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Item No. 11 on the agenda: Promotion of UNIDROIT instruments

(prepared by the Secretariat)

<i>Summary</i>	<i>Report on promotional activities for some instruments adopted under UNIDROIT auspices</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to take note of the activities reported</i>
<i>Mandate</i>	<i>Work Programme 2017-2019</i>
<i>Priority</i>	<i>High</i>
<i>Related document</i>	<i>Annual Report 2016 (C.D. (96) 2)</i>

1. The revised plan for the Organisation's medium-term future (to cover the years 2012-2018), approved by the Governing Council at its 91st session in 2012 (see UNIDROIT 2012 – C.D. (91) 12), emphasised the importance of a strategy to promote the instruments adopted by UNIDROIT. The following two Strategic Objectives (out of seven) in particular focus on this aspect:

Strategic Objective No. 5

UNIDROIT should clearly link its non-legislative activities to the Organization's mandate and the instruments it prepares. UNIDROIT should give priority to non-legislative activities that support the research projects needed to carry out the Organisation's legislative Work Programme, add value to the dissemination of information on UNIDROIT's work and on the promotion of UNIDROIT instruments and offer a satisfactory level of returns, in terms of visibility and recognition.

Strategic Objective No. 6

Greater investment should be made in the promotion of UNIDROIT instruments. UNIDROIT should aim at doubling the resources available for the promotion of its instruments, through efficiency gains, reallocation, voluntary contributions or otherwise, within the coming years.

2. At its 95th session (Rome, 18-20 May 2016), the Governing Council recalled the importance of the promotion of the instruments of the Organisation in keeping a high priority to promotion activities in the UNIDROIT Work Programme for the triennium period 2017-2019. The General Assembly has, at its 75th session (Rome, 1 December 2016), endorsed this recommendation. The promotion of all UNIDROIT instruments should be regarded as indispensable and, as such, should enjoy the highest priority in the years 2017-2019 in terms of human and financial resources devoted to that activity. This is all the more true for the Conventions of which UNIDROIT has been designated as Depositary. While the Secretariat should, in an ideal world, cover all the instruments prepared and adopted by the Organisation, it is compelled, for lack of resources, to establish priorities in its promotional activities, sometimes based on a positive momentum, and resort, as much as possible, to partnerships with other interested Organisations.
3. The conferences organised to celebrate the 90th anniversary of UNIDROIT were also an opportunity to promote the various instruments adopted under the auspices of the Organisation, as well as to focus on partnerships with other organisations committed to their development.
4. The promotion of the 2009 UNIDROIT Convention on Substantive Rules for Intermediated Securities is closely linked to the work on the drafting the Legislative Guide containing principles and rules capable of enhancing trading in emerging markets, which priority has been elevated by the Governing Council at its 92nd session in 2013 from Medium/Low to Medium, following the adoption of the Principles on Close-Out Netting. See document C.D.(96) 5.
5. The UNIDROIT Secretariat is asked to make presentations on the harmonization of the law in general, all its achievements or on particular topics and UNIDROIT seeks as much as possible to respond positively (see point III. Below).

I. UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS 2010

CONFERENCES, SEMINARS, COURSES

6. The UNIDROIT Principles 2010 formed the subject of presentations at events organised for the benefit of relevant academic and commercial circles. For a complete list for 2016 see the Annual Report in UNIDROIT 2016 – C.D. (96) 2 at pages 18 and 19.
8. In addition, the following presentations have already taken place since January 2017:
 - (a) on 14 March 2017, on the occasion of his mission to Chile, the Secretary General of UNIDROIT, José Angelo Estrella Faria, made a lecture entitled “The Application of Non-State Laws to International Commercial Arbitration”, at a conference organised by the University of Talca (Chile) at the Santiago Chamber of Commerce within the framework of the “Proyecto Anillo MASC CHILE SOC 1406se” named “Contracting and International Commercial Arbitration”. At this conference, Professor Riccardo Cardilli (University Tor Vergata of Rome, Italy) made a lecture on the Principles and their application;
 - (b) on 15 March 2017, the Secretary-General was invited by the Dean of the Law Faculty of the Universidad de los Andes for an official visit and to sign a Cooperation Agreement with the University. He also participated in a Seminar for PhD students and Professors delivering a lecture on the UNIDROIT Principles and Long Term Contracts, and delivered a lecture for undergraduates focussing on UNIDROIT’S contribution to transnational commercial law;
 - (c) on 31 March 2017, the University of International Business and Economics (UIBE), the China International Economic and Trade Arbitration Commission (CIETAC), and UNIDROIT co-hosted a conference at UIBE’S campus in Beijing, China, on the topic of “The Belt and Road Initiative and Dispute Resolution: Focusing on the UNIDROIT Principles, International Arbitration and Judicial Adjudication”. The speakers and participants were welcomed by Professor Shi Jingxia, Dean of UIBE Law School and Member of the UNIDROIT Governing Council, and Mr José Angelo Estrella

Faria, the Secretary-General of UNIDROIT, made a speech. More than 20 guest speakers from China, Brazil, Italy, Japan, the United States, the United Kingdom, and the Macao Special Administrative Region attended the meeting, and there were more than 200 participants from domestic and foreign universities, the Ministry of Commerce, the Supreme People's Court and other relevant government departments, the Beijing Lawyers Association, well-known law firms and arbitration institutions;

(d) On 6-7 April 2017, Neale Bergman, UNIDROIT Legal Officer, delivered a lecture entitled "The International Institute for the Unification of Private Law and the UNIDROIT Principles of International Commercial Contracts" at the campus of International Training Centre of the International Labour Organization (ITC-ILO) to students from around the world enrolled in the ITC-ILO's Master of Laws (LL.M) programme on international trade law;

(e) from 7 to 13 April 2017, the Secretary General of UNIDROIT participated in Vienna at the 24th Annual Willem C. Vis International Commercial Arbitration Moot the goal of which is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train law leaders of tomorrow in methods of alternative dispute resolution. The participation of UNIDROIT at this event had significantly increased the application of the UNIDROIT Principles in international arbitration,

II. CAPE TOWN CONVENTION AND AIRCRAFT PROTOCOL

A. STATE OF RATIFICATION

9. UNIDROIT has been designated Depositary of the Cape Town Convention in accordance with Article 62(1) of the Convention and under Article XXXVII(1) of the Aircraft Protocol, which entered into force on 1 March 2006.

