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**Item No. 5 on the Agenda: Implementation of the Strategic Plan**

(memorandum prepared by the Secretariat)

<i>Summary</i>	<ul style="list-style-type: none"><li>• <i>Full review of progress and delays regarding the implementation of the Strategic Objectives agreed on in 2004, including staffing and funding implications.</i></li></ul>
<i>Action to be taken</i>	<ul style="list-style-type: none"><li>• <i>The General Assembly, at its 64<sup>th</sup> session, will be called upon to review the document and to advise the Governing Council, in advance of its 88<sup>th</sup> session, to be held from 20 to 22 April 2009, of member Governments' views in particular regarding priorities accorded to individual items.</i></li></ul>
<i>Related documents</i>	<ul style="list-style-type: none"><li>• <i>Strategic Plan – Horizon 2016, UNIDROIT 2004 C.D. (83) 6</i></li><li>• <i>UNIDROIT 2008 Budget</i></li><li>• <i>UNIDROIT 2002 IBS Doc. 1 and 2</i></li></ul>

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## I. Introduction

1. The Strategic Plan of UNIDROIT (*UNIDROIT 2004 C.D. (83)6*) was first submitted to the 57<sup>th</sup> session of the General Assembly, in 2003. The Secretariat has since produced annual memoranda to appraise the General Assembly of the progress made in the implementation of that Plan in the relevant period. The present memorandum summarises the progress made in the implementation of the Strategic Plan in the period since the 61<sup>st</sup> session of the General Assembly (Rome, 29 November 2007). A number of member States have in recent years requested the Secretariat to submit detailed information on the costs of the various projects carried out by the Institute. The present memorandum provides this information in respect of each of the reported activities. The Secretariat points out that the figures mentioned for each activities are derived from the allocations approved under the budget for the financial year 2008. They do not reflect actual expenditure at the time of submission of this memorandum, for which an accurate overview would only be practical after the closing of the financial year, in February 2009.

## II. Legislative Activities – Work in Progress <sup>1</sup>

- *Strategic Objective N°1*: the preparation and implementation of international instruments (conventions, model laws, statement of principles, etc.) of the highest possible quality by applying strict criteria of scientific rigour and commercial viability and having regard to the legal implications of regional integration processes in the context of global law-making.
- *Strategic Objective N°6*: increased sensitivity to the potential of both industry and the legal profession to contribute criteria for selection, priorities, evaluation of working methods, procedures and results with a view to securing their support for the adoption and implementation of UNIDROIT instruments.

<sup>1</sup> Priority accorded by the Governing Council: high \* \* \* – medium \* \* – low \*.  
The figures indicated in this document correspond to the 2008 Budget allocations.

## A. *Principles of International Commercial Contracts (UPICC) – 3<sup>rd</sup> edition* \*\*\*

2. Following wide consultations with practitioners, the academic community, industry and arbitral institutions and the decisions taken by the Governing Council and the General Assembly to consider the project an ongoing project of the Institute, a new Working Group was set up, in 2006, with the task of preparing a third edition containing additional chapters on unwinding of failed contracts, illegality, plurality of debtors and creditors, conditional obligations and termination of long-term contracts for good cause. The Working Group is composed of 19 experts in representation of the major legal systems of the world and of a number of observers on behalf of interested organisations such as United Nations Commission on International Trade Law (UNCITRAL), the Hague Conference on Private International Law, the ICC International Court of Arbitration, the Study Group for a European Contract Law, the American Law Institute.

3. The Working Group held its third session from 26 to 30 May 2008. The Reporters for the five chapters have met for a drafting session held, at the invitation of the Max Planck Institute, from 3 to 6 March 2008 in Hamburg (Germany).

4. The Working Group will hold its fourth session from 25 to 29 May 2009. The Reporters for the five chapters will meet for a drafting session, at the invitation of the Max Planck Institute, in March 2009 in Hamburg (Germany).

