



**GOVERNING COUNCIL**  
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**Item No. 14(b) on the agenda: Implementation and promotion of UNIDROIT instruments other than Cape Town instruments**

(memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Status of implementation of UNIDROIT Conventions and promotion of the instruments other than Cape Town instruments</i>
<i>Action to be taken</i>	<i>• Information concerning Governments' intentions; • Allocation of necessary resources</i>
<i>Related documents</i>	<i>C.D. (87)2 (Report on the Activity of the Institute in 2007); C.D. (87) 6 Implementation of the Strategic Plan; UNIDROIT website</i>

**DISCUSSION OF LEADING PARAMETERS AS PROPOSED BY THE SECRETARIAT**

<b>Priority</b>			
	high	medium	low

**I. Strategic Plan**

Yes, cf. *Strategic Objective N°11*: the systematic promotion of and active assistance in implementing, applying and monitoring international instruments elaborated under the Institute's auspices.

**II. Work Programme 2006-2008**

Yes

**III. Current assessment**

Importance of promoting instruments regularly emphasized by the different UNIDROIT organs (Governing Council and General Assembly), but specific problems in respect of instruments already adopted.

<b>Problems to be overcome</b>	Lack of financial resources; at times, work overload of officers
<b>Staff implications</b>	The officer "in charge" of the instrument (time allocated depending on requests for assistance and time available)
<b>Budget implications</b>	<i>Budget 2008: Chapter 1, Article 6 – Official journeys of representatives, members of staff and collaborators; Chapter 10 – Promotion of UNIDROIT instruments; Chapter 11 – Programme of legal co-operation</i> <i>Draft budget 2009: no increase for the Chapters concerned</i>
<b>Recommendations/ Guidance sought/ Decisions to be taken/ Alternatives?</b>	

## I. IMPLEMENTATION OF INSTRUMENTS ADOPTED UNDER THE AUSPICES OF UNIDROIT

1. As to the state of implementation (on 31 December 2007) of all *the Conventions prepared by UNIDROIT* and approved at Diplomatic Conferences convoked by UNIDROIT Member States, see the Annex to document C.D. (87) 2 (Annual Report 2007 – situation on 31 December 2007) and/or the UNIDROIT website (<http://www.unidroit.org/english/conventions/c-main.htm>) (which is regularly updated).

### ◆ *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995)*

2. Since the last session of the Governing Council, another State became Party to the 1995 Convention. In fact, Greece has deposited with the Italian Ministry of Foreign Affairs its instrument of accession on 19 July 2007 (entry into force on 1<sup>st</sup> January 2008).

3. By 15 April 2008, 29 States had become Party to the UNIDROIT Convention on Stolen or Illicitly Exported Cultural Objects.

4. Ratification or accession procedures have been completed or are underway in other countries, and the Secretariat is expecting the deposit of two instruments in 2008.

## II. PROMOTION OF UNIDROIT INSTRUMENTS

5. We would simply recall that the relevant chapters in the UNIDROIT budget are *Chapter 1, Article 6* (Official journeys of representatives, members of staff and collaborators), *Chapter 10 Promotion of UNIDROIT Instruments* and *Chapter 11* (Legal Co-operation Programme).

6. *Chapter 1, Article 6*: the sum allocated is 28,000 euros and is the same since 2004 (increase that year of 1,500 euros). The draft budget for 2009 provides no increase.

7. *Chapter 10*: the sum allocated is 5,000 euros (the same since 2003). In 2002, the sum was 10,329 euros. The draft budget for 2009 provides no increase.

8. *Chapter 11*: 10,000 euros since last year (15,000 euros in 2004, 2005 and 2006). The draft budget for 2009 provides no increase (see C.D. (87) 15).

9. The fact that the draft budget for 2009 provides no increase at all means an important cut in the resources available. We would recall that a new instrument has been adopted in 2007 – the Rail Protocol to the Cape Town Convention – and that two new instruments will be adopted this year – the Model law on Commercial Leasing and the Convention on Substantive regarding Intermediated Securities – for which promotion will be necessary.

10. For examples of promotion, in particular relating to the UNIDROIT Principles on International Commercial Contracts, the ALI/UNIDROIT Principles of Transnational Civil Procedure or the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, see the Annual report for 2007 (C.D. (87)2).