

UNIDROIT 2000  
Report 1999 – C.D. (79) 2

U N I D R O I T

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

---

---

REPORT

on the

ACTIVITY OF THE INSTITUTE

1999

Rome, 2000

## CONTENTS

	page
<b>I. ADMINISTRATION AND ORGANISATION</b>	
<b>A. GOVERNING COUNCIL AND PERMANENT COMMITTEE, GENERAL ASSEMBLY AND FINANCE COMMITTEE</b>	<b>1 - 3</b>
1. Governing Council and Permanent Committee	1
2. General Assembly and Finance Committee	1
<b>B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS</b>	<b>2</b>
<b>C. RELATIONS WITH GOVERNMENTS</b>	<b>3</b>
<b>D. DIPLOMATIC CONFERENCES AND MEETINGS ORGANISED BY OTHER INTERNATIONAL ORGANISATIONS</b>	<b>3</b>
<b>II SCIENTIFIC ACTIVITY</b>	<b>4 - 27</b>
<b>A. WORK IN PROGRESS</b>	<b>4</b>
1. Principles of International Commercial Contracts	4
2. International interests in mobile equipment	5
3. Franchising	13
4. International protection of cultural property	14
5. Transnational rules of civil procedure	15
<b>B. ACTIVITIES SUBSIDIARY TO THE UNIFICATION OF LAW</b>	<b>15</b>
1. Programme of legal co-operation	15
(a) Symposia and other events	16
(b) Research scholarship programme	16
(c) Interns and researchers	16
2. Creation of a data base on uniform law	16
3. Uniform Law Foundation	17
4. Acceptance of Unidroit Conventions	17
5. Convening of a congress or meeting on uniform law	18
6. The UNIDROIT Internet Web site: <a href="http://www.unidroit.org">www.unidroit.org</a>	18
7. Depository libraries for Unidroit documentation	19
8. Library	21
9. Publications	21
(a) Uniform Law Review	21
(b) Guide to International Master Franchise Arrangements	22
(c) Other publications	22

<b>III.</b>	<b>IMPLEMENTATION OF INSTRUMENTS BASED ON WORK CONDUCTED WITHIN UNIDROIT</b>	<b>28 - 37</b>
<b>A.</b>	<b>Conventions drawn up by UNIDROIT and approved at diplomatic conferences convened by member states of UNIDROIT</b>	<b>28</b>
1.	<i>Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS)</i>	28
2.	<i>Convention relating to a Uniform Law on the International Sale of Goods (ULIS)</i>	29
3.	<i>International Convention on the Travel Contract (CCV)</i>	29
4.	<i>Convention providing a Uniform Law on the Form of an International Will</i>	30
5.	<i>Convention on Agency in the International Sale of Goods</i>	31
6.	<i>UNIDROIT Convention on International Financial Leasing</i>	31
7.	<i>UNIDROIT Convention on International Factoring</i>	32
8.	<i>UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects</i>	32
<b>B.</b>	<b>International instruments in force adopted under the auspices of other organisations and based on UNIDROIT drafts or conventions</b>	<b>33</b>
1.	<i>Convention on the Contract for the International Carriage of Goods by Road (CMR)</i>	33
2.	<i>UNESCO Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict</i>	33
3.	<i>International Convention of 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations</i>	34
4.	<i>Hague Convention of 1958 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations in respect of Children</i>	34
5.	<i>European Convention of 1962 on the Liability of Hotel-keepers concerning the Property of their Guests</i>	34
6.	<i>Benelux Treaty of 1955 on Compulsory Insurance against Civil Liability in respect of Motor Vehicles and European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles</i>	34
7.	<i>European Convention on Establishment of 1955</i>	34
8.	<i>Protocol No. 1 concerning Rights in rem in Inland Navigation Vessels</i>	35
9.	<i>Protocol No. 2 on Attachment and Forced Sale of Inland Navigation Vessels</i>	35
10.	<i>United Nations Convention on Contracts for the International Sale of Goods</i>	35
11.	<i>Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)</i>	35

<b>C.</b>	<b>International instruments not yet in force adopted under the auspices of other organisations and based on UNIDROIT drafts</b>	<b>35</b>
1.	<i>Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN)</i>	35
2.	<i>Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN)</i>	35
3.	<i>European rules for investment funds</i>	36
4.	<i>European Convention providing a Uniform Law on Arbitration</i>	36
5.	<i>European Convention of 1973 on Civil Liability for Damage caused by Motor Vehicles</i>	36
6.	<i>United Nations Convention on International Multimodal Transport of Goods</i>	36
7.	<i>Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)</i>	36
8.	<i>United Nations Convention on the Liability of Operators of Transport Terminals in International Trade</i>	36
<b>D.</b>	<b>European Community Directive based on a preliminary draft UNIDROIT Convention</b>	<b>36</b>
	<i>Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State</i>	36
<b>E.</b>	<b>Uniform rules published by the International Chamber of Commerce and based on a draft UNIDROIT Convention</b>	<b>36</b>
	<i>Uniform Rules for a Multimodal Transport Document</i>	36
<b>F.</b>	<b>International instruments based on preliminary studies prepared by UNIDROIT</b>	<b>37</b>
1.	<i>European Convention on Products Liability in regard to Personal Injury and Death of 27 January 1977</i>	37
2.	<i>Resolution (78)3 on Penalty Clauses in Civil Law adopted by the Committee of Ministers of the Council of Europe on 20 January 1978</i>	37

This Report covers the activity of UNIDROIT from 1 January to 31 December 1999.

## **I. ADMINISTRATION AND ORGANISATION**

### **A. GOVERNING COUNCIL AND PERMANENT COMMITTEE, GENERAL ASSEMBLY AND FINANCE COMMITTEE**

#### **1. Governing Council and Permanent Committee**

The 78<sup>th</sup> session of the Governing Council was held in Rome from 12 to 16 April 1999 under the chairmanship of the President of the Institute, Mr Luigi Ferrari Bravo.

After approving the Secretary-General's report on the activity of the Institute during 1998 and appointing Mr Roland Loewe and Mr Byung-Hwa Lyou First and Second Vice-President respectively up until its 79<sup>th</sup> session, the Council appointed Ms Isabel de Magalhães Collaço, Sir Roy Goode, Mr Roland Loewe, Mr Biswanath B. Sen and Ms Anne-Marie Trahan as members of the Permanent Committee for a five year term of office.

In accordance with established tradition the Council appointed the following outgoing Council members as members *ad honorem* in recognition of their services to the Institute: Mr Charles Dlamini, Mr E. Allan Farnsworth, Mr Yasuo Hamasaki, Ms Tsvetana Kamenova, Mr Vicente Marotta Rangel, Mr. Jörg Pirrung, Mr Alan Rose, Mr Leif Sevón and Ms Zhang Yejiao.

After reviewing the role of the correspondents of the Institute, the Council nominated the following new correspondents: Ms Katharina Boele-Woelki (Germany/Netherlands), Mr Bijan Izadi (Iran), Ms Aida Kemelmajer de Carlucci (Argentina), Mr Mikko J. Könkkölä (Finland), Mr Karl Kreuzer (Germany), Mr Avelino León Steffens (Chile), Ms Lyndel V. Prott (Australia), Mr Julio César Rivera (Argentina), Mr Giorgio Schiavoni (Italy) and Mr Hervé Synvet (France).

After taking note with satisfaction of the news regarding the prospects for acceptance of UNIDROIT Conventions, and in particular the entry into force of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, of the good news concerning the distribution of the Uniform Law Review, the Council proceeded to consider the implementation of the Work Programme for the current triennium (for details regarding which see Part II below).

The Council authorised the Secretariat to submit to the financial organs of the Institute proposals regarding expenditure for the 2000 financial year and finally adopted a resolution requesting the General Assembly to authorise the necessary increase in the budget of the Institute in order to remedy the inadequacies regarding certain health and safety features of the Institute's facilities and to integrate the Library stocks.

The Council also authorised the transmission to the financial organs of the Institute of the draft estimates of expenditure for 2000 as drawn up by the Secretariat.

At its 100<sup>th</sup> meeting, held on 15 April 1999, the Permanent Committee took a number of decisions concerning staff matters and approved the provisional agenda for the 53<sup>rd</sup> session of the General Assembly.

## **2. General Assembly and Finance Committee**

The 53<sup>rd</sup> session of the General Assembly was held in Rome on 25 November under the chairmanship of His Excellency Mr Nehad Ibrahim Abdel Latif, Ambassador of the Arab Republic of Egypt in Italy. The Secretary-General made a statement concerning the Institute's activity during 1999.

In the course of its consideration of financial matters, the Assembly approved the final modifications to the 1998 budget, together with the accounts for that financial year and the Deputy Secretary-General's proposals for adjustments to the 1999 budget. The Assembly also adopted the budget for 2000 and the assessments of member States' contributions for that year.

The Assembly noted with satisfaction the further reduction in the arrears owing in respect of the contributions of member States, accepted the request of the Governing Council of the Institute to increase some chapters of the budget in order to improve working conditions at UNIDROIT and accepted, on certain conditions, the request of the Government of Bolivia to regularise its situation with respect to UNIDROIT.

The 52<sup>nd</sup> session of the Finance Committee was held on 5 October 1999 under the chairmanship of Ms Ingrid Apelbaum, Minister Counsellor, Embassy of Switzerland in Italy. The Committee was called upon to formulate opinions on certain financial matters which were submitted for decision to the General Assembly at its above-mentioned 53<sup>rd</sup> session.

In order to finalise a number of proposals for the revision of the 2000 budget, a meeting of the Sub-committee of the Finance Committee was held in Rome on 4 June 1999.

### **B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS**

The following meetings were organised by the Institute in 1999:

#### *PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS*

Working Group for the preparation of Principles of International Commercial Contracts, second session (Bolzano, 22 - 26 February 1999);

#### *INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT*

First Joint Session of the UNIDROIT Committee of Governmental Experts for the preparation of a draft Convention on International Interests in Mobile Equipment and a draft Protocol thereto on Matters specific to Aircraft Equipment and the Sub-Committee of the ICAO Legal Committee on the study of international interests in mobile equipment (aircraft equipment) (Rome, 1 - 12 February 1999);

Informal Insolvency Working Group of the Joint Session (Rome, 1 - 2 July 1999);

Second Joint Session of the UNIDROIT Committee of Governmental Experts and the Sub-Committee of the ICAO Legal Committee (Montreal, 24 August - 3 September 1999);

*Ad hoc* Drafting Group set up by the Second Joint Session to complete the drafting work left uncompleted by the Second Joint Session (Rome, 25 - 27 November 1999);

#### *FRANCHISING*

Drafting Committee of the Study Group on Franchising (Rome, 14 - 16 January 1999);

Fourth session of the Study Group on Franchising (Rome, 9 - 10 December 1999);

### **C. RELATIONS WITH GOVERNMENTS**

The 58 States members of UNIDROIT are: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia (former Federative Socialist Republic of).

Consultations continued throughout 1999 between the Secretariat and a number of Governments with a view to their accession to UNIDROIT and it is hoped that these contacts will in due course result in a further expansion of the membership of the Institute.

On 1 December 1999 a meeting was held at the invitation of His Excellency Mr Nehad Ibrahim Abdel Latif, Ambassador of the Arab Republic of Egypt, and the Secretary-General of UNIDROIT for an exchange of views on the role of UNIDROIT in the African and Arab world in the field of international trade law. The meeting was attended by representatives of Arab and African countries.

### **D. DIPLOMATIC CONFERENCES AND MEETINGS ORGANISED BY OTHER INTERNATIONAL ORGANISATIONS**

In the course of the period under review, the Institute was represented at meetings organised by a number of international organisations, including the FAO, UNESCO, the Hague Conference on Private International Law, the United Nations Commission on International Trade Law (UNCITRAL), the United Nations Office for Outer Space Affairs (UNOOSA), the European Space Agency (ESA), the Council of Europe, the International Development Law Institute (IDLI), ICPO-INTERPOL, and the International Bar Association (IBA). Members of the Secretariat also participated in various meetings and seminars at which they gave exposure to UNIDROIT Conventions and to the Institute's ongoing work, information regarding which is provided in Part II of this Report.

## II SCIENTIFIC ACTIVITY

### A. WORK IN PROGRESS

#### 1. Principles of International Commercial Contracts

The Working Group for the preparation of Part II of the UNIDROIT Principles held its second session in Bozen/Bolzano (Italy) from 22 to 25 February 1999. The session was attended by M.J. Bonell (UNIDROIT; Chairman of the Working Group), P.-A. Crépeau (Canada), S.K. Date Bah (Ghana), A. Di Majo (Italy), A. El Kholy (Egypt), E.A. Farnsworth (U.S.A.), P. Finn (Australia), M. Fontaine (Belgium), M. Furmston (United Kingdom), A. Hartkamp (Netherlands), Huang D. (China), C. Jauffret-Spinosi (France), A. Komarov (Russian Federation), O. Lando (Chairman of the Commission on European Contract Law), P. Schlechtriem (Germany) and T. Uchida (Japan). H. Grigera Naón (ICC Court of Arbitration) and G. Schiavoni (Milan Italian and International Chamber of Arbitration) attended as observers. The session was also attended by H. Kronke (Secretary-General of UNIDROIT).

