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GOVERNING COUNCIL
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Rome, 7 - 31 May 2012

UNIDROIT 2012
C.D. (91) 9
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Item No. 12 of the agenda: Correspondents

(Memorandum prepared by the Secretariat)

Summary	<i>Further reflection on the network of correspondents of the Institute (appointment, renewal, functions, ...)</i>
Action to be taken	<i>The Governing Council is invited to give thought to the question correspondents in the broader framework of the Strategic Plan and to appoint new correspondents</i>
Related document	<i>UNIDROIT 2012 – C.D. (91) 12</i>

1. At its 89th session (2010), the Governing Council agreed to refer the discussion on the functions of correspondents, the length of their mandate, their geographical distribution and ways to breathe new life into the existing network to the Working Group on the Strategic Plan established by the Council in the course of this session (see document C.D.(90) 16, paragraphs 16, 18 to 22, 38 and 39).

2. At its 90th session (2011), the Governing Council decided to follow the suggestion made by the Secretariat, pending the outcome of the current debate in the framework of the Strategic Plan, to refer to one year the procedure for the possible reappointment of the correspondents (the vast majority of which came to an end in April 2011), and any possible new proposal for appointment. It also stressed the need to further discuss the functions of correspondents, the length of their mandate, their geographical distribution and ways to breathe new life into the existing network as it appeared necessary "to devise more efficient communication processes and strategies" (cf. in particular UNIDROIT 2012 – C.D. (91) 12, § 36).

3. The mandate of all correspondents except one come to an end in April 2012 (after prorogation). The Secretariat suggests various alternatives to the Governing Council: (1) to refer again to one year the procedure for the possible reappointment of the correspondents (subject to a request sent to correspondents within the year); (2) to freeze the mandates until further notice; 3) to renew the mandates automatically for three years.

4. In support of further reflection on the network of correspondents UNIDROIT, the Secretariat reminds the functions of the correspondents as established by the Governing Council at its 75th session (1996) (cf. ANNEXE 1), indicates the list of correspondents as of 15th April 2012 (cf. ANNEXE 2) as well as their geographical distribution (cf. ANNEXE 3).

4. Last year, the Secretariat had suggested to refer any possible new proposal for appointment pending the result of the discussion within the Governing Council. Assuming the Council reaches the conclusion that the network of correspondents continues to be an asset in developing the Institute's outreach capacities and in accordance with the policy established by the Council to appoint new correspondents with the outmost caution, and to appoint only candidates who have contributed significantly to the Institute's work and if there are good reasons to believe they will continue to do so in the future, the President and the Secretary General propose the following candidates:

- Professor Bénédicte Fauvarque-Cosson, Professor of Law, Université Panthéon-Assas Paris II
- Professor Reinhard Zimmermann, Professor of Law and Director at the *Max-Planck-Institut für ausländisches und internationales Privatrecht*, Hamburg

Professors Fauvarque-Cosson and Zimmermann were members of the Working Group for the preparation of the UNIDROIT Principles 2010 and were Rapporteurs on Chapter 5, Section 3 on Conditions (Prof. Fauvarque-Cosson) and on Articles 3.2.14 (Retroactive effect of avoidance), 3.2.15 (Restitution), 7.3.6 and 7.3.7 on restitution (Prof. Zimmermann).

6. At its 85th session (2006), the Governing Council following the suggestion made by the Secretariat "to create a [new] special class of correspondents, including corporate correspondents such as law firms, industry associations, charitable organisations, etc. who contribute substantially and over a period of time by funding UNIDROIT activities, through secondments of staff to the Secretariat or in any other way" (then denominated "institutional correspondents") (cf. UNIDROIT 2006 – C.D. (85) 5). UNIDROIT has today two such institutional correspondents (law firms).

7. The President and the Secretary General propose to the Governing Council to nominate this year, as institutional correspondent, the *Max-Planck-Institut für ausländisches und internationales Privatrecht* of Hamburg. This institution has been supporting the work of UNIDROIT for many years, in particular as regards the Principles of International Commercial Contracts, but also the Institute's Library.