Assessment of progress	Good, on time To be finalised in 2010		
Benefits / Beneficiaries	Reform legislators, contract drafters, arbitrators		
Staffing costs	Professional staff (Ch. 2.1, 3.1)	€	90,466
Conference costs	Meetings in 2008 (Ch. 1.5)		45,000
	Technical services (Ch. 5.6)		4,000
	Drafting sessions (Ch. 1.6)		5,000
Consultation / promotion			
Documentation			0
<b>Total</b>		€	<b>144,466</b>

## B. *International Interests in Mobile Equipment*

(a) Preliminary draft Space Protocol

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5. Following two high-level meetings of Government representatives and private sector experts in 2007, with the objective to renew industry pledges to support the project and to draw up a plan, including time lines, for its completion, the General Assembly authorised the setting up of a Steering Committee which met from 7 to 9 May 2008 in Berlin and on 30 October 2008, again in Berlin. The Secretariat is working towards a third session of the Committee of governmental experts in 2009.

6. The UK Foundation for International Uniform Law provided generous funding for hiring an Associate Research Officer who is assisting the Deputy Secretary-General in his efforts to complete work on the draft.

Assessment of Progress	Considerably delayed yet back on track		
Benefits / Beneficiaries	In particular Governments in developing countries, start-up satellite operators, manufacturers and financiers of satellites		
Staffing cost	Professional staff (Ch. 2.1, 3.1)	€	57,728
	General services (Ch. 2.1, 3.1)		10,767
	<i>Since February 2008, 1 associate research officer funded by UK Foundation (€ 44,000)</i>		

Conference costs	Meetings Steering Committee (Ch. 1.6)	5,000
Consultation / promotion		0
Documentation		0
<b>Total</b>		€ <b>73,495</b>

- (b) Preliminary draft Protocol on secured financing of agricultural, construction and mining equipment *(priority not yet determined)*

7. In 2006 and 2007, the Secretariat conducted preliminary research into the need for and feasibility of preparing a protocol to the 2001 Cape Town Convention on International Interests in Mobile Equipment on agricultural, construction and mining equipment. In 2007 this preliminary work included the preparation of a tentative draft text. The Governing Council requested that this tentative draft be circulated among the member States of the Institute, with a view to obtaining comments and suggestions to permit a decision to be taken as to whether or not this item should be included in the Work Programme. The tentative draft was circulated in October 2008 and the Secretariat is awaiting the reactions of member States.

Benefits / Beneficiaries	In particular Governments in developing countries, manufacturers	
Staffing cost	Professional staff (Ch. 2.1, 3.1)	€ 12,602
Conference costs		0
Consultation / promotion		0
Documentation	Only in electronic format	0
<b>Total</b>		€ <b>12,602</b>

### C. *Transactions on Transnational and Connected Capital Markets*

- (a) Draft Convention on Intermediated Securities

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8. Following four sessions of a Committee of governmental experts (CGE) in 2005/2007, the Governing Council decided to transmit the draft Convention as well as the Explanatory Report to the Governments of all UN member States which had been invited by the Government of Switzerland to attend a Diplomatic Conference. The first session was held in Geneva from 1 to 12 September 2008 and the second session for the finalization of the project will be held in the last quarter of 2009. The Diplomatic Conference requested the preparation of a draft official commentary on this text by the Chairman of the Drafting Committee, in close co-operation with no more than three members of the Drafting Committee, the Chairman of the Commission of the Whole, the Chairman of the Final Clauses Committee, the Chairman of the Credentials Committee, the Chairpersons of the Committee on Emerging Market Issues, Follow-up Work and Implementation, the Chairman of the Working Group on Insolvency and the Chairpersons of the Working Group on Settlement and Clearing Systems, as well as with the UNIDROIT Secretariat.

- (b) General aspects of transactions on transnational capital markets and emerging markets project *(priority not yet determined)*

9. The Secretariat has deferred further activities until such time as conclusion of one of the other projects will make resources available.

