

UNIDROIT

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

ANNUAL REPORT — 2005

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2005: Land in Sight?

The Annual Report for 2004 painted an interesting picture. Here was a vessel carrying high-quality cargo, cruising at full speed and calling on time at its designated ports of destination. And there was the crew badly in need of a few more mates and, above all, a first officer. This was, of course, a reference to the significant achievements as regards finalisation and adoption of instruments on the one hand and, on the other hand, the continuing uncertainty as to whether the Organisation would finally be able to replace the Deputy Secretary-General who had been the chief administrator and who had retired – full time working and part-time paid – in 2003.

Undoubtedly, the "legislative output" in 2005 suffered from the Principal Research Officer's stepping in as an *ad interim* administrator and being, therefore, unable to carry the most difficult project, the draft protocol on secured space-asset financing, forward as planned. As had already happened in 2004, a breeze suddenly got up and pushed the vessel out of the doldrums. And as in 2004, the favourable wind came – not surprisingly in maritime matters – from London. The Government of the United Kingdom committed to make a very substantial extra-budgetary contribution for the purpose of enabling the Governing Council to appoint a new Deputy Secretary-General. An international competition was held, 26 candidates from four continents applied and, at the outcome of the Governing Council, in accordance with Article 8 of the UNIDROIT Statute appointed two Deputy Secretaries-General of different nationalities: Mr Martin J. Stanford, Principal Research Officer and with the Institute since 1971, and Professor Alessandra Zanobetti, Associate Professor of International and European Law at the University of Bologna. Mr Stanford's brief covers the Organisation's legislative activities. Professor Zanobetti, whose professional experience includes service on the audit committee of the board of directors of a company and running her Faculty's exchange programmes, will be responsible for the non-legislative activities, administration and liaising with the Italian Authorities.

Is land in sight? Will we at long last be able to again focus on thoroughly and expeditiously carrying out ambitious projects? Will key objectives identified in Strategic Plan now receive the attention needed? The answers depend to a large extent on settling the issue that chief administrators – as first officers – are not optionals that an organisation may care or not care to have but that they are core members of any crew. Professor Zanobetti's appointment is for one year, i.e. as long as the means put at purser's disposal by Her Majesty's Government permit. It would be most unfortunate if the first officer were to be paid off when the vessel has barely reached the open sea. Wise shipowners would make sure that an investment in people, according to modern business administration theory the most intelligent one any organisation can make and which in our case was made possible by one of the Company's shareholders, is sustained so as to ensure that the outward voyage will continue.

HERBERT KRONKE
Secretary General

Contents

Page One

1

I. ADMINISTRATION AND ORGANISATION

A. PRESIDENCY, GOVERNING COUNCIL AND PERMANENT COMMITTEE, GENERAL ASSEMBLY AND FINANCE COMMITTEE

1. Presidency, Governing Council and Permanent Committee 5
2. General Assembly and Finance Committee 5

B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS

1. International Interests in Mobile Equipment 7
2. Transactions on Transnational and Connected Capital Markets 7
3. Model law on Leasing 7

C. RELATIONS WITH GOVERNMENTS

7

D. CO-ORDINATION AMONG PRIVATE-LAW FORMULATING AGENCIES

8

E. CO-ORDINATION WITH OTHER INTERGOVERNMENTAL ORGANISATIONS

8

F. DIPLOMATIC CONFERENCES AND MEETINGS ORGANISED BY OTHER INTERNATIONAL ORGANISATIONS

8

II. LEGISLATIVE ACTIVITIES

A. WORK IN PROGRESS

1. Principles of International Commercial Contracts 9
 - a. Setting up of a new Working Group 9
 - b. Promotion of the Principles of International Commercial Contracts 9
 - c. Co-operation with OHADA for the preparation of a draft Uniform Act on Contracts 10
2. International Interests in Mobile Equipment 10
 - a. Cape Town Convention/ Aircraft Protocol 10
 - b. Draft Rail Protocol 11
 - c. Preliminary draft Space Protocol 11
 - d. Promotion of the work on international interests in mobile equipment 12
3. Transactions on Transnational and Connected Capital Markets 13
 - a. Work of the Committee of governmental experts 13
 - b. Promotion of the work on Capital Market Law 14
4. Transport 15
5. Model Law on leasing 15

B. FOLLOW-UP OF ADOPTED UNIDROIT INSTRUMENTS	
1. International Protection of Cultural Property	16
2. Principles of Transnational Civil Procedure	17
C. ACCEPTANCE OF UNIDROIT CONVENTIONS	17
III. NON-LEGISLATIVE ACTIVITIES	
A. PROGRAMME OF LEGAL CO-OPERATION	
1. Co-operation with partner Organisations	18
2. Research Scholarships Programme	18
3. Collaborators, Interns and Researchers	19
B. THE UNILAW DATA BASE	20
C. THE UNIDROIT INTERNET WEB SITE: www.unidroit.org	20
D. DEPOSITARY LIBRARIES FOR UNIDROIT DOCUMENTATION	21
E. UNIDROIT LIBRARY	21
F. PUBLICATIONS	22
1. Uniform Law Review	22
2. Other publications	22
a. UNIDROIT Proceedings and Papers	22
b. Guide to International Master Franchise Arrangements	22
Annex I – List of the documents published by the UNIDROIT Secretariat in 2005 on the implementation of its Work Programme	23
Annex II – Instruments drawn up by UNIDROIT and status of implementation of Conventions drawn up by UNIDROIT and approved at diplomatic Conferences convened by member States of UNIDROIT	25
Annex III – Implementation of instruments based on work conducted within UNIDROIT	32

ADMINISTRATION AND ORGANISATION

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

1. *Presidency, Governing Council and Permanent Committee*

The 84th session of the Governing Council was held in Rome from 18 to 20 April 2005 under the chairmanship of the President of the Institute, Mr Bernardino Libonati. The Council approved the Secretary-General's report on the activity of the Institute in 2004 and appointed Mr Arthur Hartkamp and Mr Lyou Byung-Hwa as First and Second Vice-President respectively until the 85th session.

The Council nominated Mr Ignacio García Pujol (Chile) as new correspondent.

The Council authorised the transmission to financial organs of the Institute of the draft estimates of expenditure for 2006 as drawn up by the Secretariat.

At its 106th meeting (18 April 2005), the Permanent Committee authorised extension of the appointment of the officers whose contracts were to expire, took note of a number of other decisions concerning staff matters and approved the provisional agenda for the 60th session of the General Assembly. The Permanent Committee thoroughly discussed the situation regarding the appointment of a new Deputy Secretary-General that had arisen in light of the United Kingdom's extra-budgetary donation devoted to the funding of that position for the 2006 financial year. The Committee submitted a proposal on structure and timing of an open international selection process and set up a Sub-committee tasked with handling that process.

The Secretary-General presented the, for the time being modest, first steps in implementing the Strategic Plan. The Governing Council expressed its satisfaction with the Secretariat's giving high priority to the Plan's implementation and discussed a number of details, in particular the issue of insufficient resources and strategies for the broadening of the Organisation's membership, in particular in Asia, the Middle East and Africa.

2. *General Assembly and Finance Committee*

The 59th session of the General Assembly was held in Rome in December under the chairmanship of H. E. Mr Vasco Taveira da Cunha Valente, Ambassador of Portugal in Italy. The President expressed the Assembly's gratitude to the outgoing President, H. E. Mr Helmy Bedeir, Ambassador of the Arab Republic of Egypt in Italy, for the excellent guidance he had given during his term of office.

The President of the Assembly extended the Assembly's warm welcome to the representatives of the Republic of Latvia, the Organisation's 60th member State.

In the course of its consideration of financial matters, the Assembly approved the final modifications of the 2004 budget, together with the accounts for that financial year. The Assembly also adopted the budget for 2006 and the assessment of member States' contributions for that year.

The General Assembly adopted the new triennial Work Programme 2006-2008, as proposed by the Secretariat and approved by the Governing Council as follows:

* *This Report covers the activity of UNIDROIT from 1 January to 31 December 2005*

PART I: PREPARATION OF UNIFORM LAW INSTRUMENTS AND EXERCISING OF DEPOSITARY FUNCTIONS IN RESPECT THEREOF

*1. *International interests in mobile equipment* - Cape Town Convention and related Protocols

* (a) *Convention on International Interests in Mobile Equipment (Cape Town, 16 November 2001) and Protocol thereto on Matters specific to Aircraft Equipment (Cape Town, 16 November 2001)* - exercising of depositary functions, in particular in relation to the International Registry for aircraft objects and the Supervisory Authority of that Registry;

* (b) *Draft Protocol to the Cape Town Convention on Matters specific to Railway Rolling Stock* - organisation of a regional seminar for Africa and of a diplomatic Conference for its adoption in 2006;

* (c) *Preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets* - completion of a draft Protocol capable of being laid, as soon as possible, before a diplomatic Conference of adoption; and

(d) *Future Protocol to the Cape Town Convention on agricultural, construction and mining equipment* - subject to the case for such work being confirmed in a preliminary study.

*2. *Principles of International Commercial Contracts* - with work following the same lines as hitherto, with the Secretariat being invited to consider the membership of the Working Group and also who might usefully be invited to participate as observers and with wide support being expressed for work focussing on, first, unwinding of failed contracts, secondly, illegality, thirdly, plurality of debtors and creditors, fourthly, conditions (that is suspensive conditions or conditions precedent and resolute conditions or conditions subsequent) and, fifthly, termination of long-term contracts but with more detailed proposals being due to be laid by the Secretariat before the Governing Council at its 85th session, as soon as possible after which the reconvened Working Group should hold its first session.

*3. *Capital markets*

* (a) *Preliminary draft Convention on harmonised substantive rules regarding intermediated securities* - completion of a draft Convention capable of being laid, as soon as possible, before a diplomatic Conference for adoption; and

* (b) *Principles and rules capable of enhancing trading in securities on emerging markets* - decentralised preparation of an instrument, probably to take the form of a legislative guide.

4. *Model law on leasing* - subject to the availability of external support, with it being noted that, thanks to the efforts of Mr Ronald DeKoven, a UNIDROIT correspondent, such external support is indeed being provided.

5. *Multimodal transport* - with, given UNIDROIT's longstanding involvement in the drafting of transport law instruments, consideration being given to the possibility of working in co-operation with the relevant international Organisations.

PART II: ACTIVITIES CONNECTED WITH THE UNIFICATION OF LAW

1. *Programme of legal co-operation* - for developing countries and countries in economic transition

(a) *Research scholarships programme* and

* These items with priority status.

(b) *Assistance in legal drafting* - in particular, co-operation with the Organisation for the Harmonisation of Business Law in Africa (OHADA) for the preparation of a draft Uniform Act on Contracts.⁴

2. *Promotion of UNIDROIT activities and instrument; documentation on and assistance for research on transnational commercial law* - in particular the UNIDROIT Library and the Institute's web site.

3. *UNIDROIT publications* - in particular

(a) *Uniform Law Review/Revue de droit uniforme*;

(b) *Digest of Legal Activities of International Organizations and other Institutions*;

(c) *UNIDROIT Proceedings and Papers* and

(d) *Acts and Proceedings of the diplomatic Conference at which the Cape Town Convention and the Aircraft Protocol were opened to signature*.

4. *Data base on uniform law (UNILAW)*.

The 60th session of the Finance Committee was held on 6 October 2005 under the chairmanship of Mr Josef Renggli (Switzerland). The Committee was called upon to formulate opinions on certain financial matters which were submitted for decision to the General Assembly, as its above-mentioned 59th session.

B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS

The following meetings were organised by the Institute in 2005:

1. *International Interests in Mobile Equipment*

Registry Task Force of the Committee of governmental experts for the preparation of a draft Protocol to the Cape Town Convention on Matters specific to Railway Rolling Stock (Fourth meeting, Rome, 22-25 February 2005).

2. *Transactions on Transnational and Connected Capital Markets*

UNIDROIT Committee of governmental experts for the preparation of a draft Convention on Harmonised Substantive Rules Regarding Intermediated Securities (First session, Rome, 9-20 May 2005).

3. *Model law on Leasing*

Advisory Board for the preparation of a Model Law on Leasing (first session, Rome, 17 October 2005)

C. RELATIONS WITH GOVERNMENTS

At the end of 2005 UNIDROIT had 59 member States: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Estonia, 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, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela.

Upon deposit of its instrument of accession with the Italian Ministry of Foreign Affairs the Republic of Latvia will become the 60th member State effective 1 January 2006. This followed a visit of the

Secretary-General to Riga from 12 to 14 September 2005 with meetings with the Prime Minister, the Minister of Foreign Affairs, the Minister of Justice and the Speaker of the House of Parliament.

Consultations continued throughout 2005 between the Secretariat and seven 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. H. E. Mr Georgiy Chernyavskiy, Ambassador of Ukraine in Italy, who attended the 59th General Assembly as Observer advised the Assembly that his Government was in the process of finalising internal co-ordination procedures aimed at the accession to the Institute.

At the invitation of the Government of India, the Secretary-General visited Delhi and Mumbai from 19 to 22 March 2005. At the invitation of the Government of Brazil the Secretary-General visited Brasilia from 29 to 31 March 2005. In both capital cities, meetings were held with officials in the Ministries of Foreign Affairs and other ministries and agencies involved in UNIDROIT's work.

On the occasion of a seminar on UNIDROIT instruments jointly organised by the Government of the Republic of Indonesia and UNIDROIT, held on 28 November in Jakarta, the Secretary-General had meetings with the Minister of Law and Human Rights and senior officials from other ministries.