The session opened with the examination of the Draft Model Clause which parties may employ to incorporate the UNIDROIT Principles into their contracts, prepared by E.A. Farnsworth (UNIDROIT 1998 Study L - Doc. 57). The Model Clause as agreed by the Group was subsequently approved by the Governing Council at its 78<sup>th</sup> session (1999) and has been posted on the Institute's internet web site <[www.unidroit.org](http://www.unidroit.org)>.

The session then focussed mainly on the draft Chapter on Authority of Agents prepared by M.J. Bonell (UNIDROIT 1998 Study L - Doc. 56). After an extensive discussion the Group, while basically agreeing on the general structure and substance of the draft, decided on some amendments to the black letter rules intended to rationalise the text and/or more clearly express their underlying concepts. In view of the reservations expressed by some of its members as to the merits of Article 4, the Group decided to ask the Rapporteur to prepare for the next session two alternative drafts, one containing a revised version of Article 4 and the other with no reference to the concept of undisclosed principal.

The Group then proceeded to discuss the position papers prepared by P. Schlechtriem on limitation of actions by prescription (UNIDROIT 1999 Study L - Doc. 58), M. Furmston on third party rights under contract (UNIDROIT 1999 Study L - Doc. 59) and M. Fontaine on assignment of contractual rights and duties (UNIDROIT 1999 Study L - Doc. 61), while, due to lack of time, examination of the position papers by T. Uchida on UNIDROIT Principles and electronic commerce (UNIDROIT 1999 Study L - Doc. 60) and C. Jauffret-Spinosi on set-off (UNIDROIT 1999 Study L - Doc. 62) had to be deferred to a subsequent session.

In the course of 1999 the UNIDROIT Principles were the subject of a number of seminars and colloquia.

On 26 February 1999 a one-day seminar entitled "The UNIDROIT Principles and International Commercial Arbitration" was held at the Chamber of Commerce in Bozen/Bolzano. It was attended by some 250 arbitrators and lawyers, mainly from Northern Italy, Austria and Southern Germany. Under the chairmanship of M.J. Bonell, papers were presented by H. Kronke, M.W. Bauer, H. Grigera Naón and G. Schiavoni. A lively debate followed in the course of which members of the Working Group took the floor.



On 27 May 1999, at the invitation of the Institute of International Law of the University of Geneva, M.J. Bonell presented a paper on “The UNIDROIT Principles of International Commercial Contracts: a new *lex mercatoria*?”.

On 21 June 1999, at the invitation of the Law Faculty of the University of Würzburg, M.J. Bonell delivered a lecture on the UNIDROIT Principles.

The UNIDROIT Principles constituted an important part of the three-credit course on “International Commercial Contracts” given by M.J. Bonell at the Columbia University School of Law in the City of New York in September/October 1999.

On 18 October 1999 M.J. Bonell presented the UNIDROIT Principles to the Committee on Foreign and Comparative Law of The Association of the Bar of the City of New York.

The UNIDROIT Principles were also presented by M.J. Bonell on the occasion of the seminar on “UNIDROIT: l’organizzazione mondiale per un moderno diritto privato nell’era della globalizzazione” held at the seat of UNIDROIT on 25 November 1999, with the participation, among others, of the Italian Minister of the Treasury, Giuliano Amato, and the Secretary-General of the Italian Ministry of Foreign Affairs, Umberto Vattani.

In the course of 1999 two new language versions – German and Arabic – of the UNIDROIT Principles were published, thus bringing the total number of language versions of the integral text of the Principles (black letter rules and comments) to twelve. Moreover, the volume containing the National Reports from 19 countries on the UNIDROIT Principles presented at the XV<sup>th</sup> International Congress of Comparative Law of the International Academy of Comparative Law (Bristol, 26 July - 1 August 1998) was published. The volume, entitled “A New Approach to International Commercial Contracts: The UNIDROIT Principles”, is edited by M.J. Bonell, who also wrote the General Report, and is published by Kluwer Law International.

The great interest in the UNIDROIT Principles is also confirmed by the fact that there have been some 15,000 contacts to the main page of the UNIDROIT Principles website <[www.unidroit.org/english/principles/pr-main.htm](http://www.unidroit.org/english/principles/pr-main.htm)>.

## **2. International interests in mobile equipment**

The principal features of UNIDROIT’s work on its international interests project in 1999 were the consideration of the preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment (hereinafter referred to as the *preliminary draft Convention*) and the preliminary draft Protocol thereto on Matters specific to Aircraft Equipment (hereinafter referred to as the *preliminary draft Aircraft Protocol*) by two sessions of governmental experts, convened jointly by UNIDROIT and the International Civil Aviation Organization (ICAO) (hereinafter referred to as *joint sessions*), and the preparations for a third joint session. The deliberations at the first two joint sessions revealed a number of issues requiring special attention and the setting up of special working groups: while these working groups were able to hold most of their meetings during the joint sessions themselves, intersessional meetings of an Informal Insolvency Working Group and of a Public International Law Working Group were also held. In addition, the volume of work referred to the Drafting Committee by Plenary during the second joint session meant that it was necessary to convene an *ad hoc* Drafting Group after that session to complete the preparation

of revised texts for the third joint session. In the meantime work continued apace on the development and finalisation of a preliminary draft Protocol on Matters specific to Railway Rolling Stock (hereinafter referred to as the *preliminary draft Rail Protocol* and the development of a preliminary draft Protocol on Matters specific to Space Property (hereinafter referred to as the *preliminary draft Space Protocol*).

## ***I. PRELIMINARY DRAFT CONVENTION/ AIRCRAFT PROTOCOL***

### **(a) First Joint Session**

The first joint session was held in Rome from 1 to 12 February 1999. It was attended by representatives of 34 States,<sup>(1)</sup> five intergovernmental Organisations<sup>(2)</sup> and nine international non-governmental Organisations.<sup>(3)</sup> Ms E. Chiavarelli (Italy) was elected Chair, Ms G.T. Serobe (South Africa) First Deputy Chair and Mr J. Sánchez Cordero (Mexico), member of the UNIDROIT Governing Council, Second Deputy Chair. Sir Roy Goode (United Kingdom), member of the UNIDROIT Governing Council and Chairman of the UNIDROIT Study Group responsible for the preparation of the preliminary draft Convention and of the Steering and Revisions Committee responsible for the finalisation of that text and the preliminary draft Aircraft Protocol was elected *Rapporteur*. The joint session set up a *Drafting Committee*.<sup>(4)</sup> The Drafting Committee elected Mr K.F. Kreuzer (Germany), member of the Study Group, as its Chair and Mr G. Lauzon (Canada) as its Deputy Chair. The joint session also set up a *Registration Working Group*.<sup>(5)</sup> The Registration Working Group elected Mr R.C.C. Cuming (Canada), member of the Study Group and Chairman of the Registration Working Group of the Study Group, as its Chair and Ms Serobe as its Deputy Chair.

As indicated above, the joint session's deliberations identified a number of issues, namely insolvency, jurisdiction and the relationship between the future UNIDROIT Convention and the Convention on Assignment in Receivables Financing under preparation by a working group of the United Nations Commission on International Trade Law (UNCITRAL), requiring special attention.

First, it was agreed to set up an *Informal Insolvency Working Group* to consider the technical issues relating to insolvency raised in the preliminary draft Convention and the preliminary draft Aircraft Protocol with a view to the second joint session, and in particular the relationship between the future instruments and the 1990 European Convention on certain

---

<sup>(1)</sup> Argentina, Austria, Belgium, Canada, China, Colombia, Croatia, Czech Republic, Egypt, Finland, France, Germany, Greece, Indonesia, Ireland, Italy, Japan, Malta, Mexico, Netherlands, Nigeria, Paraguay, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Slovak Republic, South Africa, Sweden, Switzerland, United Kingdom, United States of America and Venezuela.

<sup>(2)</sup> European Bank for Reconstruction and Development, European Organisation for the Safety of Air Navigation (Eurocontrol), European Space Agency, Hague Conference on Private International Law and United Nations Commission on International Trade Law (UNCITRAL).

<sup>(3)</sup> Aviation Working Group (hereinafter referred to as *A.W.G.*), Banking Federation of the European Union, International Air Transport Association (hereinafter referred to as *I.A.T.A.*), International Bar Association, International Law Association, International Union of Latin Notaries, International Union of Private Wagon, Rail Working Group (hereinafter referred to as *R.W.G.*) and Space Working Group (hereinafter referred to as *S.W.G.*).

<sup>(4)</sup> The Drafting Committee is composed of the following States: Canada, Egypt, France, Germany, Japan, Mexico, Republic of Korea, Singapore, South Africa and the United States of America.

<sup>(5)</sup> The Registration Working Group is composed of the following States: Canada, Egypt, Finland, France, Ireland, Japan, Mexico, Russian Federation, Singapore, South Africa and the United States of America.

international aspects of bankruptcy, the 1995 Convention of the European Union on Insolvency Proceedings and the 1997 UNCITRAL Model Law on Cross-Border Insolvency.

Secondly, it was agreed that, in view of the numerous problems raised in the context of the future instruments by the question of jurisdiction, the UNIDROIT and I.C.A.O. Secretariats should look further at these problems in the run-up to the second joint session in the light of domestic law, regional Conventions on the subject and the comments that the Permanent Bureau of the Hague Conference on Private International Law had agreed to formulate on the subject in the light of its work on the preparation of an universal Convention on Jurisdiction and the Recognition and Enforcement of Judgments.

Thirdly, it was decided to set up an informal working group to consider during the joint session the precise extent of any effective overlapping between the future instruments and the aforementioned future UNCITRAL Convention and the best means of dealing with the problem.

One delegation tabled a proposal during the first joint session for consideration of a *consolidated* version of the preliminary draft Convention and the preliminary draft Aircraft Protocol, in particular in view of what it saw as the uncertainty surrounding the question whether other preliminary draft Protocols would indeed materialise. Reference was however made to the advanced stage of preparation reached on the preliminary draft Rail Protocol and the preliminary draft Space Protocol. In addition, the Intergovernmental Organisation for International Carriage by Rail (O.T.I.F.), which is to co-ordinate with UNIDROIT the future intergovernmental consultation process in respect of the preliminary draft Rail Protocol, <sup>(6)</sup> indicated its support for the maintenance of the dual Convention/Protocol regimen. In these circumstances, it was agreed that it was premature to contemplate any change in the structure of the proposed international regimen pending completion of a first reading of the preliminary draft Convention and the preliminary draft Aircraft Protocol.

## **(b) Intersessional work**

### *(i) Informal Insolvency Working Group*

Pursuant to the decision taken by the first joint session, an Informal Insolvency Working Group was convened to consider the insolvency-related provisions of the preliminary draft Convention and the preliminary draft Aircraft Protocol. This Working Group met in Rome on 1 and 2 July 1999<sup>(7)</sup> The Working Group was chaired by Ms C. Allen (United Kingdom).

The complexity of the issues and the shortness of the time available meant that the Working Group was only able to complete a review of the insolvency-related provisions of the preliminary draft Convention and some of the insolvency-related provisions of the preliminary draft Aircraft Protocol. Particular problems were identified with Article XI of the latter. It was agreed that the work commenced by the Informal Insolvency Working Group in Rome would need to be carried forward at the Second Joint Session as a matter of priority.

---

<sup>(6)</sup> By decision of the fourth General Assembly of O.T.I.F., held in Athens from 8 to 11 September 1997.

<sup>(7)</sup> It was attended by delegations from France, Germany, Japan, the Netherlands, the United Kingdom and the United States of America, as well as by observers from the International Bar Association and the International Federation of Insolvency Practitioners (hereinafter referred to as *Insol International*) and advisers from A.W.G.

(ii) *Registration Working Group*

Mr Cuming, Chair of the Registration Working Group, convened an informal meeting of that group, which was held in New York on 17 and 18 June 1999,<sup>(8)</sup> and which considered the impact of the recommendations made by the Registration Working Group at the first joint session on the registration provisions of the preliminary draft Aircraft Protocol and structural and political aspects of the future International Registry for aircraft equipment.

**(c) Second Joint Session**

The second joint session was held in Montreal from 24 August to 3 September 1999. 38 Governments<sup>(9)</sup> were represented. Three intergovernmental Organisations<sup>(10)</sup> were represented by observers, as were six international non-governmental Organisations.<sup>(11)</sup> The session was chaired by Ms Chiavarelli with Sir Roy Goode acting as *Rapporteur*.

Pursuant to the request made by one delegation at the conclusion of the first joint session, the second joint session again discussed the structure of the proposed international regimen. While three delegations indicated their support for the idea of an aircraft-only Convention, the majority view was that it was still premature to take a decision on this matter and that it was preferable to keep an open mind on the subject and to continue working on the basis of a multi-equipment Convention for the time being. It was nevertheless agreed that an integrated text of the preliminary draft Convention and the preliminary draft Aircraft Protocol could be an useful working tool worth preparing for the third joint session.<sup>(12)</sup>

Much progress was made at the second joint session on the issues identified as raising special problems at the previous joint session. The work of the Informal Insolvency Working Group was completed by an enlarged *Insolvency Working Group*<sup>(13)</sup> over five meetings.<sup>(14)</sup> The first meeting of this enlarged Working Group was chaired by the Chair of the Informal Insolvency Working Group, while the remaining meetings were chaired by Mr B.J. Welch (United Kingdom).

