



**SUMMARY
OF THE CONCLUSIONS REACHED BY THE GOVERNING COUNCIL
AT ITS 83rd SESSION**

(Rome, 19 to 21 April 2004)

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

The Governing Council adopted the provisional agenda as proposed by the Secretariat

Item No. 2 on the agenda: Annual Report 2003

The Governing Council took note of the Secretary-General's Report on the Activity of the Institute during 2003.

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

At the suggestion of the President the Governing Council appointed Mr Arthur Hartkamp and Mr Jorge Sánchez Cordero as First and Second Vice-President respectively until the 84th session.

Item No. 4 on the agenda: Appointment of the members ad honorem of the Governing Council

The Governing Council appointed the following persons members ad honorem: Mr Maher Abdel Wahed (Egypt), Mr Ömer I. Akipek (Turkey), Mr Luiz Olavo Baptista (Brazil), Mr Anthony Blunn (Australia), Ms Isabel de Magalhães Collaço (Portugal), Sir Royston M. Goode (United Kingdom), Mr Roland Loewe (Austria), Mr Ferenc Mádl (Hungary), Mr Ronald Thandabantu Nhlapo (South Africa) and Mr Jacques Putzeys (Belgium).

Item No. 5 on the agenda: Appointment of the members of the Permanent Committee

The Governing Council appointed Ms Trahan, Mr. Sen, Mr. Hartkamp, Mr Lyou and Mr Voulgaris members of the Permanent Committee.

Item No. 6 on the agenda: Strategic Plan: Report of the Secretary-General

The Council expressed its gratitude and satisfaction to the Secretariat for having produced a document of this nature without having recourse to expensive outside consultants. The Council was looking forward to monitoring the Institute's way forward on the basis of the Strategic Plan and, where necessary, future adjustments and amendments.

Item No. 7 on the agenda: Principles of international commercial contracts

The Governing Council, in approving the new edition of the Principles of International Commercial Contracts, expressed its appreciation to the Working Group and to its Chairman for their extraordinary achievement. Confident that the 2004 edition would become even better known and more widely used throughout the world, it invited the Secretariat to promote its widest

distribution. It also encouraged the Secretariat to continue, in co-operation with UNILEX, to monitor the use of the Principles by the international legal and business communities and to solicit comments and suggestions with respect to additional topics to be dealt with in a future new edition of the Principles. Moreover, recalling that the Principles were one of the Institute's most successful projects, it recommended that they figure in the Work Programme as an ongoing project.

Item No. 8 on the agenda: Principles and rules of transnational civil procedure

The Governing Council, in approving the draft Principles of Transnational Civil Procedure, expressed its appreciation to the Working Group as a whole and in particular its Co-Rapporteurs for their extraordinary achievement. The Council was confident that the Principles of Transnational Civil Procedure would be favourably accepted throughout the world and in particular serve as a model to legislators when reforming domestic procedural law.

Item No. 9(a) on the agenda: Cape Town Convention and Aircraft Protocol

The Governing Council, noting the progress made in implementation of the Cape Town Convention and Aircraft Protocol, urged its members to do all in their power to promote early implementation of the same in their countries.

The Governing Council, while taking note of the progress in the Secretariat's readiness to face up to its depositary functions under the Cape Town Convention and Aircraft Protocol in time for the entry into operation of the International Registry, at the same time noted the implications of the need for these functions, as core functions of the Institute, in future to be funded out of budgetary sources and urged its members to use their influence with the competent Authorities of I.C.A.O. to ensure that the International Registry would be fully operational by the time that the Cape Town Convention and Aircraft Protocol entered into force.

The Governing Council, whilst acknowledging the continuing success of the Official Commentary as reflected in the steady increase in sales, was agreed as to the desirability of the necessary resources being found to build on the Secretariat's initial promotion efforts.

The Governing Council took note of the urgency of completing the Acts and Proceedings of the Cape Town diplomatic Conference, in view of the entry into force of the Cape Town Convention and the requests being received for the Acts and Proceedings, with the significant implications for resources that this entailed.

The Governing Council noted the Secretariat's efforts designed to promote the Cape Town Convention and the Aircraft Protocol.

Item No. 9(b) on the agenda: Preliminary Draft Protocol to the Cape Town Convention on Matters specific to Railway Rolling Stock

The Governing Council took note with satisfaction of the progress made with work on this subject and decided to follow the procedure indicated by the Secretariat for the convening of a diplomatic Conference for the adoption of the preliminary draft Rail Protocol.

Item No. 9(c) on the agenda: Preliminary Draft Protocol to the Cape Town Convention on Matters specific to Space Assets

The Governing Council took note of the success achieved by the Paris colloquium in laying the groundwork for the intergovernmental consultation process and of the preparations for the Kuala Lumpur colloquium in continuing to build on that groundwork.