Assessment of Progress	Good, on time.	
Benefits / Beneficiaries	Increasing legal certainty in global custody, clearing and settlement; reducing systemic risk.	
Staffing cost	Professional staff (Ch. 2.1, 3.1)	€ 115,655
	General services (Ch. 2.1, 3.1)	42,232
	<i>Research officer partly funded by Government of Switzerland (€ 19,371)</i>	

Conference costs	Diplomatic conference in Geneva: costs borne by Host Government (Switzerland) Committee of experts (Ch. 1.5)	0 3,000
Consultation / promotion	Seminars (Ch. 1.6)	8,000
Documentation		0
<b>Total</b>		€ <b>168,887</b>

#### D. Model Law on Leasing

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10. Following two sessions of a Committee of governmental experts, the first held in 2007 in Johannesburg (South Africa) and the second in Muscat (Oman) from 6 to 9 April 2008, the text of the draft Model Law on Leasing was approved by the Governing Council at its 87<sup>th</sup> session and transmitted for adoption to a joint session of the General Assembly and the Committee of governmental experts which took place in Rome from 10 to 13 November 2008. The UNIDROIT Model Law on Leasing was adopted on 13 November 2008.

11. The joint session of the General Assembly and the Committee of governmental experts requested that a Commentary to the Model Law be drawn up by the Secretariat in close consultation with the Rapporteur and the Drafting Committee.

Assessment of progress	The Model Law was adopted. Work on the commentary needs to start	
Benefits / Beneficiaries	Primarily African, Asian and Latin American countries in need of leasing legislation	
Staffing cost	Professional staff (Ch. 2.1, 3.1) General services (Ch. 2.1, 3.1)	€ 70,316 16,151
Conference costs	<i>2<sup>nd</sup> CGE in Muscat (Oman): costs borne by Host Government (Oman)</i> Official journeys (Ch. 1.6) Joint session CGE/AG (Ch. 1.5, 6.5)	5,000 19,000
Consultation / promotion		0
Documentation		0
<b>Total</b>		€ <b>110,467</b>

### III. Depositary Functions under the Cape Town Convention

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12. UNIDROIT acts as depositary of the 2001 Cape Town Convention and of the Aircraft Protocol. Following the example of the 2001 Diplomatic Conference in Cape Town, the Diplomatic Conference for the Rail Protocol mandated UNIDROIT to assume the depositary functions under that treaty as well.

13. The depositary functions include review of draft ratification and accession instruments; advice on implementation legislation; co-ordination with Supervisory Authority (ICAO Council) and International Registry (Aviareto); co-ordination with OTIF and the Preparatory Commission set up by the Luxembourg Diplomatic Conference; administration of online "Cape Town update".

Staffing cost	Professional staff (Ch. 2.1, 3.1)	€ 36,720
Conference costs		0
Consultation / promotion		0
Documentation		0
<b>Total</b>		€ <b>36,720</b>

## **IV. Promotion, Implementation of adopted UNIDROIT Instruments (or based on UNIDROIT drafts) and Legal Cooperation** \* \* \*

- *Strategic Objective N°11*: the systematic promotion of and active assistance in implementing, applying and monitoring international instruments elaborated under the Institute's auspices.

### **A. Cape Town Convention/Rail Protocol 2007**

14. The Protocol on Matters Specific to Railway Rolling Stock was adopted by a Diplomatic Conference, held in Luxembourg, on 23 February 2007. In accordance with Resolution 1, adopted by the Conference, a Preparatory Commission tasked with the process of selecting the operator for the International Registry and to act as provisional Supervisory Authority was set up. The Commission held meetings in Berne (Switzerland) and in Rome, at the seat of the Institute. Two bidders submitted proposals for setting up the International Registry, and following the Second Session of the Preparatory Commission in April 2008, contract negotiations commenced with one of those bidders.

### **B. Principles of International Commercial Contracts (UPICC) – 2004**

15. At its 40<sup>th</sup> session held in Vienna from 25 June to 12 July 2007 UNCITRAL formally endorsed the UNIDROIT Principles 2004 and commended their use for their intended purposes.

16. In addition to the English, French, Spanish and Italian versions of the UNIDROIT Principles 2004, integral versions are available in Chinese, Farsi, Korean, Romanian, Russian, and Vietnamese. Finalisation of the translation into Arabic is expected for 2008. Portuguese, Slovak, Thai and Turkish translations are underway. The black letter rules are already available in German, Japanese, Portuguese, Serbian and Turkish.

