



EN

GOVERNING COUNCIL
89th session
Rome, 10 - 12 May 2010

UNIDROIT 2010
C.D. (89) 8
Original: French
April 2010

**Item No. 9 on the agenda: Implementation and promotion of UNIDROIT instruments
other than the Cape Town instruments**

(memorandum prepared by the Secretariat)

<i>Summary</i>	<i>State of implementation of the UNIDROIT Conventions and promotion of instruments other than the Cape Town instruments</i>
<i>Action to be taken</i>	<i>To take note of the information set out in this document and to give thought, in the framework of the Strategic Plan, to possible measures to ensure the more active and structured promotion of these instruments</i>
<i>Mandate</i>	<i>Strategic Objective No. 11: the systematic promotion of and active assistance in implementing, applying and monitoring international instruments elaborated under the Institute's auspices</i>
<i>Priority</i>	<i>High</i>
<i>Status</i>	<i>Ongoing activity</i>
<i>Related documents</i>	<i>C.D. (89) 2 (Report on the Activity of the Institute in 2009); C.D. (89) 16 Strategic Plan (§§ 55-56, 123-124); UNIDROIT Internet website</i>

I. IMPLEMENTATION OF INSTRUMENTS ADOPTED UNDER THE AUSPICES OF UNIDROIT

1. As to the state of implementation (on 31 December 2009) of *all Conventions prepared by UNIDROIT* and approved at diplomatic Conferences convened by UNIDROIT Member States, see the Annexe to document (89) 2 (Annual Report 2009 – situation on 31 December 2009) and the Unidroit Internet website (<http://www.unidroit.org/french/conventions/c-main.htm>), which is constantly updated.

Adoption of a new instrument

2. The *Convention on Substantive Rules for Intermediated Securities* (known as the Geneva Securities Convention) was adopted at the final session of the diplomatic Conference for the adoption of a Convention on substantive rules regarding intermediated securities which was held, thanks to the generosity of the Swiss Government, at Geneva from 6 to 9 October 2009 (cf. UNIDROIT 2009 – C.D.(89) 2 and C.D.(89) 5 (a)).

Ratifications/accessions and outlook

3. Also to be noted is the deposit, since the last session of the Governing Council, of several instruments of ratification or accession to various UNIDROIT instruments:

- *Convention on International Interests in Mobile Equipment* (three instruments);
- *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (one instrument);
- *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* (one signature);
- *UNIDROIT Convention on Substantive Rules for Intermediated Securities* (one signature).

4. In five other States, the procedures with a view to becoming Parties to the Cape Town Convention and its Aircraft Protocol have reached an advanced stage.

5. The *1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*:

- since the 88th session of the Governing Council, two States have completed procedures to accede to the Convention (Colombia and Algeria), but have yet to deposit their instrument with the Depositary;
- three States have announced their decision, as part of a reform of their national legislation, to accede to the 1995 Convention: Denmark, Ireland and Sweden.

II. PROMOTION OF UNIDROIT INSTRUMENTS

6. The Governing Council has repeatedly stressed the importance of promoting the instruments elaborated by UNIDROIT, while recognising the difficulties attending the implementation of a global strategy in this area given the paucity of financial and human resources. The Secretariat would suggest that this issue be considered within the overall context of the Organisation's Strategic Plan.