



GENERAL ASSEMBLY
71st session
Rome, 29 November 2012

UNIDROIT 2012
A.G. (71) 1 rev. 2
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ANNOTATED DRAFT AGENDA

1. Opening of the session by the President of the Institute and the Chairman of the General Assembly 2011 - 2012
2. Election of the Chairman of the General Assembly 2012 - 2013
3. Adoption of the agenda (A.G. (71) 1 rev.)
4. Organisation's activity in 2012 (A.G. (71) 2)
5. Report of the Finance Committee on its 72nd session (AG/Comm. Finances (72) 10)
6. Final modifications to the Budget and approval of the Accounts for the 2011 financial year (A.G. (71) 3)
7. Adjustments to the Budget for the 2012 financial year (A.G. (71) 4)
8. Arrears in contributions of member States (A.G. (71) 5 and A.G. (71) 5 rev.)
9. Financial situation of inactive member States (A.G. (71) 6)
10. Classification of member States in the UNIDROIT contributions chart (A.G. (71) 7)
11. Approval of the draft Budget for 2013 and fixing of the contributions of member States for that financial year (A.G. (71) 8)
12. Draft Amendments to the UNIDROIT Regulations on financial matters (A.G. (71) 9) and A.G. (71) 9 Add.)
13. Periodicity of General Assembly sessions (A.G. (71) 1 rev.)
14. Request of observer status for UNIDROIT with the United Nations (A.G. (71) 1 rev.)
15. Any other business

ANNOTATIONS

Item No. 1 – Opening of the session

1. The 71st session of the General Assembly will be held on 29 November 2012 at the seat of UNIDROIT. Meeting hours will be from 9.30 a.m. to 1 p.m.

Item No. 2 - Election of the Chairman of the General Assembly

2. H.E. Mr Juan Prieto, Ambassador of Colombia in Italy, chaired the General Assembly for the period 2011-2012. According to the practice of yearly rotation among the geographic regions into which the UNIDROIT membership is divided in accordance with Article 7(5)*ter* of the UNIDROIT Regulations, it will be for the Asian group of States to nominate the Chairman for the period 2012-2013.

Item No. 13 – Periodicity of General Assembly sessions

3. In the years 2009 and 2010, the General Assembly held a session in the Spring, in which the Secretariat briefed the Assembly on the deliberations of the Governing Council during its immediately preceding session. In both years, a large number of member States attended the Spring session. At that time, not only were the Council sessions closed, but Council documents were not publicly available, not even to Governments of member States.

4. At its 90th session (Rome, 9 - 11 May 2011), however, the Council decided to make systematic use of the authority given to it by article 16 of the UNIDROIT Regulations to request representatives of member Governments that have no nationals sitting on the Council to attend its meetings in a consultative capacity and requested the Secretariat to make the documentation for sessions of the Governing Council available to all member States prior to the relevant session. All member States that have no nationals sitting on the Council were accordingly invited to attend the 91st session of the Council (Rome, 7-9 May 2012), and the Secretariat planned no separate Spring session of the General Assembly in 2012. As less than five member States actually attended the joint session with the Governing Council, the General Assembly may wish to consider whether the Secretariat should plan a separate Spring session of the Assembly in 2013.

Item No. 14 – Request of Observer status for UNIDROIT with the United Nations

5. The general framework for the cooperation between UNIDROIT and the United Nations is set out in an exchange of letters constituting an arrangement between the United Nations and UNIDROIT of 1959.

6. Since the establishment of the United Nations Commission on International Trade Law (UNCITRAL), this cooperation has taken place mainly within the framework of UNCITRAL's activities, also because most – albeit not all – lines of work developed by UNIDROIT have been concerned with the preparation of uniform law instruments dealing with international commercial transactions. By and large, this cooperation has worked successfully and an adequate of coordination has also been achieved, mainly thanks to the collegial atmosphere of good will that exists between the two secretariats concerned.

7. However, the mandate of UNIDROIT in the area of private law encompasses also topics that fall outside the core mandate of UNCITRAL, such as the work done by UNIDROIT in the area of protection of cultural property through the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the UNESCO - UNIDROIT Model legislative provisions on State ownership of undiscovered cultural objects (2011).

8. The Secretariat believes that it would be generally useful for it to have appropriate standing to be able to follow deliberations in all UN bodies besides UNCITRAL. However, the Secretariat has been advised by the Office of Legal Affairs of the United Nations that the 1959 exchange of letters between the two organisations does not address the participation of UNIDROIT as an observer in UN bodies. In the absence of observer status in either the General Assembly or ECOSOC, or of a formal invitation by a UN body to participate in its deliberations, representatives of UNIDROIT may only be seated in the Visitor's Gallery when attending the meetings of UN bodies and would not be in a position to address such meetings unless specifically invited by the body concerned.

9. The Secretariat intends to apply for observer status with the United Nations and would therefore appreciate it if the General Assembly would agree to invite all member States that are also UNIDROIT member states of the United Nations to favourably consider the possibility of supporting that request at the United Nations.