17. In 2008, the UPICC were presented by members of the Secretariat and discussed at seminars and conferences.

18. In 2008 a CD-ROM was prepared in house containing, in a linked format, all the preparatory work leading up to the two editions (1994 and 2004) of the *Principles of International Commercial Contracts* for a total of 154 documents running to 5353 pages and covering the years 1972 to 2004. This CD-ROM was distributed to members of the Governing Council, members of the Working Group on Principles of International Commercial Contracts and to Depository Libraries for UNIDROIT documentation.

19. The database UNILEX collects case law on the UPICC and on the 1980 Vienna Convention on Contracts for the International Sale of Goods.

### **C. Principles of Transnational Civil Procedure (PTCP) - 2004**

20. In addition to the English version of the ALI/UNIDROIT Principles, which has been published with Cambridge University Press, the black letter rules are also available in Chinese, French, German, Japanese and Turkish.

21. Versions in Russian and Spanish are under preparation.

22. In 2008, the PTCP were presented by the Secretary-General and experts from member States at seminars, conferences and workshops.

#### **D. Cape Town Convention/Aircraft Protocol 2001**

23. The Convention is in force in 25 States: Afghanistan, Albania, Angola, Cape Verde, Colombia, Ethiopia, India, Indonesia, Ireland, Luxembourg, Kenya, Malaysia, Mexico, Mongolia, Nigeria, Oman, Pakistan, Panama, Saudi Arabia, Senegal, South Africa, Syrian Arab Republic, United Arab Emirates, United States of America, Zimbabwe. The Aircraft Protocol is in force in 23 States, i.e. the same as aforementioned except the Syrian Arab Republic and Zimbabwe.

24. Assistance was provided for the ongoing implementation process in other States in Africa, Asia, the Middle East and the Americas. For the depositary functions, cf. *supra* III.

25. The Cape Town Convention and the equipment-specific protocols were presented by members of the Secretariat or on its behalf at seminars, conferences and workshops.

#### **E. International Protection of Cultural Property 1995**

26. The Convention is in force in 29 States: Afghanistan, Argentina, Azerbaijan, Bolivia, Brazil, Cambodia, China, Croatia, Cyprus, Ecuador, El Salvador, Finland, Gabon, Greece, Guatemala, Hungary, Iran (Islamic Republic of), Italy, Lithuania, New Zealand, Nigeria, Norway, Paraguay, Peru, Portugal, Romania, Slovakia, Slovenia and Spain. The Secretariat is providing assistance for other States to become Party.

27. The Secretariat was invited to present the 1995 Convention at various seminars, conferences and workshops, in particular in Athens, Beirut and Tunis. At the request of UNESCO, UNIDROIT provided legal training to Iraqi lawyers. In addition to the English and French versions of the Explanatory Report of the Convention, an Arabic version is under preparation.

#### **F. 2002 Model Franchise Disclosure Law and 1998 Guide to International Master Franchise Arrangements (2<sup>nd</sup> ed. 2007)**

28. Work to promote the two instruments on franchising prepared by the organisation, the *Guide to International Master Franchise Arrangements* (1998, Second English edition 2007) and the *Model Franchise Disclosure Law* (2002) includes the illustration of the instruments by participating in conferences and preparing articles. As regards the Model Law it also includes offering assistance to any State which intends to use it when preparing its own national legislation.

#### **G. Other instruments**

29. From time to time the Institute is requested to provide member States, other institutions or researchers with information or assistance for the implementation in respect to other instruments, such as the **1973 Convention providing a Uniform Law on the Form of an International Will**, the **1988 Convention on International Financial Leasing** and the **1988 Convention on International Factoring**.

## H. *Convention on the Contract for the International Carriage of Goods by Road (CMR), 1956*

- (a) Preparation of an Additional Protocol to the 1956 CMR Convention concerning the Electronic Consignment Note

30. At the request of the United Nations Economic Commission for Europe UNIDROIT participated in the preparation of an Additional Protocol to the 1956 Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note. Mr Jacques Putzeys, Professor of Law and former member of the UNIDROIT Governing Council, represented UNIDROIT and the Protocol was finally adopted at the 70<sup>th</sup> session of the UNECE Inland Transport Committee in February, 2008.