D. CO-ORDINATION AMONG PRIVATE-LAW FORMULATING AGENCIES

On 13 and 14 December 2005, the Secretaries-General of the Hague Conference on Private International Law, UNCITRAL and UNIDROIT convened for their third co-ordination meeting in The Hague. Officers of the Permanent Bureau of the Hague Conference attended and made presentations.

E. CO-ORDINATION WITH OTHER INTERGOVERNMENTAL ORGANISATIONS

On 31 October and 1 November 2005, the Secretaries-General of the Hague Conference on Private International Law, UNIDROIT and UNCITRAL met the General Counsels of the World Bank and other Organisations of the World Bank Group and the International Monetary Fund in Washington, D.C. A wide range of specialised officers of the General Counsels' Offices attended. The meeting was devoted to improving co-ordination and co-operation between the Bretton Woods Organisations and the three private-law formulating agencies in the area of law reform.

UNIDROIT is a partner in the programme launched by the ITC (WTO/UNCTAD) to provide relevant information to developing countries and countries in economic transition regarding existing international instruments, particularly those dealing with trade and investment and with the fight against illicit transactions. UNIDROIT was represented at a seminar organised in Geneva from 31 October to 3 November 2005.

F. 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 United Nations Economic Commission for Europe (ECE), the International Civil Aviation Organization (ICAO), the United Nations Commission on International Trade Law (UNCITRAL), ICPO-INTERPOL, UNESCO, the European Community.

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.

LEGISLATIVE ACTIVITIES

A. WORK IN PROGRESS

1. *Principles of International Commercial Contracts*

a. **Setting up of a new Working Group**

Following the decision taken by the Governing Council at its 84th session to continue work on the UNIDROIT Principles of International Commercial Contracts with a view to adding new chapters on unwinding of failed contracts, plurality of debtors and creditors, illegality, conditions and termination of long-term contracts for cause, the Secretariat approached prospective members of the new Working Group and contacted a number of interested international and national institutions with a view to soliciting their participation as observers in the Working Group.

b. **Promotion of the Principles of International Commercial Contracts**

In addition to the English, French and Italian language versions of the UNIDROIT Principles 2004, early in 2005 two Chinese language versions of the integral version of the Principles appeared: one prepared by the Treaty and Law Department of the Ministry of Commerce (MOFCOM), the other by Mr Zhang Yuqing, Member of the UNIDROIT Governing Council. Moreover, in 2005 German, Russian and Turkish translations of the black letter rules were prepared.

Sales of the UNIDROIT Principles 2004 continued to be more than satisfactory: in 2005, 310 copies of the English language version, 53 of the French and 470 of the Italian have been sold.

The Principles have been presented on a number of occasions to interested business and legal circles. As in the past, in most cases the participation of UNIDROIT's representatives was financed by the organisers and did not therefore involve any expense on the part of the Institute.

On 15 March 2005, on the occasion of UNCITRAL's anniversary conference "25 years CISG", the Secretary-General presented a paper on "The CISG, the UNIDROIT Principles and Beyond".

On 1 April 2005, at the invitation of the Faculty of Law of the Federal University of the State of Minas Gerais, Belo Horizonte (Brazil), the Secretary-General presented a paper on "Ten Years UNIDROIT Principles of International Commercial Contracts: The State of Things and the Way Forward".

On 8 April 2005, on the occasion of an International Symposium organised by the Loyola University School of Law in New Orleans (USA), Professor M.J. Bonell presented a paper on "Soft-law and Party Autonomy: The Case of the UNIDROIT Principles".

At an International Seminar held at the Law Department of the University of Freiburg (Germany) on 6 May 2005, Professor M.J. Bonell presented a paper on "The UNIDROIT Principles as a means of Interpreting CISG".

On 14-15 September 2005, on the occasion of the Joint UNCITRAL/Cairo Regional Center for International Commercial Arbitration Seminar on "Twenty-five Years CISG" held in Cairo, Professor M.J. Bonell presented a paper on "The UNIDROIT Principles and CISG: Two Complementary Instruments".

At a Seminar on "The Modern *Lex Mercatoria* in a Globalised Economy" organised by the Italian Bar Association and held in Rome on 12 October 2005, Professors G. Alpa, M.J. Bonell, F. Galgano and F. Marrella discussed the role of the UNIDROIT Principles in international contract and arbitration practice.

On 28 November 2005, on the occasion of a joint Government of Indonesia / UNIDROIT Seminar on "UNIDROIT Work on International Commercial Contracts, Finance and Dispute Resolution and its Relevance for Indonesian Business" held in Jakarta, papers were presented on "The UNIDROIT Principles of International Commercial Contracts - The 1994 and 2004 editions: Origin, Content, Purpose" (Professor Sunaryati Hartono); on "The Use of the UNIDROIT Principles in International

Commercial Arbitration” (Professor Herbert Kronke) and on “The Use of the UNIDROIT Principles in Contract Practice and the Drafting of Contracts between Indonesian and Foreign Businesses” (Professor Bayu Seto Hardjowahono).

On 2 December 2005, at a Workshop for a select group of French lawyers organised by the Law Firm Derains & Associés in Paris, Professor M.J. Bonell discussed the role of the UNIDROIT Principles in international contract and arbitration practice.

In November 2005 the Proceedings of the joint ICC/UNIDROIT Colloquium on the UNIDROIT Principles 2004 held at the International Court of Arbitration of the International Chamber of Commerce, Paris on 10 December 2004 were published under the title “UNIDROIT Principles: New Developments and Applications” as a Special Supplement to the ICC International Court of Arbitration Bulletin. The volume contains an Introduction by the Secretary-General and papers by Professors F. Reynolds on “Authority of Agents”, K.-P. Berger on “Set-off”, W. Wiegand and C. Zellweger-Gutknecht on “Assignment”, P. Bernardini on “Limitation Periods”, C. Ramberg on “E-commerce”, F. Bortolotti on “Reference to the UNIDROIT Principles in Contract Practice and Model Contracts” and E. Jolivet on “The UNIDROIT Principles in ICC Arbitration”. The volume also contains extracts from ten ICC arbitral awards rendered in the years 2001-2002 and referring to the UNIDROIT Principles.

Monitoring of the use in practice of the UNIDROIT Principles continues on a systematic basis. By the end of 2005, UNILEX, the database of international caselaw and bibliography on the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UNIDROIT Principles <<http://www.unilex.info>> contained 23 court decisions and 91 arbitral awards referring in one way or another to the UNIDROIT Principles, while the number of bibliographic references was 676.

c. Co-operation with OHADA for the preparation of a draft Uniform Act on Contracts

Preparation by UNIDROIT of an OHADA Uniform Act on contracts, with funding by the Swiss Government (Development and Co-operation Department) (see *infra* for further details, p. 18).

2. International Interests in Mobile Equipment

a. Cape Town Convention / Aircraft Protocol

The most significant development during 2005 was the satisfaction of the conditions for the entry into force of the *Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment* (the *Aircraft Protocol*). The *Aircraft Protocol* is the only protocol currently open to signature under the *Convention on International Interests in Mobile Equipment* (the *Convention*). Article XXVIII(1) of the *Aircraft Protocol* provides that it will enter into force on the first day of the month following the expiration of three months after the date of the deposit of the eighth instrument of ratification, acceptance, approval or accession. On 2 November 2005 the Government of Malaysia deposited its instruments of accession to the *Convention* and the *Aircraft Protocol*, they being the eighth instruments of ratification or accession to be deposited. The *Aircraft Protocol* will therefore enter into force on 1 March 2006.

During 2005 two other Governments lodged their instruments of accession to the *Convention* and *Aircraft Protocol*: the Sultanate of Oman on 21 March 2005, and the Government of Ireland on 29 July 2005 (*Convention*) and 23 August 2005 (*Aircraft Protocol*).

The *Convention* and the *Aircraft Protocol* were adopted at a Diplomatic Conference held in Cape Town from 29 October to 16 November 2001. Resolution No. 2 of the Conference invited the International Civil Aviation Organization (ICAO) to accept the functions of the Supervisory Authority of the International Registry, and pending that acceptance established a Preparatory Commission for the Establishment of the International Registry for Aircraft Objects (the *Preparatory Commission*) to act as Provisional Supervisory Authority. On 15 June 2005, the ICAO Council decided to confirm its acceptance of such functions and will assume the role of Supervisory Authority of the International Registry upon the entry into force of the *Aircraft Protocol*.

The Preparatory Commission held its third and final meeting at the Headquarters of ICAO in Montreal, Canada on 17 and 18 January 2005. The meeting was chaired by Mr. L. Noël (Switzerland) and attended by representatives of 17 members of the Preparatory Commission,¹ one observer State² and four organisations.³ The meeting approved the *Regulations for the International Registry* to govern the day-to-day operation of the International Registry, which will underpin the operation of the Aircraft Protocol, and made decisions on a range of matters necessary to enable the International Registry to be in the position to commence operations by the time of the entry into force of the Aircraft Protocol.

b. Draft Rail Protocol

The Rail Registry Task Force established by the Joint Committee of governmental experts held its fourth session in Rome from 22 to 25 February 2005, to consider in particular the questions raised by the tax status of the Registrar, the legal status of the Supervisory Authority and of the Secretariat, the immunities of the Secretariat and its employees, the liability and insurance and the fee structure of the Registry (see the Report of the meeting, UNIDROIT 2005 Study LXXIIH – Doc. 17 / OTIF/JGR/13). A Sub-Committee of the Drafting Committee of the Joint Committee of governmental experts met to review the drafting of the Articles relating to the international registration system, in the light of the discussions and decisions taken by the Task Force at its fourth session. A number of amendments have been made to the text, following agreement by the Rail Registry Task Force (see UNIDROIT 2005 Study LXXIIH – Doc. 18/ OTIF/JGR/14).

The session of the Rail Registry Task Force was preceded by a Cape Town Registry Workshop on 21 February 2005 where Mr Jeffrey Wool, Secretary and General Counsel to the Aviation Working Group, had the opportunity to introduce and illustrate the solutions chosen for the international registration system under the Aircraft Protocol. Those present were then able to discuss the case for some of these also being taken over for the international registration systems to underpin the future Rail and Space Protocols (see the Summary report of this meeting in the *Uniform Law Review/ Revue de droit uniforme* 2005-3, p. 516).

At its 84th session, the UNIDROIT Governing Council formally authorised the submission of the text of the draft Rail Protocol to a diplomatic Conference for adoption. On 24 October 2005, the General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) agreed that the Organisation assumes the role of Secretariat of the Supervisory Authority in accordance with Article XIII(2) of the draft Rail Protocol, on certain conditions that will be set out in an agreement between the Administrative Committee of OTIF and the Supervisory Authority of the Rail Registry.

Negotiations are underway with several States which might be interested in calling the diplomatic Conference for the adoption of the draft Rail Protocol towards the end of 2006.

The working documents relating to the Rail Protocol published in 2005 are to be found in Annex I.

c. Preliminary draft Space Protocol

It did not prove possible to build on progress made in 2004 during 2005. This was for a number of reasons.

First, it will be recalled that, at the second session of the Committee of governmental experts, held in 2004, all Governments participating in the Committee's work and the Space Working Group (SWG) were invited to provide the UNIDROIT Secretariat with additional information on what services were considered to be public services in their countries and an indication of how those services were protected at present, together with any other comments relating to this issue and any written proposals. The intention was that the UNIDROIT Secretariat would, on the basis of the information received by it from Governments and the SWG, prepare a paper for submission to the

¹ Argentina, Brazil, Canada, China, Cuba, Egypt, France, Germany, India, Ireland, Kenya, Nigeria, Russian Federation, Senegal, Singapore, Switzerland and the United States of America.

² Spain.

³ UNIDROIT, the Aviation Working Group, the International Air Transport Association, and Aviareto.

following session of the Committee. Notwithstanding a formal request to provide it with such information and a subsequent reminder, enclosing a questionnaire designed to facilitate the provision of responses, from the UNIDROIT Secretariat, only four Governments and the SWG had replied by the time of writing.

Secondly, at the second session of the Committee of governmental experts, a Sub-committee on the future international registration system for space assets was set up, designed to permit the in-depth examination of a number of the key issues raised thereby. It was agreed that the Sub-committee's intersessional work would be carried out solely by electronic means. Notwithstanding the kind placing of a special web forum at the disposal of the Sub-committee by the International Telecommunication Union for this purpose and the fact that 12 of the Governments participating in the work of the Committee of governmental experts initially signed up to participate in the electronic work in question, by the time of writing only two sets of comments had been posted on the said web forum.

Thirdly, throughout the development of the preliminary draft Space Protocol a crucial part has been played by the SWG. This is essential if the end-product, based on a first draft prepared by the SWG, is to prove commercially viable. Moreover, at its second session, the Committee of governmental experts entrusted a number of major assignments to the Space Working Group. Each of these assignments needs to be completed prior to the third session of the Committee.

In particular, the Space Working Group has been asked to revise the working paper that it prepared on debtor's rights and related rights, in close co-operation with interested Governments and taking into account the policy issues raised and the drafting suggestions made during the last session of the Committee, with a view to preparing a new proposal for consideration at the Committee's third session. In this paper it has been asked to provide a detailed explanation of the workings of a typical satellite financing transaction and a basic guide to the operation of satellites and satellite financing. It was further asked to provide the UNIDROIT Secretariat with additional information on the services to be considered as "public services" in the context of the default remedies to be exercised by a creditor under the Convention as implemented by the future Space Protocol with a view to the preparation by the UNIDROIT Secretariat of the aforementioned paper. Finally, the SWG has been asked to provide its expertise to the Sub-committee set up by the Committee of governmental experts to develop proposals on the future international registration system to be established under the future Protocol for space assets.

Of these assignments the SWG has only, to date, managed to complete that concerning the provision of additional information on "public services". Furthermore, it has served notice that, until such time as it is assured of greater support from the space industry, it will not be able to commit to participate in a third session of the Committee of governmental experts.

