



Is the Vienna Convention on international sale of goods too much influenced by civil law and should it contain a rule on the passing of property?

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INTRODUCTION

The Vienna Convention on International Sale of Goods [The Vienna Convention] is by far not the first attempt to harmonize international commercial code – there is a history of efforts to harmonization that goes back to the beginning of the 20th century. In 1930 the International Institute for the Unification of Private Law [UNIDROIT] was created in Europe. It developed its first draft sales law in 1935 and resumed its efforts in 1951 producing a draft commercial code which was circulated until the early 1960's.

The first successful intermediate stage was reached, when in 1964 The Hague Conference adopted the Uniform Law for the International Sale of Goods [ULIS] and the Uniform Law for the Formation of Contracts [ULF]. High expectations accompanied the signing of the Hague Convention on Sales, but only a small number of countries ratified the Hague Convention and its application was strictly reduced to these member states. “It was especially disappointing that the Hague Conventions were not ratified by some of the signatory states – such as France and the United States – which had exercised considerable influence on the formulation of their rules.”

Despite the partial failure of the Hague Conventions international efforts to harmonization of sales law were still going on. In 1966 the United Nations founded The United Nations Commission on International Trade Law [UNCITRAL] which gave top priority to establishing a uniform international trade law. The efforts of a group comprised of 14 nations lead to the first draft text of the United Nations Convention on Contracts for the International Sale of Goods [CISG] which was “deliberated at the eleventh session of UNCITRAL in 1978 in New York” and then circulated “among the governments of UN member states for their opinions and comments”. In 1980 CISG was concluded at the Vienna Convention and came into force in 1988. Today almost 60 countries have adopted CISG amongst which are most of the member states of the European Union (not the UK), USA, Canada, Australia and others.

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