The Governing Council noted the progress achieved by the Committee of governmental experts at its first session and the generosity of F.A.O. in waiving the fees normally charged for use of its meeting facilities in respect of both the first and second sessions of the Committee.

The Governing Council took note of the delicate negotiations underway within the Legal Subcommittee of U.N./COPUOS concerning the possibility of the United Nations serving as Supervisory Authority under the preliminary draft Space Protocol and the relationship between the Cape Town Convention and the preliminary draft Space Protocol and the rights and obligations of States under the legal regimen applicable to Outer Space.

The Governing Council noted the various alternative possibilities being actively explored by the Secretariat with a view to identifying a Supervisory Authority under the preliminary draft Space Protocol.

The Governing Council took note of the urgency of endowing S.W.G. with the resources needed to secure its continuing existence as an entity, in particular given what could be expected to be its determining role in ensuring the commercial viability of the future Space Protocol.

The Governing Council noted the steps taken by the Secretariat to give publicity to the preliminary draft Space Protocol.

Item No. 10 on the agenda: Transactions on Transnational and Connected Capital Markets

The Council commended the work of the Study Group to date and approved of the accelerated time schedule for this project. It also supported the proposal of developing further the work on an international convention rather than a model law or other type of instrument. Finally, the Council accepted the invitation of Mr Sen to review the draft after the 5th Study Group session in Budapest this autumn and to decide on whether to proceed to the intergovernmental phase by correspondence at the end of 2004.

Item No 11 on the Agenda – Uniform Rules Applicable to Transport

While not taking a stand on the approach adopted by the former Council in 2003, the Governing Council decided to be open-minded with respect to any work which might be carried out in other organisations and to renew the confidence it had placed in Mr Putzeys throughout the collaboration with the ECE and to request him to continue, if possible, to represent UNIDROIT at the Inland Transport Committee. It also decided to ask Mr Putzeys to submit a more detailed report to the next session of the Governing Council.

Item No. 12 on the agenda: The Uniform Law Foundation

The Governing Council noted with satisfaction the results of the meeting of the Board of Governors of the Foundation.

Item No. 13 on the agenda: Status of implementation and promotion of UNIDROIT Conventions

The Governing Council took note of the information on the implementation of UNIDROIT instruments and gave support to the Secretariat's idea for the organisation of a conference to celebrate the tenth anniversary of the opening to signature of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

Item No. 14 on the agenda: Programme of Legal Co-operation

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

Item No. 15 on the agenda: Uniform Law Review/Revue de droit uniforme and other publications

The Governing Council took note with satisfaction of the information supplied in this respect.

Item No. 16 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. 17 on the agenda: The Uniform Law Data Base

The Council noted with satisfaction the progress that had been made on this project and requested that an official recognition of the contribution of Mr Putzeys be placed on the public web site of the database.

Item No. 18 on the agenda: Situation of the library

The Governing Council took note of the difficulties that the UNIDROIT Library had to face.

Item No. 19 on the agenda: Appointment of correspondents of the Institute

The Governing Council decided to appoint Ms Frédérique C. Ferrand (France) and Mr Sergio Marchisio (Italy) as correspondents of the Institute.

Item No. 20 on the agenda: Appointment of a Deputy Secretary-General

The Governing Council decided that the Principal Research Officer would be invited to act as Deputy Secretary-General from 1 October 2004.

Members of the Council were invited to submit, if they so wished, suggestions for further refinement of the draft text of an advertisement by 31 May 2004.

Applications received in response to the advertisement by 30 September 2004 would be reviewed by an ad-hoc Committee of the Permanent Committee in the course of the autumn with a view to drawing up a short-list and/or making a proposal for consideration and decision by the Council at its 84th session.

Item No. 21 on the Agenda: Extension of the Work Programme 2002-2004

The Governing Council decided to recommend to the General Assembly that the Work Programme be extended by one year.

Item No. 22 on the agenda: Preparation of the draft budget for the 2005 financial year

The Council, having decided to ask the Principal Research Officer to take over the duties of Deputy Secretary-General ad interim, until such time as a public procedure, open to both internal and external candidates, had been completed, decided to approve the first alternative of the draft budget submitted to it.

Item No. 23 on the Agenda: Revision of the Regulations concerning the election of the Governing Council

The Council took note of the suggestions made by the President of General Assembly. The Secretary-General was requested to advise the General Assembly of the Governing Council's

support and its interest to become actively involved in discussing the most appropriate ways to address the issue.

Item No. 24 on the agenda: Date and Place of the 84th session of the Governing Council

The Council agreed that its 85th session would be held from 18 to 21 April 2005 in Rome.