

EDITORIAL

Welcome to the second edition of Volume 9 of *The Vindobona Journal of International Commercial Law and Arbitration*.

We join in commemorating the 25th and 20th anniversaries of the United Nations Convention on Contracts for the International Sale of Goods ('CISG') and UNCITRAL Model Law on Commercial Arbitration respectively. This edition is principally dedicated to the CISG, covering topics ranging from the applicability of the CISG, the interpretation of the CISG by courts and remedies under the CISG.

This edition of the VJ includes the following:

- *Eric Bergsten* shares with us his personal account of the adoption of the UNCITRAL Arbitration Rules in his article 'Some musing about the adoption of the UNCITRAL Arbitration Rules.'
- In 'The CISG: Raising the fear of nothing', *Henry Gabriel* poses the question 'Why the reluctance to embrace the CISG?', then goes on to provide a succinct overview of the strengths and weaknesses of the CISG.
- *Annemarie Großhans* examines the provisions of the CISG concerned with determining the CISG's applicability to contracts in her article 'Reflections on the scope of the applicability of the 1980 U.N. Convention on Contracts for the International Sale of Goods.' In her discussion, Annemarie highlights the similarities and differences in the approach adopted by the CISG with the approach adopted by the CISG's predecessor, the 1964 Uniform Law on the International Sale of Goods.
- 'The CISG's uniform interpretation by the courts – an update' by *Franco Ferrari* provides an excellent analysis of the extent to which courts take into account the mandates set forth in Art. 7(1) of the CISG, namely that when interpreting the CISG 'regard is to be had to its international character and to the need to promote uniformity in its application.'
- Continuing with the CISG theme, 'Remedies for breach of contract under the 1980 U.N. Convention on Contracts for the International Sale of Goods' by *Marco Torsello* provides us with a thorough and interesting overview of the alternative remedial schemes available to an aggrieved party under the CISG and the role that the concept of 'fundamental breach' plays in determining the availability of those remedies.
- *Ana López-Rodríguez* in her article 'The effects of avoidance on obligations: the modes of restitution under the 1980 U.N. Convention on the International Sale of Goods' provides an excellent discussion on restitution under the CISG, and considers specifically the various approaches that may be adopted to settle those matters relating to restitution which are left open by the CISG.

- *Peter Huber* provides a comparative analysis of the modern trend to restrain the scope of termination of contract as a remedy, as illustrated by the CISG, in his article ‘Termination as a remedy for defective delivery’.
- In ‘Arbitrability of antitrust claims’, *Niccolò Landi* examines the ways in which scholars and courts in the United States of America, the European Union and Italy have considered the issue as to whether antitrust claims are arbitrable.
- *Jean Ho* looks at the arbitral tribunal’s power, and general reluctance, to award security for costs in the context of international arbitration in her article ‘Getting the shoe to fit – obtaining security for costs under the rules of arbitration of the International Chamber of Commerce.’ Jean specifically considers those circumstances under which an arbitral tribunal will not award security for costs.
- ‘The Thailand-Australia Free Trade Agreement (TAFTA) – Regulations and Procedures’ by *Roberto Bergami* provides a practical and informative look at the bi-lateral treaty and its implications for both exporters and importers.
- We are fortunate to be able to include a case translation of China International Economic & Trade Arbitration Commission proceedings, ‘FeMo’ Alloy Case (2 May 1996) – translated by *Zheng Xie* and edited by *Howard Yinghao Yang*.
- This edition concludes with a book review of ‘International Commercial Arbitration in Latin America’ by *Emilia Onyema*.

On a final note, I would like to thank Elisabeth Opie for her hard work and dedication in her role as editor-in-chief of the VJ for the previous five years and thank both her and the MAA for the opportunity take on the role as editor-in-chief.

Many thanks also to Emilia Onyema, the newly appointed editor of the VJ, for her assistance in bringing you this edition.

I hope you enjoy the read.

Nicole Tumiati
Editor-in-Chief