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Item No. 8 on the Agenda: UNIDROIT correspondents

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>Presentation of the steps undertaken regarding the appointment procedure for correspondents – candidatures proposed by the Secretariat</i>
<i>Action to be taken</i>	<i>Examination of candidatures by the Permanent Committee and recommendations to the Governing Council Approval of the selected candidates by the Governing Council</i>
<i>Related documents</i>	UNIDROIT 2021 – C.D. (100) B.20 ; UNIDROIT 2021 – C.D. (100) B.24

I. INTRODUCTION

1. At the 100th session of the Governing Council (September 2021), the Secretary-General indicated that UNIDROIT had received a mandate to revise the system of correspondents and presented a proposal. He recalled the history of Correspondents at UNIDROIT (why they were created, how they were appointed and reappointed, length of the mandate, and functions) and the need for action to revive the network. The Secretary-General formulated a proposal to seek constant, incremental action, with a view to reach an optimal level of Correspondents by the time the Institute reaches the celebration of its 100th anniversary in 2026 (see document [C.D. \(100\) B.20](#)).

2. The proposal encompassed (i) *clear functions for Correspondents*: in line with previous revisions, Correspondents would act as source of information on national law for the Secretariat, as an expert counsel on matters of transnational law, and as an informal ambassador of UNIDROIT in a given country, concerning both missions and events organised in the jurisdiction and relations with local governments and institutions; (ii) *general requirements*: relevant to stress the importance of a pre-existing relationship of the candidate with UNIDROIT, or at least a strong professional link with the activities of the Institute; (iii) proposals as to a certain numbers of *rights which would be offered* to Correspondents (such as the possibility of becoming members or observers of working groups; prioritised participation as local experts in events in their countries; or the priority to be involved in the translation of UNIDROIT instruments) but also as to *what would be required* from them in terms of commitments and reappointment.

3. The proposal also pointed out the need to substantially increase the number of Correspondents (with a target of achieving 100 correspondents by the 100th anniversary of UNIDROIT in 2026), to set a minimum and a maximum of Correspondents per Member State (with a certain flexibility) and the importance of identifying Correspondents in countries with no Governing Council

Members and in countries that are not member States of the Institute, with a special focus in Africa and Asia. The Secretary-General also updated the Council on the institutional Correspondents and presented the proposal to broaden the scope to establish Associated Partners which would create stable links with other organisations.

4. Finally, the setting up of a stable infrastructure for the programme in order to maintain a periodical institutional contact with Correspondents was proposed (with a Legal Officer assigned as the “Liaison Officer” and responsible for Correspondents from each of the four regions of UNIDROIT) as well as a procedure to identify possible candidates.

5. The Governing Council considered and approved the plan proposed by the Secretary-General (see document [C.D. \(100\) B.24](#)).

II. IMPLEMENTATION OF THE PLAN

6. Based on the mandate received by the Governing Council, the Secretariat implemented the plan as follows.

A. Creation of an office for Correspondents within the Secretariat and identification of possible candidates

1. Office for Correspondents

7. One (or more) Legal Officers were appointed to be responsible for Correspondents from each of the four regions of UNIDROIT (Africa, the Americas, the Asia-Pacific region and Europe) with the Principal Legal Officer & Treaty Depositary coordinating the team. These *Liaison* Officers will be tasked with channelling institutional communication and requesting technical information with Correspondents, concerning the different instruments and projects. These Liaison Officers will also act as intermediaries between Correspondents, the Library, and the staff tasked with the organisation of events.

8. The following Legal Officers were so appointed:

- Africa: Ms Philine Wehling
- The Americas: Mr Carlo di Nicola (North America) and Ms Priscila Pereira de Andrade (Latin America)
- Asia-Pacific region: Mr William Brydie-Watson (Pacific) and Mr Hamza Hameed and Chen Miao (Asia)
- Europe: Ms Myrte Thijssen.