The UNIDROIT Secretariat has been active in seeking new sponsors for the SWG. With one of the new sponsors it has unearthed, the Royal Bank of Scotland, it is currently exploring the possibility of organising a special joint meeting of the SWG and the key Governments participating in the work of the Committee of governmental experts designed to move the process forward, in particular through drawing to such a meeting senior policy-making representatives of the key players in the international commercial aerospace and financial communities not at present involved in the Space Working Group. It is hoped that this meeting may be convened in London in the second half of March 2006.

d. Promotion of the work on international interests in mobile equipment

On 28 March 2005, at the invitation of the Faculty of Law of the Federal University of the State of Rio Grande do Sul, Porto Alegre (Brazil), and on 1 April 2005 at the invitation of the Faculty of Law of the Federal University of the State of Minas Gerais, Belo Horizonte (Brazil), the Secretary-General presented a paper on "The Cape Town Convention: Secured Transactions and Methodical Progress in Harmonising Transnational Commercial Law".

Mr Stanford submitted a written report entitled "The Cape Town Convention and the preliminary draft Space Protocol: an update" to the Space Law Conference 2005 "Bringing space benefits to the Asian region", held in Bangalore from 26 to 29 June 2005. This conference was jointly

organised and co-sponsored by the Indian Space Research Organisation (ISRO), the Astronautical Society of India and the International Institute of Space Law, in conjunction with the I.A.A. Asia-Pacific Regional Conference on "Advances in planetary exploration". During a session devoted to "Commercial issues involved in space activities," the same conference heard papers delivered by Mr Mark J. Sundahl, Assistant Professor of Law, Cleveland-Marshall College of Law, entitled "The Cape Town Convention: unleashing capital for the space industry", Mr Rajeev Lochan, Director, INSES & Assistant Scientific Secretary of ISRO, entitled "Cape Town Convention and Space Protocol: a critical analysis" and Mr Paul B. Larsen, Adjunct Professor, Georgetown University Law Center, entitled "The UNIDROIT Space Protocol".

Mr Stanford lectured on "The UNIDROIT preliminary draft Protocol on Space Assets and its relations with space activities" at the 14th Summer Course of the European Centre for Space Law on Space law and policy, held in Terni from 4 to 17 September 2005.

Mr Stanford prepared a paper entitled "The preliminary draft Protocol to the Cape Town Convention on International Interests in Mobile Equipment on Matters specific to Space Assets" for the United Nations/Nigeria Workshop on Space Law "Meeting international responsibilities and addressing domestic needs", held in Abuja from 21 to 24 November 2005. This paper was read by Chief Mrs Tinuade Oyekunle, correspondent of UNIDROIT, who represented the latter at the workshop.

On 28 November 2005, on the occasion of a joint Government of Indonesia/UNIDROIT Seminar on "UNIDROIT Work on International Commercial Contracts, Finance and Dispute Resolution and its Relevance for Indonesian Business" held in Jakarta, the Secretary-General presented a paper on the Cape Town Convention. A special evening workshop on the Cape Town Convention and the Aircraft Protocol for aircraft finance practitioners was conducted by the Secretary-General and Mr Jeffrey Wool, General Counsel of the Aviation Working Group.

3. *Transactions on Transnational and Connected Capital Markets*

a. *Work of the Committee of Governmental Experts*

With the beginning of the year 2005, the Institute's work on *Substantive Rules regarding Intermediated Securities* entered into its second, the intergovernmental, phase. The Secretariat had earlier, on 23 December 2004, communicated to Member States the proposal for a preliminary draft Convention on Harmonised Substantive Rules regarding Securities Held with an Intermediary (UNIDROIT 2004 Study LXXVIII Doc. 18) along with the Explanatory Notes concerning this proposal prepared by the Secretariat (UNIDROIT 2004 Study LXXVIII Doc. 19) and an invitation to participate in the first session of the Committee of Governmental Experts.

The first session of the Committee of Governmental Experts was held in Rome, from 9 to 20 May 2005, at the headquarters of the Food and Agricultural Organization (FAO) of the United Nations. Delegations from 32 Member States⁴ and 4 intergovernmental⁵ and 8 non-governmental international organisations⁶ participated.

⁴ Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, People's Republic of China, Colombia, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, India, Italy, Japan, Luxembourg, Mexico, The Netherlands, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, Spain, Sweden, Switzerland, United Kingdom and United States of America.

⁵ European Central Bank, European Commission, Hague Conference on Private International Law (HCCH) and the United Nations Commission on International Trade Law (UNCITRAL).

⁶ Association of Global Custodians, CCP12, Commercial Finance Association, European Banking Federation (EBF), International Bar Association (IBA), International Swaps and Derivatives Association Inc. (ISDA), European Central Securities Depositories Association (ECSDA), Trade Association for the Emerging Markets (EMTA).

Mr Hans Kuhn (Switzerland) was elected Chairman of the Committee, with Messrs Maxim Paré (Canada) and R. S. Loona (India) acting as first and second vice-chairmen. Mr Hideki Kanda (Japan) was nominated as Chairman of the Drafting Committee together with Messrs Guy Morton (United Kingdom) and Michel Deschamps (Canada) as Co-Chairmen.

All delegations supported, in principle, the need for such an international Convention and endorsed the draft text's core principles, i.e. that the internal soundness of each national legal framework regarding securities holding and the cross-border compatibility of national law in this field should be achieved using the so-called "functional approach".

Subject to suggesting some significant amendments, the Committee were happy for the preliminary draft Convention to continue to be discussed on the basis of the text distributed towards the end of 2004. The Committee's discussions of the text are reflected in the report on the session (UNIDROIT 2005 Study LXXVIII Doc. 23). The amendments to the draft text are documented in UNIDROIT 2005 Study LXVIII Doc. 24. In particular, as to one of these, the title of the text was changed to the simpler "Harmonised Substantive Rules regarding Intermediated Securities").

The Committee decided to continue work between its sessions. It identified two topics that needed further consideration by informal working groups. The findings of these working groups are to be submitted to the Committee at its second session (cf. UNIDROIT 2005 Study LXXVIII Doc. 25 and Doc. 26).

The next – second - session of the Committee of Governmental Experts for the preparation of a preliminary draft Convention on Harmonised Substantive Rules regarding Intermediated Securities is scheduled for 6 to 14 March 2006, followed by a third session, to be held most probably in late 2006.

The working documents relating to this subject published in 2005 are to be found in Annex I.

b. Promotion of the work on Capital Market Law

The Committee also encouraged the holding of informal seminars with a view to deepening conceptual insight into the underlying thinking of the project. Two such seminars were held in 2005, in Bern, Switzerland (September) and Sao Paulo, Brazil (October), cf. UNIDROIT Study LXXVIII SEM. 1 and SEM. 2, each of them with more than 30 participants drawn from a great number of delegations. A similar event is to be held at the end of January 2006 in France.

On 23 and 24 March 2005, a conference on "Enhancing the Role of Emerging Capital Markets" organised by the Securities Exchange Commission of India was held in Mumbai (India). The Secretary-General, Mr Philipp Paech and a number of members of the UNIDROIT Study Group and experts from member States made presentations.

In 2005, consultations were held with the World Bank and the European Commission. The UNIDROIT project on Transactions in Transnational and Connected Capital Markets plays an important role in the context of another global initiative, i.e. the G30 Plan of Action on Global Clearing and Settlement. UNIDROIT is amongst the organisations which are called upon to continuing work in this field in order to make global clearing and settlement operations safer and cheaper.

4. Transport

At its 99th session, held in Geneva from 17 to 19 October 2005, the *Working Party on Road Transport* (SC.1) of the *Inland Transport Committee* (United Nations Economic Commission for Europe) recalled that at its 98th session it had requested UNIDROIT to prepare a revised and expanded version of its initial draft for a Protocol to the *1956 Convention on Contracts for the International Carriage of Goods by Road (CMR)* providing for the use of an electronic consignment note. It was also noted that the Inland Transport Committee had at its 67th session requested that the text of the draft additional Protocol to the CMR be finalised at the 99th session of the Working Party (see paras. 56 and 57 of document ECE/TRANS/162).

Mr Putzeys, entrusted with this task by the UNIDROIT Governing Council, introduced the draft he had prepared (TRANS/SC.1/2005/1), and analysed the comments submitted by the different countries and by UNCITRAL, reproduced in the informal documents of the session (2 and 1).

Following this introduction, a number of countries stated their positions, some supporting the text presented, others considering it necessary to supplement it on certain points. The representative of the International Road Transport Union (IRU) on his part submitted that it would be desirable to take inspiration from the *1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air*, which had been ratified by 66 countries, 29 of which were CMR contracting parties, and which had very brief provisions on this point.

The Working Party entrusted a drafting committee, which at the end of 2005 had not yet been set up, with the task of finalising the text from the editorial point of view on the basis of the comments made in writing or orally during the session, but requested that the content not be modified. It was considered desirable for Mr Putzeys and UNCITRAL to take part in this committee, which should not be larger than 4 – 5 persons. The Secretariat was entrusted with the setting up of the committee.

Mr Putzeys drafted a preparatory document placing in parallel the draft and the main observations of Austria, the Netherlands, UNCITRAL and Germany (bearing in mind the latter's opposition to the text as such). This document may be obtained from the Secretariat.

5. Model Law on leasing

UNIDROIT sponsored the Convention on International Financial Leasing (hereinafter referred to as *the UNIDROIT Convention*), opened to signature in Ottawa on 28 May 1988. In addition to having been either ratified or acceded to by a number of States, this Convention has generally provided the model for the development of domestic leasing legislation in those countries in which the International Finance Corporation (IFC) has, over the last quarter of a century, sought to develop leasing as a particularly apt method of attracting new finance.

Rather than reinventing the wheel each time that the IFC undertakes a new project, UNIDROIT concluded that it would make sense to prepare a model law on leasing, based *inter alia* on the principles underlying the UNIDROIT Convention, for use, in particular, in the context of such projects and, in general, by developing countries – and, in the first instance, African countries – and countries engaged in the transition to a market economy.

UNIDROIT, after taking soundings from key stakeholders in the field - and, in particular, the World Bank, the IFC and the Equipment Leasing Association of the United States of America - established an Advisory Board for the preparation of the proposed Model Law. The representative of the World Bank that representatives of UNIDROIT met in Washington, DC in June 2005 noted the extreme usefulness of such a project in the context of African countries, in particular given the enormous need of these countries for infrastructure development financing. The representatives of the IFC that representatives of UNIDROIT met in Washington, DC in June 2005 and in Edinburgh in July 2005 welcomed the project and assured UNIDROIT of its support, not only for the work of the Advisory Board but in disseminating the results of this work.

In establishing the membership of the Advisory Board, UNIDROIT primarily had regard to the need to seek appropriate geographic representativeness. It, therefore, secured the participation of representatives of North Africa, sub-Saharan Africa, Asia, Europe, Latin America, North America and the Russian Federation. In particular, it secured the participation of Mr Ronald DeKoven, a correspondent of UNIDROIT, who had served not only on the UNIDROIT Study Group that prepared the preliminary draft of what was to become the UNIDROIT Convention but also as Reporter on Article 2A (Leases) of the Uniform Commercial Code of the United States of America. It also secured the participation of the Chairwoman of the Research Committee working on the draft law of the People's Republic of China on financial leasing. The IFC agreed to participate in the work of the Advisory Board in the persons of Ms Rachel Freeman, Deputy General Manager and Sector Operations Manager, Financial Markets, PrivateEnterprisePartnershipAfrica, and Mr Murat Sultanov, Legal Adviser to the IFC. PEP MENA project.

The Advisory Board held a first session in Rome on 17 October 2005. The Board elected Chief Mrs Tinuade Oyekunle (Nigeria) Chairman and Mr DeKoven Reporter. The principal business of the session consisted in consideration of the key features of the proposed Model Law.

On the basis of the decisions taken by the Board in this regard, the Reporter subsequently prepared a first draft of the proposed Model Law. This first draft has been circulated among members of the Advisory Board for comment and will be considered by the Advisory Board at its second session, to be held in Rome, at the seat of UNIDROIT, on 6 and 7 February 2006, in particular in the light of such comments.

B. FOLLOW-UP OF ADOPTED UNIDROIT INSTRUMENTS

1. *International Protection of Cultural Property*

As of 31 December 2005, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects had twenty-seven Contracting States (see Annex II). The procedure for ratification or accession is underway in other countries.

2005 marked the tenth anniversary of the adoption of the Convention and UNESCO organised a celebration at its Headquarters in Paris on 24 June 2005. Mr. Koïchiro Matsuura, Director General of UNESCO opened the meeting. See the Report of the meeting in the *Uniform Law Review/Revue de droit uniforme* 2005-3, p. 536. The UNESCO Regional Office for Culture in Latin America and the Caribbean organised, together with UNIDROIT, a whole session specifically devoted to the 1995 Convention in the context of a regional seminar on illicit traffic in cultural objects held in Havana from 14 to 17 December 2005.

Since the adoption of the Convention, the UNIDROIT Secretariat has been assiduous in its efforts, within the limits of the weak allocated budgetary resources, and often thanks to the financial support of the organisers, to maximize 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:

- the thirteenth 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 was held in Paris from 7 to 11 February 2005;
- the Italian Association of Historic Houses organised in Rome, on 15 April 2005, a conference at which the Secretariat of UNIDROIT was invited to explain the benefits private owners would get from the Convention in case their cultural objects were stolen or illegally exported;
- the Law Faculty of the University of Annaba (Algeria) organised from 13 to 15 May 2005 an International Colloquium on the legal protection of cultural objects where the Convention was extensively presented to representatives of the Maghreb countries, Iraq and Syria;
- ICPO-INTERPOL organised in Lyon, from 21 to 23 June 2005, the 6th International Symposium on the Theft of and Illicit Traffic in Works of Art, Cultural Property and Antiques; more than 40 countries and ten international organisations were represented at the Symposium;
- finally, the Spanish Guardia Civil and the TAIEX (Directorate General Enlargement of the European Commission) co-organised an International Seminar on Illegal Trafficking of Cultural Goods in Madrid from 29th November to 1st December 2005, for new Member States, Candidate Countries and Western Balkan countries in particular.