- (b) Implementation of the 1956 Convention on the Contract for the International Carriage of Goods by Road (CMR)

31. The implementation of the 1956 CMR is monitored through the UNILAW database, which includes summaries of a selection of national case law and bibliographical references (see below, V. A).

Staffing cost	Professional staff (Ch. 2.1, 3.1)	€ 92,266
Conference costs	Interpreters/Technical services (Ch. 6.5)	2,500
Consultation / promotion		0
Documentation	Translations (Ch. 10)	5,000
<b>Total</b>		<b>€ 99,766</b>

## I. *Legal Co-operation*

32. The Secretariat transmitted an amended version of a preliminary draft OHADA Uniform Act on contract law to the OHADA Permanent Secretariat, which is awaiting vetting by national committees and adoption by the Council of Ministers. A high-level Colloquium, organised by UNIDROIT, the University of Ouagadougou and OHADA was held from 15 to 17 November 2007 in Ouagadougou (Burkina Faso). The conference with speakers from Benin, Burkina Faso, Cameroon, the Democratic Republic of Congo, Ghana, Ivory Coast, Mali and Senegal, OHADA, the African Development Bank, UNCITRAL, the ICC International Court of Arbitration as well as Belgium, Canada, China, Luxembourg and Switzerland was aimed at engaging the West African legal and academic communities as well as Governments and intergovernmental Organisations involved in law reform in Africa. It was funded by the Governments of Switzerland and Luxembourg as well as private donors. The Acts & Proceedings have been published as a special issue (2008-1/2) of the *Uniform Law Review/Revue de droit uniforme*.

Staffing cost	Professional staff (Ch. 2.1, 3.1)	€ 59,248
Conference costs		0
Consultation / promotion		0
Documentation		0
<b>Total</b>		<b>€ 59,248</b>

## V. *Non-legislative Activities*

- *Strategic Objective N°2*: the further elaboration of the UNIDROIT research and information facilities as the world's leading source of knowledge and capability-building in the field of transnational private law.

- *Strategic Objective N°3*: the gradual and systematic conversion of hitherto stationary know-how, skills, research and legislative capabilities into pro-actively employed outreach resources.

### A. *Research Scholarship Programme / Internship Programme*

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33. In 2008, 16 researchers from Albania, Argentina, Armenia, Azerbaijan, Burkina Faso, Cameroon, Cote d'Ivoire, Kenya, People's Republic of China, Russian Federation, Slovakia and Tunisia with different professional backgrounds (academics, government officials, judges, attorneys) carried out research on transnational private law and international economic law in the UNIDROIT Library.

34. In 2008, 19 students (coming from 13 different countries) were accepted at the UNIDROIT Secretariat to work as interns on topics related to the current work programme of the Institute.

Staffing cost	Professional staff (Ch. 2.1, 3.1)	€	11,849
	General services (Ch. 2.1, 3.1)		13,785
Consultation / promotion			0
Documentation	Scholarships (Ch. 11.0) <i>A number of scholarships are funded by Governments of member States and by private donations</i>		10,000
<b>Total</b>		€	<b>35,634</b>

### B. *UNIDROIT Library*

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35. The Library's holdings increased by close to 2,000 titles. Significant donations from the Max Planck Institute (Hamburg), the Department for Business, Enterprise and Regulatory Reform of the Government of the United Kingdom and from the UK Foundation of International Uniform law are included in that figure.

36. In addition to UNIDROIT scholarship recipients (cf. *supra*), more than 2,550 users from 29 countries (Albania, Argentina, Armenia, Austria, Azerbaijan, Belgium, Burkina Faso, Cameroon, Canada, China, Colombia, Finland, France, Germany, India, Italy, Ivory Coast, Japan, Kenya, Netherlands, Poland, Portugal, the Russian Federation, Spain, Switzerland, Tunisia, Turkey, United Kingdom, United States of America) carried out research in the Library.

37. The transfer of the catalogue entries to an on-line database and the integration with data bases of other leading libraries is now complete. An authority database for corporate authors as well as the integration of the documents of the United Nations Depository Library are under preparation.