2. Identification of possible candidates

9. As a first step, the Secretariat drew up a list of current Correspondents and possible candidates. The Liaison Officers then individually contacted each Member of the Governing Council to consult and identify possible candidates from their own jurisdictions, to be included in the list. They also identified other scholars who had of a pre-existing relationship with UNIDROIT, or at least a strong professional link with the activities of the Institute. The pre-selected profiles were divided between the UNIDROIT geographic regions. All candidates proposed for consideration of the Permanent Committee for Correspondents have confirmed their interest and have sent updated curricula.

10. A summary table by region and by country is provided in Annexe I, whereas Annexe II supplies the list of current Correspondents. A table with all pre-selected candidates will be sent to the members of the Permanent Committee for Correspondents for their review and recommendations to the Governing Council.

(a) Africa

11. UNIDROIT has four member States in Africa. The current list of Correspondents (triennium 2019-2022) contains one Correspondent from Africa (Burkina Faso).

12. It is proposed to reappoint the current Correspondent and to appoint five new Correspondents. This would lead to a total number of six Correspondents from Africa, representing five different jurisdictions (two from Member States and three from non-member States).

13. Candidates were proposed by the Secretariat because of their strong ties with the Institute and their willingness to become a Correspondent.

(b) The Americas

14. UNIDROIT has thirteen member States in the Americas (nine of which from Latin America).

15. The current list of Correspondents reports eight Correspondents from North America. It is proposed to reappoint the current Correspondents and to appoint three new Correspondents (one for Canada, one for the United States of America and one for Mexico). The candidates were proposed by Members of the Governing Council and the Secretariat, in accordance with the requirements indicated in the plan approved by Governing Council at its 100th session.

16. In the current triennium 2019-2022, UNIDROIT has five correspondents from Latin America. In order to increase and further diversify the correspondents from the region the Secretariat, in collaboration with two Governing Council Members from Argentina and Paraguay, searched for potential candidates in ten Member States and twelve non-Member States. In total, 26 potential candidates with relevant qualifications in UNIDROIT'S areas of work have been identified, representing thirteen Latin American jurisdictions. The majority of the candidates have somehow collaborated with the Secretariat in the past and/or currently participate in Working Groups and other institutional activities. All candidates proposed for consideration by the Permanent Selection Committee have confirmed their interest and sent updated curricula.

(c) The Asia-Pacific region

17. UNIDROIT has ten member States in the Asia-Pacific region.

18. The current list of Correspondents (triennium 2019-2022) for Asia reports two Correspondents from Japan. It is proposed to reappoint them and to appoint eight new Correspondents from Afghanistan, China, India, Indonesia, Japan, Pakistan and Singapore.

19. For the Pacific region, the current list (triennium 2019-2022) reports one Correspondent from Australia. It is proposed to reappoint her and to appoint ten new correspondents for this region (seven from Australia and three from New Zealand).

(d) Europe

20. UNIDROIT has 36 European Member States. The current list of Correspondents (triennium 2019-2022) contains 15 Correspondents from Europe, of which two are Institutional Correspondents

– the Max Planck Institute for Comparative and International Private Law and the Hellenic Institute of International and Foreign Law. It is proposed to reappoint such Correspondents.

21. With a view to further strengthen and diversify the current pool of European Correspondents – both in terms of nationality and gender – it is proposed to appoint 23 new Correspondents and one new Institutional Correspondent – the Swiss Institute of Comparative Law. This would lead to a total number of 38 individual European Correspondents and three institutional correspondents, representing 21 different jurisdictions.

22. The candidates for Europe were proposed by Members of the Governing Council (Austria, Germany, Greece, Italy, the Netherlands, Romania, Spain and Switzerland) and following thorough research by the Secretariat. All candidates have strong ties with the Institute and have demonstrated keen interest in taking up the role of Correspondent.

B. Creation of a Permanent Committee for Correspondents within the Governing Council

23. Pursuant to the approval of the Plan by the Governing Council, a *Permanent Committee for Correspondents* was created within the Governing Council. This will be an informal sub-committee, composed of one member for each region and a Chair. Members will rotate every three years. The main tasks of the Committee will be to supervise the functioning of the programme, and to inform the proposals for appointments and reappointments made by the Secretariat or by other Governing Council Members, before the decision is put before the Governing Council.