These were opportunities for the Secretariat to establish or re-establish contacts with the representatives of non-member States of UNIDROIT, for them to get acquainted with the Convention and to help them starting the procedure for ratification or accession. At the close of all these events, recommendations were adopted requesting the States to become parties to the 1995 UNIDROIT.

During the year 2005, the Secretariat has also been invited to participate in other meetings and seminars to present the Convention and sometimes to lead round tables in countries in which UNIDROIT has little contacts but, due to the lack of financial resources or to a conflict of date, it was unable to attend (among others, a regional seminar organised by UNESCO in India, and a regional workshop organised by TAIEX in Hungary).

2. Principles of Transnational Civil Procedure

The Secretariat has been assiduous in its efforts to raise awareness of this most remarkable instrument which, after having been adopted by the UNIDROIT Governing Council and by the Annual Meeting of the co-sponsoring American Law Institute (ALI) in 2004, is now awaiting legislatures' and dispute resolution practitioners' pro-active interest.

On 7 June 2005, in the framework of a three-day seminar on international arbitration and litigation organised by the ICC International Court of Arbitration and the US Council for International Business and held in Charlottesville, Va (USA), the Secretary-General presented a paper on "The Taking of Evidence under the ALI/UNIDROIT Principles of Transnational Civil Procedure".

On 14 June 2005, Mr Hilmar Raeschke-Kessler, Advocate of the Supreme Court of the Federal Republic of Germany, as part of the Summer Academy held at the Heidelberg Center for International Dispute Resolution in Heidelberg (Germany), introduced 30 young practitioners to the Principles of Transnational Civil Procedure.

On 9 September 2005, the Secretary-General presented a paper on the Principles of Transnational Civil Procedure at the Annual Judicial Workshop for Chief Justices from African Commonwealth Member States held at Trinity College, Dublin (Ireland).

C. ACCEPTANCE OF UNIDROIT CONVENTIONS

The Secretariat has throughout 2005 continued to use its best efforts to promote UNIDROIT Conventions, whether by making presentations at conferences or by penning articles.

The 2001 Cape Town Convention on International Interests in Mobile Equipment and the Protocol thereto on Matters specific to Aircraft Equipment: see supra p. 10.

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects: the Islamic Republic of Iran, Afghanistan and Nigeria acceded to the Convention on 22 June 2005 (entry into force on 1st December 2005), on 23 September 2005 (entry into force on 1st March 2006) and on 1st December 2005 (entry into force on 1st June 2006) respectively. The Convention thus counts twenty-seven Contracting States to this date.

For the implementation of all the Conventions prepared by UNIDROIT and approved at diplomatic Conferences convened by Member States of UNIDROIT, see Annex II. For the implementation of instruments based on work conducted within UNIDROIT see Annex III.

NON-LEGISLATIVE ACTIVITIES

A. PROGRAMME OF LEGAL CO-OPERATION

The broad aim of the programme of legal co-operation is to promote relations between UNIDROIT and member and non-member States with a view to achieving the statutory aims of the Organisation. The programme concerns first and foremost those countries that lack sufficient resources to participate fully in the process of legal harmonisation, in particular developing countries and countries in economic transition. It is geared, primarily, towards implementing and publicising the Institute's work and make it more widely known and moreover offers training and research opportunities for top-level research scholars in the framework, in particular, of the research scholarships programme.

1. *Co-operation with partner Organisations*

The UNIDROIT Secretariat maintains close institutional co-operation links with a large number of Organisations with a worldwide or regional mandate. This involves exchanges of information and consultation on any issue of reciprocal interest, in particular in the framework of the Institute's legislative work (see *supra*).

In accordance with the request formulated by the Council of Ministers of the Organisation for the Harmonisation of Business Law in Africa (OHADA), and with funding from the Swiss Government (Development and Co-operation Department), the UNIDROIT Secretariat transmitted a preliminary draft OHADA Uniform Act on contract law to the OHADA Permanent Secretariat in September 2004 (drawing heavily on the UNIDROIT Principles of International Commercial Contracts), together with an Explanatory Note authored by Professor Marcel Fontaine on behalf of UNIDROIT. UNIDROIT provided an amended version of this text in September 2005 with a view to bringing it into harmony with a preliminary draft Uniform Act on consumer contracts, which is also in the making. Both texts are currently being vetted by the OHADA national committees and will, in due course, be submitted to a plenary meeting for discussion and eventual adoption by the OHADA Council of Ministers.⁷

2. *Research Scholarships Programme*

First launched in 1993, the Research Scholarships Programme has to date enabled 150 researchers from roughly 50 countries to carry out top-level research in the UNIDROIT Library (average length of stay: two months) on the topic of their choice, related to UNIDROIT's activities and/or to uniform law.

In 2005, 15 researchers were hosted by the Institute in accordance with the decision taken by the Scholarships Sub-committee of the Governing Council (83rd session, Rome, 19-21 May 2004 and 84th session, Rome, 18-20 April 2005). Some of these scholarships were financed thanks to the generosity of the Government of the Republic of Korea, while the UNIDROIT General Budget was able to provide partial funding for other grants supplemented by donations from other sources identified by the beneficiaries themselves. Some researchers received a full grant from private or public institutions in their country of origin or from private donors, as well as from the Government of the People's Republic of China (MOFTEC).

Beneficiaries of the Programme in 2005 were:

⁷ See, in this connection, the article by Félix Onana Etoundi, "Les Principes d'UNIDROIT et la sécurité juridique des transactions commerciales dans l'avant-projet d'Acte uniforme OHADA sur le droit des contrats", published in *Uniform Law Review / Revue de droit uniforme*, 2005, 683.

- Ms Carolina Harrington (Argentina), Faculty of Law, University of Cordoba ; Lawyer, Court of Appeals, Cordoba (Jan/Feb), "UNIDROIT Principles on International Commercial Contracts as an instrument to establish general regulatory guidelines";
- Mr Hichem Ben Ayed (Tunisia), Magistrate, Court of First Instance, Sidi Bouzid (Feb): "Leasing regulations in Tunisia and in international and comparative law";
- Ms Tamara Milenkovic-Kerkovic (Serbia & Montenegro), Assistance Professor; Faculty of Economic Science, University of Nish (Feb/Mar), 1. "Enacting Franchising Disclosure Law in Serbia" – 2. "Promotion of Countertrade in Serbia";
- Mr Bassem Awad (Egypt), First Deputy Prosecutor, Ministry of Justice (Mar/Apr) : "Patents: a Boost to Technological Innovation in Egypt";
- Ms Anayansy Rojas Chan (Costa Rica), Lecturer, University of Costa Rica; Legal Counsellor, Banco Cuscatlan de Costa Rica (May/Jun) 1. Systems for the Direct and Indirect Holding of Securities" 2. "Applying the good faith principle in indirect securities holding systems" "3. The deposit of securities with regard to the immobilisation and dematerialisation of securities";
- Ms Viorica Latichevchi (Moldavia), Lecturer, Faculty of Law, Independent International University of Moldavia (ULIM) (May/Jun) "Pre-contractual disclosure in franchising : international and comparative law aspects"
- Mr Felix Onana Etoundi (Cameroon), Magistrate; Legal Expert at CCJA / OHADA, Professor at the Catholic University of West Africa and at the *Ecole Supérieure Internationale de Droit d'Abidjan* (E.S.I.D) (Aug/Sep) "The UNIDROIT Principles and legal certainty of commercial transactions in the preliminary draft OHADA uniform act on contract law";
- Ms Syrine AYADI (Tunisia), *Magistère* Student - Faculty of Legal Science, University of "Tunis 2" (Sep) "Implementation of international ADR mechanisms in cross-border mergers - Tunisian, international and American Legal Perspectives";
- Ms Sylvie Ivonne Bebobi Ebongo (Cameroon), PhD Student, University of Yaoundé (Sep/Oct), "Enforcement of arbitral decisions under the CIRDI and OHADA systems";
- Ms Tatyana Gabdullina (Russia), LLM, Russian School of Private Law – Research Centre of Private Law; Moscow (Sep/Oct) "State Contracts with Foreign Private Enterprises";
- Mr Alejandro Vogelmann (Argentina), Barrister, Lecturer at the University of Buenos Aires (Sep/Nov) "Party Autonomy in International Commercial Contracts: Applicability and Enforceability of International Private Law Rules";
- Mr Hakan Acar (Azerbaijan/Turkey), Vice-Rector, Dean, Faculty of Law, University of Qafqaz, with funding from the Government of Korea (Oct/Dec) "1 - Passing of Risks in International Sales: A Comparison with Turkish Law; 2 - Promotion de *lex mercatoria* in Azerbaijan";
- Mr Phomma Inthanam (Lao People's Dem. Rep.), Legal Service of the Prime Minister, Vientiane, with funding from the Korean Government (Nov/Dec), together with the International Trade Centre (WTO/UNCTAD), "International Uniform Law Treaties and their Application in the Lao People's Democratic Republic with particular reference to the World Trade Organization Instruments";
- Mr Dhafer Dridi (Tunisia), LLM, Faculty of Law and Political Science of Tunis (Nov), "L'exequatur in Tunisia of foreign judiciary rulings".

3. Collaborators, Interns and Researchers

As in the past years in accordance with the French Government, Ms Perrine Daubas (France) was seconded to the Secretariat as a voluntary as of March 2004 until September 2005 and succeeded by Ms Claire Baradat in October 2005.

On the basis of a ongoing agreement between UNIDROIT the Ecole du Barreau du Québec, Ms Jessica Peterkin (Canada) concluded her six-month internship on 31 March 2005 during which she was seconded to the Secretariat. Mr Firas Tebbo (Lebanon), spent a five-month internship within the Georgetown University International Internship Programme in which UNIDROIT takes part.

Under the cooperation agreement signed between UNIDROIT and the University of Montpellier III, Ms Brigitte Dalmasso, Ms Petia Vassileva and Mr Raoult Andriamaro Raelison (France) undertook a two month internship participating in the preparation of the UNIDROIT Library Catalogue.

The following persons carried out their internship or personal research making use of the documentation of the UNIDROIT Library during 2005:

Mr Juan Ignacio Perez Curci (*Argentina*), Ms Julia Ecker, Mr Konstantin Hoebel and Ms Gabriele Koziol (*Austria*), Mr Paul Bruyère (*Belgium*), Mr Fialho de Oliveira (*Brazil*), Mr Javier Diaz and Mr Hector Loyola (*Chile*), Mr Xue Jun, Ms Zhang Hong, Ms Lu Zhang, Ms Vivian X. Ouyang, Ms Jiamei Cui and Ms Yiyang Yang (*Peoples' Republic of China*), Mr Petri Keskitalo and Mr Teemu Veijola (*Finland*), Ms Claire Baradat, Ms Anna Benelli, Mr Jean-Christophe Billou, Mr Luigi Bruno and Ms Agnès Pillet-Claude (*France*), Ms Stefanie Blisterfeld, Ms Anne Hausmann, Mr Markus Heuschmann, Mr Thomas von Hippel, Mr Bertram Keller, Mr Vincent Mayr, Mr Philipp Niggel and Mr Christoph Paulus (*Germany*), Ms Petra Kovacs and Ms Eszter Horvath (*Hungary*), Mr Emanuele Cimiotta and Ms Marina Salvemini (*Italy*), Ms Mari Nagata (*Japan*), Mr Alfonso Calvo and Mr Carlos Gabuardi (*Mexico*), Mr Matthias Haentjes and Mr André Noort (*Netherlands*), Mr Kare Lilleholt (*Norway*), Mr Nuno Castello Branco Bastos (*Portugal*), Mr Juan Pablo Aparicio Vaquero, Mr Alfredo Batuecas Caletrio, Ms Irene Blazquez Rodriguez, Ms Rosario Espinosa Calabuig and Ms Ester Muñoz (*Spain*), Ms Aype Nil Ada and Ms Banu Ozyalcin (*Turkey*), Mr Vandad Khosravirad and Ms Joy Chen (*United States of America*).

B. THE UNILAW DATA BASE

Work on the UNILAW data base continued in 2005. The insertion in the data base of national case law relating to the *1956 Convention on the Contract for the International Carriage of Goods by Road (CMR)* continued, as did the insertion of the relevant bibliographical references available to the Secretariat (almost 400). Both cases and bibliographical references were classified to assist users of the data base. At the end of the year almost 300 cases had been made available on the public web site, a majority of which with case summaries. Some 65 awaited checking and completion of treatment before being made available to the public. In addition, work had begun on approximately 300 cases and these were at different stages of development. In total, 1300 cases were available to the Secretariat either in electronic format or on paper awaiting scanning. Preparatory work on other conventions had also started.

C. THE UNIDROIT INTERNET WEB SITE: www.unidroit.org

The UNIDROIT Internet web site continues to be an extremely effective means of promoting UNIDROIT'S activities and its instruments.

Development of the UNIDROIT web site, fully bilingual in English and French, continued in 2005. The content of the site has been substantially enlarged and many of its pages updated and/or replaced in order to provide an up-to-date, comprehensive overview of UNIDROIT'S activities.