Staffing cost	General services (Ch. 2.1, 3.1)	€	198,601
Consultation / promotion			0
Documentation	Purchase of books, binding, software (Ch. 9)		113,500
<b>Total</b>		€	<b>312,101</b>

### C. *Publications*

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38. The *Uniform Law Review/Revue de droit uniforme* is the only specialised journal covering transnational private law worldwide. It contains the following sections: Articles, International Activities, Texts and Implementation of Uniform Law Instruments, Bibliographical Information.

Apart from sister Organisations and Regional Organisations, UNIDROIT's own activities are extensively covered, thereby turning it into an essential tool for ensuring the dissemination of information on its work. In addition to subscriptions, the *Review* is distributed free of charge to a vast number of institutions and individuals (including depository libraries in member States). Exchange arrangements with other law journals help maintain the Library's stocks.

39. The *Uniform Law Review/Revue de droit uniforme* is accessible online at <http://ulr.unidroit.org/>. An index provides access to the full text material (in pdf format) since 1977. Some texts are freely accessible, while others are available only to authorised users.

40. With respect to the *Uniform Law Review / Revue de droit uniforme*, analysis of the impact of offering the *Review* – free of charge and/or against payment – on-line might have on content, costs, revenue, political mission, side effects for the UNIDROIT Library, etc. should be finalised before the Governing Council's 88<sup>th</sup> session (2009) and necessary decisions should be taken at that session.

41. As is done now regularly, the Secretariat prepared the *UNIDROIT Proceedings and Papers – Actes et documents d'UNIDROIT* both in a very limited paper version (which is on sale) and on CD-ROM, currently in its 1997-2007 edition.

42. The Secretariat co-ordinated the drafting and editing of the Official Commentary to the Luxembourg Rail Protocol and the revised edition of the Official Commentary to the Capetown Convention and the Aircraft Protocol, both written by Sir Roy Goode and published in June 2008.

Staffing cost	Professional staff (Ch. 2.1, 3.1)	€	48,904
	General services (Ch. 2.1, 3.1)		68,205
Conference costs			0
Consultation / promotion			0
Documentation	Postage (Ch. 6.3)		12,000
	Printing costs (Ch. 5)		31,500
<b>Total</b>		€	<b>160,609</b>

#### **D. Website and Depository Libraries**

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43. The UNIDROIT Internet website continues to be an extremely effective means of making the Institute and its work known to a vast public worldwide. Development and updating are being carried out on an ongoing basis.

44. Two objectives of the Strategic Plan involving the website – Objective 2 (pro-active use of outreach resources) and Objective 5 (creation of a governments' forum on the website) had been achieved by 2005 : the webpage on "Legal Cooperation and Technical Assistance" including information on the UNIDROIT Scholarships Programme as well as on the technical assistance States may need in implementing UNIDROIT Conventions (e.g. explanatory reports, the texts of model instruments of ratification/accession, information as to formalities to be carried out at the time of ratification/accession) and the section of the website containing documents prepared for the General Assembly with access reserved to governments of member States.

45. All UNIDROIT documents issued since 1996 have been posted on the website and a project is underway to recuperate and make available on the website some UNIDROIT documents predating 1996, namely, for the time being, all documents issued in connection with the Institute's work on international interests in mobile equipment (Study LXXII).

46. To date 48 libraries in 42 member States serve as depositories for UNIDROIT documentation. These libraries receive annually a complimentary copy of *UNIDROIT Proceedings and Papers – Actes et documents d'UNIDROIT* on CD-ROM, currently in its 1997-2007 edition.

Staffing cost	Professional staff (Ch. 2.1, 3.1)	€	31,883
Conference costs			0
Consultation / promotion			0
Documentation			0
<b>Total</b>		€	<b>31,883</b>

### E. UNILAW Database

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47. In 2008, work concentrated on the preparation of several international conventions and protocols for uploading on the website of the database. From having only one convention (the *1956 Convention on Contracts for the International Sale of Goods*) in both English and French, the website now has 17 instruments (conventions and protocols) in both languages. An analysis of the instruments has led to the identification of legal issues for each provision, as well as keywords and subjects for each instrument. Most issues, keywords and subjects have been checked and made visible on-line. Bibliographical references to the various instruments have also been inserted, as has the status of ratifications for each, with declarations and reservations. Additional features include summaries of national judicial systems, links to national and international databases, tables of the cases collected relating to the various instruments.

