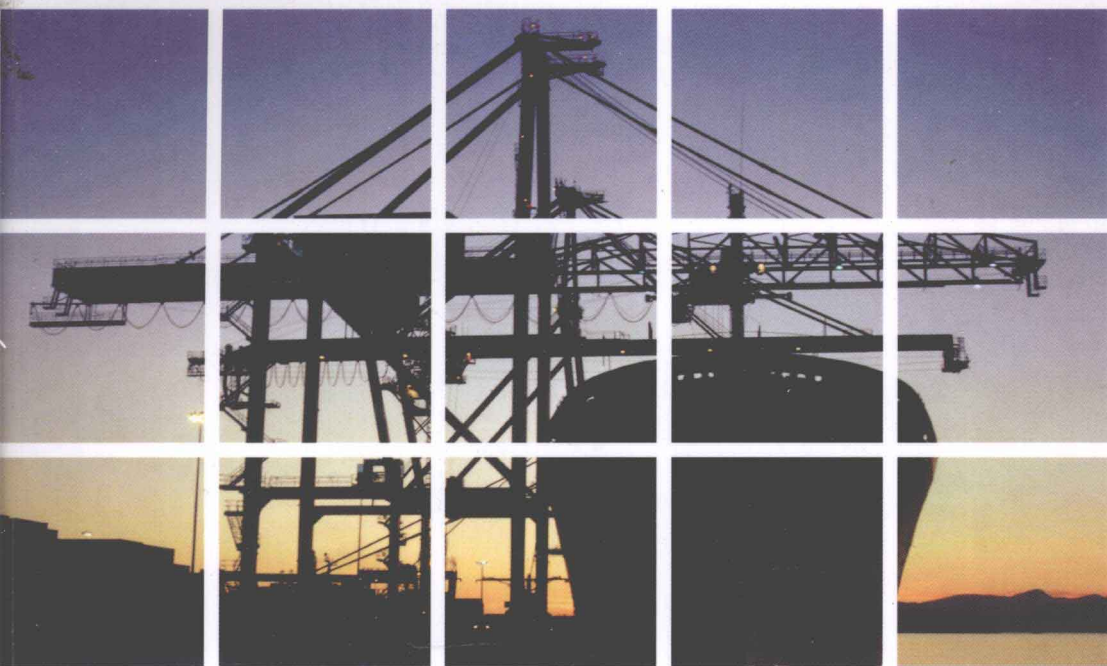




Law of International Trade: Cross-Border Commercial Transactions

Fourth Edition

Jason C.T. Chuah

SWEET & MAXWELL

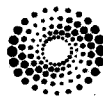
**Law of International Trade:
Cross-Border Commercial Transactions
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by

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SWEET & MAXWELL



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PREFACE

Readers of previous editions will note a change in the title to “Law of International Trade: Cross-Border Commercial Transactions”. This change is to reflect better the focus of this book, which is the private law, rather than the public law, context of international trade. This edition, as with previous editions, struggles with the coverage demands of the subject. Private international trade law brings together many subjects. It is thus usual for law schools to treat the subject in many different ways and emphases. No textbook, it has to be said, will be able to replicate the syllabi of the many law schools which offer International Trade Law on their curriculum, both at undergraduate and postgraduate levels. I have therefore tried to make the book useful by giving the book a wide scope of coverage. I hope this has not resulted in too much loss of depth. I have tried to compensate for such loss by referring the reader to further reading sources in the footnotes. The purpose, therefore, of this edition is to provide the reader with a reasonably comprehensive package of the law into which he or she might dip. There is no requirement for the reader to start with Chapter 1 and conclude with Chapter 15. The chapters are intended to be fairly self-contained, although ample cross referencing is provided for the reader wishing to see the subject in its full context.

The subjects are chosen for their relevance to international trade transactions; for that reason, some subjects such as shipping law are examined in the trade or carriage of goods context, not from an admiralty or procedural perspective. On the same basis, cargo insurance is discussed but not hull insurance; rules in conflict in contract and tort, but not property law, are emphasised.

This edition has an expanded chapter on the Vienna Convention on the International Sale of Goods. This is to cater primarily for the increasing number of International Trade courses taught to postgraduate students seeking a comparative analysis between English law and the so-called international law of sales. There is also a separate chapter on the Carriage of Goods by Air, Road and Rail. This used to form part of Chapter 1 but with the subject becoming more important, it was felt that a separate chapter would do it more justice. The chapter on Agency in the last edition has now been removed; with those aspects of agency which specifically relate to international trade being preserved in Chapter 9. This was not done without some fretting but the need to limit the book to an affordable length was compelling. Through discussions with esteemed colleagues who teach International Trade Law in UK universities, I was persuaded that this was the least painful surgical removal.

I have tried to bring the book as up to date as possible by giving specific coverage to:

- the Rome I and Rome II Regulations, the draft UNICTRAL Transport Convention, insurance law reform, URR 725 and the UCP 600;
- recent cases including *Scottish & Newcastle International*; *Premium Nafta*; *Lesotho Highlands Development Authority*; *The Front Comor*; *Freeport Plc*; *Datec Electronics*; *The Achilleas*; *MSC Amsterdam*; *Stemson*; *Dadourian*; *Shamil Bank*; *The Golden Victory* and others.

I am extremely grateful for and humbled by the scholarship of many others. Besides the standard practitioner's texts, I have benefited much from:

Atiyah & Adams, Sale of Goods
Baughen, Shipping Law
Bennett, Law of Marine Insurance
Bridge, International Sale of Goods
Clarke, Law of Insurance Contracts
Goode, Commercial Law
McClearn, Conflict of Laws
Sealy & Hooley, Commercial Law
Stone, EU Private International Law
Thomas, Modern Law of Marine Insurance
Todd, Bills of lading and Bankers' Documentary Credits
Wilson, Carriage of Goods by Sea

I have also drawn from my experience working with the Chambers of Commerce, exporters, freight professionals, bankers, lawyers and students when writing this book. I am indebted to all of them. Many of them, if they read this book, will recognise their own contributions. I should like to ask them to treat this discovery as conveying a special thanks from me to them.

I would like to thank the team at Sweet & Maxwell for their help in bringing about this fourth edition. Special thanks, as always, must go to Mark Herrett.

Jason C.T. Chuah
March 2009

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