



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 75th SESSION**

(Rome, 19-22 June 1996)

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 1995

The Governing Council expressed its appreciation to the Secretary-General and approved the Report on the Activity of the Institute during 1995.

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

At the suggestion of the President, the Governing Council appointed Mr Roland Loewe and Mr Ferenc Mádl as First and Second Vice-Presidents respectively until the 76th session.

Item No. 4 on the agenda: Appointment of the Treasurer

The Governing Council appointed Mr Paolo Aversa to the post of treasurer of the Institute until 31 December 2000.

Item No. 5 on the agenda: Appointment of correspondents of the Institute

The Chairman noted that while a wide-ranging series of suggestions had been made by Council members, none of them seemed to be in any way mutually contradictory and he therefore believed that all were capable of implementation by the Secretariat which should in particular modify the check-list prepared by it and communicate it to correspondents, together with a request for information regarding their specific areas of interest in the different sectors of the Institute's activity. In appropriate cases, correspondents might be invited to indicate whether they wished to retain their status. The outcome of this inquiry would be submitted to the Council at its next session.

After agreeing to the proposals of its Chairman, the Governing Council appointed the following as correspondents of the Institute: Mr Juris Bojars (Latvia), Ms Joan Church (South Africa), Mr Ernst Kramer (Austria), Mr José Carlos de Magalhães (Brazil), Mr Park Nohyoung (Republic of Korea), Mr Krassen Stoichev (Bulgaria) and Mr Philip Wood (United Kingdom).

Item No. 6 on the agenda: Report on the diplomatic Conference for the adoption of the draft UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects

The Governing Council expressed its satisfaction at the adoption of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, the publication of the Acts and Proceedings of the Conference and the number of signatures already obtained. It encouraged the Secretariat to persist in its efforts directed to securing the necessary number of ratifications and accessions to enable the Convention to enter into force as quickly as possible.

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 or contemplated by their Governments with a view to the acceptance of UNIDROIT Conventions, as well as the information supplied by the Secretary-General.

Item No. 8 on the agenda: Principles of International Commercial Contracts

The Governing Council decided:

(i) that the Secretariat should conduct the proposed survey among the recipients of the Principles;

(ii) that the Secretariat should prepare for the 1997 Council session one or more papers suggesting areas not dealt with in the first edition of the Principles that could be included in a revised version and, eventually, indicating problem areas that might have been identified in relation to the present text;

(iii) that a sub-committee composed of Mr Boggiano, Mr Dlamini, Mr Farnsworth, Mr Hartkamp, Mr Loewe, Mr Lyou, Mr Mádl, Mr Plantard, Mr Rose, Ms Trahan and Mr Bonell should meet for two days during the next Council session to formulate proposals to the Council as to the terms of reference of the working group which would be responsible for the preparation of the second edition of the Principles.

Item No. 9 on the agenda: Study group for the preparation of uniform rules on international interests in mobile equipment

The Governing Council expressed its satisfaction at the very considerable progress accomplished by the study group and all its subsidiary bodies, together with the Secretariat, since the last Council session in relation to the preparation of the draft Convention on International Interests in Mobile Equipment. While being fully cognisant of the complexity of the issues involved, which called for the minimum degree of freedom to be left to the study group in the prosecution of its work, in particular in regard to the categories of mobile equipment to be covered by the future Convention, the Council urged the Secretariat to continue its efforts to ensure the involvement of all the relevant interest groups.

Item No. 10 on the agenda: Study group on franchising

The Governing Council took note with satisfaction of the work accomplished since its 74th session by the Study Group on Franchising. In view however of the need for a thorough revision of the chapters of the draft guide currently under preparation it was agreed that any detailed consideration of the draft could only be usefully undertaken once complete revisions in both English and French were available.

The Council also expressed its ongoing concern at the increasing tendency for the work of study groups to be conducted almost exclusively in English with the French versions of the texts prepared by them assuming the character of little more than translations. A request was accordingly addressed to the President of the Institute to seek to provide for a balanced representation of the two working languages of UNIDROIT on such study groups.

