



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

**SUMMARY
OF THE CONCLUSIONS REACHED BY THE GOVERNING COUNCIL
AT ITS 73rd SESSION**

(Rome, 9 to 13 May 1994)

Item No. 1 on the agenda: Adoption of the agenda

The Governing Council adopted the draft agenda as proposed by the Secretariat.

Item No. 2 on the agenda: Report on the Activity of the Institute during 1993

The Governing Council expressed its appreciation to the Secretary-General and approved the Report on the Activity of the Institute during 1993.

Item No. 3 on the agenda: Appointment of the First and Second Vice-Presidents of the Governing Council

After endorsing Mr Goode's proposal as to the rotation of the post of Second Vice-President, the Governing Council appointed Mr Loewe and Ms Collaço as First and Second Vice-Presidents respectively of the Council until its 74th session.

Item No. 4 on the agenda: Appointment of the members of the Permanent Committee

After consultations, the Governing Council appointed Mr Farnsworth, Mr Ferrari Bravo, Mr Loewe, Mr Plantard and Mr Sen as members of the Permanent Committee.

Item No. 5 on the agenda: Appointment of the members of the Governing Council ad honorem

The Governing Council accordingly appointed the following as honorary members of the Council: Mr Joseph 'Bayo Ajala (Nigeria); Mr Patrick Brazil (Australia); Mr Fritz Enderlein (Germany); Mr Masao Fujii (Japan); Mr Kéba Mbaye (Senegal); Mr Mikhail Nesterov (Russian Federation); Mr Alfred von Overbeck (Switzerland); Mr Gonzalo Parra Aranguren (Venezuela); Mr Walter Rolland (Germany); Mr Evelio Verdera y Tuells (Spain); Ms Jelena Vilus (Yugoslavia) and Mr Yuan Zhenmin (China).

Item No. 6 on the agenda: Appointment of correspondents of the Institute

After endorsing the proposals that had been made with a view to developing ties with non-member States and to strengthening those with certain member States through a review of the network of correspondents and a revival, where appropriate, of the system of national committees, in respect of which the Secretariat was called upon to prepare a paper for the next Council session, the Governing Council appointed the following as correspondents of the Institute: Mr Oluwole Akanle (Nigeria); Mr Abdoul Wahab Berthé (Mali); Mr Carlo Curti Gialdino (Italy); Mr J.B.

Dadachanji (India); Mr Alejandro Garro (Argentina/United States of America); Mr Fernando Hinestrosa (Colombia); Mr Anatoly S. Martynov (Russian Federation); Mr David Moran Bovio (Spain); Mr Barry Nicholas (United Kingdom); Mr Kresimir Sajko (Croatia) and Mr Shi Zhaoyo (China).

Item No. 7 on the agenda: Status of implementation of UNIDROIT Conventions

The Governing Council took note of the indications furnished by its members as to the action taken by their Governments with a view to the acceptance of UNIDROIT Conventions, as well as the information supplied by the Secretary-General, and encouraged the Secretariat to take measures to promote those Conventions by all available means.

Item No. 8 on the agenda: Implementation of the Work Programme for the triennial period 1993-1995

a) Principles of International Commercial Contracts

The Governing Council expressed its keen appreciation to the working group and to its Chairman for the many years of work which had culminated in the finalisation of the Principles of International Commercial Contracts. The Council decided on the publication and widest possible distribution of the Principles and stressed the need to monitor their use with a view to a possible reconsideration of them at some time in the future. It was also agreed that Council members who had any suggestions to make regarding the French language version, and in particular the comments, should submit them to the Secretariat before the end of the month of May.

b) International Protection of Cultural Property

In conclusion the Governing Council renewed its appreciation to Mr Ferrari Bravo, and through him to the Italian Government for the initiative which it was contemplating. Italy would appear to be the most appropriate host for the diplomatic Conference, on account not only of its vast cultural heritage but also in the light of the Italian delegation's constant commitment throughout the four sessions of the committee of governmental experts to the search for compromise solutions capable of gaining widespread support which would make the future Convention a truly effective instrument of international co-operation and understanding. It was therefore the earnest hope of the Council that any outstanding difficulties would be overcome as soon as possible, thus permitting the intention of the Italian Government to convene a diplomatic Conference for the adoption of the draft UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects to be translated into a decision.

c) International aspects of security interests in mobile equipment

The Governing Council took note with satisfaction of the progress accomplished since its last session in connection with the work on the preparation of uniform rules on certain international aspects of the law governing security interests in mobile equipment. It also endorsed the Secretariat proposal for the holding of a seminar on current trends in the modernisation of the law relating to personal property security and of a meeting of interested organisations, both of which would take place in conjunction with the next session of the sub-committee of the UNIDROIT study group responsible for the preparation of the above-mentioned uniform rules on security interests in mobile equipment.

