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Book Review: Critical Documents Sourcebook Annotated: International Commercial Law and Arbitration (1991)

Carol A. Watson

University of Georgia School of Law Library, cwatson@uga.edu

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BOOK REVIEW

HOUSTON PUTNAM LOWRY, *CRITICAL SOURCEBOOK ANNOTATED: International Commercial Law and Arbitration* (Little, Brown & Co., Boston; Toronto; London, 1991), pp. xxvi + 532

Carol A. Watson

Houston Putnam Lowry's *Critical Documents Sourcebook Annotated: International Commercial Law and Arbitration* is an excellent reference book which will be useful to both practitioners, legal researchers, and law librarians. Lowry has gathered treaties, agreements, and rules relating to international commercial law and arbitration and placed them in a single desktop volume. Lowry has reproduced ten documents relating to commercial and corporate practice and seventeen documents relating to arbitration and dispute resolution. Many of the materials gathered are from diverse sources which practitioners or smaller libraries may not have ready access to such as the *United Nations Treaty Series*, or publications from various organizations such as the American Arbitration Association, International Chamber of Commerce or International Bar Association. In addition to international documents, Lowry has included such sections as background of the documents, comparison of each document to United States law, lists of ratifications and suggested reporter series for each document.

Lowry points out in the preface that international legal documents are often difficult to locate. He emphasizes this statement by referring to the fact that the United Nations Treaty Series is 8 years behind in publication and the United States Treaty Series is also several years behind. The difficulties of locating international law documents combined with the rapid growth of international law within the last decade, provided the impetus for Lowry to compile a self-contained volume of conventions and rules. It should be noted, however, that Lowry's own text has no index—only a table of contents. A subject index, not just for entire documents, but for topics covered within each of the included documents, would be especially useful to researchers.

It would also have been helpful if Lowry had indicated more often where he had obtained the texts of many of the documents. For

example, Lowry never mentions that the 1980 European Economic Community Convention on the Law Applicable to Contractual Obligations can be located in the European Community's *Official Journal*. Similarly, Lowry provides the United Nations document number for the 1980 United Nations Convention on Contracts for the International Sale of Goods, but never indicates that the U.N. certified English language text of the Convention reproduced in the *Federal Register* may be introduced into evidence in the courts of the United States.¹ The source of the documents Lowry has compiled would be useful for both citation and authentication in legal proceedings.

In addition to providing the text of conventions and rules, Lowry introduces each document with a background section. While these background sections are somewhat brief, he reminds the reader in the preface that this background is for either the neophyte or a list of major points for the seasoned practitioner. He admonishes that these introductions are no substitutes for more in-depth research of scholarly treatises and articles on the subject.

Lowry also includes a section comparing each document to United States law. Since the volume is intended to be self-contained, Lowry provides the text of relevant United States statutes. For example, when comparing the 1980 United Nations Convention on Contracts for the International Sale of Goods to United States law, Lowry includes sections of the Uniform Commercial Code which vary significantly from the Convention.

Lowry also includes a section listing the parties to the conventions and documents reproduced in this book. It is significant that he notes the date through which the list is current. This is helpful to the researcher who must update a list of ratifications. Knowing the point at which to begin can be particularly time-saving. In his introduction, Lowry thoughtfully provides telephone numbers for the United Nations office and United States government office which will help a researcher determine the status of a treaty with regards to a particular party. Frequently a telephone call is the most expeditious solution for a practitioner. However, Lowry fails to point out that there are publications available such as the United States Department of State's weekly *Dispatch* which contains a section entitled "Treaty Actions" listing the status of treaties to which the United States is a party, including accessions and ratifications deposited. Lowry also never

1. 52 *Federal Register* 6264 (1987)

mentions the United States Department of State's *Treaties in Force* or even *Shepard's United States Citations* can be useful in determining the status of a treaty to which the United States is a party. Similarly, Lowry fails to note the United Nations' *Multilateral Treaties Deposited with the Secretary General*² lists the status of multilateral treaties deposited with the United Nations.

In addition to failing to specify publications which can aid in determining the status of a treaty, Lowry also neglects to caution researchers that the list of parties to each of the documents does not indicate whether any of the parties have ratified treaties with declarations or reservations. For example, the list of parties to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards does not indicate that although Jordan, Kuwait and Norway are parties to the Convention, they have also attached reservations to the Convention. *Treaties in Force* identifies whether treaties to which the United States is a party have been ratified with reservations or declarations. Lowry should at least warn practitioners that these reservations and declarations may change the interpretation of a convention.³

Lowry has included a section listing the Reporter series available to help locate cases which have interpreted most of the reproduced conventions or rules. For example, for the 1980 European Economic Community Convention on the Law Applicable to Contractual Obligations, Lowry suggests looking at the European Court Reports, the Common Market Law Reports or the CCH Common Market Reports. While this is not an exhaustive list of possible reporters, it is sufficient starting point for most practitioners or researchers.

Finally, for most of the arbitration documents, Lowry has provided the Recommended Clause from each organization. For example, accompanying the UNCITRAL Arbitration Rules is Uncitral's Recommended Clause. This is an especially useful section for the practitioner who must regularly draft contracts or commercial documents including arbitration clauses.

In conclusion, Lowry has done a thorough job of selecting the documents to include in the *Critical Documents Sourcebook Annotated: International Commercial Law and Arbitration*. Lowry advises

2. ST/LEG/Ser. E

3. See RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW OF THE UNITED STATES 313 cmts. a and g (Am. Law Inst. 1986) for the definitions of a reservation and a declaration and their effects on the interpretation of international agreements.

readers that this work will be updated periodically. Lowry lives up to his promise in the introduction to provide an inexpensive source-book of frequently used documents relevant to commercial law. While the background discussions of each document are not as thorough as one might hope for, Lowry clearly warned in his introductions that these sections were not intended to be comprehensive. This text is a welcome addition, particularly to the practitioner's desktop that should definitely be purchased if one is seeking a single quick reference volume for documents related to international commercial law.