---

<sup>(8)</sup> Representatives of the Governments of Canada, Egypt, France, Ireland, Japan, Mexico, Singapore and the United States of America attended, as also an observer representing R.W.G. and advisers representing A.W.G. and I.A.T.A..

<sup>(9)</sup> Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Egypt, Finland, France, Germany, Greece, India, Indonesia, Ireland, Italy, Japan, Malta, Mexico, Netherlands, Pakistan, Panama, Peru, Portugal, the Republic of Korea, Russian Federation, Senegal, Singapore, South Africa, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, United Kingdom and United States of America.

<sup>(10)</sup> Eurocontrol, UNCITRAL and the United Nations Office for Outer Space Affairs (hereinafter referred to as *U.N.O.O.S.A.*).

<sup>(11)</sup> A.W.G., the Centre for the Economic Analysis of Law, Insol International, I.A.T.A., R.W.G. and S.W.G.

<sup>(12)</sup> It should be noted that by letter, addressed to the Secretary-General of UNIDROIT on 20 October 1999, I.A.T.A. indicated that it had decided “to formally endorse the concept of a ‘stand alone’ International Convention in respect of aircraft and aircraft engines”. I.A.T.A. further indicated that it was working on an “informal draft unified text” which it would be amending in the light of “the final results from the [second joint session]”.

<sup>(13)</sup> Canada, Egypt, the Russian Federation and South Africa being added to the States invited to attend the Rome session of the Informal Insolvency Working Group.

<sup>(14)</sup> It was attended by representatives of Canada, Egypt, France, Germany, Japan, the Netherlands, the Russian Federation, Singapore, South Africa, the United Kingdom and the United States of America, as members, and by representatives of China and Sweden as observers, with the observers of A.W.G. and Insol International taking part as advisers.

The Insolvency Working Group agreed not to reopen discussion on those issues on which the Informal Insolvency Working Group had been able to reach consensus: its efforts accordingly concentrated essentially on Articles XI and XII of the preliminary draft Aircraft Protocol. The solution it proposed to the joint session on Article XI was based on the idea of States being given two options: a “hard” approach set out in Article XI of the text as submitted to the first joint session (with a set period being provided for the giving of possession of the aircraft object to the creditor, should all defaults by the debtor not be cured by the end of such period) and a softer approach (providing for judicial control and discretion in the obligee’s realisation of his security in the aircraft object) submitted by the French delegation to the Informal Insolvency Working Group.

Considerable progress was also realised at the second joint session on another of the issues identified as requiring particular attention at the first joint session, namely jurisdiction, in the light *inter alia* of comments submitted by the Hague Conference on Private International Law, in particular from the angle of the draft universal Convention on Jurisdiction and the Recognition and Enforcement of Judgments on which it was working. The joint session set up a *Jurisdiction Working Group* to prepare proposals for its consideration. This group, which held two meetings, chaired by Mr A.T. Leinonen (Finland),<sup>(15)</sup> tabled several recommendations, designed above all to provide guidance for the work of the Drafting Committee.

The *Registration Working Group* also met during the second joint session to complete its consideration of the registration provisions of the preliminary draft Convention and the preliminary draft Aircraft Protocol, commenced at the first joint session. Its meetings were chaired by Mr Cuming.<sup>(16)</sup>

The second joint session duly considered the recommendations of the Insolvency, Jurisdiction and Registration Working Groups and was thus able to complete its second reading of the preliminary draft Convention and the preliminary draft Aircraft Protocol. Although substantial progress was made during the joint session by the Drafting Committee (chaired by Mr Kreuzer)<sup>(17)</sup> in giving effect to the matters referred to it by Plenary, the volume of these references was such that it found itself unable to complete its review of the entirety of the provisions of the preliminary draft Convention and the preliminary draft Aircraft Protocol. In particular, it did not have time to review the insolvency-, jurisdiction- and registration-related provisions of these texts.

As a result, it was agreed by the joint session to entrust Mr Kreuzer with the task of organising a small group of *amici curiae*<sup>(18)</sup> to meet after the session in order to complete the work left unfinished by the Drafting Committee. The terms of reference of this *ad hoc* group

<sup>(15)</sup> It was attended by representatives of Argentina, Austria, Canada, China, Egypt, Finland, France, Germany, Japan and the United States of America, with an observer of A.W.G. attending as adviser.

<sup>(16)</sup> It was attended by representatives of Canada, Egypt, Finland, France, Ireland, Japan, Singapore, South Africa and the United States of America, with observers of A.W.G. and I.A.T.A. attending as advisers.

<sup>(17)</sup> The meeting was attended by representatives of Canada, Egypt, France, Germany, Japan, Mexico, the Republic of Korea, Singapore, South Africa and the United States of America, as members, and by a representative of Tunisia as an observer, with the assistance of Sir Roy Goode as *Rapporteur* and with observers of A.W.G. and I.A.T.A. attending as advisers.

<sup>(18)</sup> Membership of this group was limited to representatives of Canada, France, Germany and the United States of America, assisted by Sir Roy Goode, as *Rapporteur*, and Mr J. Wool, as adviser on the aircraft-related aspects of the texts, and with Mr K. El Hussainy (Egypt) and Mr H.G. Bollweg (Germany) and the Chairs of the different working groups being able to be called in by Mr Kreuzer whenever necessary for the performance of the task entrusted to him.

were defined in terms of the decisions taken by the joint session as reflected in the Report thereon.

The ad hoc *Drafting Group* set up by the second joint session met in Rome from 25 to 27 November 1999. It was attended by Mr Kreuzer, as Chair, Messrs J.M. Deschamps (Canada) and O. Tell (France), as members, Sir Roy Goode, as *Rapporteur*, and Mr Wool, as adviser. It prepared revised texts of the preliminary draft Convention and of the preliminary draft Aircraft Protocol, on the basis of preliminary revised texts prepared by Sir Roy.

These revised texts will be the main business on the agenda of the third joint session, which is to be held in Rome from 20 to 31 March 2000. At that meeting the joint session will also have before it the results of the work accomplished by the *Public International Law Working Group* during its meeting held in Cape Town on 8 and 9, and on the Blue Train en route to Pretoria on 10 and 11 December 1999.

The Public International Law Working Group was set up by the second joint session to consider a number of problem areas identified during the joint session's second reading of the preliminary draft Convention and the preliminary draft Aircraft Protocol. <sup>(19)</sup> Ms Serobe was elected Chair of the Working Group, Mr Sánchez Cordero First Vice-Chair and Mr G. Grall (France) Second Vice-Chair.

The terms of reference of the group were to consider, first, the relationship between the preliminary draft Convention/Aircraft Protocol and other existing or future Conventions (the 1944 Chicago Convention on International Civil Aviation and the Annexes thereto, the 1948 Geneva Convention on the International Recognition of Rights in Aircraft, the 1933 Rome Convention for the Unification of Certain Rules Relating to the Precautionary Attachment of Aircraft, the 1988 UNIDROIT Conventions on International Factoring and International Financial Leasing and the future UNCITRAL Convention on Assignment in Receivables Financing), secondly, the legal relationships between the preliminary draft Convention and the preliminary draft Aircraft Protocol and the preliminary draft Convention and other future Protocols, thirdly, various aspects of the final provisions to be included in the future Convention and Aircraft Protocol (declarations and reservations, denunciations, reciprocity rules, entry into force, federal State clauses and harmonisation of the language used in the relevant provisions of the preliminary draft Convention and the preliminary draft Aircraft Protocol), fourthly, transitional provisions; and, fifthly, international liability, immunity and privileges of the Supervisory Authority and the Registrar.

The group held a number of informal meetings during the joint session to organise its work. As a result, it was agreed that discussion papers should be prepared on each of the various subjects referred to the Working Group, responsibility for these papers being divided up among the different members of the Group.

The Working Group will meet again at the beginning of the third joint session to complete its work before referring its recommendations to the joint session. It still has to

---

<sup>(19)</sup> Membership of the group was granted to representatives of Australia, Austria, Canada, Egypt, France, Ireland, Japan, Mexico, the Republic of Korea, the Russian Federation, South Africa, the United Kingdom and the United States of America, with Singapore and Tunisia being granted observer status, as also UNCITRAL, U.N.O.O.S.A., R.W.G. and S.W.G., and the Hague Conference on Private International Law, A.W.G., I.A.T.A. and Ms C. Chinkin (United Kingdom), as co-author of the discussion paper on the relationship between the preliminary draft Convention and future Protocols, submitted to both the first and the second joint sessions, being granted the status of advisers.

consider a number of matters referred to members of the Working Group for further work during the meeting in South Africa as well as the draft provisions on the adoption of future Protocols the preparation of which the Working Group agreed in South Africa to entrust to Ms Chinkin.

## ***II. PRELIMINARY DRAFT RAIL AND SPACE PROTOCOLS***

### **(a) Preliminary draft Rail Protocol**

Parallel with the work of the joint session, the UNIDROIT Rail and Space Working Groups have continued to make substantial progress during the period under review.

The work of R.W.G. on the preparation of a preliminary draft Rail Protocol <sup>(20)</sup> was completed at the conclusion of the fifth meeting of that group, held in London on 5 July 1999. Previous meetings had been held in Brussels on 30 September 1997, in Zürich on 15 December 1998 and 4 March 1999, and in Brussels on 11 May 1999. R.W.G., the work of which is co-ordinated by Mr H. Rosen, brings together representatives of manufacturers, financiers and operators of railway rolling stock and the interested international Organisations.<sup>(21)</sup> At a seventh meeting of the group, to be held in London on 19 January 2000, the preliminary draft Rail Protocol will be updated so as to take account of the amendments made to the preliminary draft Convention and the preliminary draft Aircraft Protocol at the *ad hoc* Drafting Group meeting.

Subsequently, the preliminary draft Rail Protocol will be transmitted to UNIDROIT, which in line with the decision taken by the UNIDROIT Governing Council at its 78<sup>th</sup> session (Rome, 12-16 April 1999), has convened a Steering and Revisions Committee to consider it from the point of view of its compatibility and consistency with the preliminary draft Convention, which is to meet in Rome on 16 and 17 March 2000. This Committee will include representatives not only of the UNIDROIT Governing Council but also of R.W.G. and of the international and national Organisations that took part in the development of the preliminary draft Rail Protocol. The intention thereafter is, subject to the Governing Council's approval, for UNIDROIT and O.T.I.F. to move the preliminary draft Rail Protocol forward to intergovernmental negotiations.<sup>(22)</sup>

In the meantime, the reflections made in the context of the development of a rolling stock registry for the purposes of the future UNIDROIT Convention have persuaded some of the leading players in the rail sector of the need to create a system that would permit the registration of such equipment on a multi-purpose basis, that is, not only for the special needs of the future Convention but also to respond to the more general needs of Organisations like O.T.I.F. and I.U.R.. Eurofima and I.U.R. are therefore currently examining the possibility of creating such a multi-user rolling stock registry, in association with other interested Organisations, like O.T.I.F. and the American Association of Railroads.

---

<sup>(20)</sup> Cf. *Uniform Law Review* 1997, 714-716.

<sup>(21)</sup> In particular, O.T.I.F., the International Union of Private Wagons, the International Union of Railways (I.U.R.), the European Company for the Financing of Railroad Rolling Stock (Eurofima) and the Union of European Railway Industries (Unife). The UNIDROIT Secretariat has taken part in some of these meetings, as also have members of the UNIDROIT Governing Council.

<sup>(22)</sup> Cf. note 6, *supra*.

Exposure continues to be given, wherever possible, to the efforts of R.W.G. at international conferences addressing the rail sector. Thus, a session of the *European Rail Finance & Leasing Forum*, held in Brussels on 10 and 11 May 1999, was devoted to consideration of the future UNIDROIT Convention in relation to railway rolling stock. Presentations were given both by Mr Rosen and by Mr R. Reinhold (Switzerland), an R.W.G. member.

### **(b) Preliminary draft Space Protocol**

The work of S.W.G. on the preparation of a preliminary draft Protocol to the preliminary draft Convention on Matters specific to Space Property,<sup>(23)</sup> continues on the basis of a working draft prepared in January 1999 and updated in January 2000 by Mr P.D. Nesgos, co-ordinator of S.W.G.

The first of these two drafts was the subject of presentations by Mr M.J. Stanford (UNIDROIT) both at the international colloquium on *International Organisations and Space Law: their Role and Contributions*, organised in Perugia (Italy) on 6 and 7 May 1999 in preparation for the Third United Nations Conference on the Exploration and Peaceful Uses of Space (UNISPACE III), and at the Workshop on Space Law in the 21<sup>st</sup> Century, organised in Vienna (Austria) from 20 to 23 July 1999 on the occasion of UNISPACE III itself, where Mr Stanford called for the Conference to signal the importance of the Institute's work in the context of the commercialisation of space and to underscore the desirability of the early holding of an informal *ad hoc* meeting of member Governments of the Committee on the Peaceful Uses of Outer Space (C.O.P.U.O.S.) and the intergovernmental Organisations active in the regulation of matters pertaining to Outer Space, *inter alia* with a view to identifying the most appropriate means of moving the preliminary draft Space Protocol forward to intergovernmental negotiations.

