

## **Final Act (Vol. I) - Introduction**

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### **1. Background**

The Sixth Inter-American Specialized Conference on Private International Law (CIDIP-VI) was convoked by the General Assembly of the Organization of American States at its twenty-sixth regular session, through resolution AG/RES. 1393 (XXVI-O/96).

In that resolution, the General Assembly instructed the Permanent Council of the Organization to approve the rules of procedure and agenda for the Sixth Inter-American Specialized Conference on Private International Law, to be presented to the governments of the Member States for approval. As it had for earlier specialized conferences, the General Assembly also entrusted the General Secretariat to prepare the technical documents and information necessary to facilitate preparations for the Conference, and to carry out all necessary activities related to the preparatory phase of CIDIP-VI.

In 1997, the General Assembly, through resolution AG/RES. 1472 (XXVII-O/97), urged the Permanent Council to continue its study of the agenda items for CIDIP-VI, and urged Member States to provide their comments and observations on the draft agenda. The draft agenda for CIDIP-VI was adopted by the General Assembly at its twenty-eighth regular session, through resolution AG/RES. 1558 (XXVIII-O/98), in which the General Assembly also instructed the Permanent Council to convene a meeting of experts designated by Member States to define the scope of the agenda items and to begin the preparatory work for CIDIP-VI.

On October 21, 1998, the Permanent Council through resolution CP/RES. 732 (1173/98) convened a Meeting of Experts on CIDIP-VI. The results of that meeting, held in December 1998, were published as document RE/CIDIP-VI/doc.9/98.

In accordance with the mandate from the General Assembly, the Permanent Council, through resolution CP/RES. 744 (1185/99), approved the draft agenda for CIDIP-VI. In its first plenary session held on February 4, 2002, the Conference adopted its agenda, unchanged from that proposed by the Permanent Council and approved by the General Assembly [AG/RES. 1613 (XXIX-O/99)]:

I. Standardized commercial documentation for international transportation, with special reference to the 1989 Inter-American Convention on Contracts for the International Carriage of Goods by Road, with the possible incorporation of an additional protocol on bills of lading.

II. International loan contracts of a private nature, in particular, the uniformity and harmonization of secured transactions law.

III. Conflict of laws on extracontractual liability, with an emphasis on competency of jurisdiction and applicable law with respect to civil international liability for transboundary pollution.

Work on these topics was begun by three working groups established at the Meeting of Experts convened at OAS headquarters in Washington D.C., from February 14-18, 2000, pursuant to the provisions of AG/RES. 1613 (XXIX-O/99) and CP/RES. 744 (1185/99). Chairs of each of these working groups were named at the Meeting of Experts, the report of which was published as REG/CIDIP-VI/doc.6/00 corr. 2.

The U.S. Chair of the working group for Topic I prepared the draft Inter-American Uniform Through Bill Of Lading For The International Carriage Of Goods By Road, CIDIP-VI/doc.5/02. The co-chairs of the working group for Topic II, the U.S. and Mexico, prepared the draft Model Inter-American Law on Secured Transactions, CIDIP-VI/doc.4/02. The Chair of the working group for Topic III, Uruguay, prepared the draft Inter-American Convention On Applicable Law and Proper International Jurisdiction In Matters Of Civil Liability For Cross-Border Pollution, CIDIP-VI/doc.8/02.

The General Secretariat, through its Secretariat for Legal Affairs (SLA), prepared the technical and informative documents and provided Secretariat services to the Conference, as well as the CIDIP background document, CIDIP-VI/doc.11/02.

The Permanent Council assigned its Committee on Juridical and Political Affairs the work of preparing and coordinating the documents to be used in CIDIP-VI.

The Inter-American Juridical Committee prepared a report on "CIDIP-VII and Beyond," CIDIP-VI/doc.10/02, based on responses to a questionnaire it circulated to a broad range of academics, jurists, and legal experts from throughout the Americas.

Document CIDIP-VI/doc.19/02 rev. 2 contains a list of accredited delegations and other participants in the Conference.

## **2. Secretariat of the Conference**

The General Secretariat was represented by Dr. Enrique Lagos, Assistant Secretary for Legal Affairs. The Technical Secretariat was headed by Dr. Jean-Michel Arrighi, Director of the Department of International Law of the Secretariat for Legal Affairs (SLA) of the OAS.

The General Secretariat appointed Ms. Linda Poole as the Coordinator of Conference Services and Dr. Reinaldo Rodríguez as Secretary of the Plenary.

## **3. Sessions and Organization of the Conference**

### **a. Inaugural session**

The inaugural session was held on February 4, 2002, at 9:30 a.m. and was presided over by the Conference's Interim Chair, Ambassador Raúl Ricardes, Chair of the Committee on Juridical and Political Affairs. Addresses were given by Ambassador Luigi Einaudi, Assistant Secretary General of the OAS, and by Ambassador Raúl Ricardes, Permanent Mission of Argentina to the OAS, Chair of the Committee on Juridical and Political Affairs.