All UNIDROIT documents contained in the *UNIDROIT Proceedings and Papers* series 1997-2005 were been posted on the Institute's web site in 2005. They include the Annual Reports on the activity of the Institute, the reports on the annual sessions of the Governing Council, the reports on the annual sessions of the General Assembly of UNIDROIT member States, the final texts of instruments prepared under the auspices of UNIDROIT, documents concerning current work on instruments adopted as well as the preparatory work, consisting of the studies and reports of the various working groups and committees of governmental experts, on items on the UNIDROIT Work Programme.

The UNIDROIT Internet web site contains:

- ▶ An introduction to UNIDROIT, providing general information on the Institute, its membership, structure, legislative policy, working methods, current work programme including non

legislative activities such as its scholarship programme and publishing activities, as well as a list of past achievements

- ▶ UNIDROIT News, a section of the *Uniform Law Review* providing information on the current events and activities of UNIDROIT
- ▶ UNIDROIT instruments (conventions, model laws, principles and guides)
- ▶ The current UNIDROIT Work Programme, with specific subsections devoted to the different items on the Work Programme
- ▶ UNIDROIT documents contained in the *UNIDROIT Proceedings and Papers* series from 1997 to present
- ▶ A section devoted to UNIDROIT publications, including the table of contents and leading article of each issue of the *Uniform Law Review*
- ▶ Links to the UNILAW and UNILEX databases
- ▶ A section "Outreach resources" introducing the UNIDROIT Library and the Institute's activities in the field of legal cooperation (a programme of scholarships and assistance to States in the preparation of uniform law)

D. DEPOSITORY LIBRARIES FOR UNIDROIT DOCUMENTATION

To date 44 libraries have been designated by Member States to serve as depositories for UNIDROIT documentation (*UNIDROIT Proceedings and Papers* on CD-ROM and the *Uniform Law Review, New Series*).

E. UNIDROIT LIBRARY

Following the decision taken in 2004 to replace the current library software, in December 2005 the library software was successfully replaced by a new EDV-system, the Aleph 500 – integrated library system. The first meeting with regard to the preparation of the WebOPAC (Online Public Access Catalogue on the Web), which will allow the presentation of the library holdings on the Internet, is scheduled for February 2006

The work on the catalogue data went on in 2005 to conform in particular to international library standards. Furthermore, thanks to the change of software, which allows copying from external library catalogues, the retrospective cataloguing of the library holdings proceeded more rapidly. Thanks to the co-operation programme between UNIDROIT and the University Paul Valéry in Montpellier, section for documentation, the authority database for author names was successfully completed. The preparation of an authority database for corporate bodies is still outstanding, but will be completed in 2006.

In 2005, the training programme with ELSA (European Law Students Association) started in 2004, thanks to which European law students are able to collaborate in the every day life of the Library and to become familiar with the functions and activities of the Organisation, was successfully continued. In 2005, 18 students from all over Europe have been accepted for an internship in the UNIDROIT Library.

In 2005, the Library's holdings increased by 2,439 titles, 342 were purchased, 124 obtained on an exchange basis for a total value of € 7,023.00, and 1973 other titles were received as gifts for a total value of € 98,650.00. Acquisition of monographs is becoming increasingly difficult due to the significant rise in price of publications.

Of particular importance among the donations were those received from the Library of the Department of Trade and Industry of Her Britannic Majesty's Government, the Max-Planck-Institute for Foreign Private and Private International Law, Professor Chiomenti, Rome, and the Library of the Law Faculty in Luzern, Switzerland.

The Library succeeded in obtaining new materials by exchange programmes with the Uniform Law Review.

The UNIDROIT Library continues to attract readers from all over the world. Among the 3,044 visitors in 2005, the 157 foreign guests came from 16 different countries.

F. PUBLICATIONS

1. *Uniform Law Review*

This quarterly publication (launched in 1996), which covers a wide spectrum of uniform law, now enjoys wide recognition both on its scholarly merit and as a vehicle to promote uniform law. It contains the following sections: Articles, International Activities, Texts and Implementation of Uniform Law Instruments, Case Law and Bibliographical Information. UNIDROIT's own activities are given extensive coverage, thereby turning *Uniform Law Review / Revue de droit uniforme* into an essential tool for ensuring the dissemination of information on its work. Some of the material published in the *Review* may also be found on the UNIDROIT Internet website.

The year 2005 saw the publication of a total of 962 pages, and in particular of a double issue (1/2) wholly devoted to one of the main items on the UNIDROIT Work Programme, entitled: "Enhancing Legal Certainty over Investment Securities Held with an Intermediary - The Preliminary Draft UNIDROIT Convention, Related International Initiatives and National Perspectives".

The *Review* is distributed free of charge to a number of institutions and persons (including depository libraries) with a view to furthering the institutional objectives of the Organisation, and it helps to maintain a considerable number of exchange agreements that supply the legal periodicals which form part of the Library stocks. The distribution of paying subscriptions to the *Review* was handled in 2004 by *Giuffrè Editore* (Milan). A contract was signed in 2004 with Hein-On-Line for the electronic distribution of past issues of the *Review*. The *Review* was put on line for subscribers to the service in November 2005.

2. *Other publications*

a. UNIDROIT Proceedings and Papers

The UNIDROIT Secretariat has now taken over the distribution of *UNIDROIT Proceedings and Papers* in a new format. A cumulative edition of *UNIDROIT Proceedings and Papers 1997-2005* on CD-ROM has been prepared.

b. Guide to International Master Franchise Arrangements

At the end of July, the Spanish translation of the Guide to International Master Franchise Arrangements was posted on the Unidroit website. The *Guía para los Acuerdos de Franquicia Principal Internacional* is in full text, pdf format printable from the website.

**LIST OF THE DOCUMENTS PUBLISHED BY THE UNIDROIT SECRETARIAT IN 2005
ON THE IMPLEMENTATION OF ITS WORK PROGRAMME**

The following documents relating to the implementation of the Institute's Work Programme were published in 2005, in English and French unless otherwise stated:

STUDY LIXA – MODEL LAW ON LEASING

Doc. 1 - Advisory Board for the preparation of a Model Law on Leasing. Key issues raised by the preparation of a model law on leasing (memorandum prepared by the UNIDROIT Secretariat)(October 2005)

Doc. 2 - Advisory Board for the preparation of a Model Law on Leasing. Summary Report (prepared by the UNIDROIT Secretariat)(October 2005)

Doc. 3 - Advisory Board for the preparation of a Model Law on Leasing. Preliminary draft model law on leasing (prepared by Mr R.M. DeKoven, Reporter, on the basis of the guidelines provided by the Advisory Board at its first session (Rome, 17 October 2005)(November 2005)

STUDY LXV – LEGAL COOPERATION PROGRAMME

Scholarships: Impl. 17 – Research Scholarships Programme – Implementation report for the financial year 2003 (December 2005)

STUDY LXXI H – INTERNATIONAL INTERESTS IN RAIL ROLLING STOCK

Doc. 17 – Rail Registry Task Force (fourth meeting: Rome, 22 – 24 February 2005): Summary report (prepared by the UNIDROIT Secretariat) (April 2005)

Doc. 18 – Preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock (Articles V, XIII, XVII and XVIII, amended by a Sub-committee of the Drafting Committee of the joint UNIDROIT/OTIF Committee of governmental experts which met in Rome on 23rd February 2005, on the basis of the discussions of the Rail Registry Task Force which held its fourth meeting in Rome from 22nd to 24th February 2005): Introductory remarks by the UNIDROIT Secretariat (April 2005)

STUDY LXXVIII – TRANSACTIONS ON TRANSNATIONAL AND CONNECTED CAPITAL MARKETS

UNIDROIT Study Group on Harmonised Substantive Rules Regarding Securities Held with an Intermediary

Doc. 20 – Comments by Governments and International Organisations. (Comments by the Government of Finland, the Government of Spain, the International Swaps and Derivatives Association, Inc. (ISDA) and by the European Banking Federation)

Doc. 21 – Comments by Governments and International Organisations. (Comments by the Governments of Germany and of the United States)

Doc. 22 – Comments by Governments and International Organisations. (Comments by the Government of the Republic of Tunisia)

UNIDROIT Committee of Governmental experts for the preparation of a draft Convention on Harmonised Substantive Rules regarding Securities Held with an Intermediary (First session - Rome, 9 – 20 May 2005): C.G.E./Securities/1/

W.P. 1 – Agenda

W.P. 2 – Proposal regarding a revision of Article 2, submitted by the United States of America

W.P. 3 – “Applicable law” – Report on the Meaning and the Objectives in the preliminary draft UNIDROIT Convention, submitted by the ad hoc Working Group

W.P. 4 – Draft Report on the session of the CGE, first part

W.P. 5 – Proposed amendments to the preliminary draft Convention, submitted by the Chairman of the Drafting Committee

W.P. 6 – Proposal regarding Indicative Formulations on Priority, Good Faith Acquisition and Sharing of Loss, submitted by the United States of America

W.P. 7 – Proposal regarding the inclusion of an Article 16bis, submitted by the United States of America

W.P. 8 – Proposal regarding an amendment of Article 17, submitted by the United States of America

Doc. 23 rev. – Final Report – UNIDROIT Committee of Governmental experts for the preparation of a draft Convention on Securities Held with an Intermediary (August 2005)

Doc. 24 – Preliminary draft Convention on Harmonised Substantive Rules regarding Intermediated Securities. UNIDROIT Committee of Governmental experts for the preparation of a draft Convention on Securities Held with an Intermediary (June 2005)

SEM. 1 – UNIDROIT Seminar on Intermediated Securities (Berne, Switzerland) 15 – 17 September 2005 (English only)

SEM. 2 – UNIDROIT Seminar on Intermediated Securities (São Paulo, Brazil) 13 – 14 October 2005 (English only)

ANNEX / ANNEXE II

INSTRUMENTS DRAWN UP BY UNIDROIT AND STATUS OF IMPLEMENTATION (*) OF CONVENTIONS DRAWN UP BY UNIDROIT AND APPROVED AT DIPLOMATIC CONFERENCES CONVENED BY MEMBER STATES OF UNIDROIT

INSTRUMENTS ELABORES PAR UNIDROIT ET ETAT DE MISE EN OEUVRE (*) DES CONVENTIONS PREPAREES PAR UNIDROIT ET APPROUVEES A DES CONFERENCES DIPLOMATIQUES CONVOQUEES PAR DES ETATS MEMBRES D'UNIDROIT

- 1964 Convention relating to a Uniform Law on the International Sale of Goods (ULIS) / *Convention portant loi uniforme sur la vente internationale des objets mobiliers corporels (LUVI)*
- 1964 Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS) / *Convention portant loi uniforme sur la formation des contrats de vente internationale des objets mobiliers corporels (LUFC)*
- 1970 International Convention on the Travel Contract (CCV) / *Convention internationale relative au contrat de voyage (CCV)*
- 1973 Convention providing a Uniform Law on the Form of an International Will / *Convention portant loi uniforme sur la forme d'un testament international*
- 1983 Convention on Agency in the International Sale of Goods / *Convention sur la représentation en matière de vente internationale de marchandises*
- 1988 UNIDROIT Convention on International Financial Leasing / *Convention d'UNIDROIT sur le crédit-bail international*
- 1988 UNIDROIT Convention on International Factoring / *Convention d'UNIDROIT sur l'affacturage international*
- 1994 Principles of International Commercial Contracts / *Principes relatifs aux contrats du commerce international*
- 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects / *Convention d'UNIDROIT sur les biens culturels volés ou illicitement exportés*
- 1998 Guide to International Master Franchise Arrangements / *Guide sur les accords internationaux de franchise principale*
- 2001 Convention on International Interests in Mobile Equipment / *Convention relative aux garanties internationales portant sur des matériels d'équipement mobiles*
- 2001 Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment / *Protocole portant sur les questions spécifiques aux matériels d'équipement aéronautiques à la Convention relative aux garanties internationales portant sur des matériels d'équipement mobiles*
- 2002 Master Franchise Disclosure Law / *Loi type sur la divulgation des informations en matière de franchise*
- 2004 Principles of International Commercial Contracts / *Principes relatifs aux contrats du commerce international*
- 2004 ALI/UNIDROIT Principles of Transnational Civil Procedure / *Principes ALI/UNIDROIT de procédure civile transnationale*

(*) Based on information available to the Secretariat as of 31 December 2005 / *Ce document est basé sur les informations dont dispose le Secrétariat au 31 décembre 2005.*

The texts of the Conventions and information on their status may be found on the UNIDROIT website at <http://www.unidroit.org/english/conventions/c-main.htm> and <http://www.unidroit.org/english/implement/i-main.htm>. *Le texte des Conventions ainsi que l'état de leur mise en œuvre figure sur le site Internet d'UNIDROIT à <http://www.unidroit.org/french/conventions/c-main.htm> et <http://www.unidroit.org/french/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 / *Le Secrétariat d'UNIDROIT peut apporter son assistance technique aux Etats en vue de la ratification de ses instruments, ou de l'adhésion à ceux-ci, ainsi que pour l'élaboration de législations basées sur ces instruments.*

CONVENTION RELATING TO A UNIFORM LAW ON THE INTERNATIONAL SALE OF GOODS (ULIS)
CONVENTION PORTANT LOI UNIFORME SUR LA VENTE INTERNATIONALE
DES OBJETS MOBILIERS CORPORELS (LUVI)

Adoption: Place: The Hague / *Lieu*: La Haye
Date: 01-07-64

Entry into force: Yes / *Oui* ≈ Date: 18-08-72
Entrée en vigueur: Conditions: 5 ratifications (art. X.1)

Depositary / Dépositaire: Government of the Netherlands / *Gouvernement des Pays-Bas*