48. In 2009, it is expected that the preparation of the instruments (issues, keywords, subjects) in both languages will be completed, as will the linking of the different sections (e.g. bibliographical references linked to keywords and bibliographical areas). Furthermore, the case summaries that have not been inserted yet will be linked as appropriate (issues, keywords) and inserted. These include both the case summaries prepared by interns and those prepared by contacts for the *Uniform Law Review*.

49. At the 87<sup>th</sup> session of the Governing Council, held 21 to 23 April 2008, the Governing Council stressed the importance of the database, not only for users all over the world and in particular in developing countries, but for UNIDROIT itself.

Staffing cost	Professional staff (Ch. 2.1, 3.2) <i>A part-time assistant is funded by the Uniform Law Foundation</i>	€	63,012
Conference costs			0
Consultation / promotion			0
Documentation	<i>website: € 4,000 (funded by the Uniform Law Foundation)</i>		0
<b>Total</b>		€	<b>63,012</b>

## VI. Membership and Governance

- *Strategic Objective N°4*: designing communication, decision-making and resourcing processes capable of ensuring a comprehensive assessment of potential interests, costs and benefits of a State's participation in any given project, on the one hand, and the predictable and sustained provision of adequate resources, on the other hand.
- *Strategic Objective N°7*: a systematic and sustained effort to broaden the Organisation's representation in Africa, the Middle East and Asia, to fill gaps and re-vitalise dormant membership, and to guarantee a more regular presence and focused participation in other international fora.

### **A. Membership and Relations with Governments**

50. In line with efforts made in the past and indications of interest received, the key target areas for broadening the Institute's membership have been, firstly, Southeast Asia and the Pacific and, secondly, the Middle East and selected African countries. As regards Latin America, efforts to re-vitalise dormant memberships have continued. As regards the Middle East, reference is made to the holding of a session of a Committee of governmental experts for the preparation of a Model Law on Commercial Leasing in Muscat (Oman) as well as the activities mentioned *supra* I 4. It is submitted that these are seeds from which new memberships may grow shortly. Exploratory contacts were established with the Embassy of the United Arab Emirates.

51. The Secretariat is pleased to inform the General Assembly that those efforts have not been in vain: the Kingdom of Saudi Arabia acceded to the Institute in 2008, while Indonesia has advised the Secretariat that it has completed the internal procedure of accession.

52. Following an invitation by the Government of Germany, the Secretary-General participated in high-level meetings of legal experts from lusophone countries and made presentations on UNIDROIT work designed to strengthen participation from those countries in the Institute's activities. Representatives from Angola, Brazil, Cape Verde, East Timor, Mozambique and Portugal attended. The Secretary-General participated in various meetings in Cape Verde at the invitation of the Speaker of the Parliament and the Minister of Justice.

53. An unofficial Arabic version of the UNIDROIT Statute was provided by Professors Omaia Elwan (Heidelberg/Cairo) and Hossam Loutfi (Cairo). It is accessible on the UNIDROIT website.

### **B. Institutional Co-operation**

54. In 2008, the Secretariat paid visits to or participated in meetings of the following governmental and non-governmental international Organisations: Hague Conference on Private International Law, International Chamber of Commerce, International Finance Corporation, International Trade Centre (WTO/UNCTAD), UNCITRAL, UNESCO, United Nations Committee on the Peaceful Uses of Outer Space.

55. Of particular importance is the now well-established tri-partite co-operation with the other private-law formulating Organisations, i.e. the Hague Conference and UNCITRAL.

### **C. Governance**

56. Full achievement of Strategic Objectives Nos. 1, 3, 6 and 11 within the time frames envisaged in 2003/2004 was predicated on the Institute's being successful in making its case for a significant increase of staff and financial resources with member States' Governments (UNIDROIT 2004 - C.D. (83) 6, paras 103 and 104) and in attracting additional extra-budgetary and private-sector support. While the latter proved feasible and materialised even beyond expectations, the former failed in the course of four budget planning cycles.