These calls may be considered to have been heeded in that the Report of UNISPACE III<sup>(24)</sup> contains references both to the need for member States of the United Nations to pay attention to "the various aspects of the issues of ... and security of ownership in order to arrive at a coherent global framework" and for the "international organizations concerned [to] make arrangements for effective and focused joint forums"<sup>(25)</sup> and to the need for C.O.P.U.O.S. to address "the issue of security of ownership regarding spacecraft"<sup>(26)</sup>.

Both UNIDROIT and S.W.G. tend in principle to believe that the most appropriate intergovernmental Organisation in collaboration with which UNIDROIT should be aiming to move the preliminary draft Space Protocol forward to intergovernmental negotiations would be the United Nations, in particular in view of the fact that the Outer Space Treaty and the Convention on the Registration of Objects Launched into Outer Space were both concluded under its auspices and also the fact that the latter Convention requires the Secretary-General of the United Nations to maintain a register carrying information on objects launched into Outer Space<sup>(27)</sup>.

---

<sup>(23)</sup> Cf *Uniform Law Review* 1997, 714.

<sup>(24)</sup> Cf. A/CONF.184/6.

<sup>(25)</sup> *Idem*, § 369 *in fine*.

<sup>(26)</sup> *Idem*, § 370 *in fine*.

<sup>(27)</sup> Cf. Article III(1) of the Convention on Registration of Objects Launched into Outer Space.



U.N.O.O.S.A. has agreed to organise an informal briefing on the application of the preliminary draft Convention to space property in collaboration with UNIDROIT in Vienna in the first quarter of 2000. This briefing will be addressed to representatives of the member States of C.O.P.U.O.S. The UNIDROIT Secretariat has also been invited to address the 39<sup>th</sup> session of the Legal Subcommittee of C.O.P.U.O.S., being held in Vienna from 27 March to 7 April 2000, on its work in this regard.

The UNIDROIT Secretariat has moreover in the period under review done its utmost to enhance awareness among the space finance community of the benefits to be expected to accrue under the future Space Protocol. The Secretary-General thus addressed the 8<sup>th</sup> Practitioners' Forum, organised by the European Centre for Space Law in Paris on 26 November 1999. The Secretariat has moreover been actively involved in the organisation of a workshop entitled *Protecting security interests in satellites: will international uniformity facilitate satellite financing?*, to be held in London on 27 January 2000 on the occasion of the Annual Space and Satellite Finance Conference, designed to afford space financiers an opportunity to comment on its project and on its importance for the practical problems that they have to face. The workshop proceedings will be moderated by Mr Stanford who will be joined by a panel of speakers made up of Sir Roy Goode, Mr Nesgos, Mr G. Lafferranderie, Legal Adviser, European Space Agency, Ms M. Leimbach, Legal Department, Crédit Lyonnais and Mr D. Rissel, Attorney-at-Law, DaimlerChrysler Aerospace.

### 3. Franchising

At its 77<sup>th</sup> session, held in February 1998, the Governing Council of the Institute authorised the publication of the UNIDROIT *Guide to International Master Franchise Arrangements*. The English version of the Guide was consequently published in September 1998.<sup>(28)</sup> Work on the French version was already underway at the time, and work on the Spanish version started shortly thereafter. Publication of these two language versions is expected to take place in the course of the year 2000.

At that same session the Governing Council also accepted a proposal by the Secretariat that the Study Group on Franchising should proceed with the preparation of a model law. The proposal by the Secretariat to prepare a model law was based upon the growing interest demonstrated by the franchising community in an instrument of this kind. This growth of interest was largely due to the adoption of franchise legislation in a growing number of countries as a result of the increase in sharp practices that the impressive growth of franchising had brought in its wake. The franchising community felt that the legislation that had been adopted in a number of countries risked severely hampering the development of franchising, and that therefore the adoption of similar legislation in other countries should if possible be avoided. If UNIDROIT prepared a model law, which by definition would be a balanced instrument considering the nature of the organisation and the guarantees offered by its past history, legislators would have at their disposal an instrument that would promote and not hamper the development of franchising.

In consideration of the above, the Governing Council accepted the proposal put forward by the Secretariat and decided to authorise the Study Group on Franchising to proceed with the preparation of a model law. The proposal was finally endorsed by the

---

<sup>(28)</sup> See the section of this report dealing with the Publications of the Institute.

General Assembly of the Institute at its 52<sup>nd</sup> session on 27 November 1998, in the context of the approval of the Work Programme for the triennial period 1999 – 2001.

Following the decisions taken by the Governing Council and General Assembly of the Institute, a Drafting Committee of the Study Group on Franchising met in Rome from 14 to 16 January 1999 to prepare a first draft of the future model law. This first draft was submitted to the Governing Council of the Institute at its 78<sup>th</sup> session in April 1999, and was examined in detail by the Study Group in Plenary at its Fourth Session on 9 and 10 December 1999. The Fifth Session of the Study Group is due to be held in October 2000.

The draft model law is limited to pre-contractual disclosure. The decision thus to limit the scope of the model law was the result of the realisation that, while constituting what apparently was only a small part of franchising, disclosure was crucial, in that a major issue in the majority of cases dealing with franchising was the allegation by the franchisee that the franchisor had not provided the franchisee with adequate information prior to the conclusion of the contract. The Study Group considered it preferable not to enter into a discussion of the issues raised in relation to the relationship between the parties to a franchise agreement in view of the inherent difficulties in establishing a uniform regulation of franchise relationships.

The model law is intended to apply to both domestic and international franchising, and to different types of franchise agreement, such as traditional unit agreements, master franchise agreements and development agreements.

It is the intention of the Institute to issue the model law, once completed, with extensive explanatory notes. In addition to illustrating the significance of the individual provisions and the reasons that led the drafters to opt for a particular solution, the explanatory notes will examine the broader question of the options available to national legislators and the considerations that national legislators might wish to take into consideration when examining the possibility of introducing legislation on franchising.

The Institute's work on the model law was illustrated by Ms L. Peters (UNIDROIT) at the 16<sup>th</sup> Joint International Franchise Association/International Bar Association Seminar in Washington in May 1999, and at the 1999 Conference of the International Bar Association Section on Business Law (Barcelona, September/October 1999).

#### **4. International protection of cultural property**

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted and opened to signature on 24 June 1995, entered into force on 1 July 1998 pursuant to the deposit of the fifth instrument of ratification/accession. As of 31 December 1999 there were twelve Contracting States: Bolivia, Brazil, China, Ecuador, El Salvador, Finland, Hungary, Italy, Lithuania, Paraguay, Peru, and Romania (see p.17 below, *sub* Acceptance of UNIDROIT Conventions). The procedure for ratification or accession is underway in other countries.

Ever since its adoption, the UNIDROIT Secretariat has been assiduous in its efforts to maximise awareness of the Convention, by taking part in a number of events at which the Convention has been studied. Of particular interest among these events, at an intergovernmental level, was the 10<sup>th</sup> Session of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, held in Paris in January 1999. In September 1999 the Secretariat

also participated in a regional workshop for Latin American countries organised by INTERPOL and the Peruvian Ministry of Culture in Cuzco. The Institute was furthermore represented by a member of the Governing Council in a joint UNESCO/INTERPOL Conference on Illicit Traffic in Cultural Property stolen in the Americas which was held in Mexico in December 1999. These events made participants familiar with the legal weapons available for the protection of cultural property and offered the opportunity to stimulate the adhesion of a number of countries to the legal instruments of use to combat illicit trafficking in this field.

The Secretariat was furthermore invited to participate in a Meeting of Experts organised in Helsinki in November 1999 by the Ibero-American Center of the University of Helsinki, the Finnish Ministry for Foreign Affairs and the European Commission. This meeting was a follow-up to the Summit of Heads of State of Rio de Janeiro of June 1999, and was intended to put in place a strategy for cultural relations among the European Union, Latin America and the Caribbean. At all these events recommendations were adopted requesting the States to become parties to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

In 1999 the Institute moreover welcomed three researchers under the UNIDROIT scholarships programme who studied the 1995 Convention in depth for a period of two months. These scholars were Mr Shyllon (Nigeria), who studied the Convention and its interest for African countries and arbitration, Mr Rahmaoui (Algeria) who studied the Convention from the point of view of the Maghreb, and Mr Fernandez da Silva (Brazil) who considered the application of the UNIDROIT Convention in the Mercosur. The intention of these three scholars was to promote the Cultural Property Convention in their regions and to recommend adherence thereto.

The Convention continues to be the subject of articles in legal periodicals and in the international media.

## **5. Transnational rules of civil procedure**

At its 78<sup>th</sup> session in April 1999 the Governing Council requested the President of UNIDROIT “to set up, together with the Director of the American Law Institute, a Study Group composed of representatives of different legal systems with the task of exploring the possibility of drawing up general principles of civil procedure as a first step in the preparation of transnational rules of civil procedure” (cf. UNIDROIT 1999 C.D. (78) 23, p. 11). The newly constituted Study Group will hold its first session at the seat of UNIDROIT in Rome from 22 to 26 May 2000.

### **B. ACTIVITIES SUBSIDIARY TO THE UNIFICATION OF LAW**

#### **1. Programme of legal co-operation**

It will be recalled that the programme of legal co-operation is centred around the dissemination of information on the activities of the Institute and the provision of research opportunities for top-flight lawyers, in particular by means of a scholarships programme for lawyers from developing countries or countries in economic transition.

**(a) Symposia and other events**

*International uniform commercial law conventions, lex mercatoria and UNIDROIT Principles*, University of Verona, Faculty of Law, 4 - 6 November 1999. The discussions centred around the UNIDROIT Principles of International Commercial Contracts, dealing with their role in arbitral tribunals, their relationship to the *lex mercatoria*, and contrasting the Principles with international uniform law conventions. UNIDROIT was represented by the Secretary-General, who presented a paper entitled "International uniform commercial law Conventions and alternative forms of instruments: Advantages, disadvantages and criteria for choice".

**(b) Research scholarship programme**

In the seven years of its activity the scholarships programme has permitted 71 researchers from 36 different countries to conduct in-depth research in the library of the Institute on a subject of their choice relating to the activities of UNIDROIT and/or to uniform law. In so doing, the researchers participated in the promotion of uniform law by UNIDROIT.

Twelve researchers were received in 1999, in line with the decision taken by the Scholarships Committee of the Governing Council at its 1999 session, and thanks to the support of the following sponsors: the French Government, the Government of the Republic of Korea and the Finnish Government. The UNIDROIT general budget also made a contribution.

The following researchers benefited under the programme: Mr Alexei G. Doudko (Russian Federation), Mr Fernando Fernandez da Silva (Brazil), Mr Jorge Jaramillo Vargas (Colombia), Mr Kamil Kiljanski (Poland), Ms Milena Minkova (Bulgaria), Mr Marco Perez (Colombia), Mr Kamel Rahmaoui (Algeria), Mr Zafrullah Salim (Indonesia), Mr Folarin Shyllon (Nigeria), Mr Taryana Soenandar (Indonesia), Ms Flutura Tafaj (Albania), Mr Ignacio Vera Estrada (Mexico).

**(c) Interns and researchers**

In 1999 the Institute welcomed the following interns and researchers: Marie-Claude Miot (France), Mary Jeanne Phelan (Canada), Jan Ulrich Wacke (Germany), Eva Kremer (Germany), Daphne Richmond (France) and Sven Schilf (Germany).

Mr Eric Carpano, who had been seconded to the Secretariat in April 1998 for a period of sixteen months under the French Government's voluntary service scheme, ended his period of secondment in August 1999.

**2. Creation of a data base on uniform law**

The year 1999 saw one major development as regards the project for the setting up of a data base on uniform law: in July 1999 the *International Centre for Automated Information Research (ICAIR)* awarded UNIDROIT a grant of US\$ 50,000 to develop the data base. It is anticipated that this sum will be sufficient to cover the cost of the software, as well as the cost of initiating the retrieval and processing of the materials to be inserted in the data base. In accordance with the decision taken by the Board of the *Uniform Law Foundation* at its Second Session in February 1998, it is intended that work on the data base should begin with

the *1956 Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR)*.

As regards the software, the Secretariat at the end of the year was still considering two options that were transmitted to outside experts for evaluation. As to the retrieval and processing of materials, the Institute benefited from the presence of a young French intern from the University of Poitiers, Marie-Claude Miot, who came to the Institute as an intern for two months at the end of 1999 (11 October – 11 December).

Lastly, contacts with the *International Road Transport Union (IRU)* in relation to the development of the section of the data base that will deal with the CMR were also pursued in the course of the year.

### **3. Uniform Law Foundation**

At its 78<sup>th</sup> Session, held in April 1999, the Governing Council proceeded to re-elect the Board of Governors of the *Uniform Law Foundation* as the term of office of the current Board was due to expire on 30 June 1999. The Council decided to re-appoint the out-going members, Messrs Hartkamp and Mádl of the Council, and to appoint Messrs Goode and Putzeys as new members. It was understood that the two members of the Board who were not members of the Council, namely Messrs Siehr and Wallace, would continue to serve thereon. The Council furthermore noted that Mr Herbert Kronke, who had taken office as Secretary-General on 1 September 1998, would *ex officio* replace the late Secretary-General of the Institute, Mr Malcolm Evans.

