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Item No. 15 on the Agenda : The Uniform Law Data Base (UNILAW)

(memorandum prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>Report on the status of work on the UNILAW data base</i>
<i>Action to be taken</i>	<i>None</i>
<i>Related document</i>	<i>C.D.(84) 10</i>

It will be recalled that the decision to set up a data base on uniform law was taken by the Governing Council in 1996 in the context of the Policy Review initiated by the then Secretary-General, Mr Malcolm Evans. Due to a lack of funds, work was delayed until such time as funds earmarked for the data base were received by the Institute (donations by the *International Center for Automated Information Research (ICAIR)* (Florida), as well as private donations).

The software was put in place in 2002 and 2003, on the basis of the software used for the UNILEX data base of the Centre for Comparative and Foreign Law Studies, which was modified to add search options and a parallel section operating in French.

In 2004 work on the data base continued. Using the special funds available to the Secretariat, a part-time assistant was hired in the person of Ms Judit KISELY (Hungary). With Ms Kisely's assistance it proved possible to begin the insertion in the data base of national case law relating to the *1956 Convention on the Contract for the International Carriage of Goods by Road (CMR)*. At the end of 2004 91 cases had been made available on the public web site, a majority of which together with case summaries, and some 35 awaited checking and completion of treatment before being made available to the public. In addition, work had begun on approximately 100 cases and these were at different stages of development. In total, 1,112 cases were available to the Secretariat either in electronic format or on paper awaiting scanning. Furthermore, a bibliography on the CMR had been inserted and classified by keyword and Article of the Convention.

During the year 2004 the Secretariat benefited from the assistance of two interns, Ms Charlotta JULL (Canada) and Mr Yann PRÉDALI (France), who wrote and translated case summaries for the data base. In the course of 2005 two more interns are expected, Ms Petra KOVACS (Hungary) and Mr Djamel BOUZAMARENE (France). They are each expected to stay for a period of

three months. With their help, the Secretariat hopes not only to continue work on the CMR, but also to insert the texts of, and basic information on, a number of other international Conventions.

Contacts were furthermore established with the French *Cour de Cassation* which kindly provided the full text of a number of French cases. The Belgian *Cour de Cassation* also continued to supply the Secretariat with the full text of its decisions.

On 18 April 2004 the new Board of Governors of the *Uniform Law Foundation* met under the chairmanship of the President of the Foundation, Sir Roy Goode (see document C.D. (84) 10). The Board of Governors adopted a list of priorities for the search for funds. That list indicates what has been called the “*UNIDROIT Information Systems*” or “*Centre*”, the first item of which is the data base, as first priority.

In addition, the Board of the Foundation considered the contents of the data base and the order of insertion of the materials. In this context it considered that:

- the data base should include multilateral instruments and not bilateral agreements;
- the instruments should in principle relate to private law and not to public law;
- a list of the instruments to be dealt with should be finalised and, where possible, links should be established to the official web sites containing the official texts of the instruments and other information, in particular the instruments’ status, of the more than 200 uniform law instruments cited in the index of the Uniform Law Review;
- work on the CMR should continue with:
 - the insertion of bibliography;
 - the insertion of case law, firstly case law for which summaries were already available (e.g. those published in the Uniform Law Review or prepared by interns);
- as regards other fields, priority should be given to the *text* of international Conventions and other international instruments. As regards instruments prepared by Organisations other than UNIDROIT, in the first instance a link should be made to the official web sites (where they existed) of the sponsoring international Organisations or of the depositaries containing the text of the instruments and the status of ratification. Where no such primary source existed, a link should be made to the Uniform Law Review’s indexed archive of (currently 243) instruments. As a second phase, bibliographies should be inserted first, then case law: again, case law with summaries already published in the Uniform Law Review should be inserted first, followed by others;
- it was suggested that in the early stages a free subscription to the data base should be offered to users, but that as this developed they should be required to pay.

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