

MINISTRY OF EDUCATION AND TRAINING

HO CHI MINH CITY UNIVERSITY OF LAW

**INFORMATION OF THE NEW CONTRIBUTIONS  
OF THE THESIS**

Dissertation title: **Specific Performance under United Nations Convention on Contracts for the International Sale of Goods**

**Mayor:** Economic Law

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**THE NEW CONTRIBUTIONS OF THE THESIS**

The thesis is the in-depth study of the remedy of specific performance under CISG. On the basis of the research made in the thesis, special significance is attributed to the contribution of theoretical basis as a justification for the availability of specific performance under CISG, then determining the role of specific performance with regard to the hierarchy of remedies laid down by CISG. The analysis based on such theoretical framework also enables the creation of scientific arguments as provided in the thesis for the application of the remedy of specific performance under CISG. Furthermore, the main focus of the thesis relates to the proposal for amendments to the Vietnamese Commercial Law on specific performance, aiming at giving greater prominence to the performance interest per se and adopting a balanced approach which takes account of efficiency-based consideration. The essential latest contributions of the thesis are shown as follows:

*Firstly*, the thesis has clarified the theoretical basis of specific performance under CISG, namely: (i) the basic notion and legal characteristics of specific performance, as

well as the primary nature hereof; (ii) the theories as cited in providing the background for the availability of specific performance; and (iii) the limitation of the scope of specific performance under CISG. It follows from such theoretical framework that there is the basis for the philosophy which underlies a balanced approach of specific performance as the performance-oriented remedy in the context of efficiency consideration.

*Secondly*, the underlying legal issues of the application of specific performance under CISG are further explored in the thesis to clarify: (i) To what extent the regulations on specific performance under CISG reflect such the underlying philosophy and (ii) what their legal values are and which are more appropriate for application in the process of receiving legal experiences from CISG.

*Thirdly*, the thesis has made a comprehensive assessment as well as analysis of Vietnamese Commercial Law on specific performance and the application hereof in order to identify the elements that are more likely to undermine the role of specific performance in protecting the full value of the promised performance in the most effective way.

*Fourthly*, on the basis of the above-mentioned findings, the thesis seeks to formulate some recommendations to enhance the regulations on specific performance as set forth in Vietnamese Commercial Law. Accordingly, such remedial regime aims at the protection of performance interest and encourages both parties' entitlement to perform the contract, whilst at the same time serving the goal of efficiency.

*Ho Chi Minh city, 10 April 2023*

**Phd Candidate**

**Nguyen Thi Thanh Huyen**