



**SUMMARY
OF THE CONCLUSIONS REACHED BY THE GOVERNING COUNCIL
AT ITS 81st SESSION**

(Rome, 24 to 25 September 2002)

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

The Council adopted the agenda as proposed.

Item No. 2 on the agenda: Report on the activity of the Institute

The Governing Council took note of the Secretary-General's report regarding the Institute's activities in 2002 and recommended that the special Brainstorming Session adopt a draft Resolution.

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

The Council appointed Mr R. Loewe as First Vice-President and Mr A. Blunn as second Vice-President until its 82nd session.

Item No. 4 on the agenda: International interests in mobile equipment

The Governing Council took note with satisfaction of the successful conclusion of the Cape Town diplomatic Conference and expressed its especial appreciation to the South African Government, for its generous hosting of the Conference, to Ms Trahan, for opening the Conference on behalf of UNIDROIT, and to Sir Roy Goode, the Secretariat (and in particular Mr Stanford) and Mr J. Wool for their tireless efforts. It further recorded its keen appreciation of the fruitful co-operation between UNIDROIT and the International Civil Aviation Organization (ICAO) that had characterised the intergovernmental consultation process in respect of the Cape Town Convention and the Aircraft Protocol.

The Governing Council was particularly pleased to note the conferment upon UNIDROIT, for the first time in its history, of depositary functions, under the Convention and Aircraft Protocol. At the same time it recognised the significant implications that this decision had for the future allocation of the Institute's budgetary and human resources and its setting of priorities and recommended that, given the important responsibilities that flowed under international law from this decision and the need for these functions to be performed efficiently, their exercising be accorded absolutely top priority and a post be specifically earmarked under the budget for the carrying out of these functions, in addition to the necessary software support. It further urged Contracting States to the Cape Town instruments when submitting declarations thereunder to ensure that they did so in one or other of the Institute's working languages.

The Governing Council acclaimed the monumental achievement of Sir Roy Goode in the Official Commentary he had prepared on the Convention and the Aircraft Protocol, at the request of the Cape Town Conference. After taking note of the fact that he had transmitted his Official Commentary as revised in the light of the consultation procedure provided for by Resolution No. 5

adopted by that Conference to the Secretariats of UNIDROIT and ICAO, the Council approved its transmission to all negotiating States and participating observers, pursuant to that Resolution. It further authorised the Secretariat to market the Official Commentary at a commercial price and to transfer any profits that might be realised on such sales, after the recouping of printing and distribution expenses, to the benefit of the UNIDROIT Foundation.

The Governing Council took note of the significant budgetary and human resources that the Secretariat would have to devote over the year ahead to transcribing and editing the Acts and Proceedings of the Cape Town Conference.

The Governing Council took note of the Secretary-General's proposal that consideration be given to UNIDROIT's involvement in a programme of seminars designed to educate manufacturers, financiers and users of aircraft equipment regarding the Cape Town instruments and to bring aviation contractual practice into line therewith and indicated that such involvement should be conditional, first, on the content of such a programme remaining neutral at all times and, secondly, on member Governments and/or private sources being prepared to provide the necessary funding.

The Governing Council recorded with appreciation the progress being made with the preliminary draft Protocol to the Convention on Matters specific to Railway Rolling Stock, while recognising the urgent need for the organisation of a programme of regional seminars, in Africa, Asia and Latin America, designed to deepen and broaden awareness of the benefits that countries in those regions stood to gain from adoption of the future Rail Protocol. It took note with appreciation in this connection of the kind offer by Mr Maher Wahed to organise a seminar in Egypt.

The Governing Council took note with appreciation of the progress being made with the preliminary draft Protocol to the Convention on Matters specific to Space Assets and emphasised the importance of the conditions being met for a first session of a UNIDROIT Committee of governmental experts to be able to be convened in 2003. It was accordingly agreed that Council members should do all in their power to follow up in their countries, as a matter of urgency, with the request to seek sponsors for the Space Working Group enshrined in Resolution (80) 1 adopted by the Governing Council at its previous session.