ANNEXE 1**FUNCTIONS OF THE CORRESPONDENTS OF UNIDROIT,
AS ESTABLISHED BY THE GOVERNING COUNCIL AT ITS 75th SESSION (1996)**

- To participate, upon the invitation of the President, in UNIDROIT study groups;
- to supply, at the request of the Secretariat, information on national law, on developments at the international (and regional) level in the areas of interest to UNIDROIT and on any legal instruments under preparation, and to suggest new topics for future study;
- to promote UNIDROIT instruments in business, professional and academic circles by means of the publication of articles in the press and by organising or participating in meetings intended to disseminate the work of the Institute, both past and present;
- to contribute to the *Uniform Law Review* (articles, case law, news on congresses, book reviews, etc.) and to supply input for the UNIDROIT database on uniform law;
- as regards correspondents from non-member States, to act as go-betweens with their Governments.

ANNEXE 2

**CORRESPONDENTS OF THE INSTITUTE / CORRESPONDANTS DE L'INSTITUT
as of 15 April 2012 / au 15 avril 2012**

	Name / Nom	Country / Pays	Mandat(e)
1	AZZIMAN Omar	Morocco / Maroc	1.V.2008 – 30.IV.2012
2	BEL HAJ HAMOUDA Ajmi	Tunisia / Tunisie	1.V.2008 – 30.IV.2012
3	BERAUDO Jean-Paul	France	1.V.2008 – 30.IV.2012
4	BERTHE Abdoul Wahab	Mali	1.V.2008 – 30.IV.2012
5	BEY El Mokhtar	Tunisia / Tunisie	1.V.2008 – 30.IV.2012
6	BOELE-WOELKI Katharina	The Netherlands / Pays-Bas	1.V.2008 – 30.IV.2012
7	BOGDANOWSKY DE MAEKELT Tatiana	Venezuela	1.V.2008 – 30.IV.2012
8	BOJARS Juris	Latvia / Lettonie	1.V.2008 – 30.IV.2012
9	BOSS Amelia Helen	USA	1.V.2008 – 30.IV.2012
10	BOUDAHRAIN Abdellah	Morocco / Maroc	1.V.2008 – 30.IV.2012
11	BOUTIN I. Gilberto	Panama	1.V.2008 – 30.IV.2012
12	BURMAN Harold S.	USA	1.V.2008 – 30.IV.2012
13	CALUS Andrzej	Poland / Pologne	1.V.2008 – 30.IV.2012
14	CASTILLO-TRIANA Rafael	Colombia / Colombie	1.V.2008 – 30.IV.2012
15	CHARFEDDINE Mohamed Kamel	Tunisia / Tunisie	1.V.2008 – 30.IV.2012
16	CHIAVARELLI Emilia	Italy / Italie	1.V.2008 – 30.IV.2012
17	CRAWFORD James Richard	United Kingdom / Royaume-Uni	1.V.2008 – 30.IV.2012
18	CRESPI REGHIZZI Gabriele	Italy / Italie	1.V.2008 – 30.IV.2012
19	CUMING Ronald C.C.	Canada	1.V.2008 – 30.IV.2012
20	DARANKOUM Sibidi Emmanuel	Burkina Faso	1.V.2008 – 30.IV.2012
21	DATE-BAH Samuel Kofi	Ghana	1.V.2008 – 30.IV.2012
22	DEKOVEN Ronald	USA	1.V.2008 – 30.IV.2012
23	DEL DUCA Louis	USA	1.V.2008 – 30.IV.2012
24	DE NOVA Giorgio	Italy / Italie	1.V.2008 – 30.IV.2012
25	DESCHAMPS Michel	Canada	1.V.2008 – 30.IV.2012
26	DIAZ BRAVO Arturo	Mexico / Mexique	1.V.2008 – 30.IV.2012
27	DROBNIG Ulrich	Germany / Allemagne	1.V.2008 – 30.IV.2012
28	EL KOSHERI Ahmed S.	Egypt / Egypte	1.V.2008 – 30.IV.2012
29	FEDCHUK Valery D.	Russian Fed. / Féd. de Russie	1.V.2008 – 30.IV.2012
30	FERRAND Frédérique	France	1.V.2008 – 30.IV.2012
31	FERRARINI Guido	Italy / Italie	1.V.2008 – 30.IV.2012

