



EN

GOVERNING COUNCIL
97th session
Rome, 2 – 4 May 2018

UNIDROIT 2018
C.D. (97) 12
Original: French
March 2018

Item No. 12 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 2017 (C.D. (97) 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, with a particular focus in Strategic Objectives 5 and 6.¹

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.

¹ *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.

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 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 2016

4. The UNIDROIT Principles 2016 formed the subject of presentations at events organised for the benefit of relevant academic and commercial circles. For a complete list for 2017 see the Annual Report in UNIDROIT 2017 – C.D. (97) 2 at pages 19 and 20.

5. In addition, the following presentations have already taken place since January 2018, or will take place in the course of the year:

- On 23 April 2018, 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

- On the initiative of Don Wallace jr., Chairman of the International Law Institute, Washington D.C., and of Christopher R. Seppälä, Legal Advisor of the FIDIC Contracts Committee, the International Bar Association set up a task force composed of a large number of international lawyers coordinated by Willem Calkoen (Netherlands), with a view to assisting UNIDROIT to further promote the knowledge and use of the UNIDROIT Principles in international contract and dispute resolution practice all over the world. On 28 and 29 May 2018 there will be in Rome, at the seat of UNIDROIT, a meeting between Mr Calkoen and some of the members of the IBA task force on the one side and the President of UNIDROIT, the UNIDROIT Secretariat and professor Michael Joachim Bonell on the other, for a first exchange of views as to how IBA and UNIDROIT could best cooperate in this respect. A presentation of the work done by the IBA task force is scheduled to take place at UNIDROIT on 12 October 2018, in conjunction with the IBA Annual Conference.

- On 7 June 2018 Michael Joachim Bonell, on the invitation of Reinhard Zimmermann, Director at the Max Planck Institut für ausländisches und internationales Privatrecht in Hamburg, will participate in a workshop where he will discuss with a group of young scholars the actual role of the UNIDROIT Principles of international commercial contracts and dispute resolution practice.

- The International Academy of Comparative Law (IACL) will hold its quadrennial colloquium from 23 to 27 July in Fukuoka (Japan). UNIDROIT Governing Council Member Professor José Moreno Rodríguez and Professor Alejandro Garro will present the General Report on the use of the UNIDROIT Principles in order to interpret or supplement national contract law. Among the National Reporters who contributed to this topic Secretary General a.i. Anna Veneziano prepared the Italian National Report (together with Eleonora Finazzi Agrò), to be published in 2018 in the *Annuario di Diritto Comparato*.

- An international arbitration conference will be held in Hamburg, Germany, on 13 and 14 September 2018 on "China's Belt and Road Initiative - Opportunities and Challenges for International Dispute Resolution and Contracting". The conference celebrates the 10th anniversary of CEAC at the initiative of its Managing Director Professor Eckart Brödermann and is sponsored,

among other institutions, by UNIDROIT. The conference will feature a panel on why practitioners should care about the UNIDROIT Principles, in the context of the general theme on: “The Need to Build Bridges between Common and Civil Law.”

II. CAPE TOWN CONVENTION AND AIRCRAFT PROTOCOL

A. STATE OF RATIFICATION

6. UNIDROIT has been designated Depository of the Cape Town Convention in accordance with Article 62(1) of the Convention and of the Aircraft Protocol under its Article XXXVII(1). As at 6 March 2018, there were 74 Contracting States and one Contracting Regional Economic Integration Organisation to the Convention and 69 Contracting States and one Contracting Regional Economic Integration Organisation to the Aircraft Protocol

7. Since the last session of the Governing Council, Uzbekistan deposited its instrument of accession to the Convention and to the Aircraft Protocol (entry into force on 1 May 2018) . In addition, Burkina Faso and Swaziland deposited their instrument of accession to the Aircraft Protocol .

8. UNIDROIT, in its capacity as Depository of the Cape Town Convention and the Aircraft Protocol, prepared the Depository Report as to the manner in which the international regimen established in this Convention has operated in practice, pursuant to Article 61(1) of the Convention and Article XXXVI(1) of the Aircraft Protocol. This report takes into account the fourth Report of the Supervisory Authority concerning the functioning of the international registry system for the period 1 January 2014 to 31 December 2017, prepared pursuant to Article 17(2)(j) of the Convention and circulated in August 2017.

B. CONFERENCES AND SEMINARS

9. Since the last session of the Council in 2017, the Cape Town Convention and its Aircraft Protocol were the object of a number of lectures, conferences and seminars. For the events which took place in 2017 see Annual Report 2017 (C.D.(97) 2 – p. 21 - 22).

10. The promotion of the Cape Town Convention and its Aircraft Protocol will continue to enjoy the highest priority in the course of 2018 and the Institute will continue its cooperation with the *Cape Town Convention Academic Project*, the annual conference of which will be held in Oxford from 12 to 14 September 2018.-

III. OTHER UNIDROIT INSTRUMENTS AND GENERAL PRESENTATIONS

11. 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:

- On 4 January 2018, Mr Neale Bergman, UNIDROIT Secretariat, made a Skype presentation to students in the University of Washington School of Law’s Sustainable International Development LLM programme, on “An overview of UNIDROIT and its work on agricultural land investment contracts”.

- On 16 January 2018, Frederique Mestre, UNIDROIT Secretariat, made a presentation on “UNIDROIT – an Overview on Achievements, Current Activities and Working Methods” to a group of Ph.D. and Master Students from Vienna University Faculty of Law.

- On 18 January 2018, Ms Frederique Mestre, UNIDROIT Secretariat, made a Skype presentation to the Master on Global Development Law and Policy - University of Washington, on “Contract Farming: a win-win business model for farmers and buyers?”.

- On 23 January 2018, Ms Frederique Mestre, UNIDROIT Secretariat, made a lecture to the Students of the Master PROLAW 6 – Loyola University of Chicago, Rome Campus, on: 1 “UNIDROIT – an Overview on Achievements, Current Activities and Working Methods” and 2 “Doing business with a social impact: the “Human Centered Business Model”.

12. Members of the Governing Council are also participating in meetings to promote UNIDROIT instruments and activities. Here are some examples:

- Ms Broka participated on 14 September 2017 in the ceremony of launching The Queen Mary - UNIDROIT Institute of Transnational Commercial Law (London, UK). She also participated in the organisation and gave a presentation at the Seminar entitled “International Training Seminar on reduction of shadow economy related to turnover of cultural objects” which took place in Riga (Latvia) on 23 and 24 January 2018.

- Professor Hartkamp attended on 2 and 3 November 2017, the 9th Transnational Commercial Law Teachers’ Meeting which took place at Radboud University in Nijmegen. Many topics of particular relevance to UNIDROIT were presented such as the Cape Town Convention and its Protocols, the indirectly held securities, Contract Farming and Land Investment Contracts, which involved a presentation by Professor Henry Gabriel (Elon School of Law and UNIDROIT Governing Council Member).

- Professor Moreno Rodriguez established contact with Marek Dubovec and Adalberto Elias who work for the National Law Center for Inter-American Free Trade, and are playing a major role in the promotion of the MAC Protocol project in Latin America. Furthermore, together with the Ministry of Justice, under the leadership of Vice Minister Weldon Black (a former grantee of a UNIDROIT research scholarship), Professor Moreno Rodriguez is planning a major regional event on the Cape Town Convention and the MAC Protocol with the Centro de Estudios de Derecho, Economía y Política (CEDEP) of Asunción, Paraguay, in June 2018. Speakers from several countries of the Americas and Europe will be invited to attend. This event aims at enhancing the visibility of the projects in the region notably.

IV. ACTION TO BE TAKEN

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