Item No. 11 on the agenda: Civil liability connected with the carrying out of dangerous activities

The Governing Council took note of the Secretary-General's statement.

Item No. 12 on the agenda: Legal issues connected with computer software

The Governing Council took note of the Secretary-General's statement.

Item No. 13 on the agenda: Programme of Legal co-operation

In the light of the written proposals submitted by the Scholarships Committee, and at the suggestion of the President of the Institute, the Governing Council adopted the following:

Recommendations of the Scholarships Committee

- Stricter criteria ought to be observed as to the form in which candidatures are submitted, to the references provided by the candidates, and to the detailed outline of the research project, which ought to be supported by a Director of Research in the candidate's country of origin.
- Greater publicity ought to be given to the programme, in particular in the universities, with a view to achieving greater transparency of information.
- In selecting candidates, an equilibrium ought to be maintained between the "young" candidates and older, therefore more experienced, candidates, a slight preference being given to the latter (according to the under 40/over 40 criteria).
- Efforts ought to be made to achieve a better equilibrium in the provenance of candidates, and in particular as concerns those regions which are under-represented in the programme. Resources from the UNIDROIT budget ought to be used for this purpose.
- Sincere thanks should be extended to the donors, and an appeal made to potential donors to contribute to the programme. In this perspective, the Members of the Council ought to be invited to make every effort to identify additional sources of financing and use their good offices to this end.
- The UNIDROIT research programme ought to be developed outside the UNIDROIT scholarships research programme, in order to permit those who are self-supporting to conduct research in the library.

Item No. 14 on the agenda: Organisation of Congresses on uniform law

The Governing Council took note with satisfaction of the information imparted by the Secretariat and by Mr Sánchez Cordero.

Item No. 15 on the agenda: Creation of a data bank on uniform law

The Governing Council authorised the creation of a UNIDROIT data bank on uniform law on the understanding that the data bank would be bilingual (English and French) in character and that it would be built up on a stage-by-stage basis. The Council also agreed to set up at its next session a committee drawn from its own membership to monitor the activities of the data bank.

Item No. 16 on the agenda: Establishment of a UNIDROIT Foundation

The Governing Council conferred upon the President of UNIDROIT the mandate to take the steps required to establish the proposed UNIDROIT foundation, after obtaining the necessary legal advice and after consideration of the relative merits of the different options available.

Item No. 17 on the agenda: Uniform Law Review

The Governing Council took note with satisfaction of the new form of the Uniform Law Review and congratulated the Secretariat on the work accomplished by it.

Item No. 18 on the agenda: Situation of the Library and policy for its development

The Governing Council took note with satisfaction of the progress accomplished since its last session in the implementation of the policy for the development and modernisation of the library and urged the Secretariat to continue its efforts to ensure an increase in real terms in the resources made available to the library with a view to reaffirming its position as one of the foremost centres of documentation concerning uniform law.

Item No. 19 on the agenda: 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 its activities since the last Council session.

Item No. 20 on the agenda: Revision of the Headquarters Agreement

The Governing Council took note of the statement of the President.

Item No. 21 on the agenda: Preparation of the draft budget for the 1997 financial year

The Governing Council authorised the transmission to the financial organs of the Institute of the draft estimates of expenditure for 1997 as drawn up by the Secretariat, subject to such detailed adjustments as might prove necessary and on condition that such variations entailed no increase in the total amount of expenditure approved by it. The Council also endorsed the appeal made by the Secretary-General in connection with the payment of contributions and the approval of Article 20 of the Statute.

Item No. 22 on the agenda: Date and place of the 76th session of the Governing Council

The Governing Council stated that its 76th session should be held in Rome from 7 to 12 April 1997, the plenary beginning on Wednesday 9 April, following the holding of a two day meeting of its sub-committee on the Principles of International Commercial Contracts.