

UNIDROIT

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

ANNUAL REPORT — 2007

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2007: Just business – at long last

The Annual Reports for a number of years were rife with metaphors. There were tales of birds, of snails, of maritime scenes and of bridges. Even of angels. Such were the tensions brought about by a fair amount of work and, as every innocent bystander and in particular colleagues involved in larger Organisations would testify incredulously, wafer-thin and continually overstretched resources that the rules of bureaucratic reporting English were pushed aside. Those metaphors expressed sometimes disappointment and anxiety, sometimes gratitude and acknowledgment that someone – be it a Government, be it an individual – was going out of his or her way to show support and friendship. However, readers of the Annual Report and other documents as well as our Uniform Law Review did not fail to note that the tone was always one of moderate optimism and confidence.

In 2007, nothing that would have been capable of stirring strong feelings or of evoking colourful images occurred. The post of Deputy Secretary-General has been filled definitely and this is beginning to bear fruit in terms of improved administration. Progress on a variety of items on our Work Programme is visible and satisfactory. First and foremost, the year under review saw the adoption of the Luxembourg Protocol on secured rail financing to the Cape Town Convention by the diplomatic Conference held in February. The Cape Town treaty universe on secured mobile equipment financing is rapidly expanding. The umbrella convention and the Aircraft Protocol now boast 20 Contracting States, and the festive season at the year's end brought the good news of the blockade bearing the name of a rock that is home to monkeys having been raised. This opens the way for ratification by the European Community and those of its member States that wish to benefit from the instruments' potential to cut down on credit cost. Informal meetings brought the preliminary draft Protocol devoted to secured financing of space assets and space based services back on track. The draft Model Law on Commercial Leasing is approaching finalisation. The Committee of governmental experts on the draft Convention on Intermediated Securities finished its work, and the Governing Council approved the draft and transmitted it to a diplomatic Conference for adoption. The Conference will be hosted by the Government of Switzerland and will be held from 1 to 13 September 2008 in Geneva. Work on additional chapters to the UNIDROIT Principles on International Commercial contracts advanced in the well-known unspectacular fashion, whereas the presentation of the draft Uniform Act on contract Law for the member States of the OHADA could hardly have been more breathtaking in terms of turn out, quality of the discussions and visibility of UNIDROIT in Africa and beyond.

Nothing extra-ordinary or exciting, just disposing of business and preparing ourselves for a year of change – not least a new Work Programme. A moment to pause, to reflect, to be content and grateful.

HERBERT KRONKE
Secretary-General

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ADMINISTRATION AND ORGANISATION

A. PRESIDENCY, GOVERNING COUNCIL AND PERMANENT COMMITTEE, GENERAL ASSEMBLY AND FINANCE COMMITTEE *

1. *Presidency, Governing Council and Permanent Committee*

The 86th session of the Governing Council was held in Rome from 16 to 18 April 2007 under the chairmanship of the President of the Institute, Mr Bernardino Libonati. The Council approved the Secretary-General's report on the activity of the Institute in 2006 and appointed Mr Arthur Hartkamp and Mr Ian Govey as First and Second Vice-President respectively until the 87th session.

The Council appointed Messrs Rafael Castillo-Triana (Colombia), Manuel Leal Angarita (Colombia) and Valery Dimitrievich Fedchuck (Russian Federation) and the Instituto Colombo-Panameño de Derecho Procesal individual and corporate correspondents proposed by the Government of the Russian Federation, the President and the Secretary-General.

The Council authorised the transmission to the financial organs of the Institute of the draft estimates of expenditure for 2008 as drawn up by the Secretariat. The Council approved a revised draft Article 31 of the Regulations designed to involve the Finance Committee earlier in the year in the development of the budget submitted jointly by the Chairman of the Finance Committee and the Secretariat.

The Council adopted a time table for the procedure to select a successor to the Secretary-General and entrusted a Sub-committee of the Permanent Committee made up of the President, Mr Arthur Hartkamp and Mme Anne-Marie Trahan with interviewing suitable candidates and submitting a proposal for the Council's session in 2008.

The Secretary-General presented further steps aimed at implementing the Strategic Plan. The Council underlined the significant progress that had been made with respect to financial planning and monitoring, the setting of priorities and, in general, the transparency of management procedures. As regards further broadening of the membership basis, the ASEAN initiative which had already drawn support for the Governments of Australia, Japan and the Netherlands, was considered to be timely and well-chosen.

At its 108th meeting (16 and 17 April 2007), the Permanent Committee discussed and approved proposals to amend certain provisions of Parts One and Two of the Regulations regarding the Organisation of the Institute – Financial Administration – Staff. A draft of the amended provisions will be submitted to the Council, at its next session, for approval and transmission to the General Assembly. The Permanent Committee decided on other matters relating to staff, including the extension of one contract. The Permanent Committee moreover approved the provisional agenda for the 61st session of the General Assembly.

2. *General Assembly and Finance Committee*

The 61st session of the General Assembly was held in Rome on 29 November 2007 under the chairmanship of H.E. Ms Amanda Vanstone, Ambassador of Australia in Italy. The President expressed the Assembly's gratitude to the outgoing President, H. E. Mr Gabriel Valdés Subercaseaux, Ambassador of Chile in Italy, for the excellent guidance he had given during his term of office.

* This Report covers the activity of UNIDROIT from 1 January to 31 December 2007

The Secretary-General reported on the Organisation's activities in 2007 focusing on the excellent results achieved in promoting the Cape Town Convention and its Aircraft and Rail Protocols and in concluding the Governmental experts committee's work on the draft Convention on Intermediated Securities. As the Institute was approaching the last year of the current triennial Work Programme, the objective was to complete as much outstanding work as possible. In his view, there were lessons to be drawn for the new Work Programme (2009-2011), i.e. to focus on the topics of credit, finance and capital markets as well as general issues of the law of contracts where the Institute had by now an established track record. He emphasized the importance of the so-called non-legislative activities such as documentation, publications and the research scholarships for its principal objective, its mission and its distinct identity.

The Secretariat made a presentation on the state of preparations for the diplomatic Conference for the adoption of the draft Convention on Substantive Rules regarding Intermediated Securities to be held from 1 to 13 September 2008 in Geneva (Switzerland). The Secretariat moreover provided the Assembly with an up-date on the timetable for the finalisation of work on the Space Protocol to the 2001 Cape Town Convention.

In the course of its consideration of financial matters, the Assembly approved the final modifications of the 2006 budget, together with the accounts for that financial year. The Assembly also adopted the budget for 2008 and the assessment of member States' contributions for that year.

The 62nd session of the Finance Committee was held on 3 October 2007 under the chairmanship of Mr Kent Vachon (Canada). The Committee was called upon to formulate opinions on certain financial matters which were submitted for decision to the General Assembly, as its above-mentioned 61st session.

3. Secretariat

As of 31 December 2007, the Secretariat was made up of 21 staff units, nine of whom professional (Category A), nine of whom administrative, library and clerical assistance (Category B) and three of whom technical support (Category C) staff. In addition, the Secretariat was able to count on one consultant. One Category A and one Category B member work on part-time contracts.



On 1 May 2007, Dr Thomas Keijser joined the team. A Dutch National, he received his legal education at the Radboud University in Nijmegen. Following graduation in 1997, he carried out post-graduate work. A dissertation on "Financial Collateral Arrangements" (Kluwer, Deventer, 2006), reviewed in *Unif. L. Rev.* 2007, p.397-400, earned him a PhD degree. Before joining UNIDROIT, he worked as an associate with the law firm Clifford Chance, Amsterdam.

B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS

The following meetings were organised by the Institute in 2007:

1. *Transactions on Transnational and Connected Capital Markets*

UNIDROIT Committee of governmental experts for the preparation of a draft Convention on Substantive Rules regarding Intermediated Securities (Fourth session, Rome, 21 to 25 May 2007).

2. *Model Law on Leasing*

UNIDROIT Committee of governmental experts for the preparation of a Model Law on Leasing (First session, Johannesburg (South Africa), 7 to 10 May 2007).

3. *Principles of International Commercial Contracts*

Working Group for the preparation of additional chapters to the UPICC 2004 (Second session, Rome, 4 to 8 June 2007).

C. RELATIONS WITH GOVERNMENTS

At the end of 2007 UNIDROIT had 61 member States: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela.

Consultations continued throughout 2007 between the Secretariat and four Governments with a view to their accession to UNIDROIT and it is hoped that these contacts will in due course result in a further expansion of the membership of the Organisation.

In conjunction with the ceremony marking the accession of the Republic of Indonesia to the 2001 Cape Town Convention on International Interests in Mobile Equipment and the Aircraft Protocol, which took place in Rome on 16 March 2007, the Secretary-General and members of the Secretariat and the Indonesian delegation led by H. E. Mr Eddy Pratomo, Director-General for International Treaties, Department of Foreign Affairs, and Dr Syamsudin Manam Sinaga, Director-General, Legal and Administrative Affairs, Department of Law and Human Rights, reviewed the state of the inter-ministerial procedure for the accession of the Republic of Indonesia to the UNIDROIT Statute. Both sides expressed the hope that Indonesia could be welcomed among the Institute's member States in the foreseeable future.

At the invitation of the Government of Chile, the Secretary-General visited Santiago and Valparaiso from 11 to 14 June 2007. He was received by the Director of the Treaty Section of the Ministry of Foreign Affairs, Mr Claudio Troncoso Repetto and the Foreign Affairs Committee of the Chilean Senate.

From 12 to 13 September 2007, the Secretary-General visited Ankara at the invitation of the Government of Turkey. He had meetings with the Under-Secretary of State for Foreign Affairs and the Director General for European and International Affairs at the Ministry of Justice. Furthermore, he made a presentation on the Cape Town Convention and the Rail Protocol at the headquarters of the State Railways company.

On the occasion of the Secretary-General's participation in the colloquium on the draft Uniform Act on the Law of Contracts for member States of the Organisation for the Harmonisation of Business Law in Africa (OHADA), held from 15 to 17 November 2007 in Ouagadougou (Burkina Faso) (cf. *infra* p. 19), the Secretary-General and Mme Frédérique Mestre met the Ministers of Justice and of

Promotion of Human Rights as well as the Director-General of the Ministry of Transport of Burkina Faso and a number of top-level officials of that Ministry for a review of potential interest of the Government's becoming involved in the Cape Town process.

D. CO-ORDINATION AMONG PRIVATE-LAW FORMULATING AGENCIES

The Secretary-General participated in the deliberations of a Study Group on the application of foreign law in international civil procedure organised by the Hague Conference on Private International Law, held on 24 February 2007 in the Hague (the Netherlands).

On 9 July 2007, the Secretaries-General of the Hague Conference on Private International Law, UNCITRAL and UNIDROIT had an informal meeting concerning the preparation of a joint document designed to provide an overview of and comments on the three Organisations' recent instruments regarding secured transactions. The ordinary tri-partite co-ordination meeting had to be postponed to 11 and 12 February 2008 for technical reasons.

E. CO-ORDINATION WITH OTHER INTERGOVERNMENTAL ORGANISATIONS

European Union: in the course of regular informal consultations regarding a variety of UNIDROIT projects as well as institutional relations, the Secretary-General was received by the European Commissioner for Justice, Freedom and Security Mr Franco Frattini. He had also meetings regarding the preliminary draft Convention on Intermediated Securities with the Deputy Director General, Internal Market and Services, Mr Thierry Stoll.

F. DIPLOMATIC CONFERENCES AND MEETINGS ORGANISED BY OTHER INTERNATIONAL ORGANISATIONS

In the course of the period under review, the Institute was represented at meetings organised by a number of international organisations, including the Council of Europe, the Hague Conference on Private International Law, the United Nations Commission on International Trade Law (UNCITRAL), the United Nations Economic Commission for Europe (ECE), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the International Chamber of Commerce (ICC), the International Bar Association (IBA), INTERPOL, the International Finance Corporation (IFC) and the Intergovernmental Organisation for International Carriage by Rail (OTIF).

Members of the Secretariat also participated in a large number of meetings and conferences at which they gave exposure to UNIDROIT instruments and to the Institute's ongoing work, information regarding some of which is provided in the following parts of this report. In particular, from 17 to 21 July 2007 the Secretary-General delivered lectures on UNIDROIT's work in the area of credit finance and capital markets at the Xianmen Academy of International Law (People's Republic of China), and from 22 to 26 July 2007, at the Kyushu University Law School, Fukuoka (Japan).

LEGISLATIVE ACTIVITIES

A. WORK IN PROGRESS

1. *International Interests in Mobile Equipment*

a. Cape Town Convention / Aircraft Protocol

The most significant event during 2007 was the arrival of the 20th Contracting State to the Convention on International Interests in Mobile Equipment.

During 2007, the following six States deposited their instruments of ratification or accession to the Convention and Aircraft Protocol: Albania, Cape Verde, Colombia, Indonesia, Mexico, and South Africa. The Syrian Arab Republic deposited its instrument of accession to the Convention (only).

UNIDROIT has been designated as the Depositary to the Cape Town Convention (pursuant to Article 62(1) of the Convention) and the Aircraft Protocol (pursuant to Article XXXVII of the Protocol).

Kenya withdrew its declaration under Article 39(1)(a) of the Convention and made a subsequent declaration under the same article. Nigeria withdrew its declaration under Article 54(2) of the Convention and made subsequent declarations in respect of Articles 39(1)(a), 40, 53 and 54(2) of the Convention and Articles VIII, XI, XII and XIII of the Aircraft Protocol.

Also during 2007, UNIDROIT launched a new email update service to provide subscribers with timely email alerts concerning ratifications, accessions and changes to declarations in relation to the Cape Town Convention and its protocols. Details of the service, including the process for subscribing, have been made available on the UNIDROIT website.

As at the end of 2007, UNIDROIT had not received the report concerning the functioning of the international registration system which is referred to in Article 61(1) of the Convention and Article XXXVI(1) of the Aircraft Protocol, and which is required to be taken into account in the preparation of the yearly reports referred to in those articles. For this reason, the yearly reports had not been published as at the end of 2007.

b. Rail Protocol

From 12 to 23 February 2007, the diplomatic Conference for the adoption of the Protocol on Matters specific to Railway Rolling Stock to the Convention on International Interests in Mobile Equipment co-sponsored by UNIDROIT and the Intergovernmental Organisation for International Carriage by Rail (OTIF) was held, at the invitation of the Government of Luxembourg, in Luxembourg. 42 States and 11 international Organisations participated. At the closing session on 23 February, 29 States signed the Final Act (Algeria, Austria, Belgium, Canada, Chile, Finland, France, Gabon, Germany, Greece, Hungary, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Luxembourg, Moldova, Netherlands, Nigeria, Qatar, Russian Federation, Slovakia, Sweden, Switzerland, United Kingdom, United States of America, Viet Nam).

The following States also signed the Rail Protocol: Gabon, Italy, Luxembourg and Switzerland.

UNIDROIT has been designated as the Depositary of the Rail Protocol (pursuant to Article XXXIV (1) of the Protocol).

In conformity with Resolution No.1 of the Final Act, a Preparatory Commission tasked with carrying out the functions of the future Supervisory Authority for the International Registry and the establishment of that registry was set up and held its first meeting in Berne (Switzerland) at OTIF headquarters from 16 to 17 July 2007. The Request for Proposals (RFP) for the International Rail Registry was published and the selection procedure is expected to be closed by the end of the first quarter 2008.

c. Preliminary draft Space Protocol

The year 2007 saw significant progress in the UNIDROIT Secretariat's determined efforts to get the intergovernmental consultation process in respect of the finalisation of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (hereinafter referred to as the *preliminary draft Space Protocol*) back on track, both in terms of attracting new support, from both Government and industry, for the project and in finding solutions to the key issues left outstanding by the UNIDROIT Committee of governmental experts at its last session in such a way as to bring closer the reconvening of the Committee.

Following the agreement reached at the Government/industry forum held in London, at the invitation of the Royal Bank of Scotland, on 24 April 2006 as to what needed to be done by way of work on these key issues and how it should be done, the UNIDROIT Secretariat took the matter in hand in advancing work on the three most important of these issues, to wit, first, the criteria to be employed for the identification of space assets for the purposes of their registration in the International Registry for space assets to be established under the future Protocol, secondly, the extent to which the creditor's remedies under the Cape Town Convention as applied to space assets should be capable of being cut back in respect of those assets performing a public service and, thirdly, the amendments to the preliminary draft Space Protocol needed to achieve the extension of the Cape Town Convention to debtor's rights and related rights.

With a view to filling out the limited amount of Government input on the first two issues, the Secretariat sent out questionnaires, in particular among financial institutions, on the question of public service and, among satellite manufacturers, launch service providers and financial institutions, on the question of the most appropriate criteria to be employed for the identification of space assets. On the basis of the responses to these questionnaires, combined with the input of Governments, it prepared interim reports on the conclusions to be drawn from these inquiries. At the same time, Sir Roy Goode, in his capacity of Adviser to the UNIDROIT Secretariat on the Committee, with the assistance of Mr S. Harris, a member of the U.S. delegation on the Committee, and Mr M. Sundahl, Assistant Professor in the Cleveland Marshall College of Law, Cleveland, Ohio, prepared a redraft of the preliminary draft Space Protocol designed to achieve the extension of the Cape Town Convention, as agreed, to debtor's rights and related rights.

In line with the conclusions reached at the RBS Forum, these papers were considered at another Government/industry meeting, this time held in New York, at the invitation of Milbank Tweed Hadley & McCloy LLP (New York), on 19 and 20 June 2007. Like the RBS Forum, the meeting brought together a representative cross-section of both the Governments participating in the work of the Committee ¹ and the international commercial space and financial and insurance communities, ² as well as the Secretariats of UNIDROIT and the United Nations Office for Outer Space Affairs. The meeting was chaired by Mr M.J. Stanford (UNIDROIT). The provisional conclusions reached in New York, essentially on the basis of the aforementioned papers, were recognised as providing a solid basis for the reconvening of the Committee with a view to permitting the timeous completion of the preliminary draft Space Protocol.

¹ The meeting was attended by representatives of the Governments of the People's Republic of China, France, Germany, India, Italy, Japan, Mexico, the Republic of Korea, the Russian Federation, Spain, the United Kingdom and the United States of America.

² The meeting was attended by representatives of BNP Paribas, the Boeing Capital Corporation, Crédit Agricole S.A., EADS Astrium, the European GNSS Supervisory Authority, the German Space Agency, Hellas Sat S.A. (which at the time held the chairmanship of the European Satellite Operators Association), JSAT Corporation, ManSat LLC, Marsh U.S.A., Inc., the Royal Bank of Scotland, Space Exploration Technologies ("SpaceX"), Space Systems/Loral, Inc., Telespazio S.p.A. and Thales Alenia Space Italia. It was also attended by representatives of Baker & McKenzie, Freshfields Bruckhaus Deringer, Herbert Smith, Lovells LLP, Milbank Tweed Hadley & McCloy LLP and White & Case as well as the Co-Chair of the Space Law Practice Group, the Vice-Chair of the Outer Space Committee of the International Bar Association and the Managing Director of Aviareto Limited, the Registrar of the International Registry for aircraft objects.

There was, in particular, a significant body of opinion at the New York meeting which, in the context of consideration of the issue of the most appropriate criteria to be employed for the identification of space assets, concluded that it would be appropriate to consider narrowing the sphere of application of the future Space Protocol. Thus, whereas hitherto the approach taken has been that, in preparing what will in effect be a blueprint for the future of commercial space financing, it made sense to embrace as many likely developments in the field of commercial space activities as possible - for instance, the current version of the preliminary draft Space Protocol refers to assets manufactured or assembled in space - it was agreed in New York that attention should henceforth be focussed on those assets which were currently the subject of commercial financing. The principal conclusion of the meeting was, therefore, that the preliminary draft Space Protocol should be delimited by reference more or less to the satellite itself, which, all were agreed, probably represented 90% of the space assets at present subject to commercial financing.

Following wide-ranging consultation with key Government and industry players and the giving of the necessary approval by the UNIDROIT General Assembly at its 61st session, held in Rome on 29 November 2007, the UNIDROIT Secretariat is in the process of establishing a Steering Committee to take responsibility for building consensus around the provisional solutions agreed at the New York meeting, in the run-up to a resumption of the Committee. Key representatives of Government and industry will be invited to work together on this Steering Committee, in particular to craft a new alternative draft designed to reflect the provisional solutions worked out during the inter-sessional work. Both the U.K. Foundation for International Uniform Law and the German Space Agency have generously agreed to pledge extra-budgetary resources to assist the Secretariat in realising this programme. It is planned to lay the results of the Steering Committee's work before a meeting, that the Government of Germany has offered to host in Berlin in Spring 2008, after which it is planned to reconvene the Committee as expeditiously as possible.

d. Proposed Protocol on Matters relating to Agricultural, Construction and Mining Equipment

At its 84th session, the Governing Council decided to consider the feasibility of the preparation of a fourth protocol to the *2001 Convention on International Interests in Mobile Equipment* covering agricultural, construction and mining equipment. At the 85th session of the Governing Council the Secretariat submitted a preliminary document examining data referring to these industries. The Governing Council decided that the Secretariat should continue its preliminary research until such time as resources could be freed to pay for the fees of experts in the three fields concerned, in particular by circulating a questionnaire among member States to elicit the information needed for a background document. Following this decision, the Secretariat prepared a questionnaire which it circulated to member States and to the non-member States that had been invited to the preparation and finalisation of the Cape Town Convention. Altogether, 169 States were contacted, 60 member States and 109 non-member States. At the end of February 2007 21 replies had been received from member States and 10 from non-member States.

In the questionnaire, agriculture was divided into the different areas that compose the activities of the *Food and Agriculture Organization of the United Nations (FAO)*, to wit farming, forestry, and fisheries, which includes also aquaculture. Mining was divided into mining on land and deep sea mining. Also the section on construction was divided into two parts: construction (meaning mainly buildings) and civil engineering (bridges, tunnels, etc.). The prospect that a protocol to the Cape Town Convention be prepared covering agricultural, construction and mining equipment aroused considerable interest. On few occasions had so many States responded to an enquiry by questionnaire. Despite this, the replies were not considered to be conclusive. There were considerable differences in the statistics collected, and on numerous occasions the reply had been "not available".

At its 86th session, held from 16 to 18 April 2007, the Governing Council of the Institute instructed the Secretariat to transmit the document submitted to it to the member States of the Organisation with a view to eliciting comment on the importance and relevance of the proposed project and the priority to accord it. The non-member States involved in the Cape Town process were also to be contacted for the same purpose.

e. Promotion of the work on international interests in mobile equipment

Mr Stanford represented the Institute at the 46th session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space (U.N./COPUOS), held in Vienna from 26 March to 5 April 2007. On that occasion Mr Stanford made a statement on the Institute's work in this connection and a number of Governments took the floor to reiterate the great importance that they attach to the project, not least the Czech Republic, Egypt, Germany, Italy, Japan, Nigeria, the Republic of Korea and the United States of America.

Mr Atwood made a number of presentations on the subject of the Cape Town Convention and Aircraft Protocol, and their implementation, at a conference on the Cape Town Convention held in Bali, Indonesia, on 22-24 May 2007. The conference was convened by the Indonesian Ministry of Law and Human Rights in the lead-up to the entry into force of the Convention and Protocol for Indonesia on 1 July 2007.

On 11 June 2007, the Secretary-General made a presentation on the Cape Town Convention and its Protocols at a seminar hosted by the Santiago Chamber of Commerce. Some 30 representatives of Chilean airlines, rail operators, shipping lines, financial institutions and specialised law firms attended the seminar.

On 12 and 13 September 2007, the Secretary-General made a presentation on the Cape Town Convention and the Rail Protocol at the headquarters of the Turkish State Railways company in Ankara

Mr Sundahl, who participated in the Government/industry meeting held in New York on 19 and 20 June 2007, was the guest of Dr David Livingston on *The Space Show*, a U.S. radio programme, on 19 November 2007. Mr Sundahl sought to dispel the general unawareness of the preliminary draft Space Protocol in U.S. space circles and to illustrate its important potential for commercial space development, as well as answering questions from listeners all over the United States of America.

2. Transactions on Transnational and Connected Capital Markets

a. Draft Convention on Substantive Rules regarding Intermediated Securities

From 21 to 25 May 2007, the fourth session of the UNIDROIT Committee of Governmental Experts for the Preparation of a draft Convention on Substantive Rules regarding Intermediated Securities (hereinafter the 'CGE') was held in Rome under the Chairmanship of Mr Hans Kuhn (Switzerland). 36 Member States, 1 non-Member State and 9 observers, with a total of 113 delegates participated.

One of the main items on the agenda related to the inclusion of so-called transparent systems into the scope of the preliminary draft Convention. Such systems occur, for example, in Asia (China), Europe (Spain and several Nordic countries) and Latin America (Brazil and Colombia). In the course of the discussion on this topic, particular attention was given to the roles and functions of central securities depositories, as well as to the role of account operators in the sharing of the maintenance of a securities account. New provisions were added to the text of the preliminary draft Convention to address these issues.

The CGE concluded that a convention is the appropriate form for an international law instrument dealing with intermediated securities, in particular because only a convention can guarantee the legal certainty and predictability needed in the international financial markets. In addition, a productive exchange of views took place on the basis of inter-sessional work in relation to the issue of transitional rules. In respect of the co-ordination between the work on the preliminary draft Convention and the draft UNCITRAL Legislative Guide on Secured Transactions the CGE took the view that, at this moment, a total carve-out for securities from the Guide would, for a number of reasons, be the proper approach. In addition, comments submitted by delegations and observers in respect of various provisions of the preliminary draft Convention were considered, which led to a number of changes to the text of the preliminary draft Convention.

Moreover, the CGE concluded that the text of the preliminary draft Convention was ready to be laid before a diplomatic Conference. The UNIDROIT Governing Council thereafter examined the text and authorised it to be transmitted to such a Conference. The status of the text is therefore no longer 'preliminary', and a diplomatic Conference for the adoption of the draft Convention will be held in Geneva, Switzerland, from 1 to 13 September 2008.

Thirty-five documents were considered during the fourth session of the CGE (UNIDROIT 2007, Study LXXVIII – Docs. 59-93), which resulted in a new text of the draft Convention (UNIDROIT 2007, Study LXXVIII – Doc. 94), as well as the Report on the session (UNIDROIT 2007, Study LXXVIII – Doc. 95).

Currently, post-session work is taking place in three informal Working Groups relating to outstanding issues: the protection of innocent acquirers in the context of transactions on securities markets, securities clearing and settlement systems (including the question of whether the rules of central securities depositories should in certain cases be mentioned in the draft Convention) and insolvency.

Two officers of the Secretariat visited Geneva in order to discuss organisational details with the officials from the Swiss Federal Ministry of Justice responsible for the Diplomatic Conference. At present, the Secretariat is engaged in drafting the Explanatory Report that will be sent out as the basic document for the diplomatic Conference.

b. Promotion of the work on Capital Market Law

From 13 to 16 May 2007, the Secretary-General and Professor Charles Mooney, University of Pennsylvania, Philadelphia, Pa. (USA), visited Beijing at the invitation of China Securities Depository and Clearing Corporation and China Securities Regulatory Commission to study legal and operational bases of the Chinese "transparent" holding system and to discuss ways of making the draft Convention compatible with that system.

On 11 June 2007, the Secretary-General made a presentation on the preliminary draft Convention at a seminar hosted by the Santiago Chamber of Commerce. The Chilean delegate to the Committee of governmental experts and representatives of the Chilean financial-services community attended the meeting.

On 8 November 2007, a co-ordination meeting with the European Central Bank took place in Frankfurt. On 19 November 2007, the draft Convention was presented in the course of a seminar for Russian lawyers in Rome, as well as to the General Assembly.

A seminar on the draft Convention is being organised at the initiative of Professor Sir Roy Goode in order to raise funds for the Uniform Law Foundation / *Stichting voor Eenmaking van het Recht*. This seminar with speakers and participants from Europe and abroad will be hosted on 18 January 2008 by law firm NautaDutilh in its Amsterdam office.

3. Leasing for developing and transition economies

a. Preliminary draft model law on commercial leasing

In line with the decision taken by the UNIDROIT General Assembly to focus in the preparation of a model law on commercial leasing on the special development needs of developing and transition economies as well as the decision by that body that this project should not impinge on the Institute's Budget, it was decided to hold the first session of the UNIDROIT Committee of governmental experts for the preparation of a draft model law on leasing, with the gracious co-operation of the Government of South Africa, in Johannesburg from 7 to 10 May 2007.

Apart from linking the venue of this first session to the specific geographic focus of the project, the idea of taking a session of a UNIDROIT Committee of governmental experts out of Rome for the first time in the Institute's history was also conceived with a view to facilitating participation of a greater number of specialists from those countries who might otherwise be excluded from the negotiations due to considerations of travel expenses.

The experiment was resoundingly vindicated, in terms not only of the level of representation secured from developing countries³ - all represented by qualified specialists - but also of the quality of the negotiations. This last was evidenced by the significant amendments agreed to the text of the preliminary draft model law in Johannesburg specifically with the establishment of a fully balanced instrument in mind, for example the amendment to Article 10(1) making both the lessee's and the lessor's duties irrevocable and independent when the leasing agreement has been entered into, in the case of a financial lease, and allowing the lessor and the lessee to agree to make any of their duties irrevocable and independent (by specifically identifying each duty that is irrevocable and independent), in the case of a lease other than a financial lease. It was in line with the rousing exhortation delivered by Mr J.H. de Lange, Deputy Minister of Justice and Constitutional Development of South Africa, in his opening address, in which he stressed the importance of the preliminary draft model law as a means of permitting developing countries to catch up with the practices of the developed world.

The Committee of governmental experts elected Mr I.S. Thindisa (South Africa) as its Chairman. Mr R.M. DeKoven, a UNIDROIT correspondent, was appointed Reporter to the Committee.

The Johannesburg session was opened by a half-day seminar designed to familiarise participants with the broad objectives and principal features of the preliminary draft model law as authorised for transmission to Governments by the UNIDROIT Governing Council at its 85th session, held in Rome from 8 to 10 May 2006. The seminar was chaired and opened by Mr de Lange. During the first session Mr M.J. Stanford, Deputy Secretary-General, UNIDROIT, and Ms Rachel Freeman, Deputy General Manager and Sector Operations Manager, Financial Markets, PrivateEnterprise Partnership Africa, International Finance Corporation (IFC) illustrated the practical need for, and potential uses of the proposed model law, Ms Freeman in particular underlining the great importance it would have in enabling the IFC to create sustainable private sector development, via leasing, in its member countries, which count for the majority of the developing countries in the world, and Mr Stanford explained the main work accomplished to that date in the preparation of the proposed model law. The second session was devoted to the basic features of the model law, with Mr DeKoven illustrating the overall conceptual approach followed in the drafting of the proposed model law, Mr B. Hauck, Secretary to the Committee of governmental experts, illustrating the sphere of application of the proposed model law and Mr E.M. Bey on the rights and duties of the parties under the proposed model law. In the third session (Assessment of relevance of model law for developing and transition economies) the viewpoint of Africa was presented by Chief Mrs T. Oyekunle (Nigeria) that of transition economies by Ms A. Normantovich (Russian Federation) and that of Middle East economies by Mr M. Sultanov, Legal Adviser, PrivateEnterprisePartnership Middle East and North Africa, IFC. The final session (Process and substance moving forward) enabled Mr Stanford to illustrate the process for the finalisation and adoption of the proposed model law.

One of the key issues resolved by the Committee in Johannesburg concerned the inter-Organisational co-ordination between the preliminary draft model law, on the one hand, and the draft UNCITRAL legislative guide on secured transactions, on the other. The solution reached in Article 3 consisted in endorsement of the joint proposal submitted to the Committee by the UNIDROIT and UNCITRAL Secretariats. This solution was found to ensure that the two instruments would work together harmoniously.

One of the Governments represented in Johannesburg, the Government of Oman, kindly subsequently communicated to UNIDROIT its decision to host the second session of the Committee. The dates for this session have been set for 6 – 9 April 2008. At the time of writing, the UNIDROIT Secretariat was engaged in the arrangements for the holding of this session, which will represent

³ The Johannesburg session was attended by representatives of the Governments of Angola, Australia, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Chile, China, Gambia, Germany, India, Ireland, Japan, Latvia, Oman, Poland, Portugal, Qatar, Rwanda, South Africa, Sudan, Tanzania and the United States of America and by observers from the Commonwealth Secretariat, the International Chamber of Commerce, the International Finance Corporation - which *inter alia* financed the participation of a number of specialists working on its leasing projects in Ghana, Jordan, Rwanda and Tanzania - and the United Nations Commission on International Trade Law (UNCITRAL).

the first exposure given to the work of UNIDROIT in this field in the Islamic world. Although the Government of Oman is not currently a member of UNIDROIT, it has expressed interest in becoming one and its hosting of the forthcoming session is, accordingly, to be considered as a means of permitting it to assess the value of becoming a member State. An unofficial Arabic version of the preliminary draft model law, prepared by Mr M. Taha of the International Leasing and Investment Co. of Kuwait, will be available to assist participants in the forthcoming session.

b. Promotion of the preliminary draft model law

Mr DeKoven presented “The UNIDROIT initiative to produce a model law on leasing” at the COMBAR Africa Seminar organised by the Commercial Bar Association in London on 19 November 2007.

In addition, Mr Stanford contributed articles on the project to both *Leaseurope Inside*, the trade journal whereby the European Federation of Leasing Company Associations communicates with its members, and the *World Leasing Yearbook*.

4. Principles of International Commercial Contracts

a. Activities of the Working Group

The Working Group for the preparation of a third edition of the UNIDROIT Principles of International Commercial Contracts (UPICC) held its second session in Rome from 4 to 8 June 2007. The session was attended by Messrs Berhooz Akhlaghi (Iran), M. Joachim Bonell (UNIDROIT), Paul-André Crépeau (Canada), Samuel Kofi Date-Bah (Ghana), Bénédicte Fauvarque-Cosson (France), Paul Finn (Australia), Marcel Fontaine (Belgium), Michael Philip Furmston (United Kingdom), Henry D. Gabriel (United States), Sir Roy Goode (United Kingdom), Arthur Hartkamp (The Netherlands), Alexander Komarov (Russian Federation), Ole Lando (Denmark), Takashi Uchida (Japan), Pierre Widmer (Switzerland), Zhang Yuqing (China) and Reinhard Zimmermann (Germany). Guido Alpa (Italy) and João Baptista Villela (Brazil) were excused. The session was also attended by the following Observers: Messrs Ibrahim Al Mulla for the Emirates International Law Center and Eckart Brödermann for the Outer Space Committee of the International Bar Association, Ms Christine Chappuis for the *Groupe de travail contrats internationaux*, Messrs Stefan Eberhard (substituting François Dessemontet who was unable to attend) for the Swiss Arbitration Association, Lauro Gama, Jr. for the Brazilian Branch of the International Law Association, Alejandro Garro for the New York City Bar, Emmanuel Jolivet for the ICC International Court of Arbitration, Ms Pilar Perales Viscasillas for the National Law Center for Inter-American Free Trade, Messrs Hilmar Raeschke-Kessler for the German Arbitration Institution, Giorgio Schiavoni for the Chamber of National and International Arbitration of Milan, and Renaud Sorieul for the United Nations Commission on International Trade Law (UNCITRAL). Messrs Mohammed Aboul-Enein (Cairo Regional Center for International Commercial Arbitration), Christian von Bar (Study Group for a European Civil Code), Jeremy Sharpe (Center for American and International Law, Institute for Transnational Arbitration) and Matthew Sillett (London Court of International Arbitration) were excused. The session was also attended by Mr Herbert Kronke (Secretary-General) and Mrs Alessandra Zanobetti (Deputy Secretary-General). Mrs Paula Howarth (UNIDROIT) acted as Secretary to the Group.

The Group was seised of five position papers prepared by the Rapporteurs on the following topics respectively: unwinding of failed contracts, illegality, plurality of obligors and/or obligees, conditions, and termination of long-term contracts for just cause. The Group proceeded to an in-depth discussion of the Position Paper on Unwinding of Failed Contracts (UNIDROIT 2007 – Study L – Doc. 100) by R. Zimmermann, the Position Paper on Illegality (UNIDROIT 2007 – Study L – Doc. 100) as well as an addendum to that paper (UNIDROIT 2007 – Study L – Doc. 100 Add.), both by M. Furmston, the Position Paper on Plurality of Obligors and/or of Obligees (UNIDROIT 2007 – Study L – Doc. 102) by M. Fontaine and the Position Paper on Conditions (UNIDROIT 2007 – Study L – Doc. 103) by B. Fauvarque-Cosson. Discussion of the Position Paper with Draft Provisions on Termination of Long-term Contracts for Just Cause (UNIDROIT 2007 – Study L – Doc. 104) by F. Dessemontet was deferred.

The Rapporteurs whose papers had been discussed were asked to prepare on their respective topics preliminary draft rules together with explanatory notes to be submitted to the Group for discussion at its next plenary session to be held in Rome from 26 to 30 May 2008.

b. Promotion of the UNIDROIT Principles

The UPICC have been presented on a number of occasions to interested Governments as well as business and legal circles.

In Vienna, the Fourth European Jurists' Forum was held from 3 to 5 May 2007. Professor Bonell presented a paper on "European Contract Law and the Development of Contract Law Worldwide" in which he highlighted the importance of the UNIDROIT Principles for the creation of a truly transnational legal framework for international commercial contracts.

On 12 June 2007, the Secretary-General made a number of presentations on the use of the UPICC in law reform projects, contract practice and international commercial arbitration to which the Santiago Chamber of Commerce and its Dispute Resolution Centre had invited the Chilean legal and business communities. Mr Ignacio Garcia Pujol, UNIDROIT Correspondent, and the President of the Chamber chaired the conference.

In Vienna, a seminar on "Modern Law for Global Commerce" organised by the United Nations Commission on International Trade Law (UNCITRAL) was held from 9 to 12 July 2007 to celebrate the 40th annual session of UNCITRAL. Professor Bonell presented a paper on "Towards a Legislative Codification of the UNIDROIT Principles" in which he indicated a number of ways further to promote the UNIDROIT Principles from their present status as a soft-law instrument.

In Wuhan (People's Republic of China), a Seminar on "Uniform Interpretation of CISG in Member States with Emphasis on Litigation and Arbitration in the P.R. China", organised by the Faculty of Law of the University of Wuhan, the Pace University School of Law (U.S.A.) and UNCITRAL, was held from 13 to 14 October 2007. Professor Bonell presented a paper on "CISG and the UNIDROIT Principles: Two Complimentary Instruments".

In Beijing (PRC), on 16 and 17 October 2007, on the invitation of the Beijing Bar Association and the University of Political Sciences and Law, Professor Bonell gave lectures on the UNIDROIT Principles.

In Ouagadougou (Burkina Faso) a Colloquium on "The Harmonisation of contract law in OHADA" organised by UNIDROIT and the Law Faculty of the university of Ouagadougou in association with the Organisation for the Harmonisation of Business Law in Africa (OHADA) was held from 15 to 17 November 2007. The purpose of this event was to present and discuss the preliminary draft of an OHADA Uniform Act on Contract Law prepared by UNIDROIT at the request of the OHADA Council of Ministers, in the presence of experts in the field of the law of obligations from Africa and elsewhere. The UNIDROIT Secretariat was represented by the Secretary-General and Ms Mestre. For details, see below.

In December 2007 the 6th Annual Intercollegiate Negotiation Competition was held at Sophia University in Tokyo. The competition, sponsored by the Sumitomo Group Public Relations Committee, the Japan Arbitration Association and White & Case Law Office and involving the participation of 16 Japanese and 2 Australian Universities, set a practical case concerning international commercial contracts and dispute resolution that students had to solve on the basis of the UNIDROIT Principles.

c. Endorsement of the Principles by UNCITRAL

At its 40th session held in Vienna (Austria) from 25 June to 12 July 2007, the United Commission on International Trade Law (UNCITRAL) unanimously decided to endorse the use of the UNIDROIT Principles 2004 for the purposes set forth in their Preamble. In the past, UNCITRAL has already endorsed other internationally widely used soft law instruments such as INCOTERMS and the *Uniform Customs and Practices on Documentary Credits* issued by the International Chamber of Commerce. The fact that UNCITRAL has now endorsed the UNIDROIT Principles will certainly enhance their prestige and popularity worldwide.

d. Different language versions of Principles

In addition to the English, French and Italian versions of the UNIDROIT Principles 2004 which appeared in 2004, the Chinese, Korean and Vietnamese versions which appeared in 2005, the Farsi, Romanian and Russian versions which appeared in 2006, in 2007 the Spanish version was published. The Arabic and the Portuguese versions are awaiting finalisation.

e. UNILEX

Monitoring of the use in practice of the UNIDROIT Contract Principles continues on a systematic basis. By the end of 2007, UNILEX, the database of international caselaw and bibliography on the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UPICC <<http://www.unilex.info>> contained 44 court decisions and 106 arbitral awards referring in one way or another to the UPICC, while the number of bibliographic references was 725.

B. FOLLOW-UP OF ADOPTED UNIDROIT INSTRUMENTS

1. *Convention on International Carriage of Goods by Road*

At its 101st session, held in Geneva on 13 December 2007, the Working Party on Road Transport (SC.1) of the Inland Transport Committee of the United Nations Economic Commission for Europe (ECE) adopted the Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR). As will be recalled, the CMR was elaborated by UNIDROIT in co-operation with non-governmental Organisations, notably, the International Chamber of Commerce (ICC). The Protocol will be laid before the Inland Transport Committee, for formal adoption, on 26 and 27 May 2008. Mr Jacques Putzeys, Honorary Member of the Governing Council, had represented the Institute at the ECE, and a joint proposal submitted by UNIDROIT and UNCITRAL served as substantive basis for the Protocol.

2. *International Protection of Cultural Property*

As of 31 December 2007, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects had 29 Contracting States. The procedure for ratification or accession is underway in other countries.

Since the adoption of the Convention, the UNIDROIT Secretariat has been assiduous in its efforts, within the limits of the weak allocated budgetary resources, and usually thanks to the financial support of the organisers, to maximize awareness of the Convention by taking part in a number of events at which the Convention has been studied. Of particular interest among these events:

- 14th session of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, Paris, June 2007;
- UNESCO Beirut Sub-Regional Seminar on "the Protection of Cultural Property through Application of Conventions and its Tools", Amman, June 2007;
- INTERPOL, Regional Seminar for Central and Eastern Europe on the illicit traffic in cultural property, Crakow, September 2007;
- Council of Europe and its Parliamentary Assembly, Conference on "International Conventions and Major Texts for Heritage: Current Situation and Prospects", Vilnius, October 2007;
- Ludwig Boltzmann Institut für Europarecht, Symposium on the Restitution of Cultural Objects, Vienna, October 2007;
- Milan University, Conference on "The Role of the Code of Ethics in the Protection of Cultural Heritage and the Art Market", Milan, October 2007;

- European Center for Peace and Development (ECPD), together with the Republic Institute for the Protection of Cultural, Historical and Natural Heritage of Srpska, held an international seminar in Banja Luka (Bosnia-Herzegovina) on 30 and 31 October 2007.

These were opportunities for the Secretariat to establish or re-establish contacts with the representatives of non-member States of UNIDROIT, for them to get acquainted with the Convention and to help them starting the procedure for ratification or accession. At the close of all these events, recommendations were adopted requesting the States to become parties to the 1995 UNIDROIT Convention.

3. Franchising

In October 2007 the Second Edition of the *Guide to International Master Franchise Arrangements* was published in English. As the first edition had completely sold out, the opportunity was taken to update the volume by including the international conventions, the UNIDROIT model law and national legislation that had been adopted since the publication of the first edition in 1998. The statistical data on franchising was also updated. An updated version of the Spanish online edition of the Guide is being prepared.

4. Principles of Transnational Civil Procedure

The ALI/UNIDROIT Principles of Transnational Civil Procedure and the annexed Rules of Transnational Civil Procedure have already attracted the attention of the judiciary. In particular the Supreme Court of the United States in *Intel Corp. v. Advanced Micro Devices, Inc.* in pointing out that the pre-trial discovery regime operative under the Federal Rules of Procedure of the United States is far from generally recognised at international level, expressly referred among others to Rule 22, Comment R-22A of the "ALI/UNIDROIT Principles of Transnational Civil Procedure (Proposed Final Draft 2004)".

On 9 July 2007, Mr Hilmar Raeschke-Kessler, Advocate at the Supreme Court of the Federal Republic of Germany, as part of the 4th Summer Academy held at the Heidelberg Center for International Dispute Resolution in Heidelberg (Germany), introduced 31 young practitioners representing global and national law firms as well as governmental agencies to the Principles of Transnational Civil Procedure.

C. ACCEPTANCE OF UNIDROIT CONVENTIONS

The Secretariat continued to use its best efforts throughout 2007 to promote UNIDROIT Conventions, whether by making presentations at conferences or by penning articles.

The *2001 Cape Town Convention on International Interests in Mobile Equipment and its Protocol on Matters specific to Aircraft Equipment*: South Africa ratified both instruments on 18.I.2007 (entry into force on 1.V.2007); Colombia, Indonesia, Mexico, Cape-Verde and Albania acceded to both instruments on 19.II.2007 (entry into force on 1.VI.2007), on 16.III.2007 (entry into force on 1.VII.2007), on 31.VII.2007 (entry into force on 1.XI.2007), on 26.IX.2007 (entry into force on 1.I.2008) and on 31.X.2007 (entry into force on 1.II.2008) respectively. The Arab Syrian Republic accede to the Convention on 7.VII.2007 (entry into force on 1.XII.2007). On 31.XII.2007, the Convention thus counts 20 Contracting States to this date and the Aircraft Protocol 19.

The Luxembourg Protocol to the Cape Town Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock was adopted on 23 February 2007 and signed on the same day by the following States: Gabon, Italy, Luxemburg and Switzerland (*ad referendum*).

The 1995 UNIDROIT Convention on *Stolen or Illegally Exported Cultural Objects*: Greece acceded to the Convention on 19 July 2007 (entry into force on 1st January 2008). On 31 December 2007, the Convention counts 29 Contracting States.

For the implementation of all the Conventions prepared by UNIDROIT and approved at diplomatic Conferences convened by Member States of UNIDROIT, see Annex II. For the implementation of instruments based on work conducted within UNIDROIT see Annex III.



LEGAL CO-OPERATION AND NON-LEGISLATIVE ACTIVITIES

A. PROGRAMME OF LEGAL CO-OPERATION

The broad aim of the programme of legal co-operation is to promote relations between UNIDROIT and member and non-member States with a view to achieving the statutory aims of the Organisation. The programme concerns first and foremost those countries that lack sufficient resources to participate fully in the process of legal harmonisation, in particular developing countries and countries in economic transition. It is geared, primarily, towards implementing and publicising the Institute's work and making it more widely known and moreover offers training and research opportunities for top-level research scholars in the framework, in particular, of a research scholarships programme. As to the Institute's institutional relations with Governments (visits and seminars in member and non-member States), see details *supra*, p. 7.

1. *Co-operation with partner Organisations*

The UNIDROIT Secretariat maintains close institutional co-operation links with a large number of Organisations with a worldwide or regional mandate. This involves exchanges of information and consultation on any issue of reciprocal interest, in particular in the framework of the Institute's legislative work (see *supra*, p. 9). In this connection, the following activities have special relevance from a legal co-operation point of view:

Co-operation with OHADA for the preparation of a draft Uniform Act on Contracts

In accordance with the request formulated by the Council of Ministers of the Organisation for the Harmonisation of Business Law in Africa (OHADA), and with funding from the Swiss Government (Development and Co-operation Department), the UNIDROIT Secretariat transmitted a preliminary draft OHADA Uniform Act on contract law to the OHADA Permanent Secretariat in September 2004 (a draft that drew heavily on the UNIDROIT Principles of International Commercial Contracts), together with an Explanatory Note authored by Professor Marcel Fontaine on behalf of UNIDROIT. With a view to fuelling and giving new impetus to the institutional consultation process now underway within the OHADA national committees, UNIDROIT decided to organise a Colloquium to introduce the draft and to discuss it with a qualified audience of experts from the OHADA region and from other countries both in Africa and elsewhere in the world.

The **Colloquium on the Harmonisation of OHADA contract law**, organised by UNIDROIT and the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou, in association with the Organisation for the Harmonisation of Business Law in Africa – OHADA, was held in Ouagadougou from 15 to 17 November 2007 under the chairmanship of Professor M. Filiga Michel Sawadogo, Professor at the UFR for Legal and Political Science of the University of Ouagadougou.

His Excellency the Minister for Secondary and Higher Education and Scientific Research was called to the Presidency of the Colloquium, which was placed under the patronage of Their Excellencies the Minister of Justice and the Minister for the Promotion of Human Rights of Burkina Faso.

The Colloquium was held with the support of the Swiss Agency for Development and Cooperation (SDC) (Swiss Confederation), the Directorate for Development Co-operation (Grand-Duchy of Luxembourg) and the AISBL Fonds Scientifique Jean Bastin, and in partnership with the United Nations Commission on International Trade Law (UNCITRAL), the International Chamber of Commerce (ICC), the Swiss Institute of Comparative Law, the University of Geneva (Switzerland), the Facultés universitaires Notre-Dame de la Paix of Namur and the Commission Universitaire pour le Développement – CUD (Belgium), and McGill University and the University of Montreal (Canada).

Following the Welcome Addresses of Professor Filiga Michel Sawadogo, speaking as Chairman of the Colloquium and on behalf of the Organising Committee, Professor Herbert Kronke, on behalf of UNIDROIT, Professor Koléka Boutora-Takpa, on behalf of OHADA, and Mrs Chrystel Ferret, on behalf of the Swiss Directorate of Development and Co-operation, Mr Zakalia Kote, Minister of Justice, declared the Colloquium opened.

The following reports were presented *:

- Current problems raised by the harmonisation process within OHADA – Mr Jean Yado Toé, Professor at the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou (Burkina Faso)
- The harmonisation of contract law within OHADA: what is at stake? – Mr Idrissa Kéré, Director of Legal Affairs and Institutional Relations, OHADA Permanent Secretariat
- Harmonising the law in a multilingual environment with different legal systems: a Canadian point of view – Mr Robert Leckey, Professor in the Faculty of Law of McGill University (Canada)
- Harmonising the law in a multilingual environment with different legal systems: the harmonisation of business law in Africa – Mr Aboubacar Fall, Principal Legal Counsel, African Development Bank (ADB)
- New trends in the law of obligations: which law applies? – Prof. Eleanor Cashin Ritaine, Director, Swiss Institute of Comparative Law, Lausanne (Switzerland)
- The impact of international uniform law: the Vienna Convention, the role of UNCITRAL – Mr Luca G. Castellani, Legal Officer, Secretariat of the United Nations Commission on International Trade Law (UNCITRAL)
- The impact of the UNIDROIT Principles on contract practice and arbitration – Mr Emmanuel Jolivet, General Counsel, International Court of Arbitration of the International Chamber of Commerce (ICC)
- The impact of the UNIDROIT Principles on the reform of the law of obligations in China – Mr Zhang Shaohui, Associate Professor, South China University of Technology, Guangzhou, Canton (People's Republic of China), barrister at the Luxembourg Bar
- The UNIDROIT Principles and French contract law – Mr Jean-Michel Jacquet, Professor at the Institut universitaire de hautes études internationales, Geneva (Switzerland)
- The OHADA preliminary draft Uniform Act on Contract Law: a general introduction – Mr Marcel Fontaine, Emeritus Professor, former Director of the Centre de droit des obligations, Faculty of Law, Catholic University of Louvain (Belgium); UNIDROIT Expert responsible for the drafting of the preliminary draft OHADA Uniform Act on contract law
- The OHADA preliminary draft Uniform Act on Contract Law as seen by a Common Law lawyer – Hon. Justice S.K. Date-Bah, Justice of the Supreme Court of Ghana

Two Round Tables were held. The first, on substantive solutions in the preliminary draft: some specific issues, was chaired by Professor Mbikayi Kalongo, Professor at the Faculty of Law of the University of Kinshasa; Advocate of the Supreme Court of Justice; Chairman of the Permanent Committee for Congolese Law Reform (Democratic Republic of Congo. It focused on four main themes:

- Upholding of the principles of good faith and fair dealing – Mr Mbikayi Kalongo
- Protection of the contract: conclusion, performance and remedies for non-performance – Mr Sibidi Emmanuel Darankoum, Professor at the Faculty of Law of the University of Montreal, Canada
- 'Cause' and consideration: why they were left out – Mrs Christine Chappuis, Professor at the Faculty of Law of the University of Geneva, Switzerland
- Electronic commerce: adequateness of rules? – Mr Etienne Montero, Professor, Facultés universitaires Notre-Dame de la Paix of Namur, Belgium.

The second Round Table, dealing with the scope of application of the preliminary draft, was chaired by Professor Jacqueline Lohoues Oble, Agrégée of the Law Faculties, Legal Adviser to the Regional Commission for Insurance Supervision (*Commission Régionale de Contrôle des Assurances (CRCA)*), former Minister of Justice (Côte d'Ivoire) and focused on three main themes:

- Autonomy of the parties / non-mandatory character of the provisions of the future Act – Prof. Jacqueline Lohoues Oble
- Contracts in general / commercial contracts / consumer contracts – Prof. Dorothé Sossa, Dean of the Faculty of Law and Political Science of the University of Abomey-Calavi, Cotonou (Benin)
- Form and evidence in contractual obligations – Dr Félix Onana Etoundi, Magistrate, Juriste Référendaire at the OHADA Common Court of Justice and Arbitration

The Colloquium then heard a report on the Coordination of the OHADA preliminary draft Uniform Act on Contract Law with other Uniform Acts – Dr Gaston Kenfack Douajni, Vice-Director of Civil, Commercial, Social and Traditional Legislation at the Ministry of Justice (Cameroon) and concluded with the General Report presented by Mr Pierre Meyer, Professor at the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou (Burkina Faso), followed by the Conclusions set out by Professor Filiga Michel Sawadogo, Chairman of the Colloquium.

150 persons attended the Colloquium and took part in the many debates that followed the presentation of the reports. The participants hailed from widely diverse backgrounds: Government representatives, academics, judges, attorneys, business lawyers, and so on from 12 member countries (Burkina Faso, Benin, Cameroon, Chad, Republic of the Congo, Côte d'Ivoire, Guinea, Equatorial Guinea, Mali, Niger, Senegal and Togo) and 11 non member countries of OHADA (Belgium, Canada, Democratic Republic of the Congo, Egypt, France, Ghana, Luxembourg, Nigeria, South Africa, Switzerland and the United Kingdom), as well as representatives of 15 international Organisations.

Mrs Salamata Sawadogo, Minister for the Promotion of Human Rights, closed the proceedings and the following **motion of thanks** was adopted by the participants at the close of the Colloquium:

Considering the holding of the Symposium on “The Harmonisation of Contract Law within OHADA” in Ouagadougou from 15 to 17 November 2007 at the Hôtel Mercure Silmandé;

Considering the diversity, the profile and the number of participants, as well as the relevance and the quality of the participants and the excellence of the discussions;

Considering the attendance of the State and Government Authorities of Burkina Faso, in particular during the opening and closing ceremonies, the participants in the aforementioned Symposium express their profound gratitude to:

- the originators and organisers of the Symposium, i.e. UNIDROIT, the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou and the OHADA Permanent Secretariat;
- the financial partners who made the event possible, i.e. the Swiss Agency for Development and Cooperation (SDC), the Directorate for Development and Cooperation of the Grand Duchy of Luxembourg and the AISBL Fonds Scientifique Jean Bastin;
- the State and Government Authorities of Burkina Faso for their active involvement in the Symposium.

Ouagadougou, 17 November 2007

Signed, The participants in the Colloquium

The Acts of the Colloquium will be published by UNIDROIT in early 2008.

The UNIDROIT Secretariat expresses its satisfaction at the success of the Ouagadougou Colloquium and at its important contribution to scholarly thinking on the harmonisation of contract law within

OHADA and in the wider interregional and international setting. UNIDROIT expresses its warm gratitude to all its institutional partners and all those who helped to make the Colloquium possible.

As the technical partners of OHADA, UNIDROIT is aware of the complexity of and the challenges posed by the process that is now underway, and reiterates its determination to place its full know-how at OHADA's disposal, in accordance with the choices made by that Organisation, in drafting a harmonised contract law for Africa.

2. Research Scholarships Programme

First launched in 1993, the Research Scholarships Programme has to date enabled 185 researchers from some 50 countries to carry out top-level research in the UNIDROIT Library (average length of stay: two months) on the topic of their choice, related to UNIDROIT's activities and/or to uniform law.

In 2007, 12 researchers were hosted by the Institute in accordance with the decision taken by the Scholarships Sub-committee of the Governing Council at its 2006 and 2007 sessions. Some of these scholarships were financed thanks to the generosity of the Governments of the Republic of Korea and of the People's Republic of China, of the Spanish Government (*Agencia Española de Cooperación Internacional*), by a personal grant from the Secretary-General of UNIDROIT, and by a grant offered by the members of the UNIDROIT Governing Council, and by the *UK Foundation for International Uniform Law*, while the Legal Co-operation chapter of UNIDROIT's general budget part-funded a number of grants, which were then topped up by sources identified by the researchers themselves – private or public institutions in the scholars' countries of origin or from private funds.

Beneficiaries of the Programme in 2007 were:

Mr Gao SHENG (People's Republic of China), PhD., Associate Professor, School of Humanities and Law, Shandong University of Science and Technology, People's Republic of China; research on "The International Protection of Cultural Property" (Jan.-Feb); scholarship funded by the Korean Government.

Mr Xie WEI (People's Republic of China), Legal official, Department of Treaty and Law, Ministry of Commerce; research on "The Uniform Law of the International Carriage of Goods by Sea" (Jan.-Feb); scholarship funded by the Government of the People's Republic of China.

Mr José Pedro DE ANDRADE BARROSO (Mozambique), Senior Legal Counsel, Southern African Development Community (SADC); Feb.; study period at UNIDROIT (Rome) on the 2001 Cape Town Convention and Aircraft Protocol and participation in the Luxembourg diplomatic Conference (12-23 February 2007); scholarship funded by the Spanish Government.

Mr Subianta MANDALA (Indonesia), Head of Bilateral Economic Co-operation, Ministry of Justice and Human Rights, Indonesia; research on "The UNIDROIT Principles of International Commercial Contracts as a Reference for Modernising Indonesian Contract Law" (Feb.-April); scholarship funded by the Korean Government.

Mr Sherif El Farouk Omar EL SAADANI (Egypt), Lawyer, PhD student at the University of Cairo; research on "The Impact of CISG and the UNIDROIT Principles of International Commercial Contracts in the New Egyptian Commercial Code" (June-July); scholarship financed by the Spanish Government.

Mr Taimur ALTAF MALIK (Pakistan), Associate Researcher, Research Society of International Law; research on "Gross Disparity in International Commercial Contracts" (June-July); scholarship funded by the Spanish Government.

Ms Carmen GONZÁLEZ PEDROUZO (Uruguay), Public Notary, Official of the Ministry of Foreign Affairs; research on "International Contracts in an Electronic Environment" (June-July); scholarship funded by the Spanish Government.

Ms Maria Antonia GWYNN (Paraguay), Lawyer; Research on "The UNIDROIT Principles of International Commercial Contracts and the Legislation of the MERCOSUR Founding Country Members – A Comparative Overview" (June-July); partial scholarship funded by the UNIDROIT Scholarships Fund.

Mr Nikola BACKOVIC (Serbia), Third-cycle student, *European Center for Peace and Development (ECPD) Postgraduate School in International Business Law*, research on "Leasing – Comparative and International Law Aspects" (Sept.– Nov.); scholarship funded by the *UK Foundation for International Uniform Law*.

Mr Reginald KARAWUSA (Nigeria), research on "Harmonization of Capital Market Laws in Africa" (Sept.– Oct.); partial scholarship funded by the UNIDROIT Scholarships Fund.

Mr Martin LOO (Chile), attorney-at-law, research on "Illegality of Contracts as a New Subject Matter of the UNIDROIT Principles" (Sept.– Oct.); partial grant funded by the UNIDROIT Scholarships Fund.

Mr Olusesan OLIYIDE (Nigeria), Professor, Department of Business and Industrial Law, Faculty of Law, OLABISI Onabanjo University, Ago-Iwoye, Ogun State, Nigeria; research on "Desirability of Integrated Banking Regulation in West Africa" (Sept.– Oct.); scholarship funded by the members of the UNIDROIT Governing Council.

3. Collaborators, Interns and Researchers

The Secretariat was able in 2007 (until 30 April) to count on the assistance by Ms Claire Baradat, *volontaire internationale*, seconded by the French Government.

Ms Miriam Parmentier of the office of the General Counsel of Deutsche Bank AG, Frankfurt/M (Germany) was seconded to UNIDROIT from 10 September to 31 October 2007. She provided valuable assistance in the Secretariat's work on the draft Convention on Intermediated Securities. Ms Nina Gerhardt (Germany) also contributed a research paper on certain issues regarding registered shares and voting rights. Ms Aurelia Piacitelli assisted with the French documents.

The following interns contributed to the Secretariat's work on the UNILAW data base (see *infra*): Mr Francesco Chiattelli (Italy), Ms Anja Hauth (Germany), Ms Estela Pereira Arroyo (Spain), Mr Laurent Ramette (France), Mr Alexander Wulf (Germany).

The following visitors carried out their internship or personal research in the UNIDROIT Library making use of its documentation during 2007: Rozlene Morsli (*Algeria*), Simon Laimer (*Austria*), Mariana Mazzeiro Mourao (*Brazil*), Selena Rechnic (*England*), Farah El-Bsat (*France*), Christoph Niemeyer, Jutta List, Maja Klahn, (*Germany*), Edina Noémi Molnar (*Hungary*), Pall Sigurdsson (*Iceland*), Uma Aunachalam (*India*), Cristina Saveri, Maria Chiara Baldaccini (*Italy*), Takashi Kubota (*Japan*), Hwang In Jun, Hyungdong Yeo (*Korea*), Renata Cibulskiene (*Lithuania*), Michael Flamme (*Netherlands*), Lu Junfang (*People's Republic of China*), Elzbieta Rablin (*Poland*), David Guerra Bonifacio (*Portugal*), Elena Kabatova, Andrey Lobatova (*Russian Federation*), Maria Dolores Sánchez Galera, Germán de Castro, Ivan Heredia Cervantes, Marta Garcia Mandaloniz, Alfredo Batuecas, Jaime Marti Miravalls (*Spain*), Lydia Tomitova, John George, Natalia Roban (*USA*), Eduardo Cáceres and Gerardo Javier Ulloa Bellorin (*Venezuela*).

B. THE UNILAW DATA BASE

During 2007 work on the UNILAW data base continued, mainly in the form of preparation of international transport law conventions and materials relating thereto for insertion in the data base. It is expected that this additional materials will be made accessible to external users in the first quarter of 2008. Work also continued on case law relating to the *1956 Convention on the Contract for the International Carriage of Goods by Road (CMR)*.

Contacts were established with Mr Adam Goldschmidt, Senior Legal Advisor, Maersk Broker (Copenhagen, Denmark), Mr Carlos Llorente, Professor of Law, University Carlos III and AMYA Abogados (Madrid, Spain), and Mr Georgios Panopoulos, Attorney, Dimitrakopoulou & Partners Law Firm (Athens, Greece), who have started to collaborate actively with UNIDROIT on the data base.

C. THE UNIDROIT INTERNET WEB SITE: www.unidroit.org

The UNIDROIT Internet web site continues to be an extremely effective means of promoting UNIDROIT's activities and its instruments.

Development of the UNIDROIT web site, fully bilingual in English and French, continued in 2007. The content of the site has been substantially enlarged and many of its pages updated and/or replaced in order to provide an up-to-date, comprehensive overview of UNIDROIT's activities.

All UNIDROIT documents contained in the UNIDROIT Proceedings and Papers series 1997-2007 have been posted on the Institute's web site. They include the Annual Reports, the reports on the annual sessions of the Governing Council, the reports on the annual sessions of the General Assembly of UNIDROIT member States, the final texts of instruments prepared under the auspices of UNIDROIT, documents concerning current work on instruments adopted as well as the preparatory work, consisting of the studies and reports of the various working groups and committees of governmental experts, on items on the UNIDROIT Work Programme.

The UNIDROIT Internet web site contains:

- ▶ An introduction to UNIDROIT, providing general information on the Institute, its membership, structure, legislative policy, working methods, current work programme including non legislative activities such as its scholarship programme and publishing activities, as well as a list of past achievements;
- ▶ UNIDROIT News, a section of the *Uniform Law Review* providing information on the current events and activities of UNIDROIT;
- ▶ UNIDROIT instruments (conventions, model laws, principles and guides prepared under the auspices of UNIDROIT);
- ▶ The current UNIDROIT Work Programme;
- ▶ UNIDROIT documents contained in the *UNIDROIT Proceedings and Papers* series from 1997 to present;
- ▶ A section devoted to UNIDROIT publications, including the table of contents and leading article of each issue of the *Uniform Law Review* since 1996;
- ▶ Links to the UNILAW, UNIFORM LAW REVIEW and UNILEX databases;
- ▶ A section "Outreach resources" introducing the UNIDROIT Library and the Institute's activities in the field of legal cooperation (a programme of scholarships and technical assistance States may need in implementing or using UNIDROIT instruments);
- ▶ An area reserved to Governing Council members;
- ▶ An area reserved to Governments of member States.

D. DEPOSITORY LIBRARIES FOR UNIDROIT DOCUMENTATION

To date 46 libraries in 41 member States have been designated depositories for UNIDROIT documentation (*UNIDROIT Proceedings and Papers* on CD-ROM and the *Uniform Law Review*, New Series). For a list of Depository Libraries see Annex IV.

E. UNIDROIT LIBRARY

In 2007, the retrospective conversion of the library's card catalogue progressed. Thanks to the Aleph software, 80 % of the library's holdings are now available in the online-catalogue.

In 2007, the training programme with ELSA (European Law Students Association) which started in 2004 and thanks to which European law students are able to collaborate in the every day life of the Library and to familiarise with the functions and activities of the Organisation, was successfully continued.

In 2007, the Library's holdings increased by 1,990 titles, 580 were purchased, 243 obtained on an exchange basis for a total value of € 15,800.00, and 1200 other titles were received as a gift for a total value of € 49,800.00. The Library's acquisition policy has been very difficult due to the important rise in the prices of publications.

Of particular importance among the donations were those received from the Library of the Department of Trade and Industry of Her Britannic Majesty's Government, the Max Planck Institute for Foreign Private and Private International Law, and the Library of the Law Faculty in Luzern, Switzerland.

The Library succeeded in obtaining new materials by exchange programmes with the Uniform Law Review.

The UNIDROIT library continues to attract readers from all over the world. Among the 3,343 visits in 2007, 55 foreign guests came from 14 different countries.

F. PUBLICATIONS

1. *Uniform Law Review*

This quarterly publication (launched in 1996), which covers a wide spectrum of uniform law, now enjoys wide recognition both on its scholarly merit and as a vehicle to promote uniform law. It contains the following sections: Articles, International Activities, Texts and Implementation of Uniform Law Instruments, Case Law (occasionally) and Bibliographical Information. UNIDROIT'S own activities are given extensive coverage, thereby turning *Uniform Law Review / Revue de droit uniforme* into an essential tool for ensuring the dissemination of information on its work. Some of the material published in the *Review* may also be found on the UNIDROIT Internet website.

The year 2007 saw the publication of the first three issues of Volume XII (issue 4 will be published in the first quarter of 2008). Items of particular interest were the articles by Messrs Rosen, Owono, Castillo-Triana, Wilson, Ms Josipovic, Messrs Poulain, Harris, Kafka, Bollweg (with Ms Schnell) and von Bodungen on the 2007 Luxembourg Protocol on Matters Specific to Railway Rolling Stock to the 2001 Cape Town Convention (see *supra* p. 9).

The *Review* is distributed free of charge to a number of institutions and persons (including depositary libraries) with a view to furthering the institutional objectives of the Organisation, and it helps to maintain a considerable number of exchange agreements that supply the legal periodicals which form part of the Library stocks. Paying subscriptions have been handled directly by UNIDROIT from 2006.

Since November 2006, an electronic version of the *Review* was placed on line at <http://ulr.unidroit.org>. An index in the shape of a data base provides full-text access to the information and articles published in the *Review* since 1985 for authorised users. Coverage will be gradually extended, working backwards, so as to include all the material published by the *Review* since 1948. The amount of material on offer and its user-friendly set-up provide considerable added value to the publication and enhance its role as a tool to promote UNIDROIT'S objectives. It should also be recalled that the material published by the Uniform Law Review (up to two years prior to the current issue) has been available through Hein-on-Line since November 2005.

2. *Other publications*

a. UNIDROIT Proceedings and Papers

The UNIDROIT Secretariat has now taken over the distribution of *UNIDROIT Proceedings and Papers* in a new format. A cumulative edition of *UNIDROIT Proceedings and Papers 1997-2007* on CD-ROM has been prepared.

b. Guide to International Master Franchise Arrangements

See *supra* p. 18.

**G. UNIFORM LAW FOUNDATION / UK FOUNDATION FOR INTERNATIONAL UNIFORM LAW/
AMERICAN FOUNDATION FOR INTERNATIONAL UNIFORM LAW**

In 2007, the *Uniform Law Foundation/Stichting voor Eenmaking van het Recht*, the *UK Foundation for International Uniform Law* and the *American Foundation for International Uniform Law* actively supported the activities of UNIDROIT.

The *Uniform Law Foundation/Stichting voor Eenmaking van het Recht* allocated a substantial sum of its funds to support the UNILAW data base and, with the support of the law firm of NautaDutilh, is preparing a Conference on "*The UNIDROIT draft Convention on Substantive Rules regarding Intermediated Securities*", to be held in Amsterdam (The Netherlands) on 18 January 2008.

The *UK Foundation for International Uniform Law* provided funds for an assistant to work on the *preliminary draft Protocol to the Cape Town Convention on International Interests in Mobile Equipment on Matters specific to Space Assets*. It also held a second conference on the Cape Town Convention which was as successful as the first held in 2006. The UK Foundation further decided to fund a scholarship at UNIDROIT, as well as scholarships for doctoral students at Oxford and Cambridge part of whose period of study can be spent at UNIDROIT.

The *American Foundation for International Uniform Law* gave a generous grant to support UNIDROIT's depositary functions under the Cape Town instruments as well as legal co-operation projects aimed at developing countries.

**LIST OF THE DOCUMENTS PUBLISHED BY THE UNIDROIT SECRETARIAT IN 2007
ON THE IMPLEMENTATION OF ITS WORK PROGRAMME**

The following documents relating to the implementation of the Institute's Work Programme were published in 2007, in English and French unless otherwise stated:

Study L – PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS

**Working Group (III) for the preparation of Principles of International Commercial Contracts.
Second session, Rome, 4 – 8 June 2007**

(The following documents are available in English only)

Doc. 100 - Position Paper on Unwinding of Failed Contracts by Professor Reinhard Zimmermann, Director at the Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg

Doc. 101 - Position Paper on Illegality by Professor Michael Furmston, Emeritus at the University of Bristol

Doc. 102 - Position Paper on Plurality of Obligors and/or Obligees by Professor Marcel Fontaine, Emeritus at the Catholic University of Louvain Law School

Doc. 103 - Position Paper on Conditions by Professor Bénédicte Fauvarque-Cosson, Université Panthéon-Assas Paris II

Doc. 104 - Position Paper with Draft Provisions on Termination of Long Term Contracts for Just Cause by Professor François Dessemontet, Swiss Arbitration Association

Misc. 27 - Summary Records of the 2nd session (prepared by the Secretariat of UNIDROIT)

STUDY LIXA – MODEL LAW ON LEASING

Doc. 12 – UNIDROIT Committee of governmental experts for the preparation of a draft model law on leasing. First session (Johannesburg, 7/10 May 2007): summary report (prepared by the UNIDROIT Secretariat)

STUDY LXV – LEGAL COOPERATION PROGRAMME

Scholarships: Impl. 18 Rev. – Research Scholarships Programme – Implementation report for the financial year 2007

STUDY LXXIHH - INTERNATIONAL INTERESTS IN RAIL ROLLING STOCK

DC10 – Diplomatic Conference to adopt a Rail Protocol (Luxembourg, 12/23 February 2007)

DCME-RP – Doc. 1 - Provisional Agenda

DCME-RP – Doc. 2 - Provisional Rules of Procedure

DCME-RP – Doc. 3 - Draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock

DCME-RP – Doc. 4 - Explanatory Report of the Draft Protocol on Matters specific to Railway Rolling Stock (submitted by the UNIDROIT Secretariat)

DCME-RP – Doc. 5 - Convention on International Interests in Mobile Equipment (adopted in Cape Town on 16 November 2001)

DCME-RP – Doc. 6 - Official Commentary on the Convention on International Interests in Mobile Equipment (extract)

DCME-RP – Doc. 7 - Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (adopted in Cape Town on 16 November 2001)

DCME-RP – Doc. 8 - Supervisory Authority: draft Rules of Procedure (prepared by the Rail Registry Task Force)

DCME-RP – Doc. 9 - Comments on Draft Protocol (presented by the Government of Japan)

DCME-RP – Doc. 10 - Comments on Draft Protocol (presented by the Government of the Russian Federation)

DCME-RP – Doc. 11 - Proposal to amend Article IV of the draft Protocol (Presented by the Rail Working Group (RWG))

DCME-RP – Doc. 12 - Comments and Proposal on Article XXV of the Draft Rail Protocol (presented by Germany and the Rail Working Group (RWG))

DCME-RP – Doc. 13 - Proposal to modify Article XXVI of the draft Protocol (Presented by the Rail Working Group (RWG))

DCME-RP – Doc. 14 - Proposal to include contracts of sale in the draft Protocol (Presented by the Rail Working Group (RWG))

DCME-RP – Doc. 15 - Comments on Draft Protocol (presented by the Government of the United States of America)

DCME-RP – Doc. 16 Corr. - Proposal to amend Article XVII of the draft Protocol (Presented by the Rail Working Group (RWG))

DCME-RP – Doc. 17 - Proposal to amend Article XIII(I) of the draft Protocol (Presented by the Government of Sweden and the Rail Working Group (RWG))

DCME-RP – Doc. 18 – Summary of the decisions taken on 12 February 2007

DCME-RP – Doc. 19 - Proposals concerning the Supervisory Authority and the Registry to Articles XIII, XVI, XVII and XVIII (presented by the Government of the United States of America)

DCME-RP – Doc. 20 - Comments and proposal on Article V of the Draft Protocol (presented by Canada and the United States of America)

DCME-RP – Doc. 21 - Summary of the decisions taken on 13 February 2007

DCME-RP – Doc. 22 - The relationship between the Hague Convention of 30 June 2005 on Choice of Court Agreements, the Convention on International Interests in Mobile Equipment (Cape Town Convention) and the draft Protocol on Matters specific to Railway Rolling Stock (draft Protocol): Comments submitted by the Hague Conference on Private International Law to assist in the discussion of Article XX of the draft Protocol

DCME-RP – Doc. 23 - Summary of the decisions taken on 14 February 2007

DCME-RP – Doc. 24 - Summary of the decisions taken on 15 February 2007

DCME-RP – Doc. 25 - Summary of the decisions taken on 16 February 2007

DCME-RP – Doc. 26 – Report of the Final Clauses Committee to the Conference (presented by the Chairman of the Final Clauses Committee)

DCME-RP – Doc. 27 - Resolution proposed to the Conference for the adoption of a Commentary on the Railway Protocol (proposed by the Governments of Kenya and Togo)

DCME-RP – Doc. 28 - Revised Proposal concerning Article XXV of the Draft Protocol (presented by Austria, Finland, Germany, Greece, Luxembourg, Switzerland, the United States of America and the Rail Working Group)

DCME-RP – Doc. 29 - Proposal to include contracts of sale in the Draft Protocol (Presented by the United States of America and the Rail Working Group (RWG))

DCME-RP – Doc. 30 - Summary of the decisions taken on 19 February 2007

DCME-RP – Doc. 31 - Part I of the Report by the Drafting Committee to the Commission of the Whole (presented by the Chairman of the Drafting Committee)

DCME-RP – Doc. 32 - Report of the Credentials Committee to the Conference (presented by the Chairman of the Credentials Committee)

DCME-RP – Doc. 33 - Part II of the Report by the Drafting Committee to the Commission of the Whole (presented by the Chairman of the Drafting Committee)

DCME-RP – Doc. 34 - Draft Resolution N. X relating to the establishment of the Supervisory Authority and International Registry for Railway Rolling Stock (submitted by the Joint Secretariat of the Conference)

DCME-RP – Doc. 35 - Report of the Drafting Committee to the Conference on the draft final provisions as reviewed by it following their preliminary consideration by the Conference (presented by the Chairman of the Drafting Committee)

DCME-RP – Doc. 36 - Proposal to the Conference of a Resolution No. XX relating to technical assistance with regard to the implementation and the use of the International Registry (presented by the Government of Luxembourg)

DCME-RP – Doc. 37 Corr. - Draft Final Act of the diplomatic Conference to Adopt a Rail Protocol to the Convention on International Interests in Mobile Equipment held under the joint auspices of the International Institute for the Unification of Private Law and the Intergovernmental Organisation for International Carriage by Rail in Luxembourg from 12 to 23 February 2007 (presented by the Conference Secretariat)

DCME-RP – Doc. 38 Corr. - Proposed Resolution expressing the gratitude of the diplomatic Conference to the Government of Luxembourg for organising the diplomatic Conference and designating Luxembourg as Host State of the Registry (proposed by the Governments of Algeria, Austria, Belgium, Cameroon, China, Greece, France, Gabon, Germany, Ireland, Jordan, Mexico, Nigeria, Slovakia, Switzerland, Sweden, United States of America and Vietnam)

DCME-RP – Doc. 39 - Proposal to the Conference of a Resolution No. 3 pursuant to Article 2(3)(b) and (c) of the Convention

DCME-RP – Doc. 40 - Proposed definition of “railway rolling stock” in Article I (2) (proposed by the Governments of Algeria, Canada, Indonesia, Sweden, United States of America and the Rail Working Group)

DCME-RP – Doc. 41 - Summary on the decisions taken on 20 and 21 February 2007

DCME-RP – Doc. 42 - Proposal to the Conference of a Resolution No. 6 concerning the regimen of the Registrar's liability under Article XV(5) of the Protocol (submitted by the Joint Secretariat)

DCME-RP – Doc. 43 - Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock

DCME-RP – Doc. 44 - Final Act of the diplomatic Conference to Adopt a Rail Protocol to the Convention on International Interests in Mobile Equipment held under the joint auspices of the International Institute for the Unification of Private Law and the Intergovernmental Organisation for International Carriage by Rail in Luxembourg from 12 to 23 February 2007

DCME-RP – Doc. 45 - Revised proposal concerning Article XV(5) of the draft Protocol (Registrar liability) (presented by Luxembourg and the United States of America)

DCME-RP – Doc. 46 - Summary on the decisions taken on 23 February 2007

STUDY LXXVIII – TRANSACTIONS ON TRANSNATIONAL AND CONNECTED CAPITAL MARKETS

Doc. 57 - Preliminary draft Convention on Substantive Rules Regarding Intermediated Securities, as adopted by the Committee of Governmental Experts at its third session, held in Rome, 6-15 November 2006

Doc. 58 - Report of the UNIDROIT Committee of Governmental Experts for the preparation of a draft Convention on Substantive Rules regarding Intermediated Securities, on its third session, held in Rome, 6-15 November 2006

Doc. 59 - Working paper on transitional rules (English only)

Doc. 60 - Working paper regarding "Transparent Systems" (English only)

Doc. 61 - Examination of the draft Convention vis-à-vis the Czech Legal Order (English only)

Doc. 62 - Comments of the Brazilian Delegation to the Working Group on so called Transparent Systems (English only)

Doc. 63 - The Greek Holding System (English only)

Doc. 64 - Comments of the United Kingdom representative on the draft Working Paper on Transparent Systems (English only)

Doc. 65 - Comments of the People's Republic of China representative on the draft Working Paper on Transparent Systems (English only)

Doc. 66 - Comments of the French Delegation on the draft Working Paper on Transparent Systems (English only)

Doc. 67 - Comments of the Swiss Delegation on the draft Working Paper on Transparent Systems (English only)

Doc. 68 - Observations on Transition Provisions submitted by the Delegation of the United States of America (English only)

Doc. 69 - Observations on Transitional Rules submitted by the Delegation of Finland (English only)

Doc. 70 - Report of the Transparent Systems Working Group (English only)

Doc. 71 - Comments of the Delegation of South Africa on the draft Working Paper on Transparent Systems (English only)

Doc. 72 - Comments submitted by the International Swaps and Derivatives Association, Inc., ISDA

Doc. 73 - Observations on Transitional Rules submitted by the Delegation of the Czech Republic (English only)

Doc. 74 - Observations on Innocent Acquisition and Immunity, submitted by the Delegation of the United States of America

- Doc. 75 - Comments submitted by the Delegation of Denmark
- Doc. 76 - Comments submitted by the European Banking Federation
- Doc. 77 - Comments of the Delegation of Greece on the draft Working Paper on Transparent Systems (English only)
- Doc. 78 - Comments of the Delegation of Argentina on the draft Working Paper on Transparent Systems (English only)
- Doc. 79 - Comments submitted by the Government of the Republic of Latvia
- Doc. 80 - Comments submitted by the Government of the Republic of Turkey
- Doc. 81 - Comments submitted by the Government of Malta (English only)
- Doc. 82 - Comments submitted by the Government of Poland
- Doc. 83 - Comments submitted by the delegation of the United States of America
- Doc. 84 - Report on transitional rules
- Doc. 85 - Comments of the Delegation of Brazil on the draft Working Paper on Transparent Systems (English only)
- Doc. 86 - Comments submitted by the Government of France
- Doc. 87 - Observations on Transitional Rules submitted by the Delegation of the Republic of Korea (English only)
- Doc. 88 - Report of the Transparent Systems Working Group (English only)
- Doc. 89 - Comments submitted by the Government of the United Kingdom
- Doc. 90 - Comments submitted by the delegation of Austria
- Doc. 91 - Comments submitted by the delegation of the United States of America (English only)
- Doc. 92 - Comments submitted by the delegation of the Czech Republic
- Doc. 93 - Comments submitted by the Government of Italy
- Doc. 94 - Preliminary draft Convention on Substantive Rules regarding Intermediated Securities, as adopted by the Committee of Governmental Experts at its fourth session, held in Rome, 21-25 May 2007
- Doc. 95 - Report of the UNIDROIT Committee of Governmental Experts for the preparation of a draft Convention on Substantive Rules regarding Intermediated Securities, on its fourth session, held in Rome, 21-25 May 2007
- Doc. 96 - Informal Working Group on Article 14 of the draft Convention - Preliminary Note (prepared by the Chairman of the informal Working Group) (English only)
- Doc. 97 - Informal Working Group on Insolvency-related Issues - Paper (prepared by the Chairman of the informal Working Group) (English only)
- Doc. 98 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning "good faith acquisition" (submitted by the German delegation) (English only)
- Doc. 99 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning "good faith acquisition" (submitted by the Czech delegation) (English only)

Doc. 100 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning acquisition by an innocent person (submitted by the Australian delegation) (English only)

Doc. 101 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning acquisition by an innocent person (submitted by the delegation of South Africa) (English only)

Doc. 102 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning acquisition by an innocent person (submitted by the Finnish delegation) (English only)

Doc. 103 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning acquisition by an innocent person (submitted by the Danish delegation) (English only)

Doc. 104 - Informal Working Group on Article 14 of the draft Convention - Comments on the questionnaire concerning acquisition by an innocent person (submitted by the European Commission) (English only)

ANNEX / ANNEXE II

**Status of implementation ^(*) of conventions drawn up by UNIDROIT and approved at diplomatic Conferences convened by member States of UNIDROIT /
Etat de mise en oeuvre ^(*) des conventions préparées par UNIDROIT et approuvées à des Conférences diplomatiques convoquées par des Etats membres d'UNIDROIT**

- 1964 Convention relating to a Uniform Law on the International Sale of Goods (ULIS) / *Convention portant loi uniforme sur la vente internationale des objets mobiliers corporels (LUVI)*
- 1964 Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS) / *Convention portant loi uniforme sur la formation des contrats de vente internationale des objets mobiliers corporels (LUFC)*
- 1970 International Convention on the Travel Contract (CCV) / *Convention internationale relative au contrat de voyage (CCV)*
- 1973 Convention providing a Uniform Law on the Form of an International Will / *Convention portant loi uniforme sur la forme d'un testament international*
- 1983 Convention on Agency in the International Sale of Goods / *Convention sur la représentation en matière de vente internationale de marchandises*
- 1988 UNIDROIT Convention on International Financial Leasing / *Convention d'UNIDROIT sur le crédit-bail international*
- 1988 UNIDROIT Convention on International Factoring / *Convention d'UNIDROIT sur l'affacturage international*
- 1994 Principles of International Commercial Contracts / *Principes relatifs aux contrats du commerce international*
- 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects / *Convention d'UNIDROIT sur les biens culturels volés ou illicitement exportés*
- 1998 Guide to International Master Franchise Arrangements / *Guide sur les accords internationaux de franchise principale*
- 2001 Convention on International Interests in Mobile Equipment / *Convention relative aux garanties internationales portant sur des matériels d'équipement mobiles*
- 2001 Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment / *Protocole portant sur les questions spécifiques aux matériels d'équipement aéronautiques à la Convention relative aux garanties internationales portant sur des matériels d'équipement mobiles*
- 2002 Master Franchise Disclosure Law / *Loi type sur la divulgation des informations en matière de franchise*
- 2004 Principles of International Commercial Contracts / *Principes relatifs aux contrats du commerce international*
- 2004 ALI/UNIDROIT Principles of Transnational Civil Procedure / *Principes ALI/UNIDROIT de procédure civile transnationale*
- 2007 Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock / *Protocole de Luxembourg portant sur les questions spécifiques au matériel roulant ferroviaire à la Convention relative aux garanties internationales portant sur des matériels d'équipement mobiles*
- 2007 Guide to International Master Franchise Arrangements, 2nd edition / *Guide sur les accords internationaux de franchise principale, 2ème édition*

(*) Based on information available to the Secretariat as of 31 December 2007 / *Ce document est basé sur les informations dont dispose le Secrétariat au 31 décembre 2007.*

The texts of the Conventions and information on their status may be found on the UNIDROIT website at <http://www.unidroit.org/english/conventions/c-main.htm> and <http://www.unidroit.org/english/implement/i-main.htm>. *Le texte des Conventions ainsi que l'état de leur mise en œuvre figure sur le site Internet d'UNIDROIT à <http://www.unidroit.org/french/conventions/c-main.htm> et <http://www.unidroit.org/french/implement/i-main.htm>.*

The UNIDROIT Secretariat may assist States with technical consultations for the ratification of, or the accession to its instruments, as well as for the preparation of legislation based on those instruments / *Le Secrétariat d'UNIDROIT peut apporter son assistance technique aux Etats en vue de la ratification de ses instruments, ou de l'adhésion à ceux-ci, ainsi que pour l'élaboration de législations basées sur ces instruments.*

CONVENTION RELATING TO A UNIFORM LAW ON THE INTERNATIONAL SALE OF GOODS (ULIS)
CONVENTION PORTANT LOI UNIFORME SUR LA VENTE INTERNATIONALE
DES OBJETS MOBILIERS CORPORELS (LUVI)

Adoption: Place: The Hague / *Lieu:* La Haye
Date: 01-07-64

Entry into force: Yes / *Oui* ≈ Date: 18-08-72
Entrée en vigueur: Conditions: 5 ratifications (art. X.1)

Depositary / Dépositaire: Government of the Netherlands / *Gouvernement des Pays-Bas*

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERVATIONS/ DECL. OU RESERVES	EFFECT OF / EFFET DE DENU(O)NCIATION
Belgium / <i>Belgique</i>	06-10-65	12-12-68	18-08-72	Arts. IV, V, VI	01-11-97
France	31-12-65	–	–	–	–
Gambia / <i>Gambie</i>	–	05-03-74	05-09-74	Arts. III, V	–
Germany / <i>Allemagne</i>	11-10-65 ⁽²⁾	16-10-73	16-04-74	Art. III	01-01-91
Greece / <i>Grèce</i>	03-08-64 ⁽¹⁾	–	–	–	–
Holy See / <i>Saint-Siège</i>	02-03-65 ⁽²⁾	–	–	–	–
Hungary / <i>Hongrie</i>	31-12-65	–	–	–	–
Israel / <i>Israël</i>	28-12-65 ⁽²⁾	03-12-71	18-08-72	–	–
Italy / <i>Italie</i>	23-12-64	22-02-72	22-08-72	Art. IV	01-01-88
Luxembourg	07-12-65	06-02-79	06-08-79	Art. III	20-01-98
Netherlands / <i>Pays-Bas</i>	12-08-64	17-02-72 ⁽³⁾	18-08-72 ⁽³⁾	Art. III	01-01-92
San Marino / <i>Saint-Marin</i>	24-08-64	24-05-68	18-08-72	Art. III	–
United Kingdom / <i>Royaume-Uni</i>	21-08-64	31-08-67	18-08-72	Art. III, V	–

(1) ad referendum

(2) subject to ratification / *sous réserve de ratification*(3) for the Kingdom in Europe / *pour le Royaume en Europe*

**CONVENTION RELATING TO A UNIFORM LAW ON THE FORMATION OF CONTRACTS FOR THE
INTERNATIONAL SALE OF GOODS (ULFIS)**

**CONVENTION PORTANT LOI UNIFORME SUR LA FORMATION DES CONTRATS
DE VENTE INTERNATIONALE DES OBJETS MOBILIERS CORPORELS (LUFC)**

Adoption: Place: The Hague / *Lieu:* La Haye
Date: 01-07-64

Entry into force: Yes / *Oui* ≈ Date: 23-08-72
Entrée en vigueur: Conditions: 5 ratifications (art. VIII.1)

Depositary / Dépositaire: Government of the Netherlands / *Gouvernement des Pays-Bas*

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. / DECL. OU RESERVES	EFFECT OF / EFFET DE DENU(O)NCIATION
Belgium / <i>Belgique</i>	06-10-65	01-12-70	23-08-72	–	01-11-97
France	31-12-65	–	–	–	–
Gambia / <i>Gambie</i>	–	05-03-74	05-09-74	–	–
Germany / <i>Allemagne</i>	11-10-65 ⁽²⁾	16-10-73	16-04-74	Art. III	01-01-91
Greece / <i>Grèce</i>	03-08-64 ⁽¹⁾	–	–	–	–
Holy See / <i>Saint-Siège</i>	02-03-65 ⁽²⁾	–	–	–	–
Hungary / <i>Hongrie</i>	31-12-65	–	–	–	–
Israel / <i>Israël</i>	28-12-65 ⁽²⁾	03-12-71	30-18-80	–	–
Italy / <i>Italie</i>	23-12-64	22-02-72	23-08-72	–	01-01-88
Luxembourg	07-12-65	06-02-79	06-08-79	Art. III	20-01-98
Netherlands / <i>Pays-Bas</i>	12-08-64	17-02-72 ⁽³⁾	23-08-72 ⁽³⁾	Art. III	01-01-92
San Marino / <i>Saint-Marin</i>	24-08-64	24-05-68	23-08-72	Art. III	–
United Kingdom / <i>Royaume-Uni</i>	08-06-64	31-08-67	18-08-72	–	–

(1) ad referendum

(2) subject to ratification / *sous réserve de ratification*(3) for the Kingdom in Europe / *pour le Royaume en Europe*

INTERNATIONAL CONVENTION ON THE TRAVEL CONTRACT (CCV)
CONVENTION INTERNATIONALE RELATIVE AU CONTRAT DE VOYAGE (CCV)

Adoption: Place: Brussels / *Lieu: Bruxelles*
Date: 23-04-1970

Entry into force: Yes / *Oui* ≈ Date: 21-02-1976
Entrée en vigueur: Conditions: 5 ratifications (art. 36)

Depositary / Dépositaire: Government of Belgium / *Gouvernement belge* (art. 34)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. / DECL. OU RESERVES	EFFECT OF / EFFET DE DENUNCIATION
Argentina / <i>Argentine</i>	–	25-11-76	25-02-77	–	–
Belgium / <i>Belgique</i>	23-04-70	11-04-73	24-02-76	–	04-10-94
Benin	–	28-03-75	24-02-76	–	–
Burkina Faso	27-04-70	–	–	–	–
Cameroon / <i>Cameroun</i>	–	16-04-75	24-02-76	D: Art. 13(1)	–
Côte d'Ivoire	23-04-70	–	–	–	–
Holy See / <i>Saint-Siège</i>	23-04-70	–	–	–	–
Italy / <i>Italie</i>	23-04-70	04-07-79	04-10-79	R: Art. 40(1)(a)	–
Lebanon / <i>Liban</i>	23-04-70	–	–	–	–
Morocco / <i>Maroc</i>	23-04-70	–	–	R: Art. 40(1)(a)- (b)	–
Niger	23-04-70	–	–	–	–
Philippines	23-04-70	–	–	–	–
San Marino / <i>Saint Marin</i>	23-04-70	–	–	–	–
Togo	25-03-71	24-11-75	24-02-76	–	–
United States of America / <i>Etats-Unis d'Amérique</i>	23-04-70	–	–	–	–

CONVENTION PROVIDING A UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL
CONVENTION PORTANT LOI UNIFORME SUR LA FORME D'UN TESTAMENT INTERNATIONAL

Adoption: Place/*Lieu*: Washington
Date: 26-10-1973

Entry into force: Yes/*Oui* ≈ Date: 09-02-1978
Entrée en vigueur: Conditions: 5 ratifications (Art. XI)

Depositary / Dépositaire: Government of the United States of America /
Gouvernement des Etats-Unis d'Amérique

STATE / ETAT	SIGNATURE	RATIFICATION ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. DECL. OU RESERVES
Belgium / <i>Belgique</i>	17-05-74	21-04-83	21-10-83	–
Bosnia-Herzegovina / <i>Bosnie-Herzégovine</i>	–	15-08-94	15-08-94	–
Canada for / <i>pour</i>	–	24-01-77		D: Art. XIV
Manitoba			09-02-78	
Newfoundland / <i>Terre Neuve</i>			09-02-78	
Ontario			31-03-78	
Alberta			01-06-78	
Saskatchewan			08-10-82	
Prince Edward Island / <i>Ile du Prince Edouard</i>			22-03-95	
New Brunswick / <i>Nouveau Brunswick</i>			05-12-97	
Nova Scotia / <i>Nouvelle Ecosse</i>			27-05-01	
Cyprus / <i>Chypre</i>	–	19-10-82	19-04-83	–
Czechoslovakia / <i>Tchécoslovaquie</i> *	30-12-74	–	–	D
Ecuador / <i>Equateur</i>	26-07-74	03-04-79	03-10-79	D
Italy / <i>Italie</i>	–	16-05-91	16-11-91	–

* On December 31, 1992, at midnight, Czechoslovakia ceased to exist and was succeeded by two separate and independent States, the Czech Republic and the Slovak Republic / *Le 31 décembre 1992, à minuit, la Tchécoslovaquie a cessé d'exister et deux Etats séparés et indépendants lui ont succédé, la République tchèque et la République slovaque.*



Iran	27-10-73	–	–	–
France	29-11-74	01-06-94	01-12-94	–
Holy See / <i>Saint-Siège</i>	02-11-73	–	–	–
Laos	30-10-73	–	–	–
Libyan Arab Jamahiriya / <i>Jamahiriya arabe libyenne</i>	–	04-08-77	09-02-78	–
Niger	–	19-05-75	09-02-78	–
Portugal	–	19-11-75	09-02-78	–
Russian Fed. / <i>Féd. de Russie</i>	17-12-74	–	–	D: Art. XIII
Sierra Leone	27-10-73	–	–	–
Slovenia / <i>Slovénie</i>	–	20-08-92	20-08-92	–
United Kingdom / <i>Royaume-Uni</i>	10-10-74	–	–	–
United States of America / <i>Etats-Unis d'Amérique</i>	27-10-73	–	–	–
Yugoslavia / <i>Yougoslavie</i> **	–	09-08-77	09-02-78	–

** The Socialist Federal Republic of Yugoslavia has dissolved. Where a successor State has taken action it is listed separately / *La République fédérale socialiste de Yougoslavie a été dissoute. Toute action prise par un Etat successeur figure dans la liste séparément.*

**CONVENTION ON AGENCY IN THE INTERNATIONAL SALE OF GOODS
CONVENTION SUR LA REPRESENTATION EN MATIERE DE VENTE
INTERNATIONALE DE MARCHANDISES**

Adoption: Place: Geneva / *Lieu: Genève*
Date: 17-02-83

Entry into force: No / *Non*
Entrée en vigueur: Conditions: 10 ratifications (art. 33)

Depositary: Government of Switzerland
Dépositaire: *Gouvernement suisse* (art. 21)

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION ACCESSION / <i>ADHESION</i>	ENTRY INTO FORCE/ENTREE <i>EN VIGUEUR</i>	DECL. of RESERV. <i>DECL. OU RESERVES</i>	observations
Chile / <i>Chili</i>	17-02-83	–	–	–	–
France	25-10-84	07-08-87	–	–	–
Holy See / <i>Saint-Siège</i>	17-02-83	–	–	–	–
Italy / <i>Italie</i>	09-04-84	16-06-86	–	–	–
Mexico / <i>Mexique</i>	–	22-12-87	–	Art. 27, 29	–
Morocco / <i>Maroc</i>	17-02-83	–	–	–	–
Netherlands / <i>Pays-Bas</i>	–	02-02-94	–	–	02-02-95 (*)
South Africa / <i>Afrique du sud</i>	–	27-01-86	–	–	–
Switzerland / <i>Suisse</i>	17-02-83	–	–	–	–

(*) Application extended to Aruba / *Application étendue à Aruba.*

UNIDROIT CONVENTION ON INTERNATIONAL FINANCIAL LEASING
CONVENTION D'UNIDROIT SUR LE CREDIT-BAIL INTERNATIONAL

Adoption: Place / *Lieu*: Ottawa
Date: 28-05-88

Entry into force: Yes / *Oui* ≈ Date: 01-05-95
Entrée en vigueur: Conditions: 3 ratifications (art. 16.1)

Depositary / Dépositaire: Government of Canada / *Gouvernement du Canada* (art. 25.1)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. or RESERV. DECL. OU RESERVES
Belarus / <i>Bélarus</i>	—	18-08-98	01-03-99	—
Belgium / <i>Belgique</i>	21-12-90	—	—	—
Czech Rep. / <i>Rép. tchèque</i>	16-05-90	—	—	—
Finland / <i>Finlande</i>	30-11-90	—	—	—
France	07-11-89	23-09-91	01-05-95	Arts. 8(3); 20
Ghana	28-05-88	—	—	—
Guinea / <i>Guinée</i>	28-05-88	—	—	—
Hungary / <i>Hongrie</i>	—	07-05-96	01-12-96	—
Italy / <i>Italie</i>	13-12-90	29-11-93	01-05-95	—
Latvia / <i>Lettonie</i>	—	06-08-97	01-03-98	—
Morocco / <i>Maroc</i>	04-07-88	—	—	—
Nigeria / <i>Nigéria</i>	28-05-88	25-10-94	01-05-95	—
Panama	31-12-90	26-03-97	01-10-97	—
Philippines	28-05-88	—	—	—
Russian Federation / <i>Féd. de Russie</i>	—	03-06-98	01-01-99	Arts. 8(3); 20
Slovak Rep. / <i>Rép. slovaque</i>	16-05-90	—	—	—
Tanzania / <i>Tanzanie</i>	28-05-88	—	—	—
Ukraine	—	05-12-06	01-07-07	—
United States of America / <i>Etats-Unis d'Amérique</i>	28-12-90	—	—	—
Uzbekistan / <i>Ouzbékistan</i>	—	06-07-00	01-02-01	—

UNIDROIT CONVENTION ON INTERNATIONAL FACTORING
CONVENTION D'UNIDROIT SUR L'AFFACTURAGE INTERNATIONAL

Adoption: Place / *Lieu*: Ottawa
Date: 28-05-88

Entry into force: Yes / *Oui* ≈ Date: 01-05-95
Entrée en vigueur: Conditions: 3 ratifications (art. 14.1)

Depositary: Government of Canada
Dépositaire: *Gouvernement du Canada* (art. 23.1)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE ENTREE EN VIGUEUR	DECL. or RESERV. / DECL. OU RESERVES
Belgium / <i>Belgique</i>	21-12-90	—	—	—
Czech Rep. / <i>Rép. tchèque</i>	16-05-90	—	—	—
Finland / <i>Finlande</i>	30-11-90	—	—	—
France	07-11-89	23-09-91	01-05-95	Arts. 6(2); 18
Germany / <i>Allemagne</i>	21-12-90	20-05-98	01-12-98	—
Ghana	28-05-88	—	—	—
Guinea / <i>Guinée</i>	28-05-88	—	—	—
Hungary / <i>Hongrie</i>	—	07-05-96	01-12-96	—
Italy / <i>Italie</i>	13-12-90	29-11-93	01-05-95	—
Latvia / <i>Lettonie</i>	—	06-08-97	01-03-98	Arts. 6(2); 18
Morocco / <i>Maroc</i>	04-07-88	—	—	—
Nigeria / <i>Nigéria</i>	28-05-88	25-10-94	01-05-95	—
Philippines	28-05-88	—	—	—
Slovak Rep. / <i>Rép. slovaque</i>	16-05-90	—	—	—
Tanzania / <i>Tanzanie</i>	28-05-88	—	—	—
Ukraine	—	05-12-06	01-07-07	—
United Kingdom / <i>Royaume-Uni</i>	31-12-90	—	—	—
United States of America / <i>Etats-Unis d'Amérique</i>	28-12-90	—	—	—

UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS
CONVENTION D'UNIDROIT SUR LES BIENS CULTURELS VOLES OU ILLICITEMENT EXPORTES

Adoption: Place / *Lieu*: Rome
Date: 24-06-1995

Entry into force: Yes / *Oui* ≈ Date: 01-07-1998
Entrée en vigueur: Conditions: 5 ratifications (Art. 12)

Depositary / Dépositaire: Italian Government / *Gouvernement italien*

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION / ACCESS. / <i>ADHES.</i>	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>	DECL. or RESERV. / <i>DECL. OU RESERVES</i>
Afghanistan	–	23-09-05	01-03-06	D: Art. 16
Argentina / <i>Argentine</i>	–	03-08-01	01-02-02	D: Art. 16
Azerbaijan / <i>Azerbaïdjan</i>	–	06-06-03	01-12-03	D: Art. 16
Bolivia / <i>Bolivie</i>	29-06-96	13-04-99	01-10-99	D: Art. 16
Brazil / <i>Brésil</i>	–	23-03-99	01-09-99	D: Art. 16
Burkina Faso	24-06-95	–	–	–
Cambodia / <i>Cambodge</i>	24-06-95	11-07-02	01-01-03	D: Arts. 3(5), 16
China / <i>Chine</i>	–	07-05-97	01-07-98	D: Arts. 3(5), 16
Côte d'Ivoire	24-06-95	–	–	–
Croatia / <i>Croatie</i>	24-06-95	20-09-00	01-03-01	D: Art. 16
Cyprus / <i>Chypre</i>	–	02-03-04	01-09-04	–
Ecuador / <i>Equateur</i>	–	26-11-97	01-07-98	–
El Salvador	–	16-07-99	01-01-00	D: Art. 16
Finland / <i>Finlande</i>	01-12-95	14-06-99	01-12-99	D: Arts. 13(3), 16
France	24-06-95	–	–	–
Gabon	–	12-05-04	01-11-04	–
Georgia / <i>Géorgie</i>	27-06-95	–	–	–
Greece / <i>Grèce</i>	–	19-07-07	01-01-08	D: Art. 16
Guinea / <i>Guinée</i>	24-06-95	–	–	–
Guatemala	–	03-09-03	01-03-04	D: Arts. 3(5), 16
Hungary / <i>Hongrie</i>	24-06-95	08-05-98	01-11-98	D: Arts. 3(5), 16
Iran (Islamic Rep. of) / <i>Iran</i> (<i>Rép. Islamique d'</i>)	–	22-06-05	01-12-05	D: Art. 16
Italy / <i>Italie</i>	24-06-95	11-10-99	01-04-00	D: Arts. 13(3), 16
Lithuania / <i>Lituanie</i>	24-06-95	04-04-97	01-07-98	D: Art. 16
Netherlands / <i>Pays-Bas</i>	28-06-96	–	–	D: Arts. 3(5), 13(3)
New Zealand / <i>Nouvelle-Zélande</i>	–	16-11-06	01-05-07	D: Art. 16
Nigeria / <i>Nigéria</i>	–	10-12-05	01-06-06	–
Norway / <i>Norvège</i>	–	28-08-01	01-03-02	D: Arts. 13(3), 14, 16
Pakistan	27-06-96	–	–	–
Paraguay	13-06-96	27-05-97	01-07-98	D: Art. 16
Peru / <i>Pérou</i>	28-06-96	05-03-98	01-09-98	D: Art. 16
Portugal	23-04-96	19-07-02	01-01-03	D: Art. 16
Romania / <i>Roumanie</i>	27-06-96	21-01-98	01-07-98	D: Art. 16
Russian Fed. / <i>Féd. de Russie</i>	29-06-96	–	–	–
Senegal / <i>Sénégal</i>	29-06-96	–	–	–
Slovakia / <i>Slovaquie</i>	–	16-06-03	01-12-03	D: Art. 16
Slovenia / <i>Slovénie</i>	–	08-04-04	01-10-04	D: Art. 16
Spain / <i>Espagne</i>	–	21-05-02	01-11-02	D: Arts. 3 (5), 13(3), 16
Switzerland / <i>Suisse</i>	26-06-96	–	–	–
Zambia / <i>Zambie</i>	24-06-95	–	–	–

CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES

Adoption: Place: Cape Town / *Lieu:* Le Cap
Date: 16-11-2001

Entry into force: Yes / *Oui* ≈ Date: 01-04-2004
Entrée en vigueur: Conditions: 3 ratifications but only as regards a category of objects to which a Protocol applies / *mais seulement à l'égard d'une catégorie de biens à laquelle un Protocole s'applique* (Art. 49(1))

Depositary / Dépositaire: UNIDROIT

STATE / ETAT	SIGNATURE	RATIFICATION / ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. / DECL. OU RESERVES
Afghanistan	–	25-07-06	01-11-06	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
Albania / <i>Albanie</i>	–	30-10-07	01-02-08	D: Arts. 39(1)(a)-(b), 54(2)
Angola	–	30-04-06	01-08-06	D: Arts. 39(1)(a), 40, 54(2)
Burundi	16-11-01	–	–	–
Canada	31-03-04	–	–	–
Cape Verde	–	29-09-07	01-01-08	D: Arts. 39(1)(a), 40, 53, 54(2)
Chile / <i>Chili</i>	16-11-01	–	–	–
China / <i>Chine</i>	16-11-01	–	–	–
Colombia / <i>Colombie</i>	–	19-02-07	01-06-07	D: Arts. 39(1)(a), 54(2)
Congo	16-11-01	–	–	–
Cuba	16-11-01	–	–	–
Ethiopia / <i>Ethiopie</i>	16-11-01	21-11-03	01-04-04	D: Arts. 39(1)(a), 40, 54(2)
France	16-11-01	–	–	–
Germany / <i>Allemagne</i>	16-11-01	–	–	D
Ghana	16-11-01	–	–	–
Indonesia / <i>Indonésie</i>	–	16-03-07	01-07-07	D: Arts. 39(1)(a)-(b), 40, 53, 54(2)
Ireland / <i>Irlande</i>	–	29-07-05	01-11-05	D: Arts. 39(1)(a)-(b), 54(2)
Italy / <i>Italie</i>	06-12-01	–	–	–
Jamaica / <i>Jamaïque</i>	16-11-01	–	–	–
Jordan / <i>Jordanie</i>	16-11-01	–	–	–
Kenya	16-11-01	13-10-06	01-02-07	D: Arts. 39(1)(a)-(b), 40, 53, 54(2)
Lesotho	16-11-01	–	–	–
Malaysia / <i>Malaisie</i>	–	02-11-05	01-03-06	D: Arts. 39(1)(a)-(b), 40, 53, 54(2)
Mexico / <i>Mexique</i>	–	31-07-07	01-11-07	D: Arts. 39(1)(a)-(b), 50, 53, 54(2), 60
Mongolia / <i>Mongolie</i>	–	19-10-06	01-02-07	D: Arts. 39(1)(a)-(b), 53, 54(2)
Nigeria / <i>Nigéria</i>	16-11-01	16-12-03	01-04-04	D: Arts. 39(1)(a)*, 40*, 53*, 54(2)
Oman	–	21-03-05	01-07-05	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
Pakistan	–	22-01-04	01-05-04	D: Arts. 39(1)(a)-(b), 39(4), 40, 52, 53, 54(2)
Panama	11-09-02	28-07-03	01-04-04	D: Arts. 39(1)(a)-(b), 39(4), 50, 53, 54(2)
Saudi Arabia / <i>Arabie saoudite</i>	12-03-03	–	–	–
Senegal / <i>Sénégal</i>	02-04-02	09-01-06	01-05-06	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
South Africa / <i>Afrique du sud</i>	16-11-01	18-01-07	01-05-07	D: Arts. 39(1)(a)-(b), 40, 54(2)
Sudan / <i>Soudan</i>	16-11-01	–	–	–
Switzerland / <i>Suisse</i>	16-11-01 (<i>ad ref.</i>)	–	–	–
Syrian Arab Republic / <i>République arabe syrienne</i>	–	07-08-07	01-12-07	–
Tanzania / <i>Tanzanie</i>	16-11-01	–	–	–
Tonga	16-11-01	–	–	–
Turkey / <i>Turquie</i>	16-11-01	–	–	–
Ukraine	09-03-04	–	–	–
United Kingdom / <i>Royaume-Uni</i>	16-11-01	–	–	D
United States of America / <i>Etats-Unis d'Amérique</i>	09-05-03	28-10-04	01-02-05	D: Arts. 39(1)(a)-(b), 54(2)

* Affected by withdrawal and/or subsequent declaration / *Fait l'objet d'un retrait ou d'une déclaration subséquente.*

**PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT**

**PROTOCOLE PORTANT SUR LES QUESTIONS SPECIFIQUES AUX MATERIELS D'EQUIPEMENT
AERONAUTIQUES A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

Adoption: Place: Cape Town / *Lieu*: Le Cap
Date: 16-11-2001

Entry into force: Yes / *Oui* ≈ Date: 01-03-2006
Entrée en vigueur: Conditions: 8 ratifications (Art. XXVIII(1))

Depositary / Dépositaire: UNIDROIT

STATE / ETAT	SIGNATURE	RATIFICATION / ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. or RESERV. / DECL. OU RESERVES
Afghanistan	–	25-07-06	01-11-06	D: Arts. XXIX, XXX(1), (2), (3)
Albania / <i>Albanie</i>	–	30-10-07	01-02-08	D: Arts. XIX, XXX(1)
Angola	–	30-04-06	01-08-06	D: Art. XXX(1), (2), (3)
Burundi	16-11-01	–	–	–
Canada	31-03-04	–	–	–
Cape Verde / <i>Cap-Vert</i>	–	26-09-07	01-01-08	D: Art. XXX(1), (2), (3)
Chile / <i>Chili</i>	16-11-01	–	–	–
China / <i>Chine</i>	16-11-01	–	–	–
Colombia / <i>Colombie</i>	–	19-02-07	01-06-07	D: Art. XXX(1), (2), (3)
Congo	16-11-01	–	–	–
Cuba	16-11-01	–	–	–
Ethiopia / <i>Ethiopie</i>	16-11-01	21-11-03	01-03-06	D: Art. XXX(1), (2), (3)
France	16-11-01	–	–	–
Germany / <i>Allemagne</i>	16-11-01	–	–	D
Ghana	16-11-01	–	–	–
Indonesia / <i>Indonésie</i>	–	16-03-07	01-07-07	D: Art. XXX(1), (2), (3)
Ireland / <i>Irlande</i>	–	23-08-05	01-03-06	D: Art. XXX(1), (2)
Italy / <i>Italie</i>	06-12-01	–	–	–
Jamaica / <i>Jamaïque</i>	16-11-01	–	–	–
Jordan / <i>Jordanie</i>	16-11-01	–	–	–
Kenya	16-11-01	13-10-06	01-02-07	D: Art. XXX(1), (2), (3)
Lesotho	16-11-01	–	–	–
Malaysia / <i>Malaisie</i>	–	02-11-05	01-03-06	D: Art. XXX(1), (2), (3) ⁺
Mexico / <i>Mexique</i>	–	31-07-07	01-11-07	D: Arts. XIX(1), XXX(1), (3)
Mongolia / <i>Mongolie</i>	–	19-10-06	01-02-07	D: Art. XXX(1), (2), (3)
Nigeria	16-11-01	16-12-03	01-03-06	D: Art. XXX(1) ⁺ , (2) ⁺ , (3) ⁺
Oman	–	21-03-05	01-03-06	D: Arts. XXIX, XXX(1), (2), (3)
Pakistan	–	22-01-04	01-03-06	D: Arts. XXIX, XXX(1), (2), (3)
Panama	11-09-02	28-07-03	01-03-06	D: Art. XXX(1), (2), (3)
Saudi Arabia / <i>Arabie saoudite</i>	12-03-03	–	–	–
Senegal / <i>Sénégal</i>	02-04-02	09-01-06	01-05-06	D: Arts. XXIX, XXX(1), (2), (3)
South Africa / <i>Afrique du sud</i>	16-11-01	18-01-07	01-05-07	D: Art. XXX(1), (2), (3)
Sudan / <i>Soudan</i>	16-11-01	–	–	–
Switzerland / <i>Suisse</i>	16-11-01 (<i>ad ref.</i>)	–	–	–
Tanzania / <i>Tanzanie</i>	16-11-01	–	–	–
Tonga	16-11-01	–	–	–
Turkey / <i>Turquie</i>	16-11-01	–	–	–
Ukraine	03-03-04	–	–	–
United Kingdom / <i>Royaume-Uni</i>	16-11-01	–	–	D
United States of America / <i>Etats-Unis d'Amérique</i>	09-05-03	28-10-04	01-03-06	D: Arts. XIX(1), XXX(1)

* Affected by withdrawal and/or subsequent declaration / *Fait l'objet d'un retrait ou d'une déclaration subséquente.*

LUXEMBOURG PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT ON MATTERS SPECIFIC TO RAILWAY ROLLING STOCK

*PROTOCOLE DE LUXEMBOURG PORTANT SUR LES QUESTIONS SPECIFIQUES AU MATERIEL ROULANT
FERROVIAIRE A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES*

Adoption: Place / *Lieu*: Luxembourg
Date: 23-02-2007
Entry into force: No / *Non*
Entrée en vigueur: Conditions: 4 ratifications (Art. XXIII(1))
Depositary / Dépositaire: UNIDROIT

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION / ACCESS. / <i>ADHES.</i>	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>	DECL. or RESERV. / <i>DECL. OU RESERVES</i>
Gabon	23-02-07	–	–	–
Italy / <i>Italie</i>	23-02-07	–	–	–
Luxembourg	23-02-07	–	–	–
Switzerland / <i>Suisse</i>	23-02-07	–	–	–

**IMPLEMENTATION OF INSTRUMENTS BASED ON
WORK CONDUCTED WITHIN UNIDROIT (*)**

A. INTERNATIONAL INSTRUMENTS IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS OR CONVENTIONS

1. **Convention on the Contract for the International Carriage of Goods by Road (CMR)**, adopted in Geneva in 1956 under the auspices of the Economic Commission for Europe of the United Nations. The Convention, which entered into force in 1961, is based on the draft Convention on the Contract for the International Carriage of Goods by Road (CMR) which was transmitted by UNIDROIT to the Economic Commission for Europe of the United Nations in 1952.

Contracting States: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Moldova, Mongolia, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom and Uzbekistan.

2. **UNESCO Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict**, which entered into force in 1956. The Convention is based on the draft UNIDROIT completed in 1951.

Contracting States: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Rep. of), Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Yemen and Zimbabwe.

3. **International Convention of 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**, adopted under the auspices of ILO, UNESCO and WIPO and which entered into force in 1964. The Convention is very largely based on the preliminary draft Convention for the Protection of Interpreting and Performing Artists, as well as of Manufacturers of Phonographic Records and other phonograms and on the preliminary draft Convention for the Protection of Radio Broadcasts.

Contracting States: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Barbados, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mexico, Moldova, Monaco, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, the Former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela and Viet Nam.

(*) Based on information available to the Secretariat as of 31 December 2007.

4. **Hague Convention of 1958 concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations towards Children**, which entered into force in 1962. This Convention was prepared on the basis of the draft Convention on the Recognition and Enforcement abroad of Maintenance Obligations, a first draft of which had been drawn up by UNIDROIT in 1938 and work on which was completed in 1949 when it was transmitted to the Department for Social Affairs of the United Nations. After being revised by a United Nations committee of experts, the draft was recommended to States under a Resolution of the Economic and Social Council at its XVIIth session for use as a model in the drawing up of bilateral conventions or uniform laws for separate adoption by each State.
Contracting States: Austria, Belgium, China (for the Special Administrative Region of Macao only), Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Liechtenstein, Netherlands, Norway, Portugal, Slovakia, Spain, Suriname, Sweden, Switzerland and Turkey.
5. **European Convention of 1962 on the Liability of Hotel-keepers concerning the Property of their Guests**, adopted under the auspices of the Council of Europe and which entered into force in 1967. The Convention is based on the draft uniform law on the hotelkeeper's liability for damage to or destruction or theft of his guests' property, the drafting of which was completed by UNIDROIT in 1934.
Contracting States: Belgium, Bosnia and Herzegovina, Croatia, Cyprus, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Montenegro, Poland, Serbia, Slovenia, the former Yugoslav Republic of Macedonia and United Kingdom.
6. **Benelux Treaty of 1955 on Compulsory Insurance against Civil Liability in respect of Motor Vehicles**
and
European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles, adopted in 1959 under the auspices of the Council of Europe, which entered into force in 1969. These two instruments are based on the draft uniform rules on the compulsory insurance of motorists, the drafting of which was completed by UNIDROIT in 1937.
Contracting States to the 1959 Convention: Austria, Denmark, Germany, Greece, Norway, Sweden and Turkey.
7. **European Convention on Establishment of 1955**, adopted under the auspices of the Council of Europe and which entered into force in 1965. The Convention is based on the draft Convention on the reciprocal treatment of nationals as between member States of the Council of Europe, the drafting of which was completed by UNIDROIT in 1951.
Contracting States: Belgium, Denmark, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Turkey and United Kingdom.
8. **Protocol No. 1 concerning the Rights in rem in Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels which was adopted under the auspices of the Economic Commission for Europe of the United Nations and to which Austria, Croatia, France, Luxembourg, Netherlands, Switzerland and Yugoslavia are Contracting Parties. The Protocol is based on the draft Convention concerning rights in rem in boats in inland navigation, the drafting of which was completed by UNIDROIT in 1960. The Convention and Protocol No. 1 entered into force in 1982.
The Contracting States to Protocol No. 1 are Austria, Belarus, Croatia, France, Luxembourg, Montenegro, Netherlands, Serbia and Switzerland.
9. **Protocol No. 2 concerning Attachment and Forced Sale of Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels, adopted under the auspices of the Economic Commission for Europe of the United Nations. The Protocol is based on the draft Protocol on attachment and forced sale of inland navigation vessels, the drafting of which was completed by UNIDROIT in 1962. Protocol No. 2 entered into force in 1982.
The Contracting States to Protocol No. 2 are Austria, Belarus, Croatia, France, Luxembourg, Montenegro and Serbia.
10. **United Nations Convention on Contracts for the International Sale of Goods**, adopted at Vienna in 1980 and which entered into force in 1988. This Convention is based on the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods

(ULFIS) and the Convention relating to a Uniform Law on the International Sale of Goods (ULIS), adopted at The Hague at a diplomatic Conference in 1964 (Sections A 1 and 2 above).

Contracting States: Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Honduras, Hungary, Iceland, Iraq, Israel, Italy, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Luxembourg, Mauritania, Mexico, Moldova, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Republic of Korea, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, the Former Yugoslav Republic of Macedonia, Uganda, Ukraine, United States of America, Uruguay, Uzbekistan and Zambia.

11. **Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), the drafting of which was completed by UNIDROIT in 1969. The Convention entered into force in 1994.

Contracting States: Bosnia and Herzegovina, Croatia, Czech Republic, Latvia, Montenegro, Serbia, Slovakia and Ukraine.

B. INTERNATIONAL INSTRUMENTS NOT YET IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS

1. **Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), the drafting of which was completed by UNIDROIT in 1970. The Russian Federation is the sole Contracting State.
2. **Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN)**, adopted in Geneva in 1976 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), the drafting of which was completed by UNIDROIT in 1972. The Russian Federation is the sole Contracting State.
3. **European rules for investment funds**, which were in 1972 recommended by the Committee of Ministers of the Council of Europe as a model law for the member States of the Council of Europe. The rules are based on the preliminary draft model law on investment funds, UNIDROIT's drawing up of which was completed in 1969.
4. **European Convention providing a Uniform Law on Arbitration**, adopted in 1966 under the auspices of the Council of Europe. The Convention is based on the preliminary draft uniform law on arbitration in private law matters in international relations, UNIDROIT's drawing up of which was completed in 1954. Belgium is the sole Contracting State.
5. **European Convention of 1973 on Civil Liability for Damage caused by Motor Vehicles**, adopted under the auspices of the Council of Europe. The Convention is based on the draft of a uniform law on the civil liability of motorists, UNIDROIT's drawing up of which was completed in 1938. No State has ratified this Convention.
6. **United Nations Convention on International Multimodal Transport of Goods**, adopted in Geneva in 1980. The origin of the Convention is to be found in the draft Convention on Contracts for the Combined International Carriage of Goods, UNIDROIT's drawing up of which was completed in 1965. The UNIDROIT draft also provided one of the bases for the draft Convention on the International Combined Carriage of Goods (TCM), drawn up at a round table convened by UNIDROIT at the request of the Economic Commission for Europe of the United Nations in 1969 and 1970, which was itself revised at meetings convened jointly by the Intergovernmental Maritime Consultative Organisation (IMCO) and the Economic Commission for Europe of the United Nations. The Contracting States are: Burundi, Chile, Georgia, Lebanon, Liberia, Malawi, Mexico, Morocco, Rwanda, Senegal and Zambia.

7. **Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)**, adopted in Geneva in 1989 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft articles for a Convention on civil liability for damage caused during carriage of dangerous goods by road, rail and inland navigation vessels, UNIDROIT's drawing up of which was completed in 1986. Liberia is the sole Contracting State.
 8. **United Nations Convention on the Liability of Operators of Transport Terminals in International Trade**, adopted in Vienna in April 1991. The Convention is based on the preliminary draft Convention on Operators of Transport Terminals, UNIDROIT's work on which was completed in 1983. The Contracting States are: Egypt, Gabon, Georgia and Paraguay.
- C. EUROPEAN COMMUNITY DIRECTIVE BASED ON A PRELIMINARY DRAFT UNIDROIT CONVENTION**
- Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.**
- D. UNIFORM RULES PUBLISHED BY THE INTERNATIONAL CHAMBER OF COMMERCE AND BASED ON A DRAFT UNIDROIT CONVENTION**
- Uniform Rules for a Multimodal Transport Document** first published by the International Chamber of Commerce in 1973 and subsequently revised. The origin of the Rules is the same as that of the United Nations Convention on International Multimodal Transport of Goods (see above Section C. 6.).
- E. INTERNATIONAL INSTRUMENTS BASED ON PRELIMINARY STUDIES PREPARED BY UNIDROIT**
1. **European Convention on Products Liability in regard to Personal Injury and Death of 27 January 1977.**
No State has ratified this Convention.
 2. **Resolution (78)3 on Penalty Clauses in Civil Law** adopted by the Committee of Ministers of the Council of Europe on 20 January 1978.

DEPOSITARY LIBRARIES FOR UNIDROIT DOCUMENTATION

- Argentina: Corte Suprema de Justicia de la Nación, Secretaría de Investigación de Derecho comparado
<<http://www.csjn.gov.ar>>
- Australia: National Library of Australia <<http://www.nla.gov.au/>>
- Austria: Österreichische Nationalbibliothek <<http://www.onb.ac.at/>>
- Belgium: Ministry of Justice <<http://www.just.fgov.be/>>
- Bolivia: Biblioteca Central de la Cancillería de la República <<http://www.rree.gov.bo>>
- Brazil: Serviço de Biblioteca e documentação - SBD, Universidad de São Paulo, Faculdade de Direito
<<http://143.107.2.22/fdusp/biblioteca.htm>>
- Bulgaria: Bulgarian National Library "St. Cyrill and St. Methodius" <<http://www.nationallibrary.bg/>>
- Colombia: Biblioteca Luis Angel Arango <<http://www.lablaa.org>>
- Czech Republic: Library of the International Law Department, Ministry of Industry and Trade
<<http://www.mpo.cz>>
- Egypt: Documentation Center, General Directorate of International and Cultural Co-operation, Ministry of Justice, Cairo
- Estonia: National Library of Estonia <<http://www.nlib.ee/>>
- Finland: Eduskunnan Kurjasto <<http://www.eduskunta.fi/kirjasto/>>
- France: Bibliothèque Inter-universitaire Cujas <<http://www-cujas.univ-paris1.fr>>
- Germany: Staatsbibliothek zu Berlin, Abteilung Amtsdruckschriften und Internationaler Amtlicher Schriftentausch <<http://staatsbibliothek-berlin.de/>>
- Greece: Library of the Hellenic Institute of International and Foreign Law, Athens
- Holy See: Biblioteca della Facoltà di Giurisprudenza, Libera Università Maria Ss. Assunta, Rome
<<http://www.lumsa.it/Lumsa/>>
- Hungary: Library of the Hungarian Parliament <<http://www.ogyk.hu>>
- India: Library of the Indian Society of International Law <<http://www.isil-aca.org/library.htm>>
- Ireland: National Library of Ireland <<http://www.nli.ie/>>
- Latvia: Department of European and International Law, Ministry of Justice of the Republic of Latvia
<<http://www.tm.gov.lv/lv/>>
- Luxembourg: Bibliothèque Nationale <<http://www.bnl.lu/>>; University of Luxembourg
<http://www.uni.lu/l_universite/bibliotheque>
- Malta: Library Services, University of Malta <<http://www.lib.um.edu.mt/>>
- Mexico: Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México
<<http://www.unam.mx>>; Academia Mexicana de Derecho Internacional Privado y Comparado, México City; Biblioteca Loyola, Universidad Iberoamericana Tijuana
<<http://www.loyola.tij.uia.mx>>
- Netherlands: Library of the Ministry of Justice, The Hague <<http://www.minjus.nl/>>
- Norway: Det juridiske fakultetsbibliotek, Universitetsbiblioteket i Oslo <<http://www.ub.uio.no/ujur/>>
- People's Republic of China: Ministry of Commerce (MOFCOM) <<http://english.mofcom.gov.cn/>>
- Poland: Sejm Library <<http://bib.sejm.gov.pl>>
- Portugal: Serviço de Biblioteca e Documentação Diplomática do Ministério dos Negócios Estrangeiros - Instituto Diplomático <<http://www.min-nestrangeiros.pt/mne/>>; Gabinete de Documentação e Direito Comparado, Procuradoria Geral da República <<http://www.gddc.pt/>>
- Republic of Korea: Library of the Institute for Foreign Affairs and National Security (IFANS), Seoul
- Romania: Biblioteca Nationala <<http://www.bibnat.ro/>>
- Russian Federation: Library of the Russian Academy of Foreign Trade <<http://eng.vavt.ru/>>

- Slovak Republic: Právnická fakulta Trnavskej Univerzity <<http://www.truni.sk/>>
- Slovenia: Library of the Faculty of Law, University of Maribor <<http://www.pf.uni-mb.si/knjiznica/>>
- South Africa: Library of the Department of Justice, Directorate: Internal Affairs, Pretoria
- Spain: Universidad San Pablo CEU <<http://www.ceu.es>>
- Sweden: Library of the Swedish Parliament <<http://www.riksdagen.se/>>
- Switzerland: Library of the Swiss Institute of Comparative Law <<http://isdc.ch>>
- Turkey: Library, Banca ve Ticaret Hukuku Arastirma Enstitüsü, Hukuk Fakültesi, Ankara
<<http://bthae.ankara.edu.tr/>>
- United Kingdom: Library of the Institute of Advanced Legal Studies <<http://ials.sas.ac.uk/>>
- United States of America: Arthur W. Diamond Law Library Columbia University in the City of New York
<<http://www.law.columbia.edu/library>>; Underwood Law Library, Dedman School of Law,
Southern Methodist University <<http://library.law.smu.edu/>>
- Uruguay: Facultad de Derecho de la Universidad de la República
<<http://www.fder.edu.uy/biblioteca/Biblioteca.htm>>