24. The members of the Permanent Committee for Correspondents (2022-2025) are:

- *Africa*: Mr Eesa Allie Fredericks (South Africa)
- *The Americas*: Prof. Henry D. Gabriel (United States of America) and Prof. José Antonio Moreno Rodriguez (Paraguay)
- *Asia-Pacific region*: Mr KIM In-Ho (Republic of Korea)
- *Europe*: Prof. Carmen Ungureanu (Romania).

25. The Permanent Committee will receive the list of pre-selected candidates together with the CVs and comments/recommendations in advance of the 101st session of the Governing Council. It will meet in a restricted session of the Governing Council on 9 June 2022 from 9.00 to 10.00 a.m. to examine the proposals of the Secretariat for their comments, suggestions and recommendations. In particular, the Permanent Committee will discuss the number of correspondents per region/country. In the proposed plan of the Secretary-General, it was indicated that "In order not to overburden Correspondents, a minimum of two Correspondents per Member State should be appointed. This rule should be handled with flexibility, since some countries, due to their size and relevance for UNIDROIT's activities, would warrant more members. Experience shows, however, that exclusivity is a strong driver for interest and involvement in international organisations, so setting a maximum number per jurisdiction would seem an adequate measure" ([C.D. \(100\) B.20](#), para. 21). The final list will finally be presented to the Governing Council in plenary for approval.

C. Website – separate section

26. A separate section for Correspondents will be created on the Institute's website. This section will include an updated list of Correspondents, and events involving UNIDROIT instruments where Correspondents have participated will be publicised.

III. ACTION TO BE TAKEN

27. *The Governing Council is invited to consider and approve the proposal of the Permanent Committee for Correspondents for the triennium 2022-2025, which shall be prepared and presented for final approval during the Governing Council 101st session.*

ANNEXE I

**DISTRIBUTION OF CORRESPONDENTS OF THE INSTITUTE BY REGION
AND BY COUNTRY (current – 2019 / 2022
and proposed for 2023 / 2025)
Non-members States****

**RÉPARTITION DES CORRESPONDANTS DE L'INSTITUT PAR RÉGION ET PAR PAYS
(actuels – 2019 / 2022
et proposés pour 2023 / 2025)
États non membres ****

	2019-2022	2023-2025*		2019 -2022	2023-2025*
Africa / Afrique	1	6	Europe	15	38
Algeria / Algérie**	0	1	Austria / Autriche	1	2
Burkina Faso**	1	1	Belgium / Belgique	1	1
Egypt / Égypte	0	2	Denmark / Danemark	0	1
Kenya**	0	1	France	2	3
Tunisia / Tunisie	0	1	Germany / Allemagne	3	5
			Greece/ Grèce	1	2
			Hungary / Hongrie	0	1

* Includes current and proposed Correspondents. / Sont inclus les Correspondants actuels et les Correspondants proposés.

	2019-2022	2023-2025*		2019 -2022	2023-2025
Americas / Amériques	13	42	Israel / <i>Israël</i>	0	1
Argentina / <i>Argentine</i>	2	5	Italy / <i>Italie</i>	2	3
Brazil / <i>Brésil</i>	1	7	Luxembourg	0	1
Canada	2	3	Netherlands / <i>Pays-Bas</i>	0	2
Chile / <i>Chili</i>	1	4	Poland / <i>Pologne</i>	0	1
Colombia / <i>Colombie</i>	0	2	Romania / <i>Roumanie</i>	0	1
Costa Rica**	0	1	Russian Fed. / <i>Féd. de Russie</i>	0	1
Ecuador**/ <i>Équateur**</i>	0	2	Slovakia / <i>Slovaquie</i>	0	1
El Salvador**	0	1	Spain / <i>Espagne</i>	3	5
Guatemala**	0	1	Sweden / <i>Suède</i>	0	1
Honduras**	0	1	Switzerland / <i>Suisse</i>	0	1
Mexico / <i>Mexique</i>	1	2	Turkey / <i>Turquie</i>	1	2
Panama**	0	2	Ukraine**	0	1
Paraguay	0	1	United Kingdom / <i>Royaume-Uni</i>	1	2
Peru / <i>Pérou**</i>	0	2			
United States of America / <i>États-Unis d'Amérique</i>	5	6			
Uruguay	1	2			