57. The Institute's work on a Model Law on Leasing was triggered and partly funded by the International Finance Corporation (World Bank Group). The lion's share was shouldered by the law firm Jenner & Block LLP, a corporate correspondent of the Institute, which seconded one of its associates for a period of nine months to the Secretariat in 2006 and who continued to assist during the sessions of the Committee of governmental experts and the Joint Session.

58. Assistance by a young associate officer and a more experienced free lance collaborator for the work on the preliminary draft Space Protocol to the Cape Town Convention is being funded

by the Uniform Law Foundation and the UK Foundation for International Uniform Law respectively.

Staffing cost	Secretary-General and Professional staff General services	€	161,275 41,106
Conference costs	Interpreters, technical services: € 10,000 (Ch. 6.5) GC and PC (Ch. 1.1)		10,000 55,000
Consultation / promotion	Official journeys (Ch. 1.6) Auditor (Ch. 1.4) Representation: (Ch. 6.4)		5,500 3,500 4,650
Documentation	Postage: (Ch. 6.3)		4,000
<b>Total</b>		€	<b>285,031</b>

## VII. Administration / Support services / Building management

- *Strategic Objective N°8*: to establish up-to-date and unified procedures of electronic document management and record-keeping.
- *Strategic Objective N°10*: to achieve autonomy with respect to the provision and maintenance of information technology by retaining in-house IT-expertise.
- *Strategic Objective N°12*: the development of communication techniques that will facilitate the constant flow of all relevant information as well as reliable and prompt response.

59. Following the assessment of the current situation and with some delay, a plan is being drawn up for the gradual upgrade of electronic *document management, keeping of records and archives* and other *administrative procedures*. Notwithstanding the fact that available resources are limited, the IT-infrastructure has been up-graded and implementation of the project-related work programme is underway.

60. A *staff development plan* will be needed to establish how to achieve the objectives set forth in paragraphs 75-87 of the Strategic Plan, consistent selection and hiring procedures, and up-to-date personnel management generally. For this to materialise and to bear fruit over time, the primary objective must be the full integration of *hors-cadre* officers that perform core functions for the implementation of the mandate of UNIDROIT into the Institute's regular staffing table with permanent funding under the regular budget. Currently, the *hors-cadre* officers include (a) a Deputy Secretary-General, whom the Governing Council, encouraged by the UK's generous extra-ordinary contribution, was re-appointed for the remainder of the statutory five-year period (i.e. until 31 December 2010); and (b) the officer tasked with the depositary functions under the adopted and future Cape Town instruments.

61. The Secretariat wishes to draw the General Assembly's attention to another issue of general importance. In 2003, member Governments and the Council agreed that routine inhouse translation of all documents (particularly from English into French) was a high price to be paid for the Organisation's independence. This burden has increased significantly over the years and commensurate with the scientific out-put. As a consequence, the French native-speakers among the professional staff are increasingly absorbed by this task.

Staffing cost	Secretary-General and Professional staff (including part of the Deputy Secretary-General in charge of the administration) General services (including treasurer, IT technician, administrative assistants, clerical staff)	€	132,441 199,909
Conference costs			0

Consultation / promotion	Interpreters/Technical services (Ch. 6.5)	5,000
	Consultation with OECD (Ch. 1.5)	4,500
Documentation	Postage (Ch. 6.3)	4,000
	Officers in charge of translations (Ch. 2. 1, 3.1)	74,062
Miscellaneous	Maintenance costs (electricity, heating, water, insurance of premises, office equipment, upkeep of building, labour costs) (Ch. 7)	117,000
	Compensation retired members of staff (Ch. 4)	2,500
	Accidents' insurance (Ch. 3.1)	8,500
	Remuneration for occasional collaborators (Ch. 2.2)	17,500
	Stationery, Telephone, fax and Internet (Ch. 6.1, 6.2)	43,000
	Miscellaneous (Ch. 6.6)	6,700
<b>Total</b>		<b>€ 615,082<sup>1</sup></b>

<sup>1</sup> The expenditure indicated above correspond to overhead expenses that are to be allocated *pro quota* to the different projects and activities.