

Speech

Organization of American States



**LUIGI R. EINAUDI, ASSISTANT SECRETARY GENERAL OF
THE ORGANIZATION OF AMERICAN STATES
AT THE OPENING OF THE PLENARY SESSION OF THE
SIXTH INTER-AMERICAN SPECIALIZED CONFERENCE ON
PRIVATE INTERNATIONAL LAW
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Thank you Ambassador Ricardes.

Ambassador Didier Opertti, Minister of Foreign Affairs of Uruguay;

Ambassador Raul Ricardes, Chair of the Committee on Political and Juridical Affairs

Distinguished Delegations and Experts

Permanent Observers

Special Guests

Members of Civil Society,

Ladies and Gentlemen;

On behalf of Secretary General Gaviria, and on my own behalf, I welcome you to the Sixth Inter-American Specialized Conference on Private International Law.

I am honored to be part of this important milestone in the development of private international law in this Hemisphere, and I am particularly pleased to see here today delegates, experts and guests representing all corners of the Americas. It is particularly satisfying to see upheld the perhaps the quintessential tradition of the Inter-American System, to bring together our diverse legal systems in order to broaden understanding and to attain common goals.

The last CIDIP, its fifth session, took place in Mexico City in 1994. Much has occurred in the interim, and much work has been done in paring down the eight topics proposed at culmination of CIDIP-V to the finely-honed materials on the three topics before you. I would like to take this opportunity to recognize the intense preparation that has been necessary to enable the political and legal bodies of the OAS, and experts from Member States to prepare the studies and drafts to be considered this week.

To that end, I must congratulate the Delegations of Mexico, the United States, and Uruguay for their diligent leadership of the working groups on the three CIDIP-VI topics, and for bringing these areas to the state of readiness in which we find them today.

I congratulate both the Inter-American Juridical Committee, and the Legal Secretariat of the OAS for their efforts to look beyond the horizon of this week's conference into the future of private international law in the Americas. Finally, I recognize the work of the Committee on Juridical and Political Affairs for its stewardship of CIDIP-VI.

Private international law regulates the many and growing private relationships among individuals in our societies - we have used it very successfully to facilitate the movement of persons, to exchange goods and services, to foster

integration, and even to combat illegal cross-border activities.

It is encouraging, then, that CIDIP meetings have enjoyed great success since their inception over a quarter of a century ago. Five CIDIPs have been held: in Panama City in 1975; in Montevideo in 1979; in La Paz in 1984; again in Montevideo in 1989, and most recently, in Mexico City in 1994.

In all, an extremely impressive 23 inter-American conventions and protocols have been adopted on matters which virtually cover the waterfront of private international law. Through the CIDIP system, we in the Americas have made significant advances in effective legal and judicial cooperation among the states, and in the security of civil, family, commercial and procedural relations.

CIDIP-VI represents a further milestone in the evolution of private international law in the Americas. The topics chosen for this round of negotiations delve deeply into substantive legal issues that have slowed commercial and economic development in the Americas.

This week, you will consider a draft Inter-American Uniform Through Bill of Lading for the International Carriage of Goods by Road. This document proposes a harmonized set of rules for the movement of goods across borders, a single document that can be used by industry to simplify and streamline how business is done throughout the hemisphere. It has been estimated that the preparation of documents for the transit of goods represents 10% of total costs – adoption of a standard inter-American document would allow increased efficiency, with cost savings of as much as 3%. I would also note that an accurate and commonly understood document will also aid in our shared struggle against terrorism.

A second challenge before you is consideration of a draft Model Inter-American Law on Secured Transactions. The harmonization – and, in some cases, the creation – of legislation in this area could fundamentally alter the way that small and medium-sized enterprises throughout the region obtain loans. This, in turn, would increase trade and accelerate economic growth, so badly needed in the region. I hope you will take major strides in that direction in this highly complex area of the law.

The third agenda item enables you to consider the Draft Inter-American Convention on Applicable Law and Proper International Jurisdiction in Matters of Civil Liability for Cross-Border Pollution. Pollution is a problem of growing concern in the Americas, and throughout the world. It is a problem that, once again, drives home the importance of the international relationships and hence of establishing rules to govern their workings. The questions here are at once classic ones of jurisdiction and liability; the Inter-American System may be able to make a unique contribution, by focusing on the responsibilities of individuals, while the United Nations System focuses on the responsibilities of states.

We already live in a global community. Our challenge in all the areas of your agenda is to shape its many elements toward a common good. Your efforts at legal integration and harmonization are essential to smooth over the uneven edges that arise in the course of our dealings.

And so, friends, we in the General Secretariat bid you welcome. I extend my best wishes to you in your endeavors. The tasks before you are difficult, and the time is short. But I have every confidence that yours will be a fruitful and rewarding week.

Thank you.