The Third Meeting of the Board of Governors of the Uniform Law Foundation was held in Rome on 16 April 1999. The meeting focussed on the data base on uniform law, in particular on the possibilities to find funding and on the problems associated with the lack of funding, especially in terms of staff time, but also in terms of paying independent researchers to work on the retrieval and processing of materials. A number of categories of institutions that might be approached for funding were identified.

### **4. Acceptance of Unidroit Conventions**

The Secretariat has throughout 1999 continued to use its best efforts to promote UNIDROIT Conventions, whether by making presentations at conferences or by penning articles.

As regards the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which entered into force in 1998, five States deposited their instruments of ratification or adhesion in the course of 1999: Brazil (23 March 1999, with entry into force on 1 September 1999), Bolivia (13 April 1999, entry into force 1 October 1999), El Salvador (16 July 1999, entry into force 1 January 2000), Finland (14 June 1999, entry into force 1 December 1999), and Italy (11 October 1999, entry into force 1 April 2000). To date, the Contracting States to the Convention are twelve in number.

## 5. Convening of a congress or meeting on uniform law

### *Seminar on "The world organisation for a modern private law in the era of globalisation", UNIDROIT, Rome, 25 November 1999*

A seminar was held on 25 November 1999 following the 53<sup>rd</sup> session of the UNIDROIT General Assembly, which drew a large audience made up of diplomats representing member and non-member States of the Institute in Rome, representatives of Italian organisations maintaining institutional links with the Institute, as well as legal practitioners, businessmen, academics and researchers from Italy and abroad. The seminar was organised to introduce UNIDROIT's recent work and plans for future research and highlight its role in the world of uniform law.

The seminar was chaired by Mr Umberto Vattani, Secretary General of the Italian Ministry of Foreign Affairs. Following the opening words of the President of UNIDROIT, Mr Luigi Ferrari Bravo, and an introductory address by Mr Giuliano Amato, Minister of the Treasury, the following topics were presented:

- ✦ UNIDROIT's preparation of a Convention creating a new international interest in high-value mobile equipment (Sir Roy Goode, Oxford/Harvard)
- ✦ La Convention d'UNIDROIT sur la protection des biens culturels: un équilibre délicat et nécessaire (P. Lalive, Genève)
- ✦ I Principi UNIDROIT: verso un diritto mondiale dei contratti commerciali internazionali (M.J. Bonell, Rome)
- ✦ Les initiatives d'UNIDROIT en matière de franchisage: vers un système moderne et plus transparent de distribution des marchandises et des services (O. Binder, Paris)
- ✦ UNIDROIT and international capital markets (H. Kronke, Secretary General, UNIDROIT)

The conclusions were presented by Mr Pietro Rescigno (Rome).

## 6. The UNIDROIT Internet Web site: [www.unidroit.org](http://www.unidroit.org)

The UNIDROIT Web site continues to be an extremely effective means of promoting UNIDROIT's activities and its instruments. Daily contacts to the English language home page alone averaged 135 in 1999.

Development and updating of the UNIDROIT Web site continued in 1999. The content of the site has been substantially enlarged and many of its pages have been updated and/or replaced in order to provide an up to date, comprehensive overview of UNIDROIT's activities.

The UNIDROIT Web site contains the following material:

- **Presentation of UNIDROIT**, providing general information on the Institute, its membership, working methods, current work programme including subsidiary activities such as its scholarship programme and publishing activities, as well a list of past achievements;
- **UNIDROIT News**, a section of the Uniform Law Review appropriately enhanced for reading via the Internet, providing information on the current events and activities of UNIDROIT;

- **Current drafts:** the Preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment and the Preliminary draft protocol to the preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment;
- **UNIDROIT Conventions**, providing not only the texts of six UNIDROIT Conventions - International Convention on the Travel Contract (Brussels, 1970); Convention providing a Uniform Law on the Form of an International Will (Washington, 1973); Convention on Agency in the International Sale of Goods (Geneva, 1983); UNIDROIT Convention on International Financial Leasing (Ottawa, 1988); UNIDROIT Convention on International Factoring (Ottawa, 1988); UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995) – but also status reports on the state of ratifications of, and accessions to, those Conventions as well as relative bibliographies;
- A section devoted to the **UNIDROIT Principles of International Commercial Contracts** containing the integral version of the Principles, including the model clause approved by the Governing Council in 1999 for use by parties wishing to provide that their agreement be governed by the UNIDROIT Principles, an extensive bibliography, case law and brief reports on the sessions of the Working Group for the preparation of Part II of the UNIDROIT Principles;
- A section devoted to the Institute’s work on **franchising**, including a presentation of the **UNIDROIT Guide to International Master Franchise Arrangements** and an updated version of Annex 3 thereto, on “Legislation and Regulations relevant to Franchising”;
- A section devoted to **UNIDROIT publications**, in particular the **Uniform Law Review** containing the annual tables of contents and a scholarly article from each issue;
- List of **Depository Libraries for UNIDROIT documentation**;
- General information on the **UNIDROIT Library**.

A number of commercial search engines as well as commercial and academic Web directories to Internet legal resources have been notified of the UNIDROIT web site and about 100 of their Web pages contain a link to the UNIDROIT home page or its individual Web pages.

## 7. Depository libraries for Unidroit documentation

The UNIDROIT Secretariat’s invitation to Member States to designate libraries to serve as depositories for UNIDROIT documentation and publications has been well received. Thirty libraries world-wide were designated in 1999 to serve this purpose.

The *UNIDROIT Proceedings and Papers* series (reports on the Institute’s current activities prepared by the Secretariat for submission to the Governing Council of UNIDROIT, the studies and reports of the various working groups on items on the UNIDROIT Work Programme and the minutes of the annual sessions of the General Assembly of UNIDROIT) has, since 1997, been made available on CD-ROM in English and French and distributed free of charge, along with the *Uniform Law Review, New Series*, to these depository libraries in Member States of UNIDROIT.

The UNIDROIT web site <[www.unidroit.org](http://www.unidroit.org)> and UNIDROIT Proceedings and Papers, together, provide a complete source of documentation and basic information on the Institute, its achievements and current activities. Moreover, users are facilitated in their search for

UNIDROIT documents by the annual lists of documents contained in the *UNIDROIT Proceedings and Papers* series which are posted on the Institute's Internet web site at [www.unidroit.org/english/publications/proceedings/main.htm](http://www.unidroit.org/english/publications/proceedings/main.htm).

The following libraries and institutions have been designated as depositories for UNIDROIT documentation:

- Argentina: Corte Suprema de Justicia de la Nación, Secretaría de Investigación de Derecho comparado, Talchano 550. Piso 4. Oficina 4002, C.P. 1013 Buenos Aires
- Australia: National Library of Australia, Canberra, <[www.nla.gov.au](http://www.nla.gov.au)>
- Austria: Oesterreichische Nationalbibliothek, Vienna, <[www.onb.ac.at](http://www.onb.ac.at)>
- Brazil: Serviço de Biblioteca e documentação – SBD, Universidad de São Paulo, Faculdade de Direito, <[www.usp.br/fd/bibli.htm](http://www.usp.br/fd/bibli.htm)>
- People's Republic of China: Trade Policy Library, Department of Treaty and Law, Ministry of Foreign Trade and Economic Cooperation (MOFTEC), Beijing, <[www.moftec.gov.cn/moftec/main.html](http://www.moftec.gov.cn/moftec/main.html)>
- Czech Republic: Library of the International Law Department, Ministry of Industry and Trade, Politický veznu 20, 11249 Prague 1
- Egypt: Documentation Center, General Directorate of International and Cultural Cooperation, Ministry of Justice, Cairo
- Finland: Eduskunnan Kirjasto, Helsinki, <[www.eduskunta.fi/kirjasto](http://www.eduskunta.fi/kirjasto)>
- France: Bibliothèque inter-universitaire Cujas, Paris, <[www-cujas.univ-paris1.fr/droite.html](http://www-cujas.univ-paris1.fr/droite.html)>
- Germany: Staatsbibliothek zu Berlin, Abteilung Amtsdrukschriften und Internationaler Amtlicher Schriftentausch, Berlin <[www.sbb.spk-berlin.de](http://www.sbb.spk-berlin.de)>
- Greece: Hellenic Institute of International and Foreign Law, Solonos 73, 106 79 Athens
- India: Library of the Indian Society of International Law, 9 Bhagwandass Road, New Delhi 110001
- Luxembourg: University Center of Luxembourg  
National Library of Luxembourg
- Malta: Library Services, University of Malta, Msida <[www.lib.um.edu.mt](http://www.lib.um.edu.mt)>
- Mexico: Library, National University of Mexico, <[www.unam.mx](http://www.unam.mx)>  
Academia Mexicana de Derecho Internacional Privado y Comparado, A.C., Albatroses No. 103 Lomas de las Aguilas C.P. 01730 Mexico City
- Netherlands: Library of the Ministry of Justice, The Hague
- Norway: Det juridiske fakultetsbibliotek, Universiteitsbiblioteket i Oslo, <[www.ub.uio.no/ujur](http://www.ub.uio.no/ujur)>
- Portugal: Serviço de Biblioteca e Documentação Diplomática do Ministério dos Negócios Estrangeiros - Instituto Diplomático, Lisbon  
Gabinete de Documentação e Direito Comparado, Procuradoria Geral da República, Lisbon
- Republic of Korea: Library of the Institute for Foreign Affairs and National Security (IFANS), Seokho-gu Seokho-dong 1376-2, Seoul



- Romania: Biblioteca Nationala, Serviciul Primiri, Str. ion Ghica nr 4, sect. 3, cod. 79708, Bucuresti
- Russian Federation: Library of the Russian Academy of Foreign Trade, 4 a Pudovkina St., 119285 Moscow
- South Africa: Library of the Department of Justice, Directorate: Internal Affairs, Cape Town
- Sweden: Library of the Swedish Parliament, Stockholm <[www.riksdagen.se](http://www.riksdagen.se)>
- Switzerland: Library of the Swiss Institute of Comparative Law, Lausanne, <[www-isdc.unil.ch](http://www-isdc.unil.ch)>
- Turkey: Banka ve Ticaret Hukuku Arastirma Enstitüsü (Research Institute of Banking and Commercial Law), Hukuk Fakültesi, 06590 Cebeci, Ankara
- United Kingdom: Institute of Advanced Legal Studies, London, <[www.sas.ac.uk](http://www.sas.ac.uk)>
- United States of America: Arthur W. Diamond Law Library, Columbia University in the City of New York <[library.law.columbia.edu](http://library.law.columbia.edu)>

## **8. Library**

In 1999 the Library's holdings increased by 1453 titles, of which 462 were purchased and 236 obtained on an exchange basis, for a total value of Lit. 13,390,000. 755 other titles were received as gifts for a total value of Lit. 69,780,000. Of particular importance among the gifts were those received from the Deutsche Forschungsgemeinschaft and from the Italian Ministry of Culture and the Environment, the value of which was Lit. 16,000,000 each.

In 1999 work for the restructuring of the Library continued.

The computerisation of the Library catalogue also continued. New books are catalogued on computer and the computerisation of the old card catalogue continues section by section. In 1999 it was possible to complete the Local Area Network (LAN), which now connects all the computers in the Secretariat and in the Library to the server and to each other. It is therefore now possible for Secretariat members of staff to consult the Library catalogue from their offices.

The Library still attracts readers from all over the world. There was a reduction in the number of new admission cards issued in 1999 (300 instead of 413), but the number of volumes consulted increased.

## **9. Publications**

### **(a) Uniform Law Review**

The new series of the Review, which was launched in 1996, has now been published for four years. Covering uniform law in a broad sense, and in particular the activities of UNIDROIT, as a result also of its scholarly nature it is increasingly consolidating its position as a means to disseminate and promote uniform law. On the initiative of the Director and Editor in Chief of the publication, an Advisory Board was set up, the members of which are the following: Mr Jürgen Basedow, Director, Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (Germany); Mr Jean-Paul Béraudo, President, Commercial Chamber, Court of Appeal of Grenoble and Professor at the University of Paris I

(Panthéon-Sorbonne) (France); Mr Aktham El Kholy, Attorney at Law, Supreme Court, Cairo (Egypt); Mr E. Allan Farnsworth, Columbia University, New York (U.S.A.); Mr Paul Finn, Federal Court of Australia, Canberra (Australia); Mr Fernando Hinestrosa, Dean, Universidad Externado de Colombia, Bogota (Colombia); Mr Joseph Issa-Sayegh, Universities of Nice (France) and Abidjan (Côte d'Ivoire); Mr Takashi Uchida, University of Tokyo (Japan).

Issues 1999-1, 1999-2 and 1999-3 were published in 1999, while issue 1999-4 is due to be published at the beginning of 2000, the total number of pages of this volume thereby exceeding 1000. Issue 2 was entirely devoted to the work of UNIDROIT in relation to the preparation of a Convention on International Interests in Mobile Equipment and has proved to be of great utility in the promotion of this project in interested circles.

