


Third Issue of 2011's ICLQ

The last issue (July 2011) of the *International and Comparative Law Quarterly* was just released. It offers two articles discussing private international law issues. 

The first is authored by Sirko Harder, who is a Senior Lecturer at Monash Law School: Statutes of Limitations Between Classification and Renvoi – Australian and South African Approaches Compared.

This article compares the ways in which Australian and South African courts have approached issues of classification and renvoi where a defendant argues that the action is time-barred. There are two differences in approach. First, Australian courts classify all statutes of limitation as substantive, whereas South African courts distinguish between right-extinguishing statutes (substantive) and merely remedy-barring statutes (procedural). Second, the High Court of Australia has used renvoi in the context of the limitation of actions whereas South African courts have yet to decide on whether to use renvoi. This article assesses the impact of those differences in various situations.

The second article is authored by Gerard McCormack, who is Professor of International Business Law at the University of Leeds: American Private Law Writ Large? The UNCITRAL Secured Transactions Guide.

This article provides a critical evaluation of the main provisions of the UNCITRAL Legislative Guide on Secured Transactions. It examines the Guide in the context of other international and national secured transactions instruments including article 9 of the United States Uniform Commercial Code. The clear objective of the Guide is to facilitate secured financing. It is very facilitating and enabling, and permits the creation of security in all sorts of situations. Security is seen as a good thing, through enhancing the availability of lower-cost credit. The paper suggests that this closeness in approach to article 9 is likely to militate against the prospects of the Guide gaining widespread international acceptance. This is the case for various interlocking reasons including the battering that American legal and financial norms have taken with the global financial crisis.