter cited as CISG or the Convention].

2. Work on a uniform law for international sale of goods began as early as 1935 under the auspices of the International Institute for the Unification of Private Law (UNIDROIT).

3. Membership in the United Nations Commission on International Trade Law (UNCITRAL), the body which drafted the text of the CISG, is structured to be representative of the various geographic regions and legal and economic systems around the world. Nine members are African states, seven are Asian States, five are Eastern European States, six are Latin American States, and nine are Western European and other States.

legislative history. Thus, its interpretation must also be transnational.⁴ The "plain meaning" of its provisions must be discerned from words used in an international context.

The rich legislative history of the CISG should be the starting point for interpreting provisions of the Convention with its international character in mind. The draftsmen of the CISG attempted to transcend parochial meanings. Practitioners must make that attempt, also.

After the legislative history and before CISG caselaw emerges, scholarly commentaries will offer the next best source for understanding the language of the CISG in an international context. The application and practical effect of provisions of the CISG will be discussed and, at times, debated in these writings by legal scholars from around the world. For the practitioner, this discussion must be focused and accessible. Otherwise, too much time will be spent in pursuit of certainty and the body of law itself will become commercially impracticable.

The following index of scholarly commentary on articles of the CISG was created to focus that discussion and make it accessible.⁵ Practitioners and scholars, alike, can compare and contrast, article by article, the comments of pundits from diverse legal traditions. It is hoped that this work will assist in the understanding of the CISG's provisions, facilitate their consistent application throughout the world and lead to a truly uniform body of law.

4. The drafters of the CISG were aware of the risk of parochial interpretations by local courts and thus created Article 7. It provides as follows:

(1) In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application

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5. An abbreviated citation system has been used to indicate the author, the date of the publication and the page on which the CISG article (or a previous draft thereof) is discussed. When an author had more than one publication in the same year, the first few words of the title of the publication are quoted. The full citation of the publication can be found in the bibliography accompanying this work.

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