The sales of the Review, which is distributed in Italy by Giuffrè Editore and, since the beginning of 1998, in the rest of the world by *Kluwer Law International*, are steadily increasing. In addition, it is distributed free of charge to a number of institutions and persons with a view to furthering the purposes of the organisation, and permits the maintaining of exchange agreements that the Institute has entered into as regards legal periodicals that form part of the Library stocks.

#### **(b) Guide to International Master Franchise Arrangements**

The English version of the *Guide to International Master Franchise Arrangements* was published in September 1998. In the course of the following months a leaflet publicising the volume was sent to members of the IBA Section on Business Law Committee on International Franchising, members of the Commission on Franchising of the *Union internationale des avocats*, members of the International Franchise Association, participants in the joint International Franchise Association/International Bar Association Conference of 1998, as well as to other contacts who in the past had expressed an interest in the Guide. Furthermore, a special section on franchising was set up on the UNIDROIT web site. This section not only carries publicity for the Guide, including an order form which may be downloaded by those interested, it also contains an updated version of Annex 3 to the Guide, "*Legislation and Regulations relevant to Franchising*".

To facilitate distribution of the volume, an exclusive distribution agreement was concluded with the *International Law Institute* in Washington. Under this agreement the ILI undertook to market the Guide in the United States and Canada. Negotiations for a distribution agreement for Australia, New Zealand and neighbouring countries were initiated through the good offices of Mr Frank Zumbo, the new Australian member of the Study Group on Franchising, and the Secretariat is also in the process of arranging a distribution agreement for Japan.

#### **(c) Other publications**

1999 saw the publication by the Secretariat of the Report on the activity of the Institute for 1998, the Accounts for 1998 and the budget for 2000.

The following documents relating to the implementation of the Institute's Work Programme were published in 1999, in English and French unless otherwise stated:

## **Study L - Principles of International Commercial Contracts**

### *Working Group for the preparation of Principles of International Commercial Contracts*

- Doc. 58 - Chapter [ ... ] Limitation of actions by prescription (Position Paper prepared by Professor P. Schlechtriem) (English only)
- Doc. 59 - Third party rights under contract (Position paper prepared by Professor M. Furmston) (English only)
- Doc. 60 - UNIDROIT Principles and electronic commerce (Position paper prepared by Professor T. Uchida) (English only)
- Doc. 61 - Assignment of contractual rights and duties (Position paper prepared by Professor M. Fontaine) (English only)
- Doc. 62 - Set-off (Position paper prepared by Professor C. Jauffret-Spinosi) (French only)
- Misc. 21 - Summary records of the meeting held in Bolzano/Bozen from 22 to 26 February 1999 (Prepared by the Secretariat of UNIDROIT)
- Doc. 63 - Chapter [ ... ] Authority of agents (Revised draft prepared by Professor M. J. Bonell in the light of the discussion of the Working Group at its second session) (English only)
- Doc. 63 - Add. 1 - Comments on the Revised draft Chapter on Authority of Agents (Study L - Doc. 63) by Professors D. DeMott and F. Reynolds) (English only)
- Doc. 64 - Chapter [ ... ] Limitation of actions by prescription (Draft and Explanatory Notes prepared by Professor P. Schlechtriem) (English only)
- Doc. 65 - Chapter [ ... ] Assignment of rights, transfer of duties and assignment of Contracts. Section 1: Assignment of Rights (Draft and Explanatory Notes prepared by Professor M. Fontaine) (English only)

## **Study LXV - Research Scholarship Programme**

Scholarships Impl. 12 - Implementation as of 31 December 1999

## **Study LXVIII - Franchising**

- Doc. 18 - Study Group on Franchising. Drafting Committee. First Session. Rome, 14 - 16 January 1999. Report (prepared by the Secretariat) (English only)
- Doc. 19 - Study Group on Franchising. Model Law on Franchising. Text of the preliminary Draft as adopted by the Drafting Committee at its First Session, held in Rome from 14 to 16 January 1999, with comments prepared by the UNIDROIT Secretariat. (English only)

## **Study LXXII – International interests in mobile equipment**

- Doc. 47 - Preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment: Discussion paper on the legal relationship between the preliminary draft Convention and its equipment specific Protocols (prepared by Ms C. CHINKIN and Ms C. KESSEDJIAN at the request of the Steering and Revisions Committee)
- Doc. 48 - Study LXXIID - Doc. 8 - Preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment: *and* Preliminary draft Protocol to the preliminary draft UNIDROIT Convention on international interests in mobile equipment on matters specific to aircraft equipment: Comments (submitted by the Government of Switzerland)
- Doc. 49 - Doc. 9 - Preliminary draft UNIDROIT Convention on International Interests in Mobile Equipment: *and* Preliminary draft Protocol to the preliminary draft UNIDROIT Convention on international interests in mobile equipment on matters specific to aircraft equipment: Comments (submitted by the Government of Japan)

*First Joint Session (Rome, 1 - 12 February 1999)*

UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/1. Drafting Committee. Proposal (submitted by the Delegation of the United States of America)

- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/2. Drafting Committee. Proposal (submitted by the Delegation of the United States of America)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/3. Drafting Committee. Proposal (submitted by the Delegation of Japan)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/4. Drafting Committee. Proposal (submitted by the Delegation of Japan)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/5. Drafting Committee. Proposal (submitted by the Delegation of the United States of America)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/6. Drafting Committee. Proposal (submitted by the Delegation of France)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/7. Drafting Committee. Proposal (submitted by the Delegation of the United States of America)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/8. Drafting Committee. Text drafted by the Working Group of the Drafting Committee on Saturday 6.2.1999, as amended by the Rapporteur.
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/9. Drafting Committee. Proposal (submitted by the Secretary-General of Unidroit)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/10. Drafting Committee. Proposal (submitted by the Delegation of the United States of America)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/11. Drafting Committee. Proposal (submitted by the Delegation of France)
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/12. Drafting Committee. Text drafted on Monday 8.2.1999
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/13. Drafting Committee. Text drafted on Tuesday 9.2.1999
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/14. Drafting Committee.  
Articles 15 - 27
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/15. Drafting Committee.  
Articles 28 - 42
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/16. Drafting Committee. Text of articles 1-14 as revised by the Drafting committee on 9.2.99 (DC-WP/13). Text of article 15-27 as laid before the Drafting committee on 9.2.99 (DC-WP/8) and revised by the Sub-committee of the Drafting committee (DC-WP/14). As revised by the Rapporteur (cf. Article 10(4), 11, 12(1) and 15(1) and (3)).
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/17. Drafting Committee. Text of article 1-14 as revised by the Drafting Committee on 9.2.99 (DC-WP/13) and text of articles 15-27 as laid before the Drafting Committee on 9.2.99 (DC-WP/8) as revised by the Sub-committee of the Drafting Committee on 11.2.99.
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/18. Drafting Committee. Text of articles 28-43 of the preliminary draft Convention as revised by the Sub-committee of the Drafting Committee on 11.2.99.
- UNIDROIT CGE/Int. Int./ICAO Ref. LSC/ME DC-WP/19. Drafting Committee. Preliminary draft Protocol to the preliminary draft UNIDROIT Convention on international interests in mobile equipment on matters specific to aircraft equipment (text revised by Professor C.W. Mooney, Jr., in his capacity as a member of the Drafting Committee, and in part considered by the Sub-Committee of the Drafting Committee on 11.2.1999.
- UNIDROIT CGE/Int. Int./WP/1 ICAO Ref. LSC/ME - WP/10. Future role and structure of the Steering and Revisions Committee established by the UNIDROIT Governing Council (at its 77<sup>th</sup> session, held in Rome from 16 to 20 February 1998): Discussion paper (submitted jointly by the UNIDROIT AND ICAO Secretariats).
- UNIDROIT CGE/Int. Int./WP/2 ICAO Ref. LSC/ME - WP/11. The main objectives of the draft instruments. (Presentation by the Director of the Legal Bureau, Dr. L. Weber, to the Joint Session of the ICAO Sub-committee of the Legal Committee on the study of international interests in mobile equipment (aircraft

- equipment), and the Unidroit Committee of governmental experts, on 1 February 1999). Information paper.
- UNIDROIT CGE/Int. Int./WP/3 ICAO Ref. LSC/ME - WP/9. Establishment of an international Registry for the registration of international interests in aircraft objects (Presented by the ICAO Secretariat).
- UNIDROIT CGE/Int. Int./WP/4 ICAO Ref. LSC/ME - WP/13. Summary and Issues Note relating to the International Registry System contemplated by the Preliminary Draft UNIDROIT Convention on International Interests in Mobile Equipment as applied to aircraft equipment by virtue of the Preliminary Draft Protocol on matters specific to Aircraft Equipment (submitted by Jeffrey Wool, Co-ordinator, Aviation Working Group; Chairman, Aircraft Protocol Group).
- UNIDROIT CGE/Int. Int./WP/5 ICAO Ref. LSC/ME - WP/14. Draft Report. Plenary Session 1 February 1999.
- UNIDROIT CGE/Int. Int./WP/6 rev. ICAO Ref. LSC/ME - WP/15 rev. Draft Report, Plenary Session 2 February 1999.
- UNIDROIT CGE/Int. Int./WP/7 ICAO Ref. LSC/ME - WP/16. Draft Report. Plenary Session, 3 February 1999.
- UNIDROIT CGE/Int. Int./WP/8 ICAO Ref. LSC/ME - WP/19. Information paper (submitted jointly by the UNIDROIT Secretariat and the ICAO Secretariat)
- UNIDROIT CGE/Int. Int./WP/9 ICAO Ref. LSC/ME - WP/20. Proposal submitted by the Delegation of Germany.
- UNIDROIT CGE/Int. Int./WP/10 ICAO Ref. LSC/ME - WP/21. Draft Report. Plenary session, 4 February 1999.
- UNIDROIT CGE/Int. Int./WP/11 ICAO Ref. LSC/ME - WP/22. Proposal (submitted by the Delegation of France)
- UNIDROIT CGE/Int. Int./WP/12 ICAO Ref. LSC/ME - WP/23. Draft Report. Plenary session, 5 February 1999.
- UNIDROIT CGE/Int. Int./WP/13 ICAO Ref. LSC/ME - WP/24. Draft Report. Plenary session, 8 February 1999.
- UNIDROIT CGE/Int. Int./WP/14 ICAO Ref. LSC/ME - WP/25. Draft Report. Plenary session, 9 February 1999.
- UNIDROIT CGE/Int. Int./WP/15 ICAO Ref. LSC/ME - WP/26. Report by the registration Working Group.
- UNIDROIT CGE/Int. Int./WP/16 ICAO Ref. LSC/ME - WP/27. Report by the Drafting Committee.
- UNIDROIT CGE/Int. Int./WP/17 ICAO Ref. LSC/ME - WP/28.  
Draft Report. of the Plenary session
- UNIDROIT CGE/Int. Int./Report. ICAO Ref. LSC/ME- First Joint Session (Rome, 1 - 12 February 1999) Report  
*Second Joint Session (Montreal 24 August - 3 September 1999)*
- ICAO Ref. LSC/ME/2-WP/2. UNIDROIT CGE/int. Int./2-WP/2. Preliminary draft Unidroit Convention on international interests in mobile equipment: Discussion paper on the legal relationship between the preliminary draft Convention and its equipment-specific Protocols (prepared by Ms C. CHINKIN (Professor of Public International Law, London School of Economics) and Ms C. KESSEDJIAN (Professor of Law; Deputy Secretary-General, Hague Conference on Private International Law) at the request of the Steering and Revisions Committee)
- ICAO Ref. LSC/ME/2-WP/3. UNIDROIT CGE/int. Int./2-WP/3. Preliminary draft Unidroit Convention on international interests in mobile equipment and preliminary draft Protocol to the preliminary draft Unidroit Convention on international interests in mobile equipment on matters specific to aircraft equipment: Comments (submitted by the Government of the United States of America)
- ICAO Ref. LSC/ME/2-WP/4. UNIDROIT CGE/int. Int./2-WP/4. Preliminary draft Unidroit Convention on international interests in mobile equipment: Comments (submitted by the Government of the United Kingdom)
- ICAO Ref. LSC/ME/2-WP/5. UNIDROIT CGE/int. Int./2-WP/5. Preliminary draft Unidroit Convention on international interests in mobile equipment and Preliminary draft Protocol to the preliminary draft Unidroit Convention on international interests in mobile equipment on matters specific to aircraft equipment: Comments (submitted jointly by the International Air Transport Association and the Aviation Working Group).
- ICAO Ref. LSC/ME/2-WP/6 UNIDROIT CGE/int. Int./2-WP/6. Preliminary draft Unidroit Convention on international interests in mobile equipment and Preliminary draft Protocol to the preliminary draft Unidroit Convention on international interests in mobile equipment on matters specific to aircraft equipment: Memorandum on the importance for aircraft equipment of the inclusion of associated rights

within the sphere of application of the proposed instruments. (prepared by Mr J. Wool, co-ordinator of the Aviation Working Group)