d) International franchising

The Governing Council confirmed the terms of reference of the study group on franchising agreed at its 72nd session.

e) Inspection Agency Contracts

Noting the limited response to the Secretariat request for information concerning the practical problems associated with inspection agency contracts, and recognising the sensitive nature of some of the economic and political questions at issue, the Governing Council instructed the Secretariat to embark upon further consultations with the interested circles so as to enable the

Council to determine at a future session the prospects of any useful work being carried out in connection with this subject.

f) Civil liability connected with the carrying out of dangerous activities

The Governing Council requested the Secretariat to prepare a study identifying issues that could be dealt with by UNIDROIT as a basis for possible measures designed to ensure compensation for personal injury to the victims of industrial accidents, on the understanding that it should cover neither nuclear accidents nor accidents occurring in the transportation of goods. The Governing Council would, once such a study had been laid before it, take a decision as to further action to be undertaken in this vast area on a step by step basis.

g) Legal issues connected with software

The Governing Council decided that no further study of the subject of legal issues connected with software should be conducted by the Secretariat in the course of the current triennial Work Programme, pending a decision at the Council's next session as to whether the item should be formally deleted from the Programme.

h) Programme of legal cooperation

The Governing Council noted with satisfaction the Secretariat report on the implementation of the programme of legal co-operation since its last session, in particular as regards the holding of seminars *in loco* and the implementation of the scholarships scheme, in respect of which it endorsed the report of the scholarships committee. The Secretariat was encouraged to pursue the programme of legal co-operation in the light of suggestions made by Council members within the prevailing financial constraints and subject to the determination of priorities in the context of the overall policy review.

i) Organisation of an information system or data bank on uniform law

and

j) Status of the Library

The Governing Council reiterated its anxiety in relation to the problems facing the library in terms both of financial resources and of space. In the light however of the need to define the role of the library in the context of the overall policy review, and in particular of the proposal for the establishment of a Foundation, it was decided to postpone further consideration of the library pending discussion of those matters, on the understanding that the Secretariat would in any event convey to the Finance Committee and to the General Assembly the serious concern of the Council at the ever deteriorating condition of the library.

k) Organisation of a Congress or meeting on uniform law during the triennial period

The Governing Council took note of the Secretary-General's statement and decided to postpone any decision regarding the holding of a Congress until its 74th session pending the outcome of the overall policy review.

Item No. 9 on the agenda: Overall policy review

The Governing Council decided that its consideration of the policy review should be carried forward to its next session. In the interim a preliminary paper should be prepared by the Secretariat centred on the proposal for the creation of an international Foundation to finance the extension of the Institute's activity, in particular in regard to the dissemination of information concerning uniform law. After comments had been received from Council members on that paper, a sub-committee of the Council should meet to formulate concrete proposals for consideration by the Council at its 74th session.

Item No. 10 on the agenda: Preparation of the draft budget for the 1995 financial year

The Governing Council took note of the comments made by members and requested the Secretariat to bring those comments to the attention of Governments when submitting to them the draft budget for 1995 contained in Doc. (73) 10, subject to the minor amendment reducing the initial proposed expenditure by Lit. 10,000,000.

Item No. 11 on the agenda: Date and place of the 74th session of the Governing Council

The Governing Council decided that its next session should be held in Rome during the week beginning 27 March 1995.

Item No. 12 on the agenda: Other business

b) Centre for Comparative and Foreign Law Studies

The Governing Council took note with appreciation of the report of the Director of the Centre for Comparative and Foreign Law Studies on the activity of the Centre since the last Council session.

a) Revision of the Headquarters Agreement

The Governing Council adopted Resolution (73) 1 as reproduced in the appendix below, under the terms of which it invited the President of the Institute to embark upon consultations with the Italian authorities with a view to a revision of the Headquarters Agreement between the Italian Government and the Institute.

RESOLUTION (73) 1 OF THE GOVERNING COUNCIL

The Governing Council,

Considering the ever wider membership of the Institute reflecting the commitment of the international community of States to its statutory aims and the increasing financial contributions of the member States other than Italy to its annual budget

INVITES THE PRESIDENT OF THE INSTITUTE

to request the Italian Government to consider a revision of the Headquarters Agreement, concluded in Rome on 20 July 1967 and approved by the Italian Government by law no. 1074 of 12 December 1969, having regard in particular to agreements concluded in recent years by the Italian Government with intergovernmental organisations based in Italy which benefit from more favourable treatment than that accorded to the Institute under the terms of the existing Headquarters Agreement.