

## CONCLUSIONS

The traditional conception of private international law has undergone a transformation, not only as a result of the changes in international business and trade, but also because of the impact of these changes on the legal regulation of international private relations.

Several developments have rekindled our interest in the topic of the general rules in recent years. Among these are the revision of classic formulas of international law and the recognition of the legitimacy of different doctrines and methods. Moreover, we have come to believe that the conflict method offers the best solution to the variety of complex legal problems at issue in the ever-increasing number of cases involving foreign law and, for the effective application of the conflicts method, the general rules of private international law are indispensable.

Although the treatment and importance given the general rules varies from the civil law system to the common law system, courts in both systems still resort to such rules in order to solve the problems of interpretation and application which arise from the conflict method.

We acknowledge, of course, the imperfections which surround the general rules as currently conceived and we admit that there is room for modification to meet the ultimate purposes of law and the demands of contemporary international private relationships. With this in view, we have devoted a substantial part of the course to the evolution of the treatment of these rules in the American sphere.

On the national level, although it is true that the States still show a marked preference for the *lex fori*, new trends seem to be breaking ground in the form of four special draft laws on private international law. These draft laws reflect this approach, not only in their technical character, but also through their adaptation to a functional interpretation of private international law.

In the international sphere, the evolution is particularly notable in two principal respects: the method and the doctrinal consensus reflected in the international conferences. As for method, there has been a shift from the comprehensive conception towards a

gradual and progressive perspective, which more realistically adapts the codification process to the countless requirements of international private relationships in the world today. It is our opinion that this is a positive change which has brought about improved techniques in legislation and in particular, a systematic codification of the rules used with respect to the application of conflict rules. As for doctrinal consensus, the gradual abandonment of territorialist views has opened the door to the inclusion of less conceptual and more flexible legislative techniques blending formal positivism with the equity required in the solution of specific cases.

We feel that both the new developments in methodology and the doctrinal consensus have been instrumental in the approval of the Convention on General Rules, the first and only one of its kind. The Convention achieves the goal of establishing a workable normative system for the hemisphere, although some of the solutions may one day be improved in light of developing practice and doctrinal advances. For these reasons, we have oriented the perspective of this course toward highlighting the significant undertaking that this regional instrument represents. If by doing so we persuade the States of the region and other countries, in particular the European ones, to give it the support it deserves, our objective will have been fulfilled.