- ICAO Ref. LSC/ME/2-WP/7. UNIDROIT CGE/int. Int./2-WP/7. Preliminary draft Unidroit Convention on international interests in mobile equipment: Memorandum on the importance for space property of the inclusion of associated rights within the sphere of application of the proposed Convention and the proposed space property Protocol (prepared by Mr D.A. Panahy, on behalf of Mr P.D. Nesgos, co-ordinator of the Space Working Group).
- ICAO Ref. LSC/ME/2-WP/8 UNIDROIT CGE/int. Int./2-WP/8 Preliminary draft Unidroit Convention on international interests in mobile equipment and Preliminary draft Protocol to the preliminary draft Unidroit Convention on international interests in mobile equipment on matters specific to aircraft equipment: Comments submitted by the Permanent Bureau of the Hague Conference on Private International Law.
- ICAO Ref. LSC/ME/2-WP/9 UNIDROIT CGE/int. Int./2-WP/9. Preliminary draft Unidroit Convention on international interests in mobile equipment and Preliminary draft Protocol to the preliminary draft Unidroit Convention on international interests in mobile equipment on matters specific to aircraft equipment: Position Paper on Insolvency-Related Provisions (submitted by Mr Neil Cooper, President, INSOL International).
- ICAO Ref. LSC/ME/2-WP/10 UNIDROIT CGE/int. Int./2-WP/10. Joint Session of the Unidroit Committee of governmental experts for the preparation of a draft Convention on international interests in mobile equipment and a draft Protocol thereto on matters specific to aircraft equipment, and the sub-committee of the ICAO legal committee on the study of international interests in mobile equipment. (aircraft equipment). Informal Insolvency Working Group (Rome 1 / 2 July 1999) Report (by the Unidroit Secretariat).
- ICAO Ref. LSC/ME/2-WP/11. UNIDROIT CGE/int. Int./2-WP/11. Preliminary draft Unidroit Convention on international interests in mobile equipment: Comments (submitted by the Director-General of the Intergovernmental Organisation for International Carriage by Rail)
- ICAO Ref. LSC/ME/2-WP/12. UNIDROIT CGE/int. Int./2-WP/12. Preliminary draft Unidroit Convention on international interests in mobile equipment and Preliminary draft Protocol to the preliminary draft Unidroit Convention on international interests in mobile equipment on matters specific to aircraft equipment. Comments (submitted by the Government of Japan)
- ICAO Ref. LSC/ME/2-WP/13. UNIDROIT CGE/int. Int./2-WP/13. Draft Report of the Plenary Session (24 August 1999)
- ICAO Ref. LSC/ME/2-WP/14. UNIDROIT CGE/int. Int./2-WP/14. Draft Report of the Plenary Session (25 August 1999)
- ICAO Ref. LSC/ME/2-WP/15. UNIDROIT CGE/int. Int./2-WP/15. Comments ( by the International Chamber of Commerce (ICC) Commission on Air Transport)
- ICAO Ref. LSC/ME/2-WP/16. UNIDROIT CGE/int. Int./2-WP/16. Preliminary Draft Unidroit Convention on international interests in mobile equipment: Proposal (submitted by the Delegation of Portugal)
- ICAO Ref. LSC/ME/2-WP/17. UNIDROIT CGE/int. Int./2-WP/17. Report (by the Registration Working Group (RWG))
- ICAO Ref. LSC/ME/2-WP/18. UNIDROIT CGE/int. Int./2-WP/18. Draft Report of the Plenary Session (26 August 1999)
- ICAO Ref. LSC/ME/2-WP/19. UNIDROIT CGE/int. Int./2-WP/19. Insolvency Working Group. Report
- ICAO Ref. LSC/ME/2-WP/20. UNIDROIT CGE/int. Int./2-WP/20. Draft Report of the Plenary Session (27 August 1999)
- ICAO Ref. LSC/ME/2-WP/21. UNIDROIT CGE/int. Int./2-WP/21. Draft Report of the Plenary Session (30 August 1999)
- ICAO Ref. LSC/ME/2-WP/22. UNIDROIT CGE/int. Int./2-WP/22. Draft Report of the Plenary Session (30 August 1999)
- ICAO Ref. LSC/ME/2-WP/23. UNIDROIT CGE/int. Int./2-WP/23. Draft Report of the Plenary Session (31 August 1999)
- ICAO Ref. LSC/ME/2-WP/24. UNIDROIT CGE/int. Int./2-WP/24. Drafting Committee. Report

ICAO Ref. LSC/ME/2-WP/25. UNIDROIT CGE/int. Int./2-WP/25. Preliminary Draft Unidroit Convention on international interests in mobile equipment: Comments (submitted by the Delegation of Argentina)

ICAO Ref. LSC/ME/2-WP/26. UNIDROIT CGE/int. Int./2-WP/26. Preliminary Draft Unidroit Convention on international interests in mobile equipment: Comments (submitted by the Delegation of Argentina)

ICAO Ref. LSC/ME/2-WP/27. UNIDROIT CGE/int. Int./2-WP/27. Jurisdiction Working Group. Report

ICAO Ref. LSC/ME/2-WP/28. UNIDROIT CGE/int. Int./2-WP/28. Draft Report of the Plenary Session (2 September 1999)

ICAO Ref. LSC/ME/2-WP/29. UNIDROIT CGE/int. Int./2-WP/29. Draft Report of the Plenary Session (3 September 1999)

*Third Joint Session (Rome 20-31 March 2000)*

UNIDROIT CGE/Int. Int./3-WP/2. ICAO Ref. LSC/ME/3-WP/2

*Ad hoc* Drafting group (Rome, 25 - 27 November 1999) Report

### **Study LXXIID - International interests in aircraft equipment**

Doc. 8 See Study LXXII - Doc. 48

### **Study LXXVI - Transnational Rules of Civil Procedure**

Doc. 1 - Feasibility Study

### III. IMPLEMENTATION OF INSTRUMENTS BASED ON WORK CONDUCTED WITHIN UNIDROIT <sup>(\*)</sup>

#### A. CONVENTIONS DRAWN UP BY UNIDROIT AND APPROVED AT DIPLOMATIC CONFERENCES CONVENED BY MEMBER STATES OF UNIDROIT

##### 1. Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS), opened to signature at the Hague on 1.VII.1964

The following States signed the Convention:

Greece ( <i>ad referendum</i> )	3.VIII.1964
Netherlands	12.VIII.1964
San Marino	24.VIII.1964
Italy	23.XII.1964
Holy See (subject to ratification)	2.III.1965
United Kingdom	8.VI.1965
Belgium	6.X.1965
Federal Republic of Germany (subject to ratification)	11.X.1965
Luxembourg	7.XII.1965
Israel (subject to ratification)	28.XII.1965
France	31.XII.1965
Hungary	31.XII.1965

The following States have ratified the Convention:

United Kingdom	31.VIII.1967
San Marino (with declaration)	24.V.1968
Belgium	1.XII.1970
Netherlands (for the Kingdom in Europe) (with declaration)	17.II.1972
Italy	22.II.1972
Federal Republic of Germany (with declaration)	16.X.1973
Luxembourg (with declaration)	6.II.1979
Israel	30.V.1980

The following State has acceded to the Convention:

Gambia	5.III.1974
--------	------------

The Convention duly entered into force on 23.VIII.1972 for Belgium, Italy, the Netherlands (for the Kingdom in Europe), San Marino and the United Kingdom, on 16.IV.1974 for the Federal Republic of Germany, on 5.IX.1974 for Gambia, on 6.VIII.1979 for Luxembourg and on 30.XI.1980 for Israel.

The Convention was denounced by Italy on 11.XII.1986 with effect from 1.I.1988, by the Federal Republic of Germany on 1.I.1990 with effect from 1.I.1991, by the Netherlands on 1.I.1991 with effect from 1.I.1992, by Belgium on 1.XI.1996 with effect from 1.XI.1997 and by Luxembourg on 20.I.1997 with effect from 20.I.1998.

(\*)

*Note of the Secretariat:*

Based on information available to the Secretariat as of 31 December 1999.

Information on the status of the UNIDROIT conventions may be found on the UNIDROIT Web Site at <http://www.unidroit.org/english/implement/i-main.htm>

The UNIDROIT Secretariat may assist States with technical consultations for the ratification of, or the accession to its instruments, as well as for the preparation of legislation based on those instruments.



**2. Convention relating to a Uniform Law on the International Sale of Goods (ULIS), opened to signature at the Hague on 1.VII.1964**

The following States signed the Convention:

Greece ( <i>ad referendum</i> )	3.VIII.1964
Netherlands	12.VIII.1964
United Kingdom	21.VIII.1964
San Marino	24.VIII.1964
Italy	23.XII.1964
Holy See (subject to ratification)	2.III.1965
Belgium	6.X.1965
Federal Republic of Germany (subject to ratification)	11.X.1965
Luxembourg	7.XII.1965
Israel (subject to ratification)	28.XII.1965
France	31.XII.1965
Hungary	31.XII.1965

The following States have ratified the Convention:

United Kingdom (with declarations)	31.VIII.1967
San Marino (with declaration)	24.V.1968
Belgium (with declaration)	12.XII.1968
Israel	3.XII.1971
Netherlands (for the Kingdom in Europe) (with declaration)	17.II.1972
Italy (with declaration)	22.II.1972
Federal Republic of Germany (with declaration)	16.X.1973
Luxembourg (with declaration)	6.II.1979

The following State has acceded to the Convention:

Gambia (with declarations)	5.III.1974
----------------------------	------------

The Convention duly entered into force on 18.VIII.1972 for Belgium, Israel, the Netherlands (for the Kingdom in Europe), San Marino and the United Kingdom, on 22.VIII.1972 for Italy, on 16.IV.1974 for the Federal Republic of Germany, on 5.IX.1974 for Gambia and on 6.VIII.1979 for Luxembourg.

The Convention was denounced by Italy on 11.XII.1986 with effect from 1.I.1988, by the Federal Republic of Germany on 1.I.1990 with effect from 1.I.1991, by the Netherlands on 1.I.1991 with effect from 1.I.1992, by Belgium on 1.XI.1996 with effect from 1.XI.1997 and by Luxembourg on 20.I.1997 with effect from 20.I.1998.

**3. International Convention on the Travel Contract (CCV), opened to signature at Brussels on 23.IV.1970**

The following States signed the Convention:

Belgium	23.IV.1970
Côte d'Ivoire	23.IV.1970
Holy See	23.IV.1970
Italy	23.IV.1970
Lebanon	23.IV.1970
Morocco (with reservations)	23.IV.1970
Niger	23.IV.1970
Philippines	23.IV.1970
Portugal	23.IV.1970
San Marino	23.IV.1970
Burkina Faso	27.IV.1970
Togo	25.III.1971

The following States have ratified the Convention:

Belgium	11.IV.1973
Togo	24.XI.1975
Italy (with reservation)	4.VII.1979

The following States have acceded to the Convention:

Benin	28.III.1975
Cameroon (with declaration)	16.IV.1975
Argentina	25.XI.1976

The Convention duly entered into force on 24.II.1976 for Belgium, Benin, Cameroon and Togo, on 25.II.1977 for Argentina and on 4.X.1979 for Italy.

This Convention was denounced by Belgium on 4.X.1993 with effect from 4.X.1994.

**4. Convention providing a Uniform Law on the Form of an International Will**, opened to signature at Washington on 26.X.1973

The following States signed the Convention:

Iran	27.X.1973
Sierra Leone	27.X.1973
United States of America	27.X.1973
Laos	30.X.1973
Holy See	2.XI.1973
Belgium	17.V.1974
Ecuador (with statement)	26.VII.1974
United Kingdom	10.X.1974
France	29.XI.1974
Union of Soviet Socialist Republics (with declaration)	17.XII.1974
Czechoslovakia (with statement)	30.XII.1974

The following States have ratified the Convention:

Ecuador	3.IV.1979
Belgium	21.IV.1983
France	1.VI.1994

The following States have acceded to the Convention:

Niger	19.V.1975
Portugal	19.XI.1975
Canada (for Manitoba and Newfoundland) (*)	24.I.1977
Libyan Arab Jamahiriya	4.VIII.1977
Yugoslavia	9.VIII.1977
Cyprus	19.X.1982
Italy (with declaration)	16.V.1991
Slovenia	20.VIII.1992
Bosnia-Herzegovina	15.VIII.1994

The Convention duly entered into force on 9.II.1978 for Canada (for Manitoba and Newfoundland), Libyan Arab Jamahiriya, Niger, Portugal and Yugoslavia, on 3.X.1979 for Ecuador, on 19.IV.1983 for Cyprus, on 21.X.1983 for Belgium, on 16.XI.1991 for Italy, on 20.VIII.1992 for Slovenia, on 15.VIII.1994 for Bosnia-Herzegovina and on 1.XII.1994 for France.

(\*) Canada extended the application of the Convention to Ontario (by declaration deposited 15.III.1978), to Alberta (by declaration deposited 1.VI.1978), to Saskatchewan (by declaration deposited 8.IV.1982), to Prince Edward Island (by declaration deposited 22.IX.1994) and to New Brunswick (by declaration deposited 5.VI.1997).

The application of the Convention was extended for Canada to Ontario with effect from 31.III.1978, to Alberta with effect from 1.VI.1978, to Saskatchewan with effect from 8.X.1982, to Prince Edward Island with effect from 22.III.1995 and to New Brunswick with effect from 5.XII.1997.

