

**PRINCIPES APPLICABLES AUX CONFLITS DE LOIS EN MATIÈRE DE CONTRATS,  
DE DÉLITS ET DE DROITS RÉELS**

*Proposition soumise par l'International Bar Association Litigation Committee*

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**CONFLICT OF LAW PRINCIPLES FOR CONTRACTS,  
TORTS AND PROPERTY**

*Proposal submitted by the International Bar Association Litigation Committee*

*Document d'information No 2 de mars 2008  
à l'intention du Conseil d'avril 2008  
sur les affaires générales et la politique de la Conférence*

*Information Document No 2 of March 2008  
for the attention of the Council of April 2008  
on General Affairs and Policy of the Conference*



the global voice of  
the legal profession

Mr Hans van Loon  
Secretary General  
Hague Conference on Private International Law  
Scheveningsweg 6  
2517 KT THE HAGUE  
Netherlands

19 February 2008

Dear Mr van Loon

**Suggestion for a future project from the IBA Litigation Committee**

The IBA Litigation Committee would like to present for the consideration of the Hague Conference on Private International Law a suggestion for a future project. This suggestion carries with it the encouragement and support of Jernej Sekolec, the Secretary of UNCITRAL, with whom the IBA has had preliminary contacts in this regard.

This suggestion is made by the Committee following initially upon the contact established between UNCITRAL and Tore Wiwen-Nilsson of the IBA in 2006 and the commitment of the IBA as expressed in its recent Council Meeting in Zagreb to co-operate with international institutions.

Our Committee canvassed its membership during its recent IBA/ABA Conference in Rome on Class Actions, thereafter presented its draft proposal to the IBA leadership, and now, have great pleasure in writing to you with the following suggestion.

We believe that there is much scope for the preparation of principles (perhaps ultimately leading to a Model Law) of Private International Law. This would be a statement, or perhaps codification (within which various compromises would undoubtedly be made) of conflicts of law rules on contract, tort, and property (real and moveable) - these would be the basic headings.

The completed project would be an international statement of conflicts rules (but not dealing with issues of procedure) and assist countries which want to develop, codify, harmonize or modernize

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their conflicts rules. It is our belief that each of these headings might constitute a self-contained “principles” project and suggest that contract be a starting point given the enormous growth in global trade with trading partners now coming from all parts of the World.

The IBA Litigation Committee has a sub-committee dealing with international litigation conventions, and the Committee itself sprang partly from the old Committee ‘O’ which was dedicated to conflicts of law. We have a considerable well of talent, experience and interest in the field of private international law from which to draw (our past chairs have included Campbell McLachlan and Paul Storm).

If our proposal finds favour with you we would be honoured to assist and cooperate with its development in whatever manner you feel is best and most appropriate. Klaus Reichert, the Co-Chair of the IBA Litigation Committee has been designated as our lead person in this regard and he is entirely at your disposal if you wish to discuss further this suggestion in any way. We thank you for your kind time and attention.

Please accept the assurances of our highest consideration.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Des Williams". The signature is stylized with a long horizontal stroke at the bottom and a sharp upward curve on the right side.

Des Williams  
Co-Chair  
IBA Litigation Committee

A handwritten signature in black ink, appearing to read "Klaus". The signature is written in a cursive, flowing style.

Klaus Reichert  
Co-Chair  
IBA Litigation Committee