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International Letters of Credit: Resolving Conflict of Law Disputes

Audi Gozlan

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Disputes over letters of credit take on added complexity where several parties are involved and each is situated in a different jurisdiction with no choice of law specified. This work examines the criteria applied to resolve such a situation.

Letters of credit usually involve at least four parties: (1) the buyer applicant, (2) the bank issuing the letters of credit, (3) the seller beneficiary, and (4) the corresponding bank confirming and advising or negotiating the letter of credit. It is not uncommon that these parties will be located in different jurisdictions with different substantive and procedural laws.

Another twist: the Uniform Customs and Practice for documentary credits (UCP) governs the letters of credit when incorporated. While the UCP is a set of rules and practices on the use of letters of credit, this particular codification does not offer solutions to the conflict of laws problem in disputes over the use of letters of credit in the absence of an applicable choice of law provision.

International Letters of Credit: Resolving Conflict of Law Disputes contains a particularly useful documents section which includes the UCC Rules and samples of letters of credit. Legal practitioners involved in financial and banking law or the settlement of disputes, financial institutions, and those in import and export will find this a useful resource on a complex but not uncommon issue.

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