**5. Convention on Agency in the International Sale of Goods**, opened to signature at Geneva on 17.II.1983

The following States signed the Convention:

Chile	17.II.1983
Holy See	17.II.1983
Morocco	17.II.1983
Switzerland	17.II.1983
Italy	9.IV.1984
France	25.X.1984

The following States have ratified the Convention:

Italy	16.VI.1986
France	7.VIII.1987

The following States have acceded to the Convention:

South Africa	27.I.1986
Mexico (with declarations)	22.XII.1987
Netherlands (**)	2.II.1994

The Convention will enter into force when accepted by ten Contracting States (see Article 33).

**6. UNIDROIT Convention on International Financial Leasing**, opened to signature at Ottawa on 28.V.1988

The following States signed the Convention:

Ghana	28.V.1988
Guinea	28.V.1988
Nigeria	28.V.1988
Philippines	28.V.1988
United Republic of Tanzania	28.V.1988
Morocco	4.VII.1988
France	7.XI.1989
Czechoslovakia	16.V.1990
Finland	30.XI.1990
Italy	13.XII.1990
Belgium	21.XII.1990
United States of America	28.XII.1990
Panama	31.XII.1990

The following States have ratified the Convention:

France (with declaration)	23.IX.1991
Italy	29.XI.1993
Nigeria	25.X.1994
Panama	26.III.1997

---

(\*\*) The Netherlands extended the application of the Convention to Aruba (by declaration deposited 2.II.1995).

The following States have acceded to the Convention:

Hungary	7.V.1996
Latvia	6.VIII.1997
Russian Federation (with declaration)	3.VI.1998
Belarus	18.VIII.1998

The Convention entered into force between France, Italy and Nigeria on 1.V.1995, on 1.XII.1996 for Hungary, on 1.X.1997 for Panama, on 1.III.1998 for Latvia, on 1.I.1999 for the Russian Federation and on 1.III.1999 for Belarus.

**7. UNIDROIT Convention on International Factoring**, opened to signature at Ottawa on 28.V.1988

The following States signed the Convention:

Ghana	28.V.1988
Guinea	28.V.1988
Nigeria	28.V.1988
Philippines	28.V.1988
United Republic of Tanzania	28.V.1988
Morocco	4.VII.1988
France	7.XI.1989
Czechoslovakia	16.V.1990
Finland	30.XI.1990
Italy	13.XII.1990
Germany	21.XII.1990
Belgium	21.XII.1990
United States of America	28.XII.1990
United Kingdom	31.XII.1990

The following States have ratified the Convention:

France (with declaration)	23.IX.1991
Italy	29.XI.1993
Nigeria	25.X.1994
Germany	20.V.1998

The following States have acceded to the Convention:

Hungary	7.V.1996
Latvia (with declaration)	6.VIII.1997

The Convention entered into force between France, Italy and Nigeria on 1.V.1995, on 1.XII.1996 for Hungary, on 1.III.1998 for Latvia and on 1.XII.1998 for Germany.

**8. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**, opened to signature at Rome on 24.VI.1995

The following States have signed the Convention:

Burkina Faso	24.VI.1995
Cambodia	24.VI.1995
Côte d'Ivoire	24.VI.1995
Croatia	24.VI.1995
France	24.VI.1995
Guinea	24.VI.1995
Hungary	24.VI.1995
Italy	24.VI.1995
Lithuania	24.VI.1995

Zambia	24.VI.1995
Georgia	27.VI.1995
Finland	1.XII.1995
Portugal	23.IV.1996
Paraguay	13.VI.1996
Switzerland	26.VI.1996
Romania	27.VI.1996
Pakistan	27.VI.1996
Netherlands (with declarations)	28.VI.1996
Peru	28.VI.1996
Bolivia	29.VI.1996
Senegal	29.VI.1996
Russian Federation	29.VI.1996

The following States have ratified the Convention:

Lithuania	4.IV.1997
Paraguay	27.V.1997
Romania	21.I.1998
Peru	5.III.1998
Hungary	8.V.1998
Bolivia	13.IV.1999
Finland	14.VI.1999
Italy	11.X.1999

The following States have acceded to the Convention:

China	7.V.1997
Ecuador	26.XI.1997
Brazil	23.III.1999
El Salvador	16.VII.1999

The Convention entered into force on I.VII.1998 between China, Ecuador, Lithuania, Paraguay and Romania, on 1.IX.1998 for Peru and on 1.XII.1998 for Hungary, on 1.IX.1999 for Brazil, on 1.X.1999 for Bolivia and on 1.XII.1999 for Finland. The Convention will enter into force on 1.I.2000 for El Salvador and on 1.IV.2000 for Italy.

## **B. INTERNATIONAL INSTRUMENTS IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS OR CONVENTIONS**

- 1. Convention on the Contract for the International Carriage of Goods by Road (CMR)**, adopted in Geneva in 1956 under the auspices of the Economic Commission for Europe of the United Nations. The Convention, which entered into force in 1961, is based on the draft Convention on the Contract for the International Carriage of Goods by Road (CMR) which was transmitted by UNIDROIT to the Economic Commission for Europe of the United Nations in 1952.

Contracting States: Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic), Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, United Kingdom, Uzbekistan and Yugoslavia.

- 2. UNESCO Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict**, which entered into force in 1956. The Convention is based on the draft UNIDROIT completed in 1951.

Contracting States: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Colombia, Congo (Democratic Rep. of), Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, Finland, Former Yugoslav Republic of Macedonia,

France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Holy See, Hungary, India, Indonesia, Iran (Islamic Rep. of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Monaco, Mongolia, Morocco, Myanmar, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkey, Ukraine, United Republic of Tanzania, Uruguay, Uzbekistan, Yemen, Yugoslavia (Federal Rep. of) and Zimbabwe.

3. **International Convention of 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**, adopted under the auspices of ILO, UNESCO and WIPO and which entered into force in 1964. The Convention is very largely based on the preliminary draft Convention for the Protection of Interpreting and Performing Artists, as well as of Manufacturers of Phonographic Records and other phonograms and on the preliminary draft Convention for the Protection of Radio Broadcasts.

Contracting States: Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, Former Yugoslav Republic of Macedonia, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Republic of Moldova, Romania, Saint Lucia, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, Uruguay and Venezuela.

4. **Hague Convention of 1958 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations in respect of Children** which entered into force in 1962. This Convention was prepared on the basis of the draft Convention on the Recognition and Enforcement abroad of Maintenance Obligations, a first draft of which had been drawn up by UNIDROIT in 1938 and work on which was completed in 1949 when it was transmitted to the Department for Social Affairs of the United Nations. After being revised by a United Nations committee of experts, the draft was recommended to States under a Resolution of the Economic and Social Council at its XVIIth session for use as a model in the drawing up of bilateral conventions or uniform laws for separate adoption by each State.

Contracting States: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Liechtenstein, Netherlands, Norway, Portugal, Slovakia, Spain, Suriname, Sweden, Switzerland and Turkey.

5. **European Convention of 1962 on the Liability of Hotel-keepers concerning the Property of their Guests**, adopted under the auspices of the Council of Europe and which entered into force in 1967. The Convention is based on the draft uniform law on the hotelkeeper's liability for damage to or destruction or theft of his guests' property, the drafting of which was completed by UNIDROIT in 1934.

Contracting States: Belgium, Bosnia-Herzegovina, Croatia, Cyprus, France, Former Yugoslav Republic of Macedonia, Germany, Ireland, Italy, Luxembourg, Malta, Poland, Slovenia and United Kingdom.

6. **Benelux Treaty of 1955 on Compulsory Insurance against Civil Liability in respect of Motor Vehicles**  
*and*  
**European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles**, adopted in 1959 under the auspices of the Council of Europe, which entered into force in 1969. These two instruments are based on the draft uniform rules on the compulsory insurance of motorists, the drafting of which was completed by UNIDROIT in 1937.

Contracting States to the 1959 Convention: Austria, Denmark, Germany, Greece, Norway and Sweden.

7. **European Convention on Establishment of 1955**, adopted under the auspices of the Council of Europe and which entered into force in 1965. The Convention is based on the draft Convention on

the reciprocal treatment of nationals as between member States of the Council of Europe, the drafting of which was completed by UNIDROIT in 1951.

Contracting States: Belgium, Denmark, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Turkey and United Kingdom.

8. **Protocol No. 1 concerning Rights in rem in Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels which was adopted under the auspices of the Economic Commission for Europe of the United Nations and to which Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia are Contracting Parties. The Protocol is based on the draft Convention concerning rights in rem in boats in inland navigation, the drafting of which was completed by UNIDROIT in 1960. The Convention and Protocol No. 1 entered into force in 1982.

The Contracting States to Protocol No. 1 are Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia.

9. **Protocol No. 2 on Attachment and Forced Sale of Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels, adopted under the auspices of the Economic Commission for Europe of the United Nations. The Protocol is based on the draft Protocol on attachment and forced sale of inland navigation vessels, the drafting of which was completed by UNIDROIT in 1962. Protocol No. 2 entered into force in 1982.

The Contracting States to Protocol No. 2 are Austria, France, Luxembourg and Yugoslavia.

10. **United Nations Convention on Contracts for the International Sale of Goods**, adopted at Vienna in 1980 and which entered into force in 1988. This Convention is based on the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS) and the Convention relating to a Uniform Law on the International Sale of Goods (ULIS), adopted at The Hague at a diplomatic Conference in 1964 (Sections A 1 and 2 above).

Contracting States: Argentina, Australia, Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Burundi, Canada, Chile, China, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Hungary, Iraq, Italy, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Mauritania, Mexico, Republic of Moldova, Mongolia, Netherlands, New Zealand, Norway, Peru, Poland, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Uganda, Ukraine, United States of America, Uruguay, Uzbekistan, Yugoslavia and Zambia.

11. **Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), the drafting of which was completed by UNIDROIT in 1969. The Convention entered into force in 1994.

Contracting States: Bosnia-Herzegovina, Croatia, Czech Republic, Latvia, Slovakia and Yugoslavia.

**C. INTERNATIONAL INSTRUMENTS NOT YET IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS**

1. **Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), the drafting of which was completed by UNIDROIT in 1970. The Russian Federation is the sole Contracting State.

2. **Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN)**, adopted in Geneva in 1976 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN),

the drafting of which was completed by UNIDROIT in 1972. The Russian Federation is the sole Contracting State.

3. **European rules for investment funds**, which were in 1972 recommended by the Committee of Ministers of the Council of Europe as a model law for the member States of the Council of Europe. The rules are based on the preliminary draft model law on investment funds, UNIDROIT's drawing up of which was completed in 1969.
4. **European Convention providing a Uniform Law on Arbitration**, adopted in 1966 under the auspices of the Council of Europe. The Convention is based on the preliminary draft uniform law on arbitration in private law matters in international relations, UNIDROIT's drawing up of which was completed in 1954. Belgium is the sole Contracting State.
5. **European Convention of 1973 on Civil Liability for Damage caused by Motor Vehicles**, adopted under the auspices of the Council of Europe. The Convention is based on the draft of a uniform law on the civil liability of motorists, UNIDROIT's drawing up of which was completed in 1938. No State has ratified this Convention.
6. **United Nations Convention on International Multimodal Transport of Goods**, adopted in Geneva in 1980. The origin of the Convention is to be found in the draft Convention on Contracts for the Combined International Carriage of Goods, UNIDROIT's drawing up of which was completed in 1965. The UNIDROIT draft also provided one of the bases for the draft Convention on the International Combined Carriage of Goods (TCM), drawn up at a round table convened by UNIDROIT at the request of the Economic Commission for Europe of the United Nations in 1969 and 1970, which was itself revised at meetings convened jointly by the Intergovernmental Maritime Consultative Organisation (IMCO) and the Economic Commission for Europe of the United Nations. The Contracting States are: Burundi, Chile, Georgia, Malawi, Mexico, Morocco, Rwanda, Senegal and Zambia.
7. **Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)**, adopted in Geneva in 1989 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft articles for a Convention on civil liability for damage caused during carriage of dangerous goods by road, rail and inland navigation vessels, UNIDROIT's drawing up of which was completed in 1986. No State has ratified this Convention.
8. **United Nations Convention on the Liability of Operators of Transport Terminals in International Trade**, adopted in Vienna in April 1991. The Convention is based on the preliminary draft Convention on Operators of Transport Terminals, UNIDROIT's work on which was completed in 1983. The Contracting States are: Egypt and Georgia.

**D. EUROPEAN COMMUNITY DIRECTIVE BASED ON A PRELIMINARY DRAFT UNIDROIT CONVENTION**

**Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.**

**E. UNIFORM RULES PUBLISHED BY THE INTERNATIONAL CHAMBER OF COMMERCE AND BASED ON A DRAFT UNIDROIT CONVENTION**

**Uniform Rules for a Multimodal Transport Document** first published by the International Chamber of Commerce in 1973 and subsequently revised. The origin of the Rules is the same as that of the United Nations Convention on International Multimodal Transport of Goods (see above Section C. 6.).



<b>F.</b>	<b>International instruments based on preliminary studies prepared by UNIDROIT</b>	<b>37</b>
1.	<i>European Convention on Products Liability in regard to Personal Injury and Death of 27 January 1977</i>	37
2.	<i>Resolution (78)3 on Penalty Clauses in Civil Law adopted by the Committee of Ministers of the Council of Europe on 20 January 1978</i>	37