32	FINN Paul Desmond	Australia / <i>Australie</i>	1.V.2008 – 30.IV.2012
33	FONTAINE Marcel	Belgium / <i>Belgique</i>	1.V.2008 – 30.IV.2012
34	FRESNEDO DE AGUIRRE Cecilia	Uruguay	1.V.2008 – 30.IV.2012
35	FURMSTON Michael P.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 30.IV.2012
36	GARCÍA PUJOL Ignacio	Chile / <i>Chili</i>	1.V.2008 – 30.IV.2012
37	GARRO Alejandro	Argentina / <i>Argentine</i>	1.V.2008 – 30.IV.2012
38	GHATTAS Iskandar	Egypt / <i>Egypte</i>	1.V.2008 – 30.IV.2012
39	GOLDRING John L.	Australia / <i>Australie</i>	1.V.2008 – 30.IV.2012
40	HARTONO Sunaryati, S.H	Indonesia / <i>Indonésie</i>	1.V.2008 – 30.IV.2012
41	HAUCK Brian	USA	1.V.2009 – 30.IV.2012
42	HAZARD Geoffrey C., Jr	USA	1.V.2008 – 30.IV.2012
43	HERBER Rolf	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
44	HIROSE Hisakazu	Japan / <i>Japon</i>	1.V.2008 – 30.IV.2012
45	HINESTROSA Fernando	Colombia / <i>Colombie</i>	1.V.2008 – 30.IV.2012
46	HUANG Danhan	China / <i>Chine</i>	1.V.2008 – 30.IV.2012
47	ILLESCAS ORTIZ Rafael	Spain / <i>Espagne</i>	1.V.2008 – 30.IV.2012
48	ISSA-SAYEGH Joseph	Senegal / <i>Sénégal</i>	1.V.2008 – 30.IV.2012
49	IZADI Bijan	Iran	1.V.2008 – 30.IV.2012
50	JAUFFRET-SPINOSI Camille	France	1.V.2010 – 30.IV.2013
51	JAYME Erik	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
52	KAHN Philippe	France	1.V.2008 – 30.IV.2012
53	KASIRER Nicholas	Canada	1.V.2008 – 30.IV.2012
54	KEMELMAJER de CARLUCCI Aída R.	Argentina / <i>Argentine</i>	1.V.2008 – 30.IV.2012
55	KÖNKKÖLÄ Mikko	Finland / <i>Finlande</i>	1.V.2008 – 30.IV.2012
56	KOZOLCHYK Boris	USA	1.V.2008 – 30.IV.2012
57	KOZUKA Souichirou	Japan / <i>Japon</i>	1.V.2008 – 30.IV.2012
58	KRAMER Ernst A.	Switzerland / <i>Suisse</i>	1.V.2008 – 30.IV.2012
59	KREUZER Karl	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
60	LALIVE d'EPINAY Pierre	Switzerland / <i>Suisse</i>	1.V.2008 – 30.IV.2012
61	LANDO Ole	Denmark / <i>Danemark</i>	1.V.2008 – 30.IV.2012
62	LEAL ANGARITA Manuel	Colombia / <i>Colombie</i>	1.V.2008 – 30.IV.2012
63	LEFEBVRE Guy	Canada	1.V.2008 – 30.IV.2012
64	LIEBMAN Lance	USA	1.V.2008 – 30.IV.2012
65	MARCHISIO Sergio	Italy / <i>Italie</i>	1.V.2008 – 30.IV.2012