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERVATIONS/ DECL. OU RESERVES	EFFECT OF / EFFET DE DENU(O)NCIATION
Belgium / <i>Belgique</i>	06-10-65	12-12-68	18-08-72	Arts. IV, V, VI	01-11-97
France	31-12-65	–	–	–	–
Gambia / <i>Gambie</i>	–	05-03-74	05-09-74	Arts. III, V	–
Germany / <i>Allemagne</i>	11-10-65 ⁽²⁾	16-10-73	16-04-74	Art. III	01-01-91
Greece / <i>Grèce</i>	03-08-64 ⁽¹⁾	–	–	–	–
Holy See / <i>Saint-Siège</i>	02-03-65 ⁽²⁾	–	–	–	–
Hungary / <i>Hongrie</i>	31-12-65	–	–	–	–
Israel / <i>Israël</i>	28-12-65 ⁽²⁾	03-12-71	18-08-72	–	–
Italy / <i>Italie</i>	23-12-64	22-02-72	22-08-72	Art. IV	01-01-88
Luxembourg	07-12-65	06-02-79	06-08-79	Art. III	20-01-98
Netherlands / <i>Pays-Bas</i>	12-08-64	17-02-72 ⁽³⁾	18-08-72 ⁽³⁾	Art. III	01-01-92
San Marino / <i>Saint-Marin</i>	24-08-64	24-05-68	18-08-72	Art. III	–
United Kingdom / <i>Royaume-Uni</i>	21-08-64	31-08-67	18-08-72	Art. III, V	–

(1) ad referendum

(2) subject to ratification / *sous réserve de ratification*(3) for the Kingdom in Europe / *pour le Royaume en Europe*

**CONVENTION RELATING TO A UNIFORM LAW ON THE FORMATION OF CONTRACTS FOR THE
INTERNATIONAL SALE OF GOODS (ULFIS)**

**CONVENTION PORTANT LOI UNIFORME SUR LA FORMATION DES CONTRATS
DE VENTE INTERNATIONALE DES OBJETS MOBILIERS CORPORELS (LUFC)**

Adoption: Place: The Hague / *Lieu*: La Haye
Date: 01-07-64

Entry into force: Yes / *Oui* ≈ Date: 23-08-72
Entrée en vigueur: Conditions: 5 ratifications (art. VIII.1)

Depositary / Dépositaire: Government of the Netherlands / *Gouvernement des Pays-Bas*

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. / DECL. OU RESERVES	EFFECT OF / EFFET DE DENU(O)NCIATION
Belgium / <i>Belgique</i>	06-10-65	01-12-70	23-08-72	–	01-11-97
France	31-12-65	–	–	–	–
Gambia / <i>Gambie</i>	–	05-03-74	05-09-74	–	–
Germany / <i>Allemagne</i>	11-10-65 ⁽²⁾	16-10-73	16-04-74	Art. III	01-01-91
Greece / <i>Grèce</i>	03-08-64 ⁽¹⁾	–	–	–	–
Holy See / <i>Saint-Siège</i>	02-03-65 ⁽²⁾	–	–	–	–
Hungary / <i>Hongrie</i>	31-12-65	–	–	–	–
Israel / <i>Israël</i>	28-12-65 ⁽²⁾	03-12-71	30-18-80	–	–
Italy / <i>Italie</i>	23-12-64	22-02-72	23-08-72	–	01-01-88
Luxembourg	07-12-65	06-02-79	06-08-79	Art. III	20-01-98
Netherlands / <i>Pays-Bas</i>	12-08-64	17-02-72 ⁽³⁾	23-08-72 ⁽³⁾	Art. III	01-01-92
San Marino / <i>Saint-Marin</i>	24-08-64	24-05-68	23-08-72	Art. III	–
United Kingdom / <i>Royaume-Uni</i>	08-06-64	31-08-67	18-08-72	–	–

(1) ad referendum

(2) subject to ratification / *sous réserve de ratification*(3) for the Kingdom in Europe / *pour le Royaume en Europe*

INTERNATIONAL CONVENTION ON THE TRAVEL CONTRACT (CCV)
CONVENTION INTERNATIONALE RELATIVE AU CONTRAT DE VOYAGE (CCV)

Adoption: Place: Brussels / *Lieu: Bruxelles*
Date: 23-04-1970

Entry into force: Yes / *Oui* ≈ Date: 21-02-1976
Entrée en vigueur: Conditions: 5 ratifications (art. 36)

Depositary / Dépositaire: Government of Belgium / *Gouvernement belge* (art. 34)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. / DECL. OU RESERVES	EFFECT OF / EFFET DE DENU(O)NCIATION
Argentina / <i>Argentine</i>	–	25-11-76	25-02-77	–	–
Belgium / <i>Belgique</i>	23-04-70	11-04-73	24-02-76	–	04-10-94
Benin	–	28-03-75	24-02-76	–	–
Burkina Faso	27-04-70	–	–	–	–
Cameroon / <i>Cameroun</i>	–	16-04-75	24-02-76	D: Art. 13(1)	–
Côte d'Ivoire	23-04-70	–	–	–	–
Holy See / <i>Saint-Siège</i>	23-04-70	–	–	–	–
Italy / <i>Italie</i>	23-04-70	04-07-79	04-10-79	R: Art. 40(1)(a)	–
Lebanon / <i>Liban</i>	23-04-70	–	–	–	–
Morocco / <i>Maroc</i>	23-04-70	–	–	R: Art. 40(1)(a)- (b)	–
Niger	23-04-70	–	–	–	–
Philippines	23-04-70	–	–	–	–
San Marino / <i>Saint Marin</i>	23-04-70	–	–	–	–
Togo	25-03-71	24-11-75	24-02-76	–	–
United States of America / <i>Etats-Unis d'Amérique</i>	23-04-70	–	–	–	–

CONVENTION PROVIDING A UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL
CONVENTION PORTANT LOI UNIFORME SUR LA FORME D'UN TESTAMENT INTERNATIONAL

Adoption: Place/*Lieu*: Washington
Date: 26-10-1973

Entry into force: Yes/*Oui* ≈ Date: 09-02-1978
Entrée en vigueur: Conditions: 5 ratifications (Art. XI)

Depositary / Dépositaire: Government of the United States of America /
Gouvernement des Etats-Unis d'Amérique

STATE / ETAT	SIGNATURE	RATIFICATION ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. DECL. OU RESERVES
Belgium / <i>Belgique</i>	17-05-74	21-04-83	21-10-83	–
Bosnia-Herzegovina / <i>Bosnie-Herzégovine</i>	–	15-08-94	15-08-94	–
Canada	–	24-01-77	09-02-78	–
Cyprus / <i>Chypre</i>	–	19-10-82	19-04-83	–
Czechoslovakia / <i>Tchécoslovaquie</i>	30-12-74	–	–	D
Ecuador / <i>Equateur</i>	26-07-74	03-04-79	03-10-79	D
France	29-11-74	01-06-94	01-12-94	–
Holy See / <i>Saint-Siège</i>	02-11-73	–	–	–
Iran	27-10-73	–	–	–
Italy / <i>Italie</i>	–	16-05-91	16-11-91	–
Laos	30-10-73	–	–	–
Libyan Arab Jamahiriya / <i>Jamahiriya arabe libyenne</i>	–	04-08-77	09-02-78	–
Niger	–	19-05-75	09-02-78	–
Portugal	–	19-11-75	09-02-78	–
Russian Fed. / <i>Féd. de Russie</i>	17-12-74	–	–	D: Art. XIII
Sierra Leone	27-10-73	–	–	–
Slovenia / <i>Slovénie</i>	–	20-08-92	20-08-92	–
United Kingdom / <i>Royaume-Uni</i>	10-10-74	–	–	–
United States of America / <i>Etats-Unis d'Amérique</i>	27-10-73	–	–	–
Yugoslavia / <i>Yougoslavie</i>	–	09-08-77	09-02-78	–

**CONVENTION ON AGENCY IN THE INTERNATIONAL SALE OF GOODS
CONVENTION SUR LA REPRESENTATION EN MATIERE DE VENTE
INTERNATIONALE DE MARCHANDISES**

Adoption: Place: Geneva / *Lieu:* Genève
Date: 17-02-83

Entry into force: No / *Non*
Entrée en vigueur: Conditions: 10 ratifications (art. 33)

Depositary: Government of Switzerland
Dépositaire: *Gouvernement suisse* (art. 21)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE/ENTREE EN VIGUEUR	DECL. OF RESERV. DECL. OU RESERVES	observations
Chile / <i>Chili</i>	17-02-83	—	—	—	—
France	25-10-84	07-08-87	—	—	—
Holy See / <i>Saint-Siège</i>	17-02-83	—	—	—	—
Italy / <i>Italie</i>	09-04-84	16-06-86	—	—	—
Mexico / <i>Mexique</i>	—	22-12-87	—	Art. 27, 29	—
Morocco / <i>Maroc</i>	17-02-83	—	—	—	—
Netherlands / <i>Pays-Bas</i>	—	02-02-94	—	—	02-02-95 (*)
South Africa / <i>Afrique du sud</i>	—	27-01-86	—	—	—
Switzerland / <i>Suisse</i>	17-02-83	—	—	—	—

(*) Application extended to Aruba / *Application étendue à Aruba.*

**UNIDROIT CONVENTION ON INTERNATIONAL FINANCIAL LEASING
CONVENTION D'UNIDROIT SUR LE CREDIT-BAIL INTERNATIONAL**

Adoption: Place / *Lieu:* Ottawa
Date: 28-05-88

Entry into force: Yes / *Oui* ≈ Date: 01-05-95
Entrée en vigueur: Conditions: 3 ratifications (art. 16.1)

Depositary / Dépositaire: Government of Canada / *Gouvernement du Canada* (art. 25.1)

STATE / ETAT	SIGNATURE	RATIFICATION ACCESSION / ADHESION	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. OF RESERV. DECL. OU RESERVES
Belarus / <i>Bélarus</i>	—	18-08-98	01-03-99	—
Belgium / <i>Belgique</i>	21-12-90	—	—	—
Czech Rep. / <i>Rép. tchèque</i>	16-05-90	—	—	—
Finland / <i>Finlande</i>	30-11-90	—	—	—
France	07-11-89	23-09-91	01-05-95	Arts. 8(3); 20
Ghana	28-05-88	—	—	—
Guinea / <i>Guinée</i>	28-05-88	—	—	—
Hungary / <i>Hongrie</i>	—	07-05-96	01-12-96	—
Italy / <i>Italie</i>	13-12-90	29-11-93	01-05-95	—
Latvia / <i>Lettonie</i>	—	06-08-97	01-03-98	—
Morocco / <i>Maroc</i>	04-07-88	—	—	—
Nigeria / <i>Nigéria</i>	28-05-88	25-10-94	01-05-95	—
Panama	31-12-90	26-03-97	01-10-97	—
Philippines	28-05-88	—	—	—
Russian Federation / <i>Féd. de Russie</i>	—	03-06-98	01-01-99	Arts. 8(3); 20
Slovak Rep. / <i>Rép. slovaque</i>	16-05-90	—	—	—
Tanzania / <i>Tanzanie</i>	28-05-88	—	—	—
United States of America / <i>Etats-Unis d'Amérique</i>	28-12-90	—	—	—
Uzbekistan / <i>Ouzbékistan</i>	—	06-07-00	01-02-01	—

UNIDROIT CONVENTION ON INTERNATIONAL FACTORING
CONVENTION D'UNIDROIT SUR L'AFFACTURAGE INTERNATIONAL

Adoption: Place / *Lieu*: Ottawa
Date: 28-05-88

Entry into force: Yes / *Oui* ≈ Date: 01-05-95
Entrée en vigueur: Conditions: 3 ratifications (art. 14.1)

Depositary: Government of Canada
Dépositaire: Gouvernement du Canada (art. 23.1)

STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION ACCESSION / <i>ADHESION</i>	ENTRY INTO FORCE <i>ENTREE EN VIGUEUR</i>	DECL. or RESERV. / <i>DECL. OU RESERVES</i>
Belgium / <i>Belgique</i>	21-12-90	—	—	—
Czechoslovakia / <i>Tchécoslovaquie</i>	16-05-90	—	—	—
Finland / <i>Filande</i>	30-11-90	—	—	—
France	07-11-89	23-09-91	01-05-95	Arts. 6(2); 18
Germany / <i>Alle magne</i>	21-12-90	20-05-98	01-12-98	—
Ghana	28-05-88	—	—	—
Guinea / <i>Guinée</i>	28-05-88	—	—	—
Hungary / <i>Hongrie</i>	—	07-05-96	01-12-96	—
Italy / <i>Italie</i>	13-12-90	29-11-93	01-05-95	—
Latvia / <i>Lettonie</i>	—	06-08-97	01-03-98	Arts. 6(2); 18
Morocco / <i>Maroc</i>	04-07-88	—	—	—
Nigeria / <i>Nigéria</i>	28-05-88	25-10-94	01-05-95	—
Philippines	28-05-88	—	—	—
Tanzania / <i>Tanzanie</i>	28-05-88	—	—	—
United Kingdom / <i>Royaume-Uni</i>	31-12-90	—	—	—
United States of America / <i>Etats-Unis d'Amérique</i>	28-12-90	—	—	—

UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS
CONVENTION D'UNIDROIT SUR LES BIENS CULTURELS VOLES OU ILLICITEMENT EXPORTES

Adoption: Place / *Lieu*: Rome
Date: 24-06-1995

Entry into force: Yes / *Oui* ≈ Date: 01-07-1998
Entrée en vigueur: Conditions: 5 ratifications (Art. 12)