### **b. First plenary session**

The first plenary session of the Conference was held on February 4 at 11:00 a.m. and was presided over by the Conference's Interim Chair, Ambassador Raúl Ricardes, Permanent Mission of Argentina to the OAS, Chair of the Committee on Juridical and Political Affairs.

In accordance with Article 16 of the draft Rules of Procedure of the Conference, the plenary adopted decisions on the following matters: election of the Chair, agenda, rules of procedure, working committees, the deadline by which delegations were to present amendments to or substitute wording for the draft instruments, and the approximate duration of the Conference.

#### *i. Chair of the Conference*

*His Excellency Ambassador Didier Operti, Minister of Foreign Affairs of the Republic of Uruguay and Head of Delegation, was elected Chair of the Conference by acclamation. It was resolved, in accordance with Article 13 of the Rules of Procedure, that the heads of*

*delegation in attendance would act as vice chairs of the Conference in the order of precedence established by the Permanent Council at its meeting on November 7, 2001.*

ii. *Rules of Procedure*

*The Conference approved, without amendment, the draft Rules of Procedure adopted by the Permanent Council in resolution CP/RES. 800 (1299/01) and published as document CIDIP-VI/doc.6/02.*

iii. *Organization of the Committees*

*In accordance with Article 41 of the Rules of Procedure, the Conference, in its first plenary session, decided to organize three working committees, designated as Committee I, Committee II, and Committee III. The Committee I was assigned Topic I: Standardized commercial documentation for international transportation, with special reference to the 1989 Inter-American Convention on Contracts for the International Carriage of Goods by Road, with the possible incorporation of an additional protocol on bills of lading. The Committee II was assigned Topic II: International loan contracts of a private nature, in particular, the uniformity and harmonization of secured transactions law. Committee III was assigned Topic III: Conflict of laws on extracontractual liability, with an emphasis on competency of jurisdiction and applicable law with respect to civil international liability for transboundary pollution.*

iv. *Deadline for submitting proposals and amendments*

*The Conference agreed to set Wednesday, February 6, at 5:00 p.m. as the deadline for the delegations to submit proposals, amendments, draft resolutions, and all other documents relating to the business of the Conference.*

v. *Duration of the Conference*

*It was agreed that the Conference would have a duration of five working days and would conclude on Friday, February 8, 2002.*

c. **Officers of the Working Committees**

The following officers for the working committees were elected:

**Committee I**

<b>Chair</b>	Mary Helen Carlson	United States
<b>Vice Chair</b>	Heads of Delegation	By order of precedence
<b>Rapporteur</b>	Cecilia Fresnedo	Uruguay
<b>Technical Secretariat</b>	Sergio Biondo	
	Timothy Rudy	

### **Committee II**

<b>Chair</b>	José Luis Siqueiros Prieto	Mexico
<b>Vice Chair</b>	Boris Kozolchyk	United States
<b>Rapporteur</b>	Ronald Herbert	Uruguay
<b>Technical Secretariat</b>	Kathleen Lannan	
	Elizabeth García	

### **Committee III**

<b>Chair</b>	Juan Manuel Castulovich	Panama
<b>Vice Chair</b>	Berta Feder	Uruguay
<b>Rapporteur</b>	Rafael Veintimilla Chiriboga	Ecuador
<b>Technical Secretariat</b>	Luis Toro	
	Gerónimo Frigerio	

d. Second plenary session

The Conference held its second plenary session on February 7, 2002. The session was convened to study the present and the future of the Inter-American Specialized Conferences on Private International Law (CIDIPs). In addition to the special guests and permanent

observers, the session was attended by members of the Inter-American Juridical Committee (CJI). The following reference documents were made available to the session: CIDIP-VII and Beyond (CIDIP-VI/doc.10/02), submitted by the CJI; The History of the CIDIP Process (CIDIP-VI/doc 11/01), submitted by the Secretariat for Legal Affairs (SLA); and The Present and Future of CIDIP (CIDIP-VI/doc.18/02), submitted by Diego P. Fernández Arroyo, a special guest of the OAS. The delegations' comments will be transcribed in the minutes of the session.

e. Third plenary session

The third plenary session was held on February 8, 2002. The session heard the reports submitted by the rapporteurs of the working committees and adopted the Final Act and the corresponding resolutions. The delegations' comments will be transcribed in the minutes of the session.

f. Closing session

The closing session was held on Friday, February 8, 2002, at 5:00 p.m. The Chair of the Conference, His Excellency Ambassador Didier Operti, Minister of Foreign Affairs of Uruguay, invited the Member State delegations accredited to participate in CIDIP-VI to sign the Final Act.

The Chair of the Conference then made a few remarks, saying how pleased he was at the success of the Conference, which adopted a model law and a uniform document in private international law. He summarized the work accomplished by the Conference and highlighted the significance of the agreements concluded. Following his remarks, he officially declared the Sixth Inter-American Specialized Conference on Private International Law adjourned.