66	MARKESINIS Basil S.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 30.IV.2012
67	MASKOW Dietrich	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
68	McKENDRICK Ewan G.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 30.IV.2012
69	MOONEY Charles W., Jr.	USA	1.V.2008 – 30.IV.2012
70	MORAN BOVIO David	Spain / <i>Espagne</i>	1.V.2008 – 30.IV.2012
71	MOURA RAMOS Rui Manuel	Portugal	1.V.2008 – 30.IV.2012
72	NESGOS Peter D.	USA	1.V.2008 – 30.IV.2012
73	ORTIZ SOBALVARRO Alfonso	Guatemala	1.V.2008 – 30.IV.2012
74	OYEKUNLE Tinuade	Nigeria	1.V.2008 – 30.IV.2012
75	OZSUNAY Ergun	Turkey / <i>Turquie</i>	1.V.2008 – 30.IV.2012
76	PAMBOUKIS Charalambos	Greece / <i>Grèce</i>	1.V.2008 – 30.IV.2012
77	PETER Fritz	Switzerland / <i>Suisse</i>	1.V.2008 – 30.IV.2012
78	PROTT Lyndel V.	Australia / <i>Australie</i>	1.V.2008 – 30.IV.2012
79	RAMBERG Jan	Sweden / <i>Suède</i>	1.V.2008 – 30.IV.2012
80	REICHELTE Gerte	Austria / <i>Autriche</i>	1.V.2008 – 30.IV.2012
81	RIVERA Julio César	Argentina / <i>Argentine</i>	1.V.2008 – 30.IV.2012
82	ROSEN Howard	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 30.IV.2012
83	SÁNCHEZ-GAMBORINO Francisco José	Spain / <i>Espagne</i>	1.V.2008 – 30.IV.2012
84	SCHIPANI Sandro	Italy / <i>Italie</i>	1.V.2008 – 30.IV.2012
85	SCHULZ Albrecht	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
86	SIEHR Kurt	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
87	SIQUEIROS José Luis	Mexico / <i>Mexique</i>	1.V.2008 – 30.IV.2012
88	SONO Kazuaki	Japan / <i>Japon</i>	1.V.2008 – 30.IV.2012
89	STÜRNER Rolf	Germany / <i>Allemagne</i>	1.V.2008 – 30.IV.2012
90	SUCHARITKUL Sompong	USA	1.V.2008 – 30.IV.2012
91	SVIDRON Ján	Slovakia / <i>Slovaquie</i>	1.V.2008 – 30.IV.2012
92	SYNVET Hervé	France	1.V.2008 – 30.IV.2012
93	TALLON Denis	France	1.V.2008 – 30.IV.2012
94	VEYTIA Hernany	Mexico / <i>Mexique</i>	1.V.2008 – 30.IV.2012
95	WALLACE Don, Jr.	USA	1.V.2008 – 30.IV.2012
96	WEINBERG DE ROCA Inés M.	Argentina / <i>Argentine</i>	1.V.2008 – 30.IV.2012
97	WINSHIP Peter	USA	1.V.2008 – 30.IV.2012
98	WOOD Philip R.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 30.IV.2012
99	WOOL Jeffrey	USA	1.V.2008 – 30.IV.2012
100	ZEIDMAN Philip	USA	1.V.2008 – 30.IV.2012

101	ZIEGEL Jacob	Canada	1.V.2008 – 30.IV.2012
102	ZUMBO Frank	Australia / <i>Australie</i>	1.V.2008 – 30.IV.2012

Institutional correspondents / *Correspondants institutionnels*

1	FRESHFIELDS BRUCKHAUS DERINGER	United Kingdom <i>/ Royaume-Uni</i>	1.V.2008 – 30.IV.2012
2	JENNER & BLOCH	USA	1.V.2008 – 30.IV.2012

ANNEXE 3

DISTRIBUTION OF CORRESPONDENTS OF THE INSTITUTE BY REGION AND BY COUNTRY
– as of 1 April 2012 –

Non-member States of UNIDROIT are shown in italic script

	2012		2012		2012
Africa	12	Europe	47	Asia/Pacific	10
<i>Angola</i>	0	Austria	1	Australia	4
<i>Burkina Faso</i>	1	Belgium	1	China	1
<i>Cameroon</i>	0	Bulgaria	0	India	0
<i>Côte d'Ivoire</i>	0	Croatia	0	Indonesia	1
Egypt	2	Cyprus	0	Iran	1
<i>Ghana</i>	1	Czech Rep.	0	Iraq	0
<i>Kenya</i>	0	Denmark	1	Japan	3
<i>Madagascar</i>	0	Estonia	0	<i>New Zealand</i>	0
<i>Mali</i>	1	Finland	1	Pakistan	0
<i>Morocco</i>	2	France	6	<i>Philippines</i>	0
Nigeria	1	Germany	8	Rep. of Korea	0
<i>Central African Rep.</i>	0	Greece	1	Saudi Arabia	0
<i>Senegal</i>	1	Holy See	0	<i>Singapore</i>	0
South Africa	0	Hungary	0	<i>Thailand</i>	0
Tunisia	3	Ireland	0		
		Israel	0		
		Italy	6		
		Latvia	1		
Americas	35	Lithuania	0		
		Luxembourg	0		
Argentina	4	Malta	1		
Bolivia	0	The Netherlands	1		
Brazil	0	Norway	1		
Canada	5	Poland	1		
Chile	1	Portugal	1		
Colombia	3	Rep. of Serbia	0		
Cuba	0	Romania	0		
United States of America	15	Russian Federation	1		
<i>Guatemala</i>	1	San Marino	0		
Mexico	3	Slovakia	1		
Nicaragua	0	Slovenia	0		
<i>Panama</i>	1	Spain	3		
Paraguay	0	Sweden	1		
<i>Peru</i>	0	Switzerland	3		
Uruguay	1	Turkey	1		
Venezuela	1	United Kingdom	6		