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**Point No. 5 de l'ordre du jour: Rapport sur la situation relative aux correspondants
de l'Institut**

(note préparée par le Secrétariat)

<i>Sommaire</i>	<i>Approche radicalement nouvelle pour la nomination des correspondants</i>
<i>Action demandée</i>	<i>Voir les paragraphes 3 et 4</i>
<i>Documents connexes</i>	<i>C.D. (84) 22</i>

Priorité	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	élevée	moyenne	basse

INTRODUCTION

1. A la lumière des réponses totalement insatisfaisantes reçues à la demande du Secrétariat de soumettre des commentaires sur les sujets proposés pour le Programme de travail triennal, le Conseil a demandé au Secrétariat d'examiner la situation de façon plus approfondie. Le Secrétaire Général a en particulier été chargé d'envoyer une lettre aux correspondants "endormis" leur demandant si le fait de recevoir des communications du Secrétariat était considéré par eux comme une charge et, le cas échéant, s'ils souhaitaient être rayés de la liste des destinataires de documents et communications.

2. Les résultats de cette enquête figurent en Annexe I au présent document. Sur plus de 70 correspondants qui ont reçu ladite lettre, deux seulement ont répondu, l'un demandant d'être rayé de la liste et l'autre de continuer à y figurer.

MESURES A PRENDRE

3. *Le Secrétariat suggère de remédier à cette situation de la façon suivante:*

a) *les personnes qui figurent sur la liste en Annexe I avec deux signes négatifs sont supprimés de la liste sans toutefois être privés de leur statut de façon explicite;*

b) *à la suggestion de M. Widmer, les nominations futures de personnes se feront, en principe, sur la base des mérites réels plutôt que potentiels et, deuxièmement, en préférant des personnes jeunes et "affamées" plutôt que des célébrités débordées de travail;*

c) *il faudrait examiner la possibilité de créer une catégorie spéciale de correspondants, y compris des personnes morales comme des cabinets d'avocats, des associations représentant des industries particulières, des organisations charitables, etc. qui contribuent de façon importante et pendant un certain délai au financement des activités d'UNIDROIT, par la voie de mise à disposition de personnel au Secrétariat ou de toute autre façon.*

4. *Le Secrétariat propose de nommer en tant que premier membre de cette catégorie spéciale le cabinet d'avocats Jenner & Block LLP de Washington, DC. Ce cabinet a financé la présence au sein du Secrétariat de M. Brian Hauck pour l'élaboration du projet de Loi type sur le leasing. Le profil du cabinet figure en Annexe II au présent document.*

ANNEXE I

CORRESPONDANTS DE L'INSTITUT AU 1er MARS 2006

	Nom	Pays	Réponse sur le Programme de travail	Autre contact depuis 2003
1	ABASCAL ZAMORA José María	Mexique	–	+
2	ABOUL-ENEIN Mohamed	Egypte	–	+
3	AGARWAL Vinod K.	Inde	–	–
4	AKANLE Oluwole	Nigéria	–	–
5	AUDIT Bernard	France	–	–
6	AVILOV Gainan	Fédération de Russie	–	+
7	AZZIMAN Omar	Maroc	–	–
8	BEL HAJ HAMOUDA Ajmi	Tunisie	–	–
9	BERAUDO Jean-Paul	France	–	+
10	BERTHE Abdoul Wahab	Mali	–	–
11	BEY EI Mokhtar	Tunisie	+	+
12	BIENVENU Pierre	Canada	–	–
13	BOELE-WOELKI Katharina	Pays-Bas	–	+
14	BOGDANOWSKY DE MAEKELT Tatiana	Venezuela	–	–
15	BOJARS Juris	Lettonie	–	+
16	BOSS Amelia Helen	Etats-Unis d'Amérique	–	+
17	BROUWER George	Australie	–	+
18	BOUDAHRAIN Abdellah	Maroc	+	–
19	BOUTIN I. Gilberto	Panama	–	+
20	BURMAN Harold S.	Etats-Unis d'Amérique	+	+
21	CALUS Andrzej	Pologne	+	+
22	CAMINOS Hugo	Etats-Unis d'Amérique	–	–
23	CAPRIGLIONE Francesco	Italie	–	–
24	CHARFEDDINE Mohamed Kamel	Tunisie	–	+
25	CHIASSON Edward C.	Canada	–	–
26	CHIAVARELLI Emilia	Italie	–	–
27	CHIOMENTI Filippo	Italie	–	+
28	CHURCH Joan	Afrique du Sud	–	–
29	CLETON Robert	Pays-Bas	–	–
30	CRAWFORD James Richard	Royaume-Uni	–	+
31	CREPEAU Paul-André	Canada	+	+
32	CRESPI REGHIZZI Gabriele	Italie	–	+
33	CUMING Ronald C.C.	Canada	–	+