Item No. 5 on the agenda: Franchising

The Council decided to accept the recommendation of the Sub-Committee on Franchising and to approve the Model Franchise Disclosure Law with the addition of a proviso specifying that the Model Law and Explanatory Report thereto had been prepared by a Committee of Governmental Experts convened by UNIDROIT.

Item No. 6 on the agenda: Principles of international commercial contracts

The Governing Council noted with satisfaction the information communicated by the Secretariat and Council members concerning the numerous ways in which the UNIDROIT Principles of International Commercial Contracts are being used worldwide and was confident that the Working Group would be able to conclude its work successfully.

Item No. 7 on the agenda: Principles and rules of transnational civil procedure

The Governing Council took note of the current state of work of the Joint ALI/UNIDROIT Working Group for the preparation of Principles and Rules of Transnational Civil Procedure and requested the Secretariat to circulate the draft Principles and Rules once finalised by the Working Group in good time so as to permit the Council a thorough examination of them at one of its future sessions.

Item No. 8 on the agenda: Transactions on transnational and connected capital markets

The Council took note with satisfaction of the information provided by the Chairman of the restricted Study Group and the Secretariat with regard to the Study Group's first session and its further planning.

Item No. 9 on the agenda: Uniform Rules applicable to Transport

The Council took note of the developments that had taken place since its last session in relation to the preparation of an EDI Protocol to the 1956 Convention on the Contract for the International Carriage of Goods by Road.

Item No. 10 on the agenda: Status of implementation and promotion of UNIDROIT Conventions

The Council took note of the developments that had taken place since its last session with regard to ratifications and implementation of UNIDROIT conventions.

Item No. 11 on the agenda: Programme of Legal Co-operation

The Governing Council took note with satisfaction of the information compiled by the Secretariat and approved the report of the Scholarships Sub-Committee of the Governing Council.

Item No. 12 on the agenda: Uniform Law Review and other publications

The Governing Council took note with satisfaction of the information it received on this subject.

Item No. 13 on the agenda: The UNIDROIT web site and depository libraries for UNIDROIT documentation

The Governing Council took note with satisfaction of the work carried out on the website and the increment in the number of depository libraries for UNIDROIT documentation.

Item No. 14 on the agenda: The Uniform Law Data Base

The Council noted with satisfaction the developments that had taken place with regard to the Uniform Law Data Base (UNILAW).

Item No. 15 on the agenda: Situation of the library

The Council took note of the developments that had taken place as regards the computerisation of the catalogue of the library and the increase in stocks.

Item No. 16 on the agenda: Preparation of the draft budget for the 2003 financial year

The Council requested that the budget be modified to cover also the expenses that will be incurred as a result of the nomination of UNIDROIT as Depository for the Cape Town Convention and Protocol, in the first instance the salary of a full-time treaty clerk, as well as the funds necessary for the preparation of ad hoc software.

Item No. 17 on the agenda: Amendment of the Statute of UNIDROIT

The Council took note of the developments that had taken place as regards the negotiations with the Italian authorities in relation to the proposed modification of the Italian contribution to the budget of UNIDROIT.

Item No. 18 on the agenda: Appointment of correspondents of the Institute

The Council decided to appoint Messrs Ewan McKendrick (United Kingdom) and Gainan Avilov (Russian Federation) as correspondents of the Institute.

Item No. 19 on the agenda: The Uniform Law Foundation

The Council took note of the expected administrative developments as regards the Uniform Law Foundation.

Item No. 20 on the agenda: Date and Place of the 82nd session of the Governing Council

The Council decided to hold its 82nd session from 26 to 28 May 2003, at the seat of the Institute in Rome.

Item No. 21 on the agenda: Other Business

The Council decided to renew the mandate of the Secretary-General for a second term expiring on 31 August 2008.

Special Item on the Agenda – Preparation of the Informal (“Brainstorming”) Session, to be held on 26 September 2002

The Council decided to actively engage in an in-depth discussion with Governments of all relevant issues. It was noted that the special session to be held on the following day would only be a starting point for a longer-term policy review.