



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW  
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

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**GENERAL ASSEMBLY**  
**64<sup>th</sup> session**  
**Rome, 18 June 2009**

**EN**

UNIDROIT 2009  
A.G. (64) 2  
Original: English  
June 2009

**Observations relating to the draft agenda  
of the Special Meeting of the General Assembly**

The Government of the United States of America submitted observations relating to the draft agenda of the Special Meeting of the UNIDROIT General Assembly and asked for them to be circulated to participants in the Meeting. Those observations are to be found in the Appendix to this document.



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June 08, 2009

Jose Angelo Faria Estrella  
Secretary-General UNIDROIT  
Via Panisperna 28  
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**Re: Special Meeting of the Unidroit General Assembly June 18, 2009**

Dear Mr. Secretary-General:

We welcome the Special Meeting organized by the Secretariat which will enable member states, including those that were not in attendance at the recent meeting of the Governing Council, to receive current information as to matters discussed there with regard to the possible future work program of the Institute. We note that decisions on future work are to be taken at the regular meeting of the General Assembly in the late fall 2009.

Arranging this meeting is one step in the direction of changing the working methods of the Institute that our government, along with some others, has proposed, and we are hopeful that other related steps will be considered both by Member States and by the Secretariat in the months to come. In brief, we have in the past proposed changes that do not require Charter amendments but would be designed to enhance the role of all Member States generally with regard to the activities of the Institute, including the interaction of Member States and the Governing Council whether or not there is a national of a given Member State on the Council. We intend to circulate further proposals in this regard in the future.

With regard to the agenda for this meeting and its focus on future work, we would at the outset commend the Secretariat for the recent and very informative materials (the best we have seen and the credit for that goes clearly to the Institute's staff) on the various proposals for work, together with its focus on costs and resources that may be involved in each, so that informed decisions may be made by the Member States. This will also enable more guidance to be received from various economic, commercial or other sectors affected by such proposals, both as to feasibility and likelihood of application by that sector.

We assume for purposes of discussion at the meeting on the 18<sup>th</sup> that the Annotated Draft Agenda for that meeting has been drawn from the conclusions of the

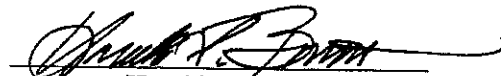
recent meeting of the Governing Council. The third item on the agenda for the meeting on the 18<sup>th</sup> covers those recommendations (a) – (f) for possible future work which were set out in Item 9 of the Governing Council's agenda, and have not at this point been authorized, except for studies and analyses to be done by the Secretariat as appropriate and as resources permit.

Thus, we understand that those recommendations should be seen as being distinct from and in addition to those areas of work listed in the Council's Agenda items Nos. 5 through 8, and on which continuing work is authorized at various levels, i.e.:

- (1) International interests in mobile equipment, including completion of the draft space asset finance protocol and preliminary stages of consideration of the proposed protocol on agricultural, construction and mining equipment;
- (2) The draft convention on securities transactions law;
- (3) The principles of international commercial contracts; and
- (4) The model law on leasing.

We point this out so that there is not a misperception that only the items of work listed in the agenda for this meeting on the 18<sup>th</sup> are anticipated for future work.

We would ask that our views be circulated to participants at the meeting.

  
Harold S. Burman  
Office of the Legal Adviser  
Department of State