	Nom	Pays	Réponse sur le Programme de travail	Autre contact depuis 2003
34	CURTI GIALDINO Carlo	Italie	–	–
35	DADACHANJI J.B.	Inde	–	–
36	DATE-BAH Samuel Kofi	Ghana	+	+
37	DEKOVEN Ronald	Etats-Unis d'Amérique	+	+
38	DEL DUCA Louis	Etats-Unis d'Amérique	–	+
39	DE NOVA Giorgio	Italie	+	+
40	DESCHAMPS Michel	Canada	–	+
41	DIAZ BRAVO Arturo	Mexique	–	+
42	DROBNIG Ulrich	Allemagne	–	+
43	DUCHEK Alfred	Autriche	–	–
44	EL KOSHERI Ahmed S.	Egypte	–	+
45	FELICIANO Fiorentino P.	Philippines	–	–
46	FERRAND Frédérique	France	–	+
47	FERRARINI Guido	Italie	–	+
48	FINN Paul Desmond	Australie	+	+
49	FONTAINE Marcel	Belgique	+	+
50	FRESNEDO DE AGUIRRE Cecilia	Uruguay	–	+
51	FURMSTON Michael P.	Royaume-Uni	+	+
52	GARCÍA PUJOL Ignacio	Chili	–	+
53	GARRO Alejandro	Argentine	+	+
54	GHATTAS Iskandar	Egypte	–	+
55	GOLDRING John L.	Australie	–	+
56	GRANDINO RODAS João	Brésil	–	–
57	HARTONO Sunaryati, S.H	Indonésie	–	+
58	HAZARD Geoffrey C., Jr	Etats-Unis d'Amérique	–	+
59	HERBER Rolf	Allemagne	–	–
60	HERBOTS Jacques	Belgique	–	+
61	HIROSE Hisakazu	Japon	–	+
62	HINESTROSA Fernando	Colombie	–	+
63	HJERNER Lars	Suède	–	–
64	HONNOLD John	Etats-Unis d'Amérique	–	–
65	HUANG Danhan	Chine	–	+
66	ILLESCAS ORTIZ Rafael	Espagne	–	+
67	ISSA-SAYEGH Joseph	Sénégal	–	+
68	IZADI Bijan	Iran	–	+
69	JAYME Erik	Allemagne	–	+
70	KAHN Philippe	France	–	–

	Nom	Pays	Réponse sur le Programme de travail	Autre contact depuis 2003
72	KASIRER Nicholas	Canada	–	+
73	KEMELMAJER de CARLUCCI Aída R.	Argentine	–	+
74	KOH Kheng-Lian	Singapour	–	–
75	KONIGSBERG Alexander S.	Canada	–	+
76	KÖNKKÖLÄ Mikko	Finlande	–	+
77	KOUMANTOS Georges	Grèce	–	–
78	KOZOLCHYK Boris	Etats-Unis d'Amérique	–	+
79	KOZUKA Souichirou	Japon	–	+
80	KRAMER Ernst A.	Suisse	–	–
81	KREUZER Karl	Allemagne	–	+
82	KRINGS J. Ernest	Belgique	–	+
83	KULSHRESHTHA V.D.	Inde	–	–
84	LALIVE d'EPINAY Pierre	Suisse	–	+
85	LANDO Ole	Danemark	+	+
86	LEANZA Umberto	Italie	–	–
87	LEFEBVRE Guy	Canada	–	+
88	LIBRANDO Vito	Italie	–	–
89	LIEBMAN Lance	Etats-Unis d'Amérique	–	+
90	LOHOUES-OBLE Jacqueline	Côte d'Ivoire	–	–
91	LONGO Giovanni	Italie	–	–
92	de MAGALHÃES José Carlos	Brésil	–	–
93	MARCHISIO Sergio	Italie	–	+
94	MARKESINIS Basil S.	Royaume-Uni	–	+
95	MARTYNOV Anatoli S.	Fédération de Russie	–	–
96	MASKOW Dietrich	Allemagne	–	–
97	McKENDRICK Ewan G.	Royaume-Uni	–	+
98	MEDINA Maria do Carmo	Angola	–	–
99	MENDELSON Martin	Royaume-Uni	–	+
100	MICALLEF Joseph A.	Malte	–	–
101	MOONEY Charles W., Jr.	Etats-Unis d'Amérique	–	+
102	MORAN BOVIO David	Espagne	–	+
103	MOURA RAMOS Rui Manuel	Portugal	–	+
104	MUTUNGI Onesimus K.	Kenya	–	–
105	NAGANO Osamu	Japon	–	–
106	NANARE Damienne	République centrafricaine	–	–
107	NDIAYE Youssoupha	Sénégal	–	–