Depositary / Dépositaire: Italian Government / *Gouvernement italien*

4 STATE / <i>ETAT</i>	SIGNATURE	RATIFICATION / ACCESS. / <i>ADHES.</i>	ENTRY INTO FORCE / <i>ENTREE EN VIGUEUR</i>	DECL. or RESERV. / <i>DECL. OU RESERVES</i>
Afghanistan	—	23-09-05	01-03-06	D: Art. 16
Argentina / <i>Argentine</i>	—	03-08-01	01-02-02	D: Art. 16
Azerbaijan / <i>Azerbaïdjan</i>	—	06-06-03	01-12-03	D: Art. 16
Bolivia / <i>Bolivie</i>	29-06-96	13-04-99	01-10-99	D: Art. 16
Brazil / <i>Brésil</i>	—	23-03-99	01-09-99	D: Art. 16
Burkina Faso	24-06-95	—	—	—
Cambodia / <i>Cambodge</i>	24-06-95	11-07-02	01-01-03	D: Arts. 3(5), 16
China / <i>Chine</i>	—	07-05-97	01-07-98	D: Arts. 3(5), 16
Côte d'Ivoire	24-06-95	—	—	—
Croatia / <i>Croatie</i>	24-06-95	20-09-00	01-03-01	D: Art. 16
Cyprus / <i>Chypre</i>	—	02-03-04	01-09-04	—
Ecuador / <i>Equateur</i>	—	26-11-97	01-07-98	—
El Salvador	—	16-07-99	01-01-00	D: Art. 16
Finland / <i>Finlande</i>	01-12-95	14-06-99	01-12-99	D: Arts. 13(3), 16
France	24-06-95	—	—	—
Gabon	—	12-05-04	01-11-04	—
Georgia / <i>Géorgie</i>	27-06-95	—	—	—
Guinea / <i>Guinée</i>	24-06-95	—	—	—
Guatemala	—	03-09-03	01-03-04	D: Arts. 3(5), 16
Hungary / <i>Hongrie</i>	24-06-95	08-05-98	01-11-98	D: Arts. 3(5), 16

Iran (Islamic Rep. of) / <i>Iran (Rép. Islamique d')</i>	–	22-06-05	01-12-05	D: Art. 16
Italy / <i>Italie</i>	24-06-95	11-10-99	01-04-00	D: Arts. 13(3), 16
Lithuania / <i>Lituanie</i>	24-06-95	04-04-97	01-07-98	D: Art. 16
Netherlands / <i>Pays-Bas</i>	28-06-96	–	–	D: Arts. 3(5), 13(3)
Nigeria	–	01-12-05	01-06-06	–
Norway / <i>Norvège</i>	–	28-08-01	01-03-02	D: Arts. 13(3), 14, 16
Pakistan	27-06-96	–	–	–
Paraguay	13-06-96	27-05-97	01-07-98	D: Art. 16
Peru / <i>Pérou</i>	28-06-96	05-03-98	01-09-98	D: Art. 16
Portugal	23-04-96	19-07-02	01-01-03	D: Art. 16
Romania / <i>Roumanie</i>	27-06-96	21-01-98	01-07-98	D: Art. 16
Russian Fed. / <i>Féd. de Russie</i>	29-06-96	–	–	–
Senegal / <i>Sénégal</i>	29-06-96	–	–	–
Slovakia / <i>Slovaquie</i>	–	16-06-03	01-12-03	D: Art. 16
Slovenia / <i>Slovénie</i>	–	08-04-04	01-10-04	D: Art. 16
Spain / <i>Espagne</i>	–	21-05-02	01-11-02	D: Arts. 3 (5), 13(3), 16
Switzerland / <i>Suisse</i>	26-06-96	–	–	–
Zambia / <i>Zambie</i>	24-06-95	–	–	–

CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATÉRIELS D'ÉQUIPEMENT MOBILES

Adoption:	Place: Cape Town / <i>Lieu: Le Cap</i> Date: 16-11-2001
Entry into force:	Yes / <i>Oui</i> ≈ Date: 01-04-2004
Entrée en vigueur:	Conditions: 3 ratifications but only as regards a category of objects to which a Protocol applies / <i>mais seulement à l'égard d'une catégorie de biens à laquelle un Protocole s'applique</i> (Art. 49(1))
Depositary / Dépositaire:	UNIDROIT

5 STATE / <i>ÉTAT</i>	SIGNATURE	RATIFICATION / ACCESS. / <i>ADHES.</i>	ENTRY INTO FORCE / <i>ENTRÉE EN VIGUEUR</i>	DECL. or RESERV. / <i>DECL. OU RESERVES</i>
Burundi	16-11-01	–	–	–
Canada	31-03-04	–	–	–
Chile / <i>Chili</i>	16-11-01	–	–	–
China / <i>Chine</i>	16-11-01	–	–	–
Congo	16-11-01	–	–	–
Cuba	17-09-02	–	–	–
Ethiopia / <i>Ethiopie</i>	16-11-01	21-11-03	01-04-04	D: Arts. 39(1)(a), 40, 54(2)
France	16-11-01	–	–	–
Germany / <i>Allemagne</i>	16-11-01	–	–	–
Ghana	16-11-01	–	–	–
Ireland / <i>Irlande</i>	–	29-07-05	01-11-05	D: Arts. 39(1)(a)-(b), 54(2)
Italy / <i>Italie</i>	06-12-01	–	–	–
Jamaica / <i>Jamaïque</i>	16-11-01	–	–	–
Jordan / <i>Jordanie</i>	16-11-01	–	–	–
Kenya	16-11-01	–	–	–
Lesotho	16-11-01	–	–	–
Malaysia / <i>Malaisie</i>	–	02-11-05	01-03-06	D: Arts. 39(1)(a)-(b), 40, 53, 54(2)
Nigeria	16-11-01	16-12-03	01-04-04	D: Art. 54(2)
Oman	–	21-03-05	01-07-05	D: Arts. 39(1)(a)-(b), 39(4), 40, 52, 53, 54(2)
Pakistan	–	22-01-04	01-05-04	D: Arts. 39(1)(a) – (b), 39(4), 40, 52, 53, 54(2)
Panama	11-09-02	28-07-03	01-04-04	D: Arts. 39, 50, 53, 54(2)
Saudi Arabia / <i>Arabie saoudite</i>	12-03-03	–	–	–
Senegal	02-04-02	–	–	–
South Africa / <i>Afrique du sud</i>	16-11-01	–	–	–
Sudan / <i>Soudan</i>	16-11-01	–	–	–
Switzerland / <i>Suisse</i>	16-11-01	–	–	–
Tanzania / <i>Tanzanie</i>	16-11-01	–	–	–
Tonga	16-11-01	–	–	–
Turkey / <i>Turquie</i>	16-11-01	–	–	–
Ukraine	09-03-04	–	–	–
United Kingdom / <i>Royaume-Uni</i>	16-11-01	–	–	–
United States of America / <i>Etats-Unis d'Amérique</i>	09-05-03	28-10-04	01-02-05	D: Arts. 39, 54

**PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT
ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT**

**PROTOCOLE PORTANT SUR LES QUESTIONS SPECIFIQUES AUX MATERIELS D'EQUIPEMENT
AERONAUTIQUES A LA CONVENTION RELATIVE AUX GARANTIES INTERNATIONALES
PORTANT SUR DES MATERIELS D'EQUIPEMENT MOBILES**

Adoption: Place: Cape Town / *Lieu:* Le Cap
Date: 16-11-2001

Entry into force: Will enter into force on 1st March 2006 / *Entrera en vigueur le 1er mars 2006*
Entrée en vigueur: Conditions: 8 ratifications (Art. XXVIII(1))

Depositary / Dépositaire: UNIDROIT

6 STATE / ETAT	SIGNATURE	RATIFICATION / ACCESS. / ADHES.	ENTRY INTO FORCE / ENTREE EN VIGUEUR	DECL. or RESERV. / DECL. OU RESERVES
Burundi	16-11-01	—	—	—
Canada	31-03-04	—	—	—
Chile / <i>Chili</i>	16-11-01	—	—	—
China / <i>Chine</i>	16-11-01	—	—	—
Congo	16-11-01	—	—	—
Cuba	17-09-02	—	—	—
Ethiopia / <i>Ethiopie</i>	16-11-01	21-11-03	01-03-06	D: Art. XXX(1), (2), (3)
France	16-11-01	—	—	—
Germany / <i>Allemagne</i>	16-11-01	—	—	—
Ghana	16-11-01	—	—	—
Ireland / <i>Irlande</i>	—	23-08-05	01-03-06	D: Art. XXX(1), (2)
Italy / <i>Italie</i>	06-12-01	—	—	—
Jamaica / <i>Jamaïque</i>	16-11-01	—	—	—
Jordan / <i>Jordanie</i>	16-11-01	—	—	—
Kenya	16-11-01	—	—	—
Lesotho	16-11-01	—	—	—
Malaysia / <i>Malaisie</i>	—	02-11-05	01-03-06	D: Art. XXX(1), (2), (3)
Nigeria	16-11-01	16-12-03	01-03-06	—
Oman	—	21-03-05	01-03-06	D: Arts. XXIX, XXX(1), (2), (3)
Pakistan	—	22-01-04	01-03-06	D: Arts. XXIX, XXX(1), (2), (3)
Panama	11-09-02	28-07-03	01-03-06	D: Art. XXX(1), (2), (3)
Saudi Arabia / <i>Arabie saoudite</i>	12-03-03	—	—	—
Senegal	02-04-02	—	—	—
South Africa / <i>Afrique du sud</i>	16-11-01	—	—	—
Sudan / <i>Soudan</i>	16-11-01	—	—	—
Switzerland / <i>Suisse</i>	16-11-01	—	—	—
Tanzania / <i>Tanzanie</i>	16-11-01	—	—	—
Tonga	16-11-01	—	—	—
Turkey / <i>Turquie</i>	16-11-01	—	—	—
Ukraine	03-03-04	—	—	—
United Kingdom / <i>Royaume-Uni</i>	16-11-01	—	—	—
United States of America / <i>Etats-Unis d'Amérique</i>	09-05-03	28-10-04	01-03-06	D: Arts. XIX, XXX

MISE EN ŒUVRE DES INSTRUMENTS BASES SUR DES TRAVAUX MENÉS DANS LE CADRE D'UNIDROIT ^(*)

A. INSTRUMENTS INTERNATIONAUX EN VIGUEUR, ADOPTÉS SOUS LES AUSPICES D'AUTRES ORGANISATIONS, QUI ONT EU POUR BASE DES PROJETS OU DES CONVENTIONS D'UNIDROIT

1. **Convention relative au contrat de transport international de marchandises par route (CMR) de 1956**, adoptée à Genève sous les auspices de la Commission économique pour l'Europe des Nations Unies. La Convention, entrée en vigueur en 1961, a eu pour base le projet de Convention relatif au contrat de transport international de marchandises par route (CMR), transmis en 1952 à la Commission économique pour l'Europe des Nations Unies.

Les Etats contractants sont: Allemagne, Autriche, Bélarus, Belgique, Bosnie-Herzégovine, Bulgarie, Chypre, Croatie, Danemark, Espagne, Estonie, Ex-République yougoslave de Macédoine, Fédération de Russie, Finlande, France, Géorgie, Grèce, Hongrie, Iran (République islamique d'), Irlande, Italie, Kazakhstan, Kirghizistan, Lettonie, Lituanie, Luxembourg, Maroc, Mongolie, Norvège, Ouzbékistan, Pays-Bas, Pologne, Portugal, République de Moldova, République tchèque, Roumanie, Royaume-Uni, Serbie et Monténégro, Slovaquie, Slovénie, Suède, Suisse, Tadjikistan, Tunisie, Turkménistan et Turquie.

2. **Convention de l'UNESCO de 1954 pour la protection des biens culturels en cas de conflit armé**, entrée en vigueur en 1956. La Convention a eu pour base le projet de Convention internationale pour la protection des biens culturels en cas de conflit armé, dont l'élaboration a été achevée en 1951.

Les Etats contractants sont: Afrique du sud, Albanie, Allemagne, Arabie saoudite, Argentine, Arménie, Australie, Autriche, Azerbaïdjan, Barbade, Bélarus, Belgique, Bolivie, Bosnie-Herzégovine, Botswana, Brésil, Bulgarie, Burkina Faso, Cambodge, Cameroun, Canada, Chine, Chypre, Colombie, Costa Rica, Côte d'Ivoire, Croatie, Cuba, Danemark, Egypte, El Salvador, Equateur, Erythrée, Espagne, Estonie, Ex-République yougoslave de Macédoine, Fédération de Russie, Finlande, France, Gabon, Géorgie, Ghana, Grèce, Guatemala, Guinée, Guinée équatoriale, Honduras, Hongrie, Inde, Indonésie, Iran (République islamique d'), Iraq, Israël, Italie, Jamahiriya arabe libyenne, Jordanie, Kazakhstan, Kirghizistan, Koweït, Lettonie, Liban, Liechtenstein, Lituanie, Luxembourg, Madagascar, Malaisie, Mali, Maroc, Mexique, Monaco, Mongolie, Myanmar, Nicaragua, Niger, Nigéria, Norvège, Oman, Ouzbékistan, Pakistan, Panama, Paraguay, Pays-Bas, Pérou, Pologne, Portugal, Qatar, République arabe syrienne, République démocratique du Congo, République dominicaine, République de Moldova, République tchèque, République-Unie de Tanzanie, Roumanie, Rwanda, Saint-Marin, Saint-Siège, Sénégal, Serbie et Monténégro, Seychelles, Slovaquie, Slovénie, Soudan, Sri Lanka, Suède, Suisse, Tadjikistan, Thaïlande, Tunisie, Turquie, Ukraine, Uruguay, Venezuela, Yémen et Zimbabwe.

