ACADÉMIE DE DROIT INTERNATIONAL

FONDÉE EN 1923 AVEC LE CONCOURS DE LA DOTATION CARNEGIE POUR LA PAIX INTERNATIONALE

RECUEIL DES COURS

COLLECTED COURSES OF THE HAGUE ACADEMY OF INTERNATIONAL LAW

2021

Tome 413 de la collection

BRILL | NIJHOFF

Leiden/Boston

TABLE OF CONTENTS

Chapter 1. Setting the stage: uniform law	21
A. Introduction B. Uniform law: A definition and its implications C. Aims and goals of uniform law B. The origins of the CISG D. The CISG: A paradigm for all things good and bad	27 31 40 47 51
Chapter II. Forum shopping: what, why, why not?	58
A. The existing bias against forum shopping: The US example B. The bias against forum shopping: The regional and international	58
C. Anti-forum shopping stance no more? D. Defining "forum shopping"	65 71 81
Chapter III. Why international uniform substantive law conventions cannot prevent forum shopping: the convention-extrinsic reasons	94
A. Introduction	94 99
 C. Additional convention-extrinsic forum shopping reasons: Language, efficiency of the proceedings, bias, et al. D. Arbitration v. litigation E. Applicability of uniform substantive law conventions by arbitral 	108
tribunals v. courts	119
prevent forum shopping: the need to resort to private international law as a convention-intrinsic reason.	126
A. Introduction	126
substantive law conventions	130 140
D. The limited international sphere of application of uniform substantive law conventions as a convention-intrinsic forum shopping reason	145
E. The limited substantive sphere of application of uniform substantive law conventions as a convention-intrinsic forum shopping reason F. The requirement of a nexus to contracting states or the law of a con-	158
tracting state as a convention-intrinsic forum shopping reason	163
Chapter V. Further convention-intrinsic forum shopping reasons: limitations as to scope, reservations, opt-outs and diverging interpretations.	169
A. The limited scope of application of uniform substantive law conventions as a convention-intrinsic forum shopping reasonB. The possibility of declaring reservations as a convention-intrinsic	169
forum shopping reason	177
convention-intrinsic forum shopping reason	193
conventions: The theory	204 218
Chapter VI. Conclusion	238
Bibliography.	240