10. Since the last session of the Governing Council, the following two States have deposited their instruments of ratification or accession to the Convention and to the Aircraft Protocol: Gabon (entry into force on 1 August 2017) and Sierra Leone (entry into force on 1 November 2016). In addition, Swaziland deposited its instrument of accession to the Convention (only).

B. CONFERENCES AND SEMINARS

11. Since the last session of the Council in 2016, the Cape Town Convention and its Aircraft Protocol were the object of a number of conferences and seminars (see also Annual Report 2016 (C.D.(96) 2 – p. 19), including for the first four months of 2017:

a) 27-28 February 2017 – the Deputy Secretary General, Professor Anna Veneziano participated in the Society of Legal Scholars Annual Seminar 2017 held at the Durham Law School. She took part with a talk on the past achievements and future challenges of UNIDROIT UNIDROIT'S contribution to the harmonisation of commercial law, in a panel with other such organisations and put the emphasis on the Cape Town Convention and its Aircraft Protocol;

b) March 2017 – on the occasion of his mission to Chile, the Secretary General of UNIDROIT had several opportunities to promote the Cape Town Convention and its Aircraft Protocol.

12. The promotion of the Cape Town Convention and its Aircraft Protocol will continue to enjoy the highest priority in the course of 2017 and 2018 and the Institute will continue its cooperation with the *Cape Town Convention Academic Project*.

III. OTHER UNIDROIT INSTRUMENTS AND GENERAL PRESENTATIONS

13. The UNIDROIT Secretariat is increasingly asked to make presentations, also to groups of students coming to Rome in study trip, on the work of the Organisation in general, harmonization of law or particular subjects, among which:

a) 17 November 2016 –presentation to Master 2 “International Law Course” Students - Roma 3 University on “UNIDROIT - An overview, A focus on institutional aspects” (Ms Frédérique Mestre, UNIDROIT Senior Legal Officer);

b) 9-10 February 2017 – the Secretary-General, Mr José Angelo Estrella Faria, and the Deputy Secretary-General, Professor Anna Veneziano, participated in a Conference hosted by the University of Pennsylvania Law School entitled “Secured Transactions Coordination Conference: Advancing Global Reforms”. The Secretary-General spoke on a panel entitled “Pursuing Law Reform: International Intergovernmental Organizations – HAGUE CONFERENCE, UNIDROIT, UNCITRAL”, devoted to an overview of the general working methods of the international organizations which lead to the adoption of instruments, particularly in the area of secured transactions. The Deputy Secretary-General participated via video on a panel entitled “Overview of the Law Reform Activities: Existing, in Progress, and Future”, which provided reflections and analysis of some of the instruments and their actual implementation in projects, attempting to identify the reasons for the success or failures of these instruments and projects, as well as any areas of overlap in the existing instruments and the impact of this overlap on their implementation;

c) 15 February 2017 – Presentation to PROLAW 6 – Loyola Univ. Chicago on “Harmonisation of law as a means of promoting the rule of law with (1) a focus on UNIDROIT and (2) a focus on Contract Farming” (Ms Frédérique Mestre, UNIDROIT Senior Legal Officer);

d) 27-28 February 2017 – the Deputy Secretary General, Professor Anna Veneziano, participated in the Society of Legal Scholars Annual Seminar 2017 held at the Durham Law School, organised by Professor John Linarelli and Dr Orkun Akseli. The Seminar focussed on the future of commercial law harmonisation with the emphasis on future agendas for key international harmonising bodies, and the Deputy Secretary General took part with a talk on the past achievements and future challenges of UNIDROIT’S contribution to the harmonisation of commercial law, in a panel with other such organisations;

e) 15-17 March 2017 – participation of the Deputy Secretary General, Professor Anna Veneziano, in the Fourth International UNCITRAL Colloquium on Secured Transactions in Vienna, in a panel entitled Technical assistance in secured transactions: coordination and cooperation with other organisations;

f) 15 March 2017 – Presentation to Master 2 en Droit Privé Européen, Université du Luxembourg on “UNIDROIT - An Overview on Working Methods, Achievements & Current Activities” (Ms Frédérique Mestre, UNIDROIT Senior Legal Officer) – and Presentation on “The Cape Town Convention and the future fourth Protocol on matters specific to agricultural, construction and mining equipment (MAC Protocol)” (Mr William Brydie-Watson, UNIDROIT Legal Officer);

g) 27 March 2017 – Lecture to the Master 2 droit des affaires internationales de l'Université Paris II Panthéon-Assas – “General presentation of UNIDROIT (working methods, achievements and on-going activities) and an overview of the Cap Town Convention and its Protocols: a functional approach to international financing on high-value equipment” (Ms Frédérique Mestre, UNIDROIT Senior Legal Officer).

IV. ACTION TO BE TAKEN

22. *The Governing Council is invited to take note of the activities held by the Secretariat to promote UNIDROIT instruments.*