

QUESTIONNAIRE ON THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTIONS ON PRIVATE INTERNATIONAL LAW

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Part A: The Mexico City Convention (For Governments)

1. There is increasing acceptance at the international level of the principle of party autonomy in the choice of applicable law in international commercial contracts. The 1994 Inter-American Convention on the Law Applicable to International Contracts (known as the Mexico City Convention) embraces that principle. Is your domestic law consistent with that principle?
2. The Convention also provides that, if the parties to a contract do not choose the applicable law (or make an ineffective choice), the applicable law shall be the one with which the contract has the closest ties. Is your domestic law consistent with that rule?
3. A novel aspect of the Inter-American Convention on the Law Applicable to International Contracts is that it takes into account the general principles of international commercial law (UNIDROIT principles), as well as *lex mercatoria*. Are references to them important for your country's legislation?
4. If your country has not yet signed or ratified the Mexico City Convention, what specific issues or problems prevent that from occurring? Are any amendments to the Convention needed to resolve those issues or problems?
5. Would it be useful for the OAS to convene a meeting of government and private experts to discuss the Convention, its provisions and the benefits which would be achieved by widespread ratification and implementation among OAS Member States? Would your government send a representative?
6. Would it be useful to disseminate the potential benefits to OAS Member States of the Inter-American Convention on the Law Applicable to International Contracts and of other inter-American conventions on private international law that promote cross-border trade in the region and regional integration processes, so that the OAS Member States can take advantage of and benefit from the novel solutions put forward in those conventions?

Part B: For Academics and Expert Practitioners

1. Why has the 1994 Inter-American Convention on the Law Applicable to International Contracts ("the Mexico City Convention") not (yet) been widely accepted (ratified) by OAS Member States? What problems (if any) prevent ratification by your own government?

2. Are any specific amendments needed to make the Convention acceptable?
3. There is growing international acceptance of the Principle of Party Autonomy in choice of law applicable to international contracts. The Inter-American Convention on the Law Applicable to International Contracts or Mexico City Convention of 1994 embraces that principle. Is that beneficial for the states' legislation?
4. Do you agree that the Convention represents a significant step forward in modernizing and harmonizing domestic legal systems with the OAS, in particular with respect to their provisions on conflicts of laws in international contracts?
5. Venezuela's 1988 Law on Private International Law based some of its provisions on the Inter-American Convention on the Law Applicable to International Contracts. The principles of the Convention are also reflected in the Republic of Panama's Law of May 8, 2014, the Dominican Republic's Law No. 544-14 (October 15, 2014) and Republic of Paraguay's Law No. 5,393 (January 15, 2015). Do you agree that the spirit of the Convention's provisions remain up-to-date and of importance to contemporary international contracting?
6. It has been said that one of the principal sources of the Hague Principles on Choice of Law in International Contracts was the Inter-American Convention on the Law Applicable to International Contracts. Do you agree with that statement?
7. Would it be useful to include the guiding and informative principles of the Inter-American Convention on the Law Applicable to International Contracts in a model law (framework law) so that Member States can use it when preparing draft domestic legislation?
8. Do you agree with the idea that a broad interpretation of the Inter-American Convention on the Law Applicable to International Contracts, as well as other Inter-American Conventions on Private International Law, would help improve cross-border trade in the region and strengthen regional integration processes?
9. Forty years after the first Inter-American specialized conferences on private international law in Panama, would it be useful to embark on an extensive effort to disseminate the Inter-American Convention on the Law Applicable to International Contracts, along with other inter-American conventions adopted in connection with the CIDIP's, so that the OAS Member States can take advantage of and benefit from the novel solutions put forward in those conventions?