* Includes current and proposed Correspondents. / *Sont inclus les Correspondants actuels et les Correspondants proposés.*

	2019-2022	2023-2025*		2019 -2022	2023-2025
			India / <i>Inde</i>	0	1
Asia/Pacific / Asie/Pacifique	3	21	Indonésie / <i>Indonésie</i>	0	1
<i>Afghanistan</i> **	0	1	Japan / Japon	2	3
Australia / <i>Australie</i>	1	8	Pakistan	0	1
China / <i>Chine</i>	0	2	<i>New Zealand</i> **/ <i>Nouvelle Zélande</i> **	0	3
			<i>Singapore</i> **/ <i>Singapour</i> **	0	1

Institutional Correspondents / *Correspondants institutionnels*

1	Max-Planck Institut für ausländisches und internationales Privatrecht – Hambourg	Germany / <i>Allemagne</i>	Reappointment
2	Hellenic Institute of International and Foreign Law <i>/ Institut hellénique de droit international et étranger</i>	Greece / <i>Grèce</i>	Reappointment
3	Institut suisse de droit comparé	Switzerland / <i>Suisse</i>	Proposed appointment

* Includes current and proposed Correspondents. / *Sont inclus les Correspondants actuels et les Correspondants proposés.*

ANNEXE II**CORRESPONDENTS OF THE INSTITUTE RENEWED IN 2019
CORRESPONDANTS DE L'INSTITUT RENOUVELÉS EN 2019**

June/Juin 2019 – May/Mai 2022

	Name / Nom	Country / Pays
1	CAFAGGI Fabrizio	Italy / <i>Italie</i>
2	COHEN Neil	United States of America / <i>États-Unis d'Amérique</i>
3	DARANKOUM Sibidi Emmanuel	Burkina Faso
4	DESCHAMPS Michel	Canada
5	FAUVARQUE-COSSON Bénédicte	France
6	FERRAND Frédérique	France
7	FONTAINE Marcel	Belgium / <i>Belgique</i>
8	FRESNEDO DE AGUIRRE Cecilia	Uruguay
9	GAMA Jr. Lauro	Brazil / <i>Brésil</i>
10	GARCÍA PUJOL Ignacio	Chile / <i>Chili</i>
11	GARRO Alejandro	Argentina / <i>Argentine</i>
12	KOZUKA Souichirou	Japan / <i>Japon</i>
13	LEFEBVRE Guy	Canada
14	MARCHISIO Sergio	Italy / <i>Italie</i>
15	MOONEY Charles W., Jr.	United States of America / <i>États-Unis d'Amérique</i>
16	MORAN BOVIO David	Spain / <i>Espagne</i>
17	ÖZSUNAY Ergun	Turkey / <i>Turquie</i>
18	PERALES VISCASILLAS Pilar	Spain / <i>Espagne</i>
19	PROTT Lyndel V.	Australia / <i>Australie</i>
20	REICHELTE Gerte	Austria / <i>Autriche</i>
21	RIVERA Julio César	Argentina / <i>Argentine</i>
22	ROSEN Howard	United Kingdom / <i>Royaume-Uni</i>
23	SÁNCHEZ-GAMBORINO Francisco José	Spain / <i>Espagne</i>
24	SONO Hiroo	Japan / <i>Japon</i>
25	STÜRNER Rolf	Germany / <i>Allemagne</i>
26	VEYTIA Hernany	Mexico / <i>Mexique</i>
27	WALLACE Don, Jr.	United States of America / <i>États-Unis d'Amérique</i>
28	WINSHIP Peter	United States of America / <i>États-Unis d'Amérique</i>
29	WOOL Jeffrey	United States of America / <i>États-Unis d'Amérique</i>
30	ZIMMERMANN Reinhard	Germany / <i>Allemagne</i>

Institutional Correspondents / *Correspondants institutionnels*

1	Max-Planck Institut für ausländisches und internationales Privatrecht – Hambourg	Germany / <i>Allemagne</i>
2	Institut hellénique de droit international et étranger	Greece / <i>Grèce</i>