3. **Convention internationale de 1961 sur la protection des artistes interprètes ou exécutants, des producteurs de phonogrammes et des organismes de radiodiffusion**, adoptée sous les auspices de l'OIT, de l'OMPI et de l'UNESCO, et entrée en vigueur en 1964. La Convention a eu très largement pour base l'avant-projet de Convention sur la protection des artistes interprètes et exécutants, ainsi que des producteurs de disques phonographiques et d'autres phonogrammes, et l'avant-projet de Convention sur la protection des radio-émissions.

Les Etats contractants sont: Albanie, Allemagne, Andorre, Argentine, Arménie, Australie, Autriche, Azerbaïdjan, Barbade, Bélarus, Belgique, Bolivie, Brésil, Bulgarie, Burkina Faso, Canada, Cap Vert, Chili, Colombie, Congo, Costa Rica, Croatie, Danemark, Dominique, El Salvador, Emirats arabes unis, Equateur, Espagne, Estonie, Ex-République yougoslave de Macédoine, Fédération de Russie, Fidji, Finlande, France, Géorgie, Grèce, Guatemala, Honduras, Hongrie, Irlande, Islande, Israël, Italie, Jamaïque, Japon, Kirghizistan, Lesotho, Lettonie, Liban, Libéria, Liechtenstein, Lituanie, Luxembourg, Mexique, Monaco, Nicaragua, Niger, Nigéria, Norvège, Panama, Paraguay, Pays-Bas, Pérou, Philippines, Pologne, Portugal, République de Moldova, République dominicaine, République tchèque, Roumanie, Royaume-Uni, Sainte-Lucie, Serbie et Monténégro, Slovaquie, Slovénie, Suède, Suisse, Togo, Turquie, Ukraine, Uruguay et Venezuela.

^(*) Basé sur les informations dont dispose le Secrétariat au 31 décembre 2005.

4. **Convention de La Haye de 1958 concernant la reconnaissance et l'exécution des décisions en matière d'obligations alimentaires envers les enfants**, entrée en vigueur en 1962. La Convention a été élaborée sur la base du projet de Convention pour la reconnaissance et l'exécution à l'étranger des décisions en matière d'obligations alimentaires, dont un premier projet avait été élaboré par UNIDROIT en 1938 et dont les travaux se sont achevés en 1949 avec la transmission du projet au Département des Affaires Sociales des Nations Unies. Après avoir été révisé par un comité d'experts des Nations Unies, le projet a été recommandé aux Etats sous la forme d'une Résolution du Conseil Economique et Social à sa XVII^{ème} session comme modèle pour l'élaboration de conventions bilatérales ou de lois uniformes pour adoption séparée par chaque Etat.

Les Etats contractants sont: Allemagne, Autriche, Belgique, Chine (seulement la Région administrative spéciale de Macao), Danemark, Espagne, Finlande, France, Hongrie, Italie, Liechtenstein, Norvège, Pays-Bas, Portugal, République tchèque, Slovaquie, Suède, Suisse, Suriname et Turquie.

5. **Convention européenne de 1962 sur la responsabilité des hôteliers quant aux objets apportés par les voyageurs**, adoptée sous les auspices du Conseil de l'Europe et entrée en vigueur en 1967. La Convention a eu pour base le projet de loi uniforme sur la responsabilité des hôteliers à raison des dommages aux ou de la destruction des objets apportés dans l'hôtel par les voyageurs, dont le texte a été achevé par UNIDROIT en 1934.

Les Etats contractants sont: Allemagne, Belgique, Bosnie-Herzégovine, Chypre, Croatie, Ex-République yougoslave de Macédoine, France, Irlande, Italie, Lituanie, Luxembourg, Malte, Pologne, Royaume-Uni, Serbie et Monténégro et Slovénie.

6. **Traité Bénélux de 1955 relatif à l'assurance obligatoire de la responsabilité civile en matière de véhicules automoteurs**

Convention européenne de 1959 relative à l'assurance obligatoire de la responsabilité civile en matière de véhicules automoteurs adoptée sous les auspices du Conseil de l'Europe et entrée en vigueur en 1969. Ces deux instruments ont eu pour base le projet de règles uniformes sur l'assurance obligatoire des automobilistes, dont la rédaction a été achevée par UNIDROIT en 1937.

Les Parties Contractantes à la Convention de 1959 sont: Allemagne, Autriche, Danemark, Grèce, Norvège, Suède et Turquie.

7. **Convention européenne d'établissement de 1955**, adoptée sous les auspices du Conseil de l'Europe et entrée en vigueur en 1965. La Convention a eu pour base le projet de Convention sur le traitement réciproque des nationaux des Etats membres du Conseil de l'Europe, dont la rédaction a été achevée par UNIDROIT en 1951.

Les Etats contractants sont: Allemagne, Belgique, Danemark, Grèce, Irlande, Italie, Luxembourg, Norvège, Pays-Bas, Royaume-Uni, Suède et Turquie.

8. **Protocole N° 1 relatif aux droits réels sur les bateaux de navigation intérieure** annexé à la Convention de 1965 relative à l'immatriculation des bateaux de navigation intérieure qui a été adoptée sous les auspices de la Commission économique pour l'Europe des Nations Unies et à laquelle l'Autriche, la Croatie, la France, le Luxembourg, les Pays-Bas, la Suisse et la Yougoslavie sont Parties Contractantes. Le Protocole a eu pour base le projet de Convention relative aux droits réels sur les bateaux de navigation intérieure, dont la rédaction a été achevée par UNIDROIT en 1960. Le Protocole N° 1 est entré en vigueur en 1982.

Les Etats contractants au Protocole N° 1 sont: Autriche, Croatie, France, Luxembourg, Pays-Bas, Serbie et Monténégro et Suisse.

9. **Protocole N° 2 relatif à la saisie conservatoire et à l'exécution forcée concernant les bateaux de navigation intérieure** annexé à la Convention de 1965 relative à l'immatriculation des bateaux de navigation intérieure, adoptée sous les auspices de la Commission économique pour l'Europe des Nations Unies. Le Protocole a eu pour base le projet de Protocole relatif à la saisie conservatoire et à l'exécution forcée concernant les bateaux de navigation intérieure, dont la rédaction a été achevée par UNIDROIT en 1962. Le Protocole N° 2 est entré en vigueur en 1982.

Les Etats contractants au Protocole N° 2 sont: Autriche, Croatie, France, Luxembourg et Serbie et Monténégro.

10. **Convention des Nations Unies sur les contrats de vente internationale de marchandises**, adoptée à Vienne en 1980 et entrée en vigueur en 1988. La Convention a eu pour base la Convention portant loi uniforme sur la formation des contrats de vente internationale des objets mobiliers corporels (LUFC) ainsi que la Convention portant loi uniforme sur la vente internationale des objets mobiliers corporels (LUVI), adoptées à La Haye lors d'une Conférence diplomatique en 1964 (Sections A 1 et 2 ci-dessus).

Les Etats contractants sont: Allemagne, Argentine, Australie, Autriche, Bélarus, Belgique, Bosnie-Herzégovine, Bulgarie, Burundi, Canada, Chili, Chine, Chypre, Colombie, Croatie, Cuba, Danemark, Egypte, Equateur, Espagne, Estonie, Etats-Unis d'Amérique, Fédération de Russie, Finlande, France, Gabon, Géorgie, Grèce, Guinée, Honduras, Hongrie, Iraq, Islande, Israël, Italie, Kirghizistan, Lettonie, Lesotho, Libéria, Lituanie, Luxembourg, Mauritanie, Mexique, Mongolie, Norvège, Nouvelle-Zélande, Ouganda, Ouzbékistan, Pays-Bas, Pérou, Pologne, République arabe syrienne, République de Corée, République de Moldova, République tchèque, Roumanie, Saint-Vincent-et-les-Grenadines, Serbie et Monténégro, Singapour, Slovaquie, Slovénie, Suède, Suisse, Ukraine, Uruguay et Zambie.

11. **Convention relative au contrat de transport international de voyageurs et de bagages par route (CVR)**, adoptée à Genève en 1973 sous les auspices de la Commission économique pour l'Europe des Nations Unies. La Convention a eu pour base le projet de Convention relative au contrat de transport international de voyageurs et de bagages par route (CVR), dont la rédaction a été achevée par UNIDROIT en 1969. La Convention est entrée en vigueur en 1994.

Les Etats contractants sont: Bosnie-Herzégovine, Croatie, Lettonie, République tchèque, Slovaquie, Serbie et Monténégro et Ukraine.

B. INSTRUMENTS INTERNATIONAUX NON ENCORE ENTRES EN VIGUEUR, ADOPTES SOUS LES AUSPICES D'AUTRES ORGANISATIONS, QUI ONT EU POUR BASE DES PROJETS D'UNIDROIT

1. **Convention relative à la limitation de la responsabilité des propriétaires de bateaux en navigation intérieure (CLN)**, adoptée à Genève en 1973 sous les auspices de la Commission économique pour l'Europe des Nations Unies. La Convention a eu pour base le projet de Convention relative à la limitation de la responsabilité des propriétaires de bateaux en navigation intérieure (CLN), dont la rédaction a été achevée par UNIDROIT en 1970. La Fédération de Russie est le seul Etat contractant.
2. **Convention relative au contrat de transport international de passagers et de bagages en navigation intérieure (CVN)**, adoptée à Genève en 1976 sous les auspices de la Commission économique pour l'Europe des Nations Unies. La Convention a eu pour base le projet de Convention relative au contrat de transport international de passagers et de bagages en navigation intérieure (CVN), dont la rédaction a été achevée par UNIDROIT en 1972. La Fédération de Russie est le seul Etat contractant.
3. **Règles européennes pour les fonds de placement** qui ont été recommandées en 1972 par le Comité des Ministres du Conseil de l'Europe comme loi-modèle aux Etats membres du Conseil de l'Europe. Ces Règles ont eu pour base l'avant-projet de loi-modèle sur les fonds de placement, dont le texte d'UNIDROIT a été achevé en 1969.
4. **Convention européenne portant loi uniforme en matière d'arbitrage**, adoptée en 1966 sous les auspices du Conseil de l'Europe. La Convention a eu pour base l'avant-projet de loi uniforme sur l'arbitrage dans les rapports internationaux de droit privé, dont le texte d'UNIDROIT a été achevé en 1954. La Belgique est le seul Etat contractant.
5. **Convention européenne de 1973 sur la responsabilité civile en cas de dommages causés par des véhicules automoteurs**, adoptée sous les auspices du Conseil de l'Europe. La Convention a eu pour base le projet de loi uniforme sur la responsabilité civile des automobilistes, dont le texte d'UNIDROIT a été achevé en 1938. Aucun Etat n'a ratifié cette Convention.
6. **Convention des Nations Unies sur le transport multimodal international de marchandises**, adoptée à Genève en 1980. L'origine de cette Convention se trouve dans le projet de Convention relative aux contrats de transport international combiné de marchandises, dont le texte d'UNIDROIT a été achevé en 1965. Le projet d'UNIDROIT a également été l'une des bases du projet de Convention relative au transport international combiné de marchandises (TCM), élaboré à une table ronde convoquée par UNIDROIT à la demande de la Commission économique pour l'Europe des Nations Unies en 1969 et 1970,

qui a été lui-même révisé lors de réunions convoquées conjointement par l'Organisation intergouvernementale consultative de la navigation maritime (OMCI) et la Commission économique pour l'Europe des Nations Unies. Les Etats contractants sont: Burundi, Chili, Géorgie, Liban, Libéria, Malawi, Maroc, Mexique, Rwanda, Sénégal et Zambie.

7. **Convention sur la responsabilité civile pour les dommages causés au cours du transport de marchandises dangereuses par route, rail et bateaux de navigation intérieure (CRTD)**, adoptée à Genève en 1989 sous les auspices de la Commission économique pour l'Europe des Nations Unies. La Convention a eu pour base le projet d'articles d'une Convention sur la responsabilité civile pour les dommages causés au cours du transport de marchandises dangereuses par route, rail et bateaux de navigation intérieure, dont UNIDROIT a achevé l'élaboration en 1986. Le Libéria est le seul Etat contractant.
8. **Convention des Nations Unies sur la responsabilité des exploitants de terminaux de transport dans le commerce international**, adoptée à Vienne en avril 1991. La Convention a eu pour base l'avant-projet de Convention sur les opérateurs de terminaux de transport, dont UNIDROIT a achevé l'élaboration en 1983. Les Etats contractants sont: Egypte, Gabon, Géorgie et Paraguay.

C. DIRECTIVE EUROPEENNE QUI A EU POUR BASE UN AVANT-PROJET DE CONVENTION D'UNIDROIT

Directive 93/7/CEE du Conseil du 15 mars 1993 relative à la restitution de biens culturels ayant quitté illicitement le territoire d'un Etat membre

D. REGLES UNIFORMES PUBLIEES PAR LA CHAMBRE DE COMMERCE INTERNATIONALE ET QUI ONT EU POUR BASE UN PROJET DE CONVENTION D'UNIDROIT

Règles uniformes sur un document de transport multimodal d'abord publiées par la Chambre de commerce internationale en 1973 et révisées par la suite. L'origine de ces Règles est la même que celle de la Convention des Nations Unies sur le transport international multimodal de marchandises (voir ci-dessus Section C. 6.).

E. INSTRUMENTS INTERNATIONAUX BASES SUR DES ETUDES PRELIMINAIRES PREPAREES PAR UNIDROIT

1. **Convention européenne sur la responsabilité du fait des produits en cas de lésions corporelles et de décès du 27 janvier 1977**

Aucun Etat n'a ratifié cette Convention.

2. **Résolution (78)3 relative aux clauses pénales en droit civil** adoptée par le Comité des Ministres du Conseil de l'Europe le 20 janvier 1978.