



PRESENTAZIONE DEL VOLUME

(a cura dell'autore o del curatore)

A) Informazioni generali

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Titolo del volume: **Colombian Draft Project on Private International Law**

Casa editrice e luogo di stampa: **Università degli Studi di Torino, Torino**

Anno di pubblicazione: **2024**

Pagine complessive e costo del volume: **270 pp., 20 euro**

Disponibile in open access:

<https://www.dg.unito.it/do/home.pl/View?doc=pubblicazioni/quaderni.html>

B) Informazioni sul volume

Edited by Prof. Margherita Salvadori (University of Turin) and Prof. Gilberto Boutin (University of Panama), the book presents a comprehensive investigation of the “Project of a General Law on Private International Law for Colombia”, developed by the Instituto Antioqueño de Derecho Internacional Privado (hereinafter, "IADIP Draft"). It offers readers a holistic view of the subject, bringing together international experts and providing a detailed mapping of how Colombia can enhance its synergy with the international community and improve interactions with other national legal systems.

In particular, the Book features the following contributions.

Claudia Madrid Martínez, "General Institutions of Private International Law in IADIP's Draft General Act on Private International Law". This article examines the fundamental institutions of Private International Law essential for resolving conflicts of laws and applying foreign laws. It focuses on Chapter II of the IADIP Draft, providing solutions based on the Inter-American Convention ratified by Colombia.

Ennio Piovesani, "Article 4 PGLPIL on Internationally Mandatory Provisions". A brief commentary on Article 4 of the IADIP Draft, addressing the category of internationally mandatory provisions.

María Julia Ochoa Jiménez, "Rights of Indigenous Peoples and Communities". This article explores how Colombian private international law, traditionally emphasizing territoriality, has often overlooked the legal diversity of indigenous peoples and their internationally recognized rights. The IADIP Draft aims to align Colombian law with legal pluralism to better recognize these differentiated rights.

Margherita Salvadori, "General Overview on the PGLPIL's Rules on Choice-of-Court Agreements and on their Importance for the Colombian Legal System". Discusses the lack of specific regulations on choice-of-court agreements in Colombia, the role of the rules of the IADIP Draft, and the proposed rules on *lis pendens*. The article concludes that adopting the 2005 Hague Convention would benefit international trade in Colombia.

José Luis Marín Fuentes, "The Recognition of International Judicial Decisions in the Draft Act on Private International Law for Colombia". Examines the recognition of foreign judicial, administrative, and arbitral decisions in Colombia, highlighting the need for urgent reform.

María Julia Ochoa Jiménez, "Property Law". Critiques Article 20 of Colombia's Civil Code, noting its outdated terms and confusing language and highlights how the IADIP Draft seeks to clarify and update regulations to better reflect recent developments in property law.

Claudia Madrid Martínez, "Law Applicable to International Contracts". Highlights the inadequacy of Colombian Private International Law concerning international contracts, while stressing how the IADIP Draft aims to address these gaps, especially given that Colombia has not ratified the Inter-American Convention on Law Applicable to International Contracts.

Margie-Lys Jaime, "International Arbitration in Colombia". Reviews Colombia's role in international arbitration conventions and its 2012 Law 1563, discussing the regulation of international commercial arbitration, enforcement challenges, and Colombia's experience with investor-state dispute settlement (ISDS).

Gilbert Boutin Icaza, "Comparative Law between Panama and Colombia regarding Private International Law Companies under the Code of Private International Law of Panama and The Project of Private International Law in Colombia". Compares conflict of law systems in Panama and Colombia, focusing on the criteria for determining the nationality of companies and the implications of re-domiciliation for tax and commercial purposes.

Nestor Raul Londoño Sepulveda & Melissa Palacio Maldonado, "A Hypothesis About the Application of the Montevideo Treaties of 1889 in Colombia". Discusses Colombia's reliance on outdated international agreements and the need for a coherent Private International Law system and highlights the frequent disregard and misapplication of these treaties.

Finally, the book features an English translation of the IADIP Draft.