

The Paradox of Substantive – Procedural Dichotomy and the Admissibility of Extrinsic Evidence Under the CISG 1980: Towards Global Unification of Procedural Law?

by Dr. Tidarat Sinlapapiromsuk
Chulalongkorn University, Thailand

Chairperson: Associate Professor Gary F. Bell
NUS Law

Tuesday, 5 November 2019
12pm to 1.30pm

~~Lee Sheridan Conference Room~~
Federal Conference Room,
Federal Building, NUS Law (Bukit Timah Campus)
(Please note: change of venue)

ABSTRACT

The CISG 1980 has tended to be analyzed largely from a "substantive law" point of view, with a relatively limited clarification on various procedural implications that may arise from its world-wide applications—both in the civil law and common law jurisdictions, and in the forums of Contracting States and non-Contracting States alike. In the backdrop of these diversifications prompting a domestic classification of the questions concerning extrinsic evidence, as either a substantive or procedural matter, a court confronted with international commercial litigations may decide that, while another forum's substantive law incorporating the CISG should apply, the court's own rules of civil procedure will, nevertheless, continue to govern the questions of admissibility of evidence in a trial. In numerous cases, such a rigid dividing line can induce judicial refusal to apply certain provisions of the uniform substantive law, originally intended to govern the issue of contractual interpretation and requirement as to form, liberalizing the procedural-law restrictions on the admission of evidence.

The creation of a uniform law might not in and of itself guarantee a uniform application of such law, and the resulting uncertainties in the outcomes can, in turn, induce strategic behavior of forum-shopping. If the Vienna Sales Convention is to be applied one way in Singapore and another in Vietnam, or even in a non-Contracting State like Thailand, there is no such thing as a truly uniform sales law. This lecture, based on a working paper, will systematically and critically explore these potential challenges to the uniformity in the applications of the CISG 1980, unlocking the substantive – procedural dichotomy in the arena of international commercial law.

ABOUT THE SPEAKER



Dr. Tidarat Sinlapapiromsuk is a full-time lecturer in law at Faculty of Law, Chulalongkorn University, Thailand, where she currently serves as Vice Dean for International Affairs. She holds an LLB degree from King's College London, an LL.M degree in Global Business Law, together with a PhD degree in Law from University of Washington. Tidarat specializes in International Business Transactions, Investor-State Disputes Settlements (ISDS), Oil and Gas Law (Upstream), Administrations and Settlements of Mass-Tort Claims, Alternative Dispute Resolutions (ADR), and Global Anti Bribery Laws, including the US FCPA and the corporate compliance program in particular. Her research projects, among others, include Petroleum Joint Development Agreements (JDA); Public Procurement Law in the EFTA countries (funded by the Ministry of Finance); and Oil-spill Settlements Regimes. Tidarat was also officially appointed by the Council of State of Thailand as a member of draft-legislation review committee for the draft national legislation implementing the Vienna Sales Convention.

REGISTRATION

There is no registration fee for this seminar, but seats are limited.
There will be a light meal provided on a first-come-first-served basis.

Closing Date: **Tuesday, 29 October 2019**

For enquiries, please contact Nur Fazirah at rescle@nus.edu.sg

To register, go to <https://nus.edu/2Mu4ekj>

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