	Nom	Pays	Réponse sur le Programme de travail	Autre contact depuis 2003
108	NESGOS Peter D.	Etats-Unis d'Amérique	–	+
109	NGOMO Angéline Florence	Cameroun	–	–
110	OKANI ABENGUE Rachel-Claire	Cameroun	–	–
111	ORLEANS G. A.	Ghana	–	–
112	ORTIZ SOBALVARRO Alfonso	Guatemala	–	+
113	OYEKUNLE Tinuade	Nigéria	–	+
114	OZSUNAY Ergun	Turquie	–	–
115	PAMBOUKIS Charalambos	Grèce	–	+
116	PANEBIANCO Massimo	Italie	–	–
117	PARK Nohyoung	République de Corée	–	–
118	PERTICONE Giacomo	Italie	–	–
119	PETER Fritz	Suisse	+	+
120	PFUND Peter H.	Etats-Unis d'Amérique	–	–
121	PIAGGI VANOSSI Ana Isabel	Argentine	–	–
122	PINHEIRO FARINHA João de Deus	Portugal	–	–
123	PROTT Lyndel V.	Australie	–	+
124	RAJSKI Jerzy	Pologne	–	–
125	RAKOVER Nahum	Israël	–	+
126	RAMBERG Jan	Suède	–	+
127	RAZAFINALAMBO Edilbert	Madagascar	–	–
128	REICHELTE Gerte	Autriche	–	+
129	REISMAN Albert F.	Etats-Unis d'Amérique	–	–
130	RESCIGNO Pietro	Italie	–	–
131	RIVERA Julio César	Argentine	–	+
132	ROGNLIEN Stein	Norvège	–	+
133	ROSEN Howard	Royaume-Uni	–	+
134	SACCO Rodolfo	Italie	–	–
135	SAFARIYAN Abbas	Iran	–	–
136	SAJKO Kresimir	Croatie	–	–
137	SALEHABADI Amélia	Canada	–	–
138	SAMSON Claude	Canada	–	–
139	SÁNCHEZ-GAMBORINO Francisco José	Espagne	–	+
140	SA NTOS Gonzalo T., Jr	Philippines	–	–
141	SCHIAVONI Giorgio	Italie	–	+
142	SCHIPANI Sandro	Italie	–	+

	Nom	Pays	Réponse sur le Programme de travail	Autre contact depuis 2003
143	SCHULZ Albrecht	Allemagne	–	+
144	SIEHR Kurt	Allemagne	–	+
145	SHI Zhaoyu	Chine	–	–
146	SHYLLON Folarin Olawale	Nigéria	–	+
147	SIQUEIROS José Luis	Mexique	–	+
148	SOHN Kyung Han	République de Corée	–	–
149	SOLIMAN Mahmoud A.	Egypte	–	–
150	SOMMER Heinrich Johannes	Allemagne	+	–
151	SONO Kazuaki	Japon	–	–
152	STOICHEV Krassen	Bulgarie	–	–
153	STURMS W.W.	Pays-Bas	–	–
154	STÜRNER Rolf	Allemagne	+	+
155	SUCHARITKUL Sompong	Etats-Unis d'Amérique	–	–
156	SVIDRON Ján	Slovaquie	–	+
157	SYNVET Hervé	France	–	+
158	TALLON Denis	France	–	–
159	TOLENTINO Arturo	Philippines	–	–
160	TSAMBASSY Tania	Grèce	–	–
161	VAGTS Detlev F.	Etats-Unis d'Amérique	–	–
162	VEYTIA Hernany	Mexique	–	+
163	VILLAÇA AZEVEDO Álvaro	Brésil	–	–
164	WALLACE Don, Jr.	Etats-Unis d'Amérique	–	+
165	WALTER Gerhard	Suisse	–	–
166	WEINBERG DE ROCA Inés M.	Argentine	–	+
167	WEITZEL Albert	Luxembourg	–	+
168	WINSHIP Peter	Etats-Unis d'Amérique	–	+
169	WOOD Philip R.	Royaume-Uni	–	+
170	WOOL Jeffrey	Etats-Unis d'Amérique	–	+
171	XERRI Alessandra	Italie	–	–
172	ZEIDMAN Philip	Etats-Unis d'Amérique	–	+
173	ZIEGEL Jacob	Canada	–	–
174	ZOLEZZI Lorenzo	Pérou	–	–
175	ZUMBO Frank	Australie	–	+

ANNEXE II

**CONTRIBUTION DU CABINET JENNER & BLOCK LLP
A UNIDROIT**

Sur les encouragements de M. Ronald DeKoven, correspondant d'UNIDROIT depuis de nombreuses années, le cabinet Jenner & Block LLP a décidé au printemