

UNIDROIT

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

ANNUAL REPORT — 2009

Rome, 2010

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Overview of UNIDROIT activities in 2009

In recent years, various member States have expressed a keen interest in the substantive aspects of the work of UNIDROIT, and a desire for following it up more closely. Various Member States, in particular those that have no nationals sitting on the Governing Council, have also encouraged the Secretariat to consider means to facilitate their active involvement in the work of UNIDROIT. As one of a series of steps taken by the Secretariat in response to those requests, and without prejudice to the prerogatives of the Governing Council which is responsible, under the UNIDROIT Statute, for approving the Annual Report on the activities of the Organisation, the Secretariat presented an advance version of the Annual Report – covering the activities of UNIDROIT from 1 January to 31 October 2009 – as part of the documents submitted to the 65th session of the General Assembly which was held on 2 December 2009.

The Secretariat is of the view that Member States may find an overview of the activities of the Organisation shortly before the end of a calendar year helpful in fuelling their internal consultation and coordination processes involving institutions and persons interested in the work of UNIDROIT, as may the General Assembly in the context of the deliberations on financial and institutional matters that typically form part of the agenda for its regular sessions. The States represented at the General Assembly session congratulated the Secretariat on this initiative and expressed keen interest in seeing it repeated in future.

This version of the Annual Report, which is submitted to the Governing Council for approval in accordance with Article 11(3) of the UNIDROIT Statute, covers the whole of 2009.

JOSÉ ANGELO ESTRELLA FARIA
Secretary-General

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I. ADMINISTRATION AND ORGANISATION

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

1. *Presidency, Governing Council and Permanent Committee*

The 88th session of the *Governing Council* was held in Rome from 20 to 23 April 2009 under the chairmanship of the President of the Institute, Mr Bernardino Libonati. The Governing Council, after approving the Secretary-General's report on the activity of the Institute in 2008, appointed Mr Arthur Hartkamp and Mr Biswanath Sen as First and Second Vice-President, respectively, until the 89th session. It also appointed the former members of the Governing Council as members *ad honorem*,¹ and new members of the Permanent Committee.² Finally, the Council appointed the former Secretary-General, Mr Herbert Kronke, as an honorary member of the Governing Council.

Acting upon the proposal of the Secretariat, the Council appointed Mr Brian Hauck as a correspondent of the Institute.

The Governing Council examined various topics proposed for inclusion in the Institute's Work Programme but recommended to the General Assembly for the time being to give priority to finalising the three outstanding legislative topics and defer any discussion of other items to its 2010 meeting after the Council had had an opportunity to further consider the matter.

The Council authorised the Secretariat to transmit to the financial organs of the Institute proposals in respect of expenditure for the 2010 financial year.

The Secretary-General presented the measures needed to implement the Strategic Plan and the Council congratulated the Secretariat on the significant progress made in general in all the areas not adversely affected by budgetary restrictions.

When discussing the draft budget for 2010, the Governing Council mandated the Permanent Committee and the Secretary-General to look at ways of streamlining the Institute's staffing structure (C.D. (88) Misc. 3) and various options for implementing an output-based performance evaluation system. The *Permanent Committee*, at its 110th meeting (22 April 2009), discussed how to proceed and the results of the ongoing work of the Permanent Committee will be before the Governing Council at its 89th session (Rome, 10-12 May 2010). It also approved the draft agenda for the 65th session of the General Assembly.

2. *General Assembly and Finance Committee*

In response to repeated expressions of interest by various member States to follow more closely the work of the UNIDROIT Governing Council, a special meeting of the *General Assembly* (its 64th session) was held in Rome on 18 June 2009 under the Chairmanship of H.E. Ms Tasmin Aslam, Ambassador of the Islamic Republic of Pakistan in Italy. Member States were informed of the deliberations of the 88th session of the Governing Council (Rome, 20-23 April 2009) and briefed, in particular, about the topics that the Governing Council recommended for inclusion in the triennial Work Programme of UNIDROIT, which the General Assembly was expected to adopt at its 65th session, to be held on 2 December 2009.

* This report covers the activities of UNIDROIT from 1 January to 31 December 2009.

¹ Mr Martin Adensamer (Austria), Mr Tuğrul Arat (Turkey), Mr Antonio Boggiano (Argentina), Mr Nabil Elaraby (Egypt), Mr Gerard Hogan (Ireland), Mr Kiyoshi Hosokawa (Japan), Mr Anthony Inglese (United Kingdom), Mr Alexander Komarov (Russian Federation), Mr Bruno Sturlese (France), Ms Anne-Marie Trahan (Canada), Mr Evelio Verdera y Tuells (Spain), Mr Pierre Widmer (Switzerland), Mr Zhang Yu Qing (China).

² The Governing Council re-appointed Professor Arthur Hartkamp as a member of the Permanent Committee and appointed the following new members: Professor Jorge Sánchez Cordero (Mexico), Mr Hans-Georg Bollweg (Germany), Mr Ian Govey (Australia) and Ms Rachel Sandby Thomas (United Kingdom).

The Secretariat has taken steps to intensify its contacts with the governing bodies of the Institute with a view to stimulating a high level of co-ordination between them and encouraging consistency in their decisions. Following the successful experience with the special meeting of the General Assembly held on 18 June 2009, the Secretariat intends to convene another such meeting within two months of the 89th session of the Governing Council for the purpose of appraising the General Assembly of the results of the Council's session, in particular the recommendations for the triennial Work Programme, which the General Assembly is expected to approve at its 66th session later in 2010.

The 65th session of the General Assembly was held in Rome on 2 December 2009 under the presidency of H.E. Mr Patrick Hennessy, Ambassador of Ireland in Italy. The President expressed his gratitude to the outgoing President, H.E. Mrs Tasmin Aslam, Ambassador of the Islamic Republic of Pakistan in Italy, for her excellent advice throughout her mandate.

The Secretary-General outlined the work of the Organisation in 2009, stressing in particular the adoption of the UNIDROIT Convention on Substantive Rules for Intermediated Securities. As to the Organisation's Triennial Work Programme, he recalled that the Secretariat was asking for the current Programme to be extended a second time, pending the Governing Council's decisions on a number of feasibility studies in respect of future work that it had asked be undertaken.

The General Assembly also appointed the members of the Administrative Tribunal as well as a new Auditor for a period of five years, starting on 1 January 2010.

During the debate on financial issues, the Assembly approved the final modifications to the 2008 budget as well as the Accounts for that financial year. The General Assembly also adopted the budget for 2010 and set the member States' contributions for that financial year.

The *Finance Committee*³ met twice in 2009. The 65th session was held on 25 February 2009 under the chairmanship of Mr Peter Adamek (Germany); the 66th session, which took place on 30 September 2009, appointed Ms Manuela Leimgruber (Switzerland) as the new Chairperson, upon the departure of Mr Adamek. The Committee was requested to give an opinion on certain financial issues submitted for scrutiny by the General Assembly.

3. Secretariat

On 31 December 2009, the Secretariat was made up of 21 members, of which nine professional staff (Category A), nine administrative, library and secretarial staff (Category B) and three technical support staff (Category C). The Secretariat also has one consultant. One Category A staff member and one Category B staff member have part-time contracts.

In the year 2009, the officer tasked with the Depositary functions under the adopted and future Cape Town instruments, who previously worked *hors-cadre*, was fully integrated into the Institute's regular staffing table with permanent funding under the regular budget within the current level of appropriation.

On 1 March 2009, Mr Daniel Porras' research fellowship (funded by private donors) to work on the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets was renewed for a second year.

As indicated earlier (UNIDROIT 2008 – A.G. (63) 3), the Secretariat has started to modernise human resources management tools with the introduction of an organisation-wide work plans.

The Secretariat has started the migration from the current, paper-based document management, archiving and record-keeping procedures into an integrated electronic system for registration, tracking and archiving of correspondence and documents. To the extent needed, this will entail the purchase of new hardware as well as additional software licences within existing resources.

³ The Finance Committee is currently (term of three years commencing on 1 January 2009) composed of the following member States: Austria, Canada, France, Germany, India, Islamic Republic of Iran, Italy, Japan, Mexico, Romania, Russian Federation, Spain, Switzerland, United Kingdom and United States of America.

B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND EXPERT COMMITTEES

The following meetings were organised by the Institute in 2009:

1. *Transactions on Transnational and Connected Capital Markets*

Filtering Committee to examine the requests for amendment of the draft Convention on Substantive Rules relating to Intermediated Securities indicating significant problems capable of preventing the Convention from working properly submitted by Governments and Organisations in view of the final session of the diplomatic Conference, and to make recommendations (Rome, 18-19 September 2009).

Final session of the diplomatic Conference to adopt a Convention on Substantive Rules regarding Intermediated Securities (Geneva, 5-9 October 2009).

2. *UNIDROIT Model Law on Leasing*

Meeting of those invited by the Joint Session of the UNIDROIT General Assembly and the UNIDROIT Committee of governmental experts to prepare an Official Commentary on the UNIDROIT Model Law on Leasing (Rome, 23-24 June 2009).

3. *Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock*

Third session of the Preparatory Commission for the establishment of the International Registry, hosted by the Intergovernmental Organisation for International Carriage by Rail (OTIF) (Berne, 1-2 October 2009).

4. *Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets*

Sub-committee of the Steering Committee to build consensus around the provisional conclusions reached by the Government/industry meeting regarding the preliminary draft Space Assets Protocol held in New York on 19 and 20 June 2007 on public service (Paris, 13 May 2009).

Steering Committee to build consensus around the provisional conclusions reached by the Government/industry meeting regarding the preliminary draft Space Assets Protocol held in New York on 19 and 20 June 2007 (2nd meeting: Paris, 14-15 May 2009).

Sub-committee set up by the UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets to examine certain aspects of the future international registration system for space assets (Rome, 26-27 October 2009).

Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (3rd session: Rome, 7-11 December 2009).

5. *Principles of International Commercial Contracts*

Drafting Group of the Working Group for the preparation of a new edition of the UNIDROIT Principles of International Commercial Contracts (Hamburg, 2-5 March 2009, upon invitation of the Max-Planck-Institut für ausländisches und internationales Privatrecht).

Working Group for the preparation of additional chapters to the Principles of International Commercial Contracts 2004 (fourth session, Rome 25-28 May 2009).

C. RELATIONS WITH GOVERNMENTS

On 31 December 2009, UNIDROIT had 63 member States: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Germany, Finland, France, Greece, Holy See, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Poland, Portugal, Rep. of Korea, Rep. of Serbia, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay and Venezuela.

The Secretary-General attended the Qatar Law Forum on Global Commitment to the Rule of Law which took place in Doha from 29 to 31 May 2009 under the patronage of the Emir of the State of Qatar with the assistance, for the programme, of the Harvard Law School.

The Secretary-General also had the opportunity to present UNIDROIT's activities during a Seminar organised by the Department of Justice Canada, International Private Law Section, on "*Canada and Harmonization of International Private Law*" (Ottawa, 13 to 15 October 2009).

On 20 October 2009, the Secretary-General attended the *Annual meeting on developments in private international law of the U.S. Department of State Advisory Committee on Private International Law* in Washington. He also had meetings at USAID and the Department of State.

At the request of the Directorate General of Legal Affairs and International Treaties of the Department of Foreign Affairs of the Republic of Indonesia, the Secretary-General will participate in a Workshop on Contract Law Reform, in the light of the UNIDROIT Principles of International Commercial Contracts (Djakarta, 15 to 25 November 2009).

D. CO-ORDINATION BETWEEN ORGANISATIONS INVOLVED IN THE ELABORATION OF PRIVATE LAW RULES

The now customary co-ordination meeting between the Secretaries-General of the Hague Conference of Private International Law, UNCITRAL and UNIDROIT took place in Rome on 9 June 2009.

The Secretary-General attended part of the 42nd Session of the United Nations Commission on International Trade Law (UNCITRAL) in Vienna (13 to 17 July 2009).

E. CO-OPERATION WITH OTHER INTERNATIONAL ORGANISATIONS

In the course of the period under review, the Institute was represented at several meetings organised by other international organisations including the European Community, the Food and Agriculture Organization of the United Nations (FAO), the Hague Conference on Private International Law, the Intergovernmental Organisation for International Carriage by Rail (OTIF), the International Bar Association (IBA), the International Development Law Organization (IDLO), the International Fund for Agricultural Development (IFAD), the United Nations Commission on International Trade Law (UNCITRAL) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

On 21 and 22 October 2009, the Secretary-General attended meetings with the International Monetary Fund (IMF) and the World Bank.

Members of the Secretariat also participated in a wide range of meetings and conferences where they presented the UNIDROIT instruments and the work of the Institute in general. Details of some of these meetings are set out elsewhere in this report.

II. LEGISLATIVE ACTIVITIES

A. WORK IN PROGRESS

1. *International Interests in Mobile Equipment*

a. Preliminary draft Space Protocol

The year 2009 saw a watershed in the development of the draft Protocol under preparation by a UNIDROIT Committee of governmental experts with the decision by the UNIDROIT Secretariat, following consultation with Mr S. Marchisio (Italy), Chairman of the UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (hereinafter referred to in this section as the *Committee of governmental experts*), that the time was ripe for the reconvening of the Committee of governmental experts, in the light of completion of the intersessional work on certain key outstanding issues decided upon by the Committee of governmental experts at its second session, held in Rome from 26 to 28 October 2004; the third session of the Committee of governmental experts was held in Rome from 7 to 11 December 2009.

The foundations for this felicitous development were laid, first, by the work carried out by two Government/industry meetings, held in London on 24 April 2006⁴ and in New York on 19 and 20 June 2007,⁵ and, secondly, that carried out by the UNIDROIT Steering Committee established by the UNIDROIT General Assembly at its 61st session, held in Rome on 29 November 2007, to build broader consensus around the provisional conclusions reached at the New York meeting, in particular the recommendation that the sphere of application of the preliminary draft Space Protocol be narrowed down to concentrate essentially on the satellite in its entirety - considered to represent the category of space asset covered by 80% of the transactions subject to asset-based financing of the kind contemplated by the Convention on International Interests in Mobile Equipment (hereinafter referred to in this section as the *Cape Town Convention*) - with a view to permitting timeous completion of the proposed Protocol.

Pursuant to the decision taken by the Steering Committee at its first meeting, held in Berlin from 7 to 9 May 2008,⁶ to establish a sub-committee to develop options for a solution to the problem of public service (hereinafter in this section referred to as the *Sub-committee on public service*) - a problem essentially consisting in how best to balance the need of Governments to guarantee the continuation of a public service performed by a space asset where the debtor was in default, on the one hand, with the rights of the creditor upon such default under the Cape Town Convention as applied to space assets, on the other - that might be laid before the Committee of governmental experts, the Sub-committee on public service met in Paris (on the premises of Gide Loyrette Nouel), at the kind invitation of Crédit Agricole S.A., on 13 May 2009.⁷ Mr Marchisio (Italy), Chairman of the Steering Committee, was in the chair.

⁴ Cf. *Annual report 2006*, p.10.

⁵ Cf. *Annual report 2007*, pp. 10-11.

⁶ Cf. *Annual report 2008*, pp. 8-10.

⁷ The meeting was attended by representatives of the Governments of the People's Republic of China, France, Germany, Italy, the Russian Federation, Spain and the United States of America, Baker & McKenzie, Crédit Agricole S.A., EADS, the German Space Agency, Gide Loyrette Nouel, Space Exploration Technologies (SpaceX) and Telespazio, as well as three experts attending in their personal capacity, namely Sir Roy Goode (United Kingdom) - as co-draftsman of the alternative text of the preliminary draft Protocol the preparation of which had been decided upon by the Steering Committee at its first meeting - Mr O. Heinrich (Germany) and Mr S. Kozuka (Japan).

Discussions at the meeting were fruitful and a number of key conclusions were reached. First, it was recommended that a menu of options for addressing the issue of public service be incorporated in the preliminary draft Protocol, leaving Contracting States the possibility of choosing among these options, by way of declaration, at the time of ratification or accession, according to the needs of their individual national laws. Secondly, it was recommended that the term “public service” not be defined in the preliminary draft Protocol but rather that each Contracting State be free to define, also by declaration, which services were to be considered of a public nature under its national law.

The Steering Committee met for a second time, in Paris, at the kind invitation of the European Centre for Space Law (E.C.S.L.), on 14 and 15 May 2009, to take stock of the progress made in respect of the key outstanding issues since its first meeting.⁸ Mr Marchisio (Italy) was in the chair. The Steering Committee reached two main conclusions. First, it recommended that, in the light of the emerging trend toward the asset-based financing of high-value components, components be covered by the future Protocol, albeit only those capable of “independent ownership, use or control”. Secondly, it recommended that, in so far as the transfer of related rights only materialised in the rarest of circumstances, it would be inappropriate for the future Protocol to provide for the extension of the Cape Town Convention as applied to space assets to such rights and that it would be sufficient for it to impose a duty on a defaulting debtor/assignor to co-operate, to the fullest extent possible, in either the transfer of a licence to a creditor/assignee or, where this was not permitted, the termination of its own licence and the procuring of a new licence for the creditor/assignee. The Steering Committee also considered and approved the recommendations made by the Sub-committee on public service, adding some of its own to the menu of options.

In the light of the excellent progress made in the building of further consensus around the provisional conclusions reached at the New York meeting and in the identification of solutions to the key outstanding issues referred to intersessional work, the Steering Committee concluded that the time was ripe for resumption of the intergovernmental consultation process. At its first meeting the Steering Committee had decided to invite Canada and the United Kingdom, as co-chairmen of the Drafting Committee of the Committee of governmental experts - in the persons of Mr J.M. Deschamps and Sir Roy Goode respectively - to incorporate its conclusions in an alternative text of the preliminary draft Protocol, to be laid before the Committee of governmental experts, once reconvened, alongside the current text of the preliminary draft Protocol - namely that which had emerged from the first session of the Committee of governmental experts, held in Rome from 15 to 19 December 2003 - leaving the latter free to decide which aspects of the two to adopt. It was agreed, at the conclusion of the Paris meeting, that Mr Deschamps and Sir Roy should prepare a revised version of this alternative text, to reflect the conclusions reached there.

Following the Secretariat’s sending out, in July 2009, of invitations for the third session of the Committee of governmental experts, one last piece was, however, still needed to complete the jigsaw puzzle, namely the carrying out of the brief assigned to the Sub-committee established by the Committee of governmental experts at its second session to examine certain aspects of the international registration system to be established under the future Space Protocol (hereinafter in this section referred to as the *Sub-committee on the international registration system*). It had been envisaged that this Sub-committee would work by electronic means and a special web forum was kindly placed at its disposal by the International Telecommunication Union (I.T.U.). Very little activity, though, was registered on the web forum and, in view of the need for the Sub-committee

⁸ The meeting was attended by the representatives of the Governments of Canada, the People’s Republic of China, France, Germany, Italy, Mexico, Nigeria, the Russian Federation, South Africa, Spain, the United Kingdom and the United States of America, the European Space Agency, E.C.S.L., Arianespace, Baker & McKenzie, Boeing Capital Corporation, Coface, Crédit Agricole S.A., EADS Astrium, the German Space Agency, Marsh S.A., SCOR Global P & C, SpaceCo, SpaceX, Telespazio, Thales Alenia Space and Thales Alenia Space Italia, as well as nine experts attending in their personal capacity, namely Mr Heinrich, Mr A. Kerrest (France), Mr Kozuka, Mr P.B. Larsen (United States of America), Ms P. Meredith (Co-Chair, the Space Law Practice Group, Zuckert, Scouff & Rasenberger), Ms O.S. Stelmakh (Ukraine), Mr K. Thomas (Aviareto) and Mrs G. Valentaite (European Commission).

on the international registration system to report back to the Committee of governmental experts at its third session on the issues referred to it, namely the criteria to be employed for identification of the space assets covered by the preliminary draft Protocol, the practical operation of the future International Registry for space assets and the role of the Supervisory Authority of that Registry, the Secretariat took upon itself the task of moving forward, arguably, the most important of these issues, namely the identification criteria to be employed for registration of international interests in the space asset in the Registry, notably through the sending out of a questionnaire and the preparation of an interim report analysing the responses thereto, which was considered at the New York meeting and provided the basis for the conclusion reached at that meeting as to the need to narrow the sphere of application of the future Protocol.⁹ Further consideration was given to the issue of identification criteria at the first meeting of the Steering Committee. It was noted at that meeting that it would, however, be desirable for the Sub-committee on the international registration system to meet prior to the third session of the Committee of governmental experts, in particular so as to enable it to report back to that Committee.

In preparation for this meeting, the Secretariat sent out a questionnaire on the identification criteria that might be employed in respect of the new classes of space asset listed in the alternative text. The preliminary analysis of the responses received to this questionnaire prepared by the Secretariat was one of the main documents before the Sub-committee on the international registration system at its meeting held in Rome on 26 and 27 October 2009.¹⁰ Mr B. Schmidt-Tedd (Germany) was elected Chairman. Considerable progress was made, in particular on the subject of identification criteria. The conclusion was reached that certain basic mandatory identification criteria should be provided for and that these should be the same whether the space asset was on Earth or in space. These criteria should be the name of the manufacturer of the asset, its serial number and its model, that is an indication of the category of the asset. However, to cover the case of a space asset in which no international interest had been registered at the time of launch, it was agreed that, since once in orbit the mandatory identification criteria would be incapable of physical verification, additional optional identification criteria, such as the date and place of launch and the positioning of the asset in orbit and its orbital parameters, could also be employed at the time of the registration of an international interest in that asset, in order to provide a link between the physical asset and the registration. On the issue of the practical operation of the future International Registry, the discussions focussed principally on the need to find a solution reflecting the limited number of registrations that would probably be made in that Registry, at least in the initial stages of its operation. Consideration of the question of the role of the Supervisory Authority demonstrated the desirability of the Committee of governmental experts reaching a decision reasonably promptly in order to leave any Organisation contemplating acting as Supervisory Authority the time necessary to seek the requisite internal authorisations.

The third session of the Committee of governmental experts was held in Rome from 7 to 11 December 2009. The session was attended by 91 representatives of 32 Governments,¹¹ seven intergovernmental Organisations¹² and six international non-governmental Organisations,¹³ as well as 14 representatives of the international commercial space, financial and insurance

⁹ Cf. *Annual report 2007*, pp. 10-11.

¹⁰ The meeting was attended by the representatives of the Governments of the Czech Republic, Germany, the Russian Federation, the United Kingdom and the United States of America, I.T.U., Crédit Agricole S.A., the German Space Agency and Telespazio, as well as three experts attending in their personal capacity, namely Mr R. Cowan (Aviareto), Mr Heinrich and Mr Kozuka.

¹¹ Albania, Algeria, Australia, Brazil, Canada, People's Republic of China, Colombia, Czech Republic, France, Germany, Greece, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Latvia, Luxembourg, Nigeria, Portugal, Republic of Korea, Russian Federation, Senegal, Slovenia, Spain, Sudan, Sweden, Syrian Arab Republic, Turkey, United Kingdom and United States of America.

¹² Council of the European Union, European Commission, European Organisation for the Exploitation of Meteorological Satellites, European Space Agency, International Mobile Satellite Organization (I.M.S.O.), International Telecommunication Union (I.T.U.) and United Nations Office for Outer Space Affairs.

¹³ Aviation Working Group, European Centre for Space Law, European Federation of Leasing Company Associations, International Bar Association (I.B.A.), International Institute of Space Law and International Law Association.

communities¹⁴ and a representative of the International Registry for aircraft objects. The session was chaired by Mr S. Marchisio (Italy), whose appointment as Chairman of the Committee of governmental experts at the first session of that Committee was confirmed.

The basic text of the preliminary draft Protocol before the Committee of governmental experts was the text which had emerged from the first session of that Committee.¹⁵ Two alternative texts of the preliminary draft Protocol were, however, also before the Committee of governmental experts, one reflecting the conclusions reached by the UNIDROIT Steering Committee at its second meeting, held in Paris on 14 and 15 May 2009, on the policy issues referred to intersessional work by the Committee of governmental experts at its second session¹⁶ and the other containing proposals for technical amendment of the basic text submitted by the co-Chairmen of the Drafting Committee (Canada and the United Kingdom).¹⁷

There were a number of proposals tabled both by Governments and individuals before the Committee of governmental experts.¹⁸ The principal of these was one by leading space insurance underwriters for protection to be written into the future Protocol for such insurers' salvage interests.

Following the Committee's discussion of a proposal by one Government that - based on concerns that it had received from stakeholders in the satellite industry and lawyers advising that industry regarding what they considered to be weaknesses in the preliminary draft Protocol - any further work on refining the text of the preliminary draft Protocol be postponed until the UNIDROIT Secretariat had commissioned an economic impact assessment of the need for, and expected benefits of the preliminary draft Protocol, it was decided that the work of the Committee should not be delayed; particular reference was made in this context to the potential benefits of the preliminary draft Protocol for developing and transition economies. It was, however, agreed that the Secretariat would, subject to its very limited resources, be reaching out, in practical consultations after the session, to both representatives of industry and the academic world with a view to assessing the economic basis for certain key provisions of the preliminary draft Protocol, notably through the discussion paper on limitations on remedies that had resulted from the deliberations of an informal working group established by the Committee of governmental experts at its third session.¹⁹

In the light of the Committee of governmental experts' review of the text of the preliminary draft Protocol that had emerged from the first session of that Committee and the alternative texts, the Drafting Committee began the task of revising the preliminary draft Protocol. In the light of the report submitted to the Committee of governmental experts by the Drafting Committee on the work it had accomplished during the session, the Committee of governmental experts decided that the Drafting Committee should complete the work which it had begun by way of implementation of the decisions taken at the session. The Committee of governmental experts further agreed that all future work should be carried out on the basis of the alternative text proposing technical amendments. In addition, it was agreed that the Informal Working Group established by the Committee of governmental experts on default remedies in relation to components, which was not able to complete its work during the session, should continue to work informally with a view to agreeing on a proposal that might be laid before the Committee of governmental experts at its following session which is due to take place from 3 to 7 May 2010.

¹⁴ Mr D. Ardaine (Arianespace), Mr M. Borello (Thales Alenia Space), Mr D.J. Den Herder (SpaceX), Ms C.J. Dubreuil (EADS Astrium), Ms N.J. Eskenazi (SES S.A.), Ms C. Gaubert (Marsh), Mr K. Gude (Intelsat), Mr O. Heinrich (BHO Legal Partnership), Ms M. Leimbach (Crédit Agricole S.A.), Mrs P. Meredith (Zuckert Scoutt & Rasenberger L.L.P.), Mr P.D. Nesgos (Millbank Tweed Hadley & McCloy L.L.P.), Ms D. Niessen (German Space Agency), Mr B. Schmidt-Tedd (German Space Agency) and Mr J.-C. Vecchiatto (EADS).

¹⁵ UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 4.

¹⁶ UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 5 rev.

¹⁷ UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 8 rev.

¹⁸ UNIDROIT 2009 – C.G.E./SpacePr./3/W.P. 9.

¹⁹ Cf. UNIDROIT 2009 – C.G.E./Space Pr./3/Report, § 75.

b. Proposal for a future Protocol to the Cape Town Convention on agricultural, construction and mining equipment

At its 88th session, the UNIDROIT Governing Council, taking account of the research and progress that had been undertaken to date in examining a possible future Protocol to the Cape Town Convention on agricultural, construction and mining equipment, requested that the Secretariat undertake research with manufacturers, financiers and consumers of the equipment that would be the subject of the possible future Protocol. To this end, the Secretariat will be organising consultations and information exchanges and reporting to the Governing Council so as to enable it to determine the future development of this project.

c. Promotion of the work relating to international interests in mobile equipment

The UNIDROIT Secretariat continued to seek to give exposure to the preliminary draft Space Protocol over the period under consideration in as many ways as possible.

First, it was represented by Mr M.J. Stanford, Deputy Secretary-General, at the 48th session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space, held in Vienna from 23 March to 3 April 2009, where he made a statement, providing an update on developments in respect of the preliminary draft Protocol and, and answered questions.

Secondly, it was represented by Mr Stanford at the 15th International Space Insurance Conference, held in Venice on 2 and 3 April 2009, of which Unidroit was an official supporter. Ms Meredith spoke there on the need to protect salvage under the future Space Protocol.

Thirdly, it was again represented by Mr Stanford at the special session of the Space Law Committee of the International Bar Association (I.B.A.) on "Commercialisation of space: the future of economy in space on the eve of the Space Protocol to the Cape Town Convention" organised, in co-operation with UNIDROIT, on the occasion of the Annual Conference of the I.B.A. in Madrid on 7 October 2009. Mr Stanford took part in a wide-ranging debate on the importance of the future Protocol, moderated by Mr E. Brödermann, Chair of the Space Law Committee, with, *inter alia*, Sir Roy Goode, Mr K. Eisermann (European Space Agency) and Ms M. Murphy (SES Astra), as well as representatives of the I.B.A.. Banking Law, Communications Law and Technology Law Committees. To mark the occasion, Mr Stanford and Mr D.A. Porrás, Associate Officer of UNIDROIT, contributed an article detailing recent developments concerning the preliminary draft Protocol to the October 2009 issue of the Space Law Newsletter of the I.B.A. Legal Practice Division.

Fourthly, not being able himself to accept the invitation of the United Nations and the Government of the Islamic Republic of Iran to speak at the Workshop on Space Law "Role of International Space Law in the Development and Strengthening of International and Regional Co-operation in the Peaceful Exploration and Use of Outer Space" being held in Tehran from 8 to 11 November 2009, Mr Stanford prepared a paper on "the preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets: a unique opportunity to expand the benefits of space-based services and to broaden the market for commercial space activities in general" for the Workshop, which was delivered in Tehran by Mr Marchisio, as Chairman of the Committee of governmental experts.

2. Transactions on international and connected capital markets

a. UNIDROIT Convention on Substantive Rules for Intermediated Securities

Final session of the diplomatic Conference to adopt a Convention on Substantive Rules regarding Intermediated Securities

From 5 to 9 October, 2009, the final session of the diplomatic Conference to adopt a Convention on Substantive Rules for Intermediated Securities took place in Geneva, at the invitation of the Government of Switzerland and under the auspices of UNIDROIT. Representatives of the Governments of 50 States, 13 international Organisations and groups, as well as the European Community and the European Central Bank participated in the Conference.

The main issues discussed during the Conference were the Convention's approach in relation to insolvency, the issue of regulated and unregulated entities (Article 5, Preamble), a list of core duties of intermediaries (Article 10), certain corporate law matters (Articles 8 and 29), an intermediary's obligation to hold or have available sufficient securities (Article 24) and the general provision on obligations and liability of intermediaries (Article 28). These issues were all resolved.

On 9 October, the Conference adopted the Convention and gave it the following new title: UNIDROIT Convention on Substantive Rules for Intermediated Securities (known as the 'Geneva Securities Convention'). On the same day, the Final Act was signed by 37 States and the European Community, and the Convention by one State (Bangladesh). After that the Convention became open for signature at the UNIDROIT Headquarters in Rome.

b. Promotion of the work on capital markets

Abuja seminar on the draft Convention on Substantive Rules regarding Intermediated Securities

On 7 and 8 May, 2009, a seminar on the UNIDROIT draft Convention on Substantive Rules regarding Intermediated Securities took place in Abuja, Nigeria. The seminar was organised by Mr Reginald Karawusa and Mr Kennedy Aigbekaen of the Nigerian Securities & Exchange Commission and Dr Thomas Keijser of the UNIDROIT Secretariat, and it was sponsored by Stanbic IBTC Bank. The main goal of the event was providing information about the draft Convention and examining its relevance in a Nigerian / West-African context. Moreover, related issues such as the current state of the Nigerian securities markets, international initiatives in order to facilitate netting, and the 2006 Hague Convention on the Law Applicable to Certain Rights in respect of Securities Held with an Intermediary were discussed. Moreover, ECOWAS presented its views on integration of capital markets in West-Africa. The seminar was attended by 120 participants from commercial banks, market infrastructure providers, regulators, the Nigerian central bank, relevant ministries, academia, law firms, and the press. Besides the UNIDROIT Secretariat, represented by former Secretary-General Professor Herbert Kronke and Dr Thomas Keijser, also the Hague Conference on Private International Law and the International Swaps and Derivatives Association took part in the event.

Resolution No. 3 adopted at the Final session of the diplomatic Conference to adopt a Convention on Substantive Rules regarding Intermediated Securities

The Conference adopted a Resolution relating specifically to activities to support promotion of the entry into force and implementation of the UNIDROIT Convention on Substantive Rules for Intermediated Securities. In order to promote the early entry into force of the Convention and its full and effective implementation, UNIDROIT, in its capacity as Depositary of the Convention, is requested to make all appropriate efforts, having regard to available resources, to organise activities such as meetings, conferences and seminars with a view to promoting awareness and understanding of the Convention and assessing its continued effectiveness, and to take all reasonable steps in light of available resources to convene Evaluation Meetings in principle every 24 months so as to review the practical operation of the Convention.

3. UNIDROIT Model Law on Leasing

a. Preparation of an Official Commentary to the UNIDROIT Model Law

A Resolution was passed by the Joint Session of the UNIDROIT General Assembly and the UNIDROIT Committee of governmental experts for the finalisation and adoption of a draft Model Law on Leasing, held in Rome from 10 to 13 November 2008, inviting the UNIDROIT Secretariat to prepare an Official Commentary on the UNIDROIT Model Law on Leasing, adopted in Rome, at the conclusion of the Joint Session, on 13 November 2008, in close co-operation with the Reporter to the Joint Session, the Secretary to the Joint Session, the Chairman of the UNIDROIT Committee of governmental experts and members of the Drafting Committee of that Committee.

A first draft of the Official Commentary (UNIDROIT 2009 - Study LIXA - Doc. 19) was prepared by Mr R.M. DeKoven, Reporter to the Joint Session, and circulated by the UNIDROIT Secretariat among those invited to assist it in the preparation of the Official Commentary, for comment.

On the basis of an Article-by-Article chart of the comments submitted as of 25 May 2009 by the Chairmen of the UNIDROIT Committee of governmental experts and the Governments of Canada, France and the United States of America, as members of the Drafting Committee (UNIDROIT 2009 - Study LIXA - Doc. 21), the UNIDROIT Secretariat convened a meeting in Rome on 23 and 24 June 2009 of those invited to assist it in the preparation of the Official Commentary. This meeting was attended by Mr N.J. Makhubele (South Africa), as Chairman of the UNIDROIT Committee of governmental experts, and Ms M. Allouch and Ms C. Walsh (Canada), Mr E.M. Bey (France) and Messrs M.J. Dennis, H. Gabriel, W. Henning and S. Weise (United States of America). Mr M.J. Stanford, Deputy Secretary-General of UNIDROIT, was in the chair.

During the meeting it proved possible to reach agreement on the drafting of virtually all the Official Commentary. The finalisation of the same was left to the UNIDROIT Secretariat, which will be publishing the Official Commentary as soon as possible.

b. Promotion of the UNIDROIT Model Law

The Model Law was one of the subjects discussed at a conference, organised by the American Association of Private International Law, held in Isla Margarita, Venezuela, on 12 and 13 November 2009. A report on the Model Law was presented by Mr R. Castillo-Triana (Colombia), who participated in the development of the Model Law, both as a member of the UNIDROIT Advisory Board that prepared the initial draft and as a member of the Committee of governmental experts.

The Model Law was also discussed at a conference, organised by the Faculty of Law of Kafkaz University, held in Baku, Azerbaijan, from 12 to 14 November 2009. A report on the Model Law was presented by Ms R. Freeman (International Finance Corporation (I.F.C.)), who participated in the development of the Model Law, both as a member of the UNIDROIT Advisory Board and as one of the I.F.C.'s representatives on the Committee of governmental experts.

4. UNIDROIT Principles of International Commercial Contracts

a. Working Group for the preparation of Principles of International Commercial Contracts

The Working Group for the preparation of a third edition of the UNIDROIT Principles of International Commercial Contracts held its fourth session in Rome from 25 to 28 May 2009. The session was attended by Guido Alpa (Italy), Berhooz Akhlaghi (Iran), M. Joachim Bonell (UNIDROIT, Chairman of the Working Group), Samuel Kofi Date-Bah (Ghana), Benedicte Fauvarque-Cosson (France), Paul Finn (Australia), Marcel Fontaine (Belgium), Henry D. Gabriel (United States of America), Lauro Gama, Jr. (Brazil), Arthur Hartkamp (The Netherlands), Alexander Komarov (Russian Federation), Ole Lando (Denmark), Takashi Uchida (Japan), Pierre Widmer (Switzerland), Zhang Yuqing (China) and Reinhard Zimmermann (Germany). The session was also attended by the following Observers: Damos Agusman for the Government of Indonesia, Eckart Brödermann for the Space Law Committee of the International Bar Association, Christine Chappuis for the *Groupe de Travail Contrats Internationaux*, Changho Chung for the Government of the Republic of Korea, François Dessemontet for the Swiss Arbitration Association, Alejandro Garro for the New York City Bar, Attila Harmathy for the Arbitration Court of the Hungarian Chamber of Commerce and Industry, Emmanuel Jolivet for the ICC International Court of Arbitration, Pilar Perales Viscasillas for the National Law Center for Inter-American Free Trade, Marta Pertegás for the Hague Conference on Private International Law, Hilmar Raeschke-Kessler for the German Arbitration Institute and Giorgio Schiavoni for the Chamber of National and International Arbitration of Milan. The session was also attended by José Angelo Estrella Faria (Secretary-General of UNIDROIT) and Alessandra Zanobetti (Deputy Secretary-General of UNIDROIT). Paula Howarth (UNIDROIT) acted as Secretary to the Group.

The Working Group was seized of the revised draft Chapters on: Unwinding of Failed Contracts (UNIDROIT 2009 – Study L – Doc. 110) (Rapporteur: R. Zimmermann); Illegality (UNIDROIT 2008 – Study L – Doc. 111 (Rev.)) (Rapporteurs: M.J. Bonell, B. Fauvarque-Cosson, M. Fontaine, M. Furmston, R. Goode and R. Zimmermann; Comments by the UNIDROIT Secretariat); Plurality of

Obligors and/or Obligees (UNIDROIT 2008 – Study L – Doc. 112) (Rapporteur: M. Fontaine); Conditional Obligations (UNIDROIT 2008 – Study L – Doc. 113) (Rapporteur: B. Fauvarque-Cosson). The Group proceeded to an in depth examination of these draft Chapters and asked the Rapporteurs to revise them in the light of the discussion. The revised drafts will be submitted to the UNIDROIT Governing Council at its next session in early May 2010 together with a list of the most important and/or controversial issues on which the Council will be asked to express its views. They will then be transmitted to the Working Group for final consideration at its next and last session to be held from 24 to 28 May 2010.

The Working Group was also seized of the draft Chapter on Termination of Long Term Contracts for Just Cause (UNIDROIT 2007 – Study L – Doc. 109) containing revised draft rules with explanatory notes prepared by F. Dessemontet. After a brief discussion, the Working Group confirmed its great interest in the topic and expressed to the Rapporteur its deep appreciation for his excellent work. However, in view of the fact that this draft Chapter was still at a less refined stage than the others, the Working Group decided not to include it in the envisaged third edition of the Principles but to recommend the subject of termination of long term contracts for just cause for inclusion in a possible fourth edition of the Principles focusing on long term contracts in general.

b. Promotion of the UNIDROIT Principles

In the course of 2009 the UNIDROIT Principles were presented on a number of occasions to interested business and legal circles.

At the first meeting of the Advisory Board of the Study Group on “Swiss Law of Obligations and European Contract Law”, set up by Professors Claire Huguenin and Reto M. Hilty of the University of Zurich, held in Monte Verità (Switzerland) on 21-22 January, Professor M.J. Bonell, member of the Advisory Board, repeatedly referred to the UNIDROIT Principles as a possible source of inspiration for this important reform project.

On the occasion of the *III Seminario Internacional de Derecho Internacional Privado* held in Madrid at the Universidad Complutense on 5-6 February, Professor M.J. Bonell presented a paper “Dalla Convenzione di Vienna ai Principi UNIDROIT: Verso un diritto globale dei contratti commerciali internazionali”.

The UNIDROIT Principles were at the heart of two one-week master courses on international commercial contracts held by Professor M.J. Bonell in Paris in July and in Fribourg in November at the invitation of the *Fondation de droit continental* and the University of Fribourg, respectively.

On the occasion of an international conference on “A Common Frame of Reference for European Contract Law” held in Stockholm on 22 – 23 October at the invitation of the Swedish Minister for Justice, Professor Stefan Vogenauer (University of Oxford) presented a paper on “CFR and UNIDROIT Principles of International Commercial Contracts: Coexistence, Competition or Overkill of Soft-law?” followed by a panel discussion with the participation of Professors Hugh Beale, M.J. Bonell, Ole Lando, Leif Sevón, Matthias Storme and Friedrich Graf von Westphalen.

The Chinese-European Arbitration Center (CEAC), recently established in Hamburg and which is the first international arbitration institution specifically designed to resolve China-Europe trade disputes, has included in its Rules a Model Choice of Law Clause for possible adoption by the parties stating that “[...] *The contract shall be governed by a) the law of the jurisdiction of [country to be supplemented], or b) the United Nations Convention on Contracts for the International Sale of Goods of 1980 (CISG) without regard to any national reservation, supplemented for matters which are not governed by the CISG, by the UNIDROIT Principles of International Commercial Contracts and these supplemented by the otherwise applicable national law, or c) the UNIDROIT Principles of International Commercial Contracts supplemented by the otherwise applicable law. In the absence of any such agreement, the Arbitration Tribunal shall apply the rules of law which it determines to be appropriate.*”

c. Different language versions of the UNIDROIT Principles

In addition to the already existing Chinese, English, Farsi, French, Korean, Italian, Romanian, Russian, Spanish and Vietnamese versions of the integral version of the 2004 Edition of the UNIDROIT Principles, in 2009 also an Arabic and a Portuguese version were published.

d. UNILEX

Monitoring of the use in practice of the UNIDROIT Principles continues on a systematic basis. On 31 December 2009, UNILEX, the database of international caselaw and bibliography on the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UNIDROIT Principles <<http://www.unilex.info>> contained 153 arbitral awards and 70 court decisions referring in one way or another to the Principles, while the bibliographic references were more than 800.

B. FOLLOW-UP OF INSTRUMENTS ADOPTED BY UNIDROIT

The Secretariat continued to do its utmost, in 2009, to promote the UNIDROIT Conventions by presenting them at conferences or by publishing articles focussing on them.

Annexe II provides an overview of the instruments drawn up by UNIDROIT as well as the state of implementation of Conventions prepared by UNIDROIT and approved by diplomatic Conferences convened by UNIDROIT member States. For the implementation of instruments based on work conducted within UNIDROIT see Annexe III.

1. International Interests in Mobile Equipment

a. Cape Town Convention / Aircraft Protocol

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(1) of the Aircraft Protocol), which both entered into force on 1 March 2006. As at 31 December 2009, there were 32 Contracting States to the Convention and 29 Contracting States to the Aircraft Protocol.

Between 1 January 2009 and 31 December 2009, the following 5 States and Regional Economic Integration Organisations deposited their instruments of ratification or accession to the Convention and Aircraft Protocol: China, Cuba, European Community, Singapore and the United Republic of Tanzania. Also during that period, Kazakhstan deposited its instrument of accession to the Convention (only).

The UNIDROIT Secretariat conducted expert consultations on the Cape Town Convention and Aircraft Protocol to visiting delegations from the Russian Federation (May 2009) and the Republic of Latvia (September 2009).

On 26 November 2009 UNIDROIT hosted a seminar on the Cape Town Convention and Aircraft Protocol for the Governments of Member States of the European Community.

The Secretary General spoke at a Participatory Regional Seminar on the Cape Town Convention & Aircraft Protocol, held in Singapore on 17 and 18 November 2009, which was hosted by the Civil Aviation Authority of Singapore in cooperation with UNIDROIT and the International Civil Aviation Organization (ICAO).

b. Luxembourg Rail Protocol

UNIDROIT has been designated as the Depositary to the Luxembourg Protocol (pursuant to Article XXXIV(1)). The Luxembourg Protocol was adopted on 23 February 2007 at a diplomatic Conference held in Luxembourg, has 4 Signatory States, and has not yet entered into force.

A Preparatory Commission was established by Resolution of the Luxembourg diplomatic Conference in order to prepare the International Registry under the Luxembourg Protocol. The Preparatory Commission met on 1 and 2 October 2009 and agreed on a process that would lead

to the establishment of the International Registry and the appointment of a Registrar, following the inability to conclude contract negotiations with an entity that had previously been involved in negotiations with the Preparatory Commission.

On February 25, 2010, at the UNIDROIT headquarters, there will be a one-day information session on the Luxembourg Protocol to the Cape Town Convention on International Interests in Mobile Equipment and the International Rail Registry to be created under that Protocol. The purpose of the information session will be to provide information to persons and entities who may wish to be selected as the Registrar of the International Rail Registry.

2. International protection of cultural property

On 31 December 2009, there were 30 Contracting States of the *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects* (cf. Annexe II), Panama having acceded to the Convention in June 2009. Denmark, Ireland and Sweden have officially announced their decision to accede to the Convention. Ratification or accession procedures are in progress in other countries.

Interest in the 1995 UNIDROIT Convention has revived over the past three years or so, not least owing to the upsurge in trafficking in cultural objects, and the UNIDROIT Secretariat is increasingly called upon in this regard. The Secretariat has, within the limits of its meagre budgetary resources and with the financial assistance of the organisers, pursued its efforts to publicise the instrument by participating – directly or otherwise – in a range of events organised to consider it, in particular:

- Conference organised by the Europae Archaeological Consilium and the Parliamentary Assembly of the Council of Europe entitled “Who steals our Past? Europe’s Archaeological Heritage under Threat” – Strasbourg, 11 and 12 March 2009;
 - 15th session of the UNESCO’s Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation – Paris, 11 to 13 May 2009;
 - Legal training course on the protection of the cultural heritage for African countries, organised by the CoESPU (Center of Excellence for the Stability Police Units) and UNESCO - Vicenza, 15 to 26 June 2009;
 - International Conference on “Governance of Cultural Property: Preservation and Recovery” organised by the Basel Institute on Governance - Basel, 29 to 30 September 2009;
 - Regional workshop on “Protection of religious cultural objects in South America and Caribbean”, organised by UNESCO - Mexico City, 29 September to 1 October 2009;
 - 2nd Panafrican Cultural Congress on “Inventory, Protection and Promotion of African Goods” organised by the African Union - Addis Abeba, 9 to 11 November 2009;
- Sub-regional seminar on “Strengthening the legislative and institutional framework – Protection of collections – Illicit traffic” organised by UNESCO’s Lebanese Bureau and EUROMED Heritage – Beirut, 9 to 11 November 2009;
- Open-ended Intergovernmental Expert Group Meeting on the Protection against Trafficking in Cultural Property, organised by the United Nations Office on Drugs and Crime (UNODC) – Vienna, 23 to 26 November 2009;
 - Regional workshop on legal measures for the prevention and fighting against illicit trafficking in cultural objects, organised by the Istituto Italo-Latina Americano (IILA) - Buenos Aires, 30 November to 4 December 2009;
 - International meeting on illicit traffic in cultural objects organised by the Italian Ministry of Culture during the Italian presidency of the G8 – Rome, 16 and 17 December 2009.

All such occasions provide an opportunity for the Secretariat to establish or restore relations with the representatives of member and non-member States, to introduce them to the Convention, and to assist them in starting ratification or accession procedures. All the above events resulted in recommendations inviting States to accede to the 1995 UNIDROIT Convention.

At the 15th session of the UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (Paris, May 2009), the Committee decided to "*request the Secretariats of UNESCO and UNIDROIT to create a committee of independent experts who will be charged with the task of preparing a model law that defines States' property rights, particularly those regarding archaeological heritage, that could assist in the drafting of national laws and encourage uniform terminology, considering not only legal aspects, but also ethical, philosophical and historical aspects; and asks that the committee of experts report on its work at the next session*". The Governing Council of UNIDROIT agreed in principle to collaborate with UNESCO – in a manner the details of which still had to be decided – in preparing an instrument to facilitate both the application of the 1970 UNESCO Convention and the 1995 UNIDROIT Convention and their ratification by as many States as possible.

3. *Franchising*

In March 2009 an agreement was entered into with Professor Young-Hong Choi of Korea University Law School granting Professor Choi permission to translate the *Guide* into Korean and to make arrangements for its publication.

UNIDROIT was represented at the 2009 Annual Meeting of the International Distribution Institute with attached conference on "Critical Issues in International Distribution" (Barcelona, 12 - 13 June 2009). At the conference it presented a paper on "Key Elements of Master Franchise Agreements -The *UNIDROIT Guide to International Master Franchise Arrangements*. How to structure a master franchise agreement. The main issues to consider when drafting the agreement."

4. *Principles of Transnational Civil Procedure*

The volume reproducing the text of the ALI/UNIDROIT Principles of Transnational Civil Procedure, as well as the text of the ALI Rules and comments, published in English by the Cambridge University Press, is now being translated into several other languages (the text of the Principles is available on the UNIDROIT Internet website in Chinese, German, Japanese and Turkish). The Persian language version of the whole volume was published in December 2008 and the Russian and Spanish versions are under preparation.

III. LEGAL CO-OPERATION PROGRAMME AND NON-LEGISLATIVE ACTIVITIES

A. LEGAL CO-OPERATION PROGRAMME

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 *supra* for details.

1. *Co-operation with partner organisations*

The UNIDROIT Secretariat maintains close institutional links with a large number of organisations, of both universal and regional scope. This includes the exchange of information as well as consultations on issues of common interest, in the framework, notably, of the Institute's legislative activities (see *supra*).

2. *Research Scholarships Programme*

First launched in 1993, the Research Scholarships Programme has to date enabled 200 researchers from 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 2009, donations were received from the *UK Foundation for International Uniform Law* and the Government of the Republic of Korea, from the Secretary-General of UNIDROIT, and from the members of the UNIDROIT Governing Council. The Legal Co-operation chapter of UNIDROIT's general budget thus part-financed several scholarships, topped up by funds from other sources identified by the researchers themselves – either private or public institutions in the scholars' countries of origin or personal funds. The funds received have been allocated to study periods in 2009 or are earmarked for scholarships to be taken up in 2010.

Eight (8) researchers were hosted in 2009 in accordance with the decision taken by the Scholarships Sub-committee of the Governing Council at its 2007 and 2008 sessions. Beneficiaries of the Programme in 2009 were:

Mr Alexis Rodrigo LABORIAS (Argentina), Professor, Universidad Argentina de la Empresa (UADE), Buenos Aires – Research on "Enterprises and Immunity from Enforcement by Foreign States" (March – April); joint UADE/UNIDROIT scholarship

Mr LONG Weidi (People's Republic of China), PhD Candidate, Wuhan University Law School – Research on: "International Contract Law in the Chinese Context" (May – June); UNIDROIT scholarship

Mr Serigne Modou DIAKHATE (Senegal), Deputy Director of Civil Affairs and Justice, Justice Ministry, Senegal – Research on: "Civil and commercial aspects of the fight against economic and financial crime with a view to harmonisation within the West African Economic and Monetary Union" (June); UNIDROIT scholarship

Ms Felicia-Catalina ROSIORU (Roumania), Lawyer; Teaching Assistant and PhD candidate at the Law Faculty, University Babes-Bolyai – Research on: “The impact of depreciation on restitution under private law” (Sept.-Oct.); partial UNIDROIT scholarship

Ms Basak BASOGLU (Turkey), Teaching Assistant and PhD candidate at the Institute of Social Sciences (private law), Bilgi University, Istanbul – Research on “A comparative study on specific performance under the UNIDROIT Principles, the Principles of European Contract Law and the CISG” (Sept.-Oct.); partial scholarship donated by the Secretary-General of UNIDROIT

Mr Ghislain BAMUANGAYI (Democratic Republic of Congo), Lawyer (Kinshasa); Masters 2 (in progress) in African Community law (Institute of Community Law, Abidjan – IDC) – Research on: “A comparative study of the application by the courts of European law and OHADA law concerning the transport of ores by road”; (Sept.-Oct.); joint UNIDROIT and ICC scholarship

Mr CHI Manjiao (People’s Republic of China), Assistant Professor of international law, Xiamen University School of Law – Research on: “The Standard for Contract Performance: a Comparative Study between Chinese Contract Law and the UNIDROIT Principles” (Dec.-Jan. 2010); UNIDROIT scholarship.

3. Collaborators, interns and researchers

Interns contributed to the Secretariat’s work on the UNILAW data base (see *infra*, UNILAW Database). The subsequent persons undertook their internship on the UNILEX data base: Ms Miriana BELHADJ (France), Mr Nilesh SINHA (India), Mr Paolo MACCHI (Italy), Ms Heejeong CHEUNG (Korea), Ms Maayke ROOIJENDIJK (Netherlands), Mr Filip Balcerzak, Ms Ewelina WETRYS (Poland), Mr Jack Brecht (USA).

The following visitors will have carried out their internship or personal research in the UNIDROIT Library making use of its documentation during 2009: Dr Bruno ZELLER (Australia), Mr Karel DOGUE (Benin), Ms Evy Cynthia MARQUES (Brazil), Mr Alexis Ndzuenkeu (Cameroon), Mr Zdeněk Nový (Czech Republic), Ms Agnes Pillet-Claude, Ms Margot CHABANNES (France), Ms Miriam PARMENTIER (Germany), Mr Peter BUZAS (Hungary), Ms Celia FASSBERG (Israel), Ms Monica Di Monte, Mr Giuseppe MAZZIOTTI, Ms Roberta MARRA, Ms Chiara MARENGHI, Ms Enrica ADAMO (Italy), Mr Brian Ikol ADUNGO, Ms Cynthia OLOTCH (Kenya), Ms Laura LIUBERTAITE (Lithuania), Mr Luis Antonio Carneiro Ferreira Leça (Portugal), Mr Vsevolod BAIBAK, Mr Andrey MEDVEDEV, Ms Yulia GRUZDEVA (Russian Federation), Ms Daria TOLKACHOVA, Ms Dana DURECHOVA (Slovakia), Ms Rosa Isern SALVAT, Ms Blanca TORRUBIA, Ms Aura Esther Vilalta NICUESA, Mr Jaume Martí MIRAVALLS (Spain), Mr Kaspar R. LANG, Dr Michel Heinzmann (Switzerland), Mr Mert ELCIN (Turkey), Ms Lauren SILVER (USA), Mr Le Ngoc Thang (Viet Nam), Ms Syrine AYADI (Tunisia).

B. UNILAW DATABASE

In the course of 2009 work on the database continued. On the one hand work aimed at the completion of the structure of the database with issues, keywords and subjects being prepared for as many of the instruments contained in the database as possible. In addition, at its 88th session the Governing Council adopted a proposal launched at the 10th meeting of the Board of Governors of the *Uniform Law Foundation* and endorsed by that body. This proposal entailed the insertion in the UNILAW database of links to international instruments not to be given full treatment in the database but which a user of the database might be interested in having access to. This double approach, of some instruments being given full treatment with case law and bibliographic references and a far greater number being accessed by means of links only, is intended to transform the UNILAW database into a *Gateway to Uniform Law* of great utility above all to users from developing countries.

The Secretariat gratefully acknowledges the assistance of interns: Ms Heejeong Cheung of the Korea University Law School (Seoul, Republic of Korea), Ms Roberta Marra, University of Lecce (Italy), Mr Erik Sapin, American University, Washington College of Law (USA) and Ms Eva Schmitt, University of Freiburg (Germany). Of these four, two began their internship as an externship

working for the database at their universities or homes. Ms Cheung retrieved Korean cases on the 1929 Warsaw Convention for which she prepared cases summaries and also prepared a draft summary of the Korean Judicial System, and Ms Marra retrieved the internet URL for the great majority of instruments to which links will be made from the UNILAW database. Mr Sapin worked only at a distance and Ms Schmitt worked in the Library for one month (September/October 2009). Ms Marra is scheduled to spend a few months in the UNIDROIT Library starting October 2009 and Ms Cheung will be joining the Institute for a period of two months in January 2010.

C. UNIDROIT ON INTERNET – 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 2009. 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 since 1995 have been posted on the Institute's website. They include the Annual Reports, 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.

A major addition to the web site in 2009 was the preparatory work leading up to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995) carried out from 1986 to 1995.

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 instruments (conventions, model laws, principles and guides prepared under the auspices of UNIDROIT);
- ▶ UNIDROIT documents contained in the *UNIDROIT Proceedings and Papers* series from 1995 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 as well as an on-line consolidated index since 1974;
- ▶ A list of Depository Libraries for UNIDROIT documentation with links to the websites of those libraries;
- ▶ Links to the UNILAW and UNILEX databases as well as to the on-line catalogue of the UNIDROIT Library;
- ▶ A section "Legal Cooperation and Research Scholarships" introducing the Institute's activities in the field of legal cooperation (providing the technical assistance States may need in implementing or using UNIDROIT instruments) and its Research Scholarships Programme;
- ▶ Information on internships and secondments;
- ▶ An area reserved to Governing Council members;
- ▶ An area reserved to Governments of member States.

D. DEPOSITORY LIBRARIES FOR UNIDROIT DOCUMENTATION

To date, 50 libraries in 44 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 Annexe IV.

E. UNIDROIT LIBRARY

In 2009, the integrated library system, the Aleph 500 software, was upgraded to the new Aleph 500 20.1 version. There were no additional costs involved in this operation. The software was customized to satisfy the particular needs of the UNIDROIT Library relative to cataloguing and library administration. The Library's work flow is now even more efficient, rapid and transparent. Though the new version is very similar to the old one, the UNIDROIT Library staff had to be instructed to use the upgraded library system to full capacity.

The UNIDROIT Library homepage was upgraded, and the translations in Italian and French language for the new search options and library services on the OPAC (Online Public Access Catalogue) were integrated in the interface.

In 2009, the work on the authority database for corporations was continued. The database contains more than 160000 entries for corporate names, and is also used by external Italian and foreign libraries as a reference tool for corporate authority control.

The UNIDROIT Library in 2009 has become a member of the Common Union Network (GBV Common Library Network of the German States Bremen, Hamburg, Mecklenburg-Vorpommern, Niedersachsen, Sachsen-Anhalt, Schleswig-Holstein, Thüringen and the Foundation of Prussian Cultural Heritage), Germany, and has access to a variety of different databases with order facilities for Inter Library Loan (ILL), International Interlibrary Loan, and Document Delivery subito.

In 2009, the Library's holdings increased by 1360 titles, 620 were purchased, 260 obtained on an exchange basis for a total value of € 16.400, and 480 other titles were received as a gift for a total value of € 24.000. 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 1405 visitors of the Library as of 31 December 2009, the 52 foreign guests came from 27 different countries.

F. PUBLICATIONS

1. *Uniform Law Review*

Mr José Angelo Estrella Faria became Editor-in-Chief of the Uniform Law Review upon his taking office as Secretary-General of UNIDROIT in October 2008. Professor Alessandra Zanobetti joined the editorial staff in 2009 as co-Editor-in-Chief, whilst Ms Lena Peters was appointed Associate Editor-in-Chief. 2009 saw the publication of a double issue, 2009-1/2, which offered all the usual sections including a particularly well-filled Articles section. Issue 2009-3 featured, among other things, a mini-focus on the new UNIDROIT Model Law on Leasing as well as a Synoptical Table comparing the UNIDROIT Principles of International Commercial Contracts with the new Draft Common Frame of Reference. Issue 2009-4 will contain a selection of articles dealing with the

new United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the “Rotterdam Rules”), the text of which was reproduced in ULR issue 2009-1/2.

2. Other publications

A cumulative edition of UNIDROIT Proceedings and Papers (1997-2008) was prepared on CD-Rom and supplied free of charge to the Depository Libraries for UNIDROIT documentation and to the members of the Governing Council.

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

In 2009 UNIDROIT benefited from the financial assistance of the Uniform Law Foundation, the UK Foundation for International Uniform Law and the American Foundation for International Uniform Law.

The budget for 2009 approved by the Board of Governors of the *Uniform Law Foundation* provided for € 5,000.00 for modifications to the UNILAW database site, € 20,100.00 for the salary of an assistant to work on the UNILAW database, € 12,100.00 for three internships for the database for three months each, € 5,000.00 as compensation for the time devoted to the Foundation by Ms Peters and € 10,000.00 for the Library. The *UK Foundation for International Uniform Law* donated € 5,837.71 for a scholarship and € 16,041.07 as a contribution towards a research fellowship of a young lawyer who is working together with Mr Stanford on the preliminary draft Space Protocol to the *2001 Cape Town Convention on International Interests in Mobile Equipment*. The *American Foundation for International Uniform Law* also contributed to that fellowship with a sum of € 16,900.00.

ANNEXE I

**LIST OF THE DOCUMENTS PUBLISHED BY THE UNIDROIT SECRETARIAT IN 2009
ON THE IMPLEMENTATION OF ITS WORK PROGRAMME**

The following documents relating to the implementation of the Institute's Work Programme were published in 2009, in English and French unless otherwise stated:

Study L – PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS

***Working Group for the preparation of Principles of International Commercial Contracts:
Drafting Committee (Second session, Hamburg, 2 – 5 March 2009)***

W.P. 19 – Draft Chapter on Plurality of Obligors and/or Obligees by Professor Marcel Fontaine, Emeritus at the Catholic University of Louvain Law School (English only)

W.P. 20 – Draft Chapter on Unwinding of Failed Contracts by Professor Reinhard Zimmermann, Director at the Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (English only)

W.P. 21 – Draft Chapter on Illegality by Professor Michael Furmston, Emeritus at the University of Bristol (English only)

W.P. 22 – Draft Chapter on Conditional Obligations by Professor Bénédicte Fauvarque-Cosson, Université Panthéon-Assas Paris II (English only)

W.P. 23 – Minutes of the Meeting of the Drafting Committee (Hamburg, 2 – 5 March 2009) (English only)

***Working Group for the preparation of Principles of International Commercial Contracts.
Fourth session, Rome, 25 – 28 May 2009***

Doc. 109 – Draft Chapter on Termination of Long Term Contracts for Just Cause. Revised draft rules with explanatory notes prepared by Professor François Dessemontet in the light of the discussions of the Working Group at its 3rd session held in Rome, 26-29 May 2008 (English only)

Doc. 110 – Draft Chapter on Unwinding of Failed Contracts. Revised draft rules with Comments prepared by Professor Reinhard Zimmermann in the light of the discussions of the Working Group at its 3rd session held in Rome, 26-29 May 2008 (English only)

Doc. 111 (Rev.) – Draft Chapter on Illegality. Revised draft rules prepared by Professors M.J. Bonell, B. Fauvarque-Cosson, M. Fontaine, M. Furmston, R. Goode and R. Zimmerman in the light of the discussions of the Working Group at its 3rd session held in Rome, 26-29 May 2008. Comments prepared by the UNIDROIT Secretariat (English only)

Doc. 112 – Draft Chapter on Plurality of Obligors and/or Obligees. Contracts. Revised draft rules with Comments prepared by Professor Marcel Fontaine in the light of the discussions of the Working Group at its 3rd session held in Rome, 26-29 May 2008

Doc. 113 – Draft Chapter on Conditional Obligations. Revised draft rules with Comments prepared by Professor Bénédicte Fauvarque-Cosson in the light of the discussions of the Working Group at its 3rd session held in Rome, 26-29 May 2008

Misc. 29 – Summary Records of the 4th session of the Working Group (25 – 28 May 2009) (prepared by the Secretariat of UNIDROIT)

**Working Group for the preparation of Principles of International Commercial Contracts:
Drafting Committee (Third session, Hamburg, 25 – 28 January 2010)**

W.P. 24 - Article 1.4 (*Mandatory Rules*) Revised Comments by Professor Michael Joachim Bonell, Consultant, UNIDROIT

W.P. 25 - Draft [Chapter][Section] on [Illegality][Infringement of Mandatory Rules] by Professor Michael Joachim Bonell, Consultant, UNIDROIT

W.P. 25 Add. - Draft [Chapter][Section] on [Illegality][Infringement of Mandatory Rules] A Reporter's Note by Professor Michael Joachim Bonell, Consultant, UNIDROIT

W.P. 26 - Draft Chapter on Plurality of Obligors and/or Obligees by Professor Marcel Fontaine Emeritus at the Catholic University of Louvain Law School

W.P. 27 - Draft Rules on Restitution by Professor Reinhard Zimmermann, Director at the Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg

W.P. 28 - Draft Chapter on Conditional Obligations by Professor Bénédicte Fauvarque-Cosson Université Panthéon-Assas Paris II

STUDY LIXA – MODEL LAW ON LEASING

Doc. 18 – Resolution passed in Rome on 13 November 2008 by the Joint Session of the UNIDROIT General Assembly and the UNIDROIT Committee of governmental experts for the finalisation and adoption of a draft model law on leasing

Doc. 19 – UNIDROIT Model Law on Leasing - First draft of an Official Commentary of the UNIDROIT General Assembly and the UNIDROIT Committee of governmental experts for the finalisation and adoption of a draft model law on leasing

Doc. 20 – First draft of an Official Commentary (prepared by Mr R.M. DeKoven, Reporter to the Joint Session): Comments (by the Chairmen of the Committee of governmental experts and the Governments of Canada, France and the United States of America, as members of the Drafting Committee of the Committee of governmental experts)

Doc. 21 – First draft of an Official Commentary (prepared by Mr R.M. DeKoven, Reporter to the Joint Session): Article-by-Article chart of the comments (submitted by the Chairmen of the Committee of governmental experts and the Governments of Canada, France and the United States of America, as members of the Drafting Committee of the Committee of governmental experts)

Doc. 22 – First draft of an Official Commentary (prepared by Mr R.M. DeKoven, Reporter to the Joint Session): Proposed drafting amendments (by the Government of Canada)

STUDY LXV – LEGAL COOPERATION PROGRAMME

Scholarships: Impl. 20 rev. – Research Scholarships Programme – Implementation report for the financial year 2008

STUDY LXXIIJ – INTERNATIONAL INTERESTS IN SPACE PROPERTY

Doc. 16 – Steering Committee to build consensus around the provisional conclusions reached by the Government/industry meeting regarding the preliminary draft Space Assets Protocol held in New York on 19 and 20 June 2007, Sub-committee on public service, Paris, 13 May 2009. Summary report (prepared by the UNIDROIT Secretariat) (English only)

Doc. 17 – Steering Committee to build consensus around the provisional conclusions reached by the Government/industry meeting regarding the preliminary draft Space Assets Protocol held in New York on 19 and 20 June 2007 Second meeting, Paris, 14/15 May 2009. Summary report (prepared by the UNIDROIT Secretariat) (English only)

UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets: *Sub-Committee to examine certain aspects of the future international registration system for space assets (First meeting, Rome, 26/27 October 2009)*

C.G.E./Space Pr./S.C.I.R.S./W.P. 1 - Draft agenda (prepared by the UNIDROIT Secretariat) (English only)

C.G.E./Space Pr./S.C.I.R.S./W.P. 2 - Introductory note (prepared by the UNIDROIT Secretariat) (English only)

C.G.E./Space Pr./S.C.I.R.S./W.P. 3 - Preliminary analysis of the responses received as of 19 October 2009 to the questionnaire on suitable identification criteria for the new categories of space asset referred to in Article I(2)(k) of the alternative text of the preliminary draft Space Protocol implementing the policy recommendations of the UNIDROIT Steering Committee, prepared by Professor Sir Roy Goode (United Kingdom) and Mr J.M. Deschamps (Canada) (prepared by the UNIDROIT Secretariat) (English only)

UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (Third session, Rome, 7/11 December 2009)

C.G.E./Space Pr./3/W.P. 1 rev. - Revised draft agenda (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 2 rev. - Revised explanatory note on the background to, and the draft agenda for the session (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 3 - Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001)

C.G.E./Space Pr./3/W.P. 4 - Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001): preliminary draft Protocol on Matters specific to Space Assets (as revised by the UNIDROIT Committee of governmental experts for the preparation of a draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets during its first session, held in Rome from 15 to 19 December 2003)

C.G.E./Space Pr./3/W.P. 5 rev. - Alternative text of the preliminary draft Space Protocol as prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts. Explanatory memorandum on provisions of the alternative text implementing policy issues referred to and examined by the Steering Committee, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada)

C.G.E./Space Pr./3/W.P. 6 rev. - Comparative table of the text of the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts during its first session (UNIDROIT 2009 C.G.E. Space Pr./3/W.P. 4)) and the alternative text of the preliminary draft Protocol implementing the conclusions reached by the Steering Committee on those policy issues referred to intersessional work by the Committee of governmental experts at its second session (prepared, at the request of the Steering Committee, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada) (UNIDROIT 2009 C.G.E. Space Pr./3/W.P. 5 rev.)) (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 8 rev. - Alternative text of the preliminary draft Space Protocol incorporating technical amendments, for presentation to the Committee of governmental experts. Explanatory memorandum on technical amendments in the alternative text, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada)

C.G.E./Space Pr./3/W.P. 9 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments and proposals submitted by Governments, Organisations and the international commercial space, financial and insurance communities

C.G.E./Space Pr./3/W.P. 10 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments and proposal on Article 1(2)(k) of the alternative text submitted by Mr S. Kozuka (Sophia University, Tokyo)

C.G.E./Space Pr./3/W.P. 11 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments on the alternative text submitted by the Government of the People's Republic of China

C.G.E./Space Pr./3/W.P. 12 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments submitted by the Government of the United Kingdom

C.G.E./Space Pr./3/W.P. 13 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments submitted by the Government of Canada

C.G.E./Space Pr./3/W.P. 14 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments submitted by the Government of the Sudan

C.G.E./Space Pr./3/W.P. 15 - Summary Report for 7 December 2009 (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 16 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Statement (made by the International Telecommunication Union (I.T.U.))

C.G.E./Space Pr./3/W.P. 17 - Summary Report for 8 December 2009 (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 18 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Position Paper (submitted by the National Space Agency of Ukraine)

C.G.E./Space Pr./3/W.P. 19 - Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets (as revised by the Committee of governmental experts at its first session (Rome, 15/19 December 2003)) and alternative text of the preliminary draft Protocol, implementing policy issues referred to and examined by the Steering Committee (prepared, at the request of the Steering Committee, for presentation to the Committee of governmental experts, by Professor Sir Roy Goode (United Kingdom) and Mr Michel Deschamps (Canada): Comments on the alternative text (submitted by Intelsat and SES)

C.G.E./Space Pr./3/W.P. 20 rev. - Report of the Drafting Committee

C.G.E./Space Pr./3/W.P. 21 - Summary Report for 9 December 2009 (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 22 - Summary Report for 10 December 2009 (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 23 - Report on the work of the Informal Working Group on limitations on remedies (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 24 - Report on the work of the Informal Working Group on default remedies in relation to components (prepared by the UNIDROIT Secretariat)

C.G.E./Space Pr./3/W.P. 25 - Summary Report for 11 December 2009

C.G.E./Space Pr./3/W.P. 26 - Summary Report for 11 December 2009 (afternoon)

C.G.E./Space Pr./3/Report - Report (prepared by the UNIDROIT Secretariat)

STUDY LXXVIII – TRANSACTIONS ON TRANSNATIONAL AND CONNECTED CAPITAL MARKETS

Final session of the UNIDROIT diplomatic Conference to Adopt a Convention on Substantive Rules regarding Intermediated Securities, Geneva, 5-9 October 2009 (CONF. 11/2)

Doc. 1 - Annotated provisional agenda

Doc. 2 - Provisional rules of procedure

Doc. 3 - Final Act of the first session of the diplomatic Conference to Adopt a Convention on Substantive Rules regarding Intermediated Securities held under the auspices of the International Institute for the Unification of Private Law in Geneva from 1 to 12 September 2008

Doc. 4 - Draft Convention on Substantive Rules regarding Intermediated Securities

Doc. 5 - Draft Official Commentary on the draft Convention on Substantive Rules regarding Intermediated Securities

- Doc. 6 Corr. – Doc. 6 Corr. 2 – Memorandum regarding suggestions for revision of the text of the draft Convention (submitted by the Editors of the draft Official Commentary)
- Doc. 7 - Comments (submitted by EuropeanIssuers)
- Doc. 8 - Comments (submitted by the Government of France) [modified on September 9th 2009 because of a clerical error in the title of paragraph 3.1 of the document]
- Doc. 9 - Comments (submitted by the Government of Spain)
- Doc. 10 - Comments (submitted by the Government of the United Kingdom)
- Doc. 11 - Comments (submitted by the Government of the Federal Republic of Germany)
- Doc. 12 - Comments (submitted by the Government of Luxembourg)
- Doc. 13 - Comments (submitted by the Government of Poland)
- Doc. 14 - Comments (submitted by the European Banking Federation)
- Doc. 15 - Comments (submitted by UNCITRAL)
- Doc. 15 Add. – Comments (submitted by UNCITRAL)
- Doc. 16 - Comments (submitted by the Government of Italy)
- Doc. 17 - Comments (submitted by the Government of the Federative Republic of Brazil)
- Doc. 18 - Comments (submitted by the European Commission)
- Doc. 19 - Comments (submitted by the Government of Austria)
- Doc. 20 - Comments (submitted by the Government of Nigeria)
- Doc. 21 - Comments on Chapter VII - Final Provisions (submitted by the UNIDROIT Secretariat)
- Doc. 22 - Report of the meeting of the Filtering Committee, Rome, 18 and 19 September 2009
- Doc. 23 - Comments (submitted by the United States of America)
- Doc. 24 - Comments (submitted by the Government of the Federal Republic of Germany)
- Doc. 25 - Proposal on the Preamble, Articles 10, 15, 24(1) and 28(1) and (2) (submitted by the Member States of the European Community, and the European Community itself, and supported by the European Central Bank)
- Doc. 26 - Proposal on Articles 8 and 29 (submitted by the EuropeanIssuers and the Association of Global Custodians)
- Doc. 27 - Summary of the decisions taken on 5 October 2009
- Doc. 28 - Comments on Article 29(2) (submitted by the Association of Global Custodians)
- Doc. 29 - Summary of the decisions taken on 6 October 2009
- Doc. 30 - Outline of the modifications proposed by the Informal Working Group on Insolvency (chaired by Switzerland)

Doc. 31 - Interim Report of the Final Clauses Committee (submitted by the Chairman of the Final Clauses Committee)

Doc. 32 - Summary of the decisions taken on 7 October 2009

Doc. 33 Corr. - Draft Final Act

Doc. 34 - Report by the Drafting Committee (presented by the Chairman of the Drafting Committee)

Doc. 35 - Report of the Final Clauses Committee (submitted by the Chairman of the Final Clauses Committee)

Doc. 36 - Resolution XX (submitted by the Governments of Japan and the United States of America)

Doc. 36 Rev. - Resolution XX (submitted by the Governments of Japan and the United States of America)

Doc. 37 - Report of the Credentials Committee to the Conference (presented by the Chairman of the Credentials Committee)

Doc. 38 - Draft Resolution relating to activities to support promotion of the entry into force and implementation of the Convention (submitted by the delegations of Brazil, Cameroon, Egypt, Nigeria, South Africa and the United States of America)

Doc. 39 - Summary of the decisions taken on 8 October 2009

Doc. 40 - Report of the Commission of the Whole to the Conference (presented by the President of the Commission of the Whole)

Doc. 41 - Final Act

Doc. 42 - UNIDROIT Convention on Substantive Rules for Intermediated Securities

Doc. 43 - Summary of the decisions taken on 9 October 2009

**INSTRUMENTS DRAWN UP BY UNIDROIT /
INSTRUMENTS ELABORES PAR 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 (LUFV)* *
- 1970 International Convention on the Travel Contracts (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*
- 2008 UNIDROIT Model law on Leasing / *Loi type d'UNIDROIT sur la location et la location-financement*
- 2009 UNIDROIT Convention on Substantive Rules for Intermediated Securities / *Convention d'UNIDROIT sur les règles matérielles relatives aux titres intermédiaires*

* The ULIS and ULFIS Conventions have been denounced by Belgium, Germany, Italy, Luxembourg and the Netherlands. Under the 1969 Vienna Convention on the Law of Treaties they have not ceased to exist and they are still in force between Gambia, Israel, San Marino and the United Kingdom / *Les Conventions LUVI et LUFV ont été dénoncées par l'Allemagne, la Belgique, l'Italie, le Luxembourg et les Pays-Bas. En vertu de la Convention de Vienne sur le droit des traités de 1969, elles n'ont pas cessé d'exister et restent en vigueur entre la Gambie, Israël, Saint-Marin et le Royaume-Uni.*

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 PREPAREES PAR UNIDROIT ET APPROUVEES
A DES CONFERENCES DIPLOMATIQUES CONVOQUEES PAR DES ETATS MEMBRES D'UNIDROIT

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: 24-02-1976
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	-	14-01-10
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	-	-	-	-
Portugal	23-04-70	-	-	-	-
San Marino / <i>Saint Marin</i>	23-04-70	16-04-09	16-07-09	R: Art. 40(1)(a)	-
Togo	25-03-71	24-11-75	24-02-76	-	-

(*) Based on information available to the Secretariat as of 31 December 2009 / *Ce document est basé sur les informations dont dispose le Secrétariat au 31 décembre 2009.*

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 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	-
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	-

* 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.*

** 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 / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE/ENTREE EN VIGUEUR	DECL. OF RESERV. DECL. OU RESERVES	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. OF 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 / ETAT	SIGNATURE	RATIFICATION / ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECLARATIONS
Afghanistan	-	23-09-05	01-03-06	Art. 16
Argentina / <i>Argentine</i>	-	03-08-01	01-02-02	Art. 16
Azerbaijan / <i>Azerbaïdjan</i>	-	06-06-03	01-12-03	Art. 16
Bolivia / <i>Bolivie</i>	29-06-96	13-04-99	01-10-99	Art. 16
Brazil / <i>Brésil</i>	-	23-03-99	01-09-99	Art. 16
Burkina Faso	24-06-95	-	-	-
Cambodia / <i>Cambodge</i>	24-06-95	11-07-02	01-01-03	Arts. 3(5), 16
China / <i>Chine</i>	-	07-05-97	01-07-98	Arts. 3(5), 16
Côte d'Ivoire	24-06-95	-	-	-
Croatia / <i>Croatie</i>	24-06-95	20-09-00	01-03-01	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	Art. 16
Finland / <i>Finlande</i>	01-12-95	14-06-99	01-12-99	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	Arts. 3(5), 13(3), 16
Guinea / <i>Guinée</i>	24-06-95	-	-	-
Guatemala	-	03-09-03	01-03-04	Arts. 3(5), 16
Hungary / <i>Hongrie</i>	24-06-95	08-05-98	01-11-98	Arts. 3(5), 16
Iran (Islamic Rep. of / <i>Rép. islamique d')</i>	-	22-06-05	01-12-05	Art. 16
Italy / <i>Italie</i>	24-06-95	11-10-99	01-04-00	Arts. 13(3), 16
Lithuania / <i>Lituanie</i>	24-06-95	04-04-97	01-07-98	Art. 16
Netherlands / <i>Pays-Bas</i>	28-06-96	-	-	Arts. 3(5), 13(3)
New Zealand / <i>Nouvelle-Zélande</i>	-	16-11-06	01-05-07	Art. 16
Nigeria / <i>Nigéria</i>	-	10-12-05	01-06-06	-
Norway / <i>Norvège</i>	-	28-08-01	01-03-02	Arts. 13(3), 14, 16
Pakistan	27-06-96	-	-	-
Panama	-	26-06-09	01-12-09	Arts. 3(5), 16
Paraguay	13-06-96	27-05-97	01-07-98	Art. 16
Peru / <i>Pérou</i>	28-06-96	05-03-98	01-09-98	Art. 16
Portugal	23-04-96	19-07-02	01-01-03	Art. 16
Romania / <i>Roumanie</i>	27-06-96	21-01-98	01-07-98	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	Art. 16
Slovenia / <i>Slovénie</i>	-	08-04-04	01-10-04	Art. 16
Spain / <i>Espagne</i>	-	21-05-02	01-11-02	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: 01-03-2006
Entrée en vigueur: Conditions: 3 ratifications (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)
Bangladesh	-	15-12-08	01-04-09	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
Burundi	16-11-01	-	-	-
Canada	31-03-04	-	-	-
Cape Verde / <i>Cap Vert</i>	-	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	03-02-09	01-06-09	D: Arts. 39(1)(a)-(b), 40, 50, 53, 54(1)-(2), 55
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	28-01-09	01-05-09	D: Art. 54(2)
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	-	-	-
India / <i>Inde</i>	-	31-03-08	01-07-08	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
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	-	-	-
Kazakhstan	-	21-01-09	01-05-09 **	-
Kenya	16-11-01	13-10-06	01-02-07	D: Arts. 39(1)(a) ⁺ -(b), 40, 53, 54(2)
Lesotho	16-11-01	-	-	-
Luxembourg	-	27-06-08	01-10-08	D: Arts. 53, 54(2)
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	27-06-08	01-10-08	D: Art. 54(2)
Senegal / <i>Sénégal</i>	02-04-02	09-01-06	01-05-06	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
Singapore / <i>Singapour</i>	-	28-01-09	01-05-09	D: Arts. 39(1)(a)-(b), 39(4), 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	-
Tonga	16-11-01	-	-	-
Turkey / <i>Turquie</i>	16-11-01	-	-	-
Ukraine	09-03-04	-	-	-
United Arab Emirates / <i>Emirats arabes unis</i>	-	29-04-08	01-08-08	D: Arts. 39(1)(a)-(b), 40, 52, 53, 54(2)
United Kingdom / <i>Royaume-Uni</i>	16-11-01	-	-	D
United Rep. of Tanzania / <i>Rép.- Unie de Tanzanie</i>	16-11-01	30-01-09	01-05-09	D: Art. 54(2)
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)
Zimbabwe	-	13-05-08	01-09-08 **	-
European Community / *** <i>Communauté européenne</i>	-	28-04-09	01-08-09	D: Arts. 48(2), 55

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

** Subject to Article 49(1) / *Sous réserve de l'article 49(1).*

*** Regional Economic Integration Organisation / *Organisation régionale d'intégration économique* (Art. 48).

**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)
Bangladesh	-	15-12-08	01-04-09	D: Arts. XXIX, 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	03-02-09	01-06-09	D: Arts. XIX, XXIX, XXX(1), (2), (3)
Colombia / <i>Colombie</i>	-	19-02-07	01-06-07	D: Art. XXX(1), (2), (3)
Congo	16-11-01	-	-	-
Cuba	16-11-01	28-01-09	01-05-09	-
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	-	-	-
India / <i>Inde</i>	-	31-03-08	01-07-08	D: Art. XXX(1), (2), (3)
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	-	-	-
Luxembourg	-	27-06-08	01-10-08	D: Art. XXX(1), (2), (3)
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	27-06-08	01-10-08	-
Senegal / <i>Sénégal</i>	02-04-02	09-01-06	01-05-06	D: Arts. XXIX, XXX(1), (2), (3)
Singapore / <i>Singapour</i>	-	28-01-09	01-05-09	D: Art. XXX(1), (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>)	-	-	-
Tonga	16-11-01	-	-	-
Turkey / <i>Turquie</i>	16-11-01	-	-	-
Ukraine	03-03-04	-	-	-
United Arab Emirates / <i>Emirats arabes unis</i>	-	29-04-08	01-08-08	D: Arts. XIX, XXIX, XXX(1),(2),(3)
United Kingdom / <i>Royaume-Uni</i>	16-11-01	-	-	D
United Rep. of Tanzania / <i>Rép.-Unie de Tanzanie</i>	16-11-01	30-01-09	01-05-09	D: Art. XXX(1) ⁺ ,(2) ⁺ ,(3) ⁺
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)
European Community / ** <i>Communauté européenne</i>	-	28-04-09	01-08-09	D: Arts. XXVII(2), XXX(5)

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

** Regional Economic Integration Organisation / *Organisation régionale d'intégration économique* (Art. XXVII).

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

**UNIDROIT CONVENTION ON SUBSTANTIVE RULES FOR INTERMEDIATED SECURITIES
CONVENTION D'UNIDROIT SUR LES REGLES MATERIELLES RELATIVES AUX TITRES INTERMEDIÉS**

Adoption: Place: Geneva / *Lieu*: Genève
Date: 09-10-09

Entry into force: No / *Non*
Entrée en vigueur: Conditions: 3 ratifications (art. 42.1)

Depositary / Dépositaire: UNIDROIT(art. 48.1)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE ENTREE EN VIGUEUR	DECL. OF RESERV. / DECL. OU RESERVES
Bangladesh	09-10-09	-	-	-

**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, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mongolia, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, 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, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chad, Chile, 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, New Zealand, 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, United States of America, 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, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, 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, Liberia, Liechtenstein, Lithuania, Luxembourg, Mexico, Moldova, Monaco, Montenegro, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, St. Lucia, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, 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 2009.

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: Albania, Argentina, Armenia, 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, Japan, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Mauritania, Mexico, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Spain, St. Vincent and the Grenadines, 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 Contracting State.
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.
 9. **Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the electronic consignment note (e-CMR)**, adopted in Geneva in 2008. The Additional Protocol is based on a joint proposal submitted by UNIDROIT and UNCITRAL.
- 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 Contracting State.
 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.

DEPOSITORY 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:** Universität Wien, Universitäts Bibliothek, Fachbereichsbibliothek Rechtswissenschaften
<<http://www.ub.univie.ac.at/fb-rewi/>>
- 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/>>
- Canada:** Nahum Gelber Law Library, McGill University <<http://www.mcgill.ca/library/>>; University of British Columbia Law Library <<http://www.library.ubc.ca/law/>>
- Chile:** Diplomatic Academy <<http://www.minrel.gov.cl>>
- 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 Amtsdrukschriften 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>>
- Indonesia:** Departemen Luar Negeri (Directorate for Economic, Social and Cultural Treaties Affairs, Directorate General of Legal and Treaties Affairs, Ministry of Foreign Affairs)
<<http://www.deplu.go.id/Pages/Default.aspx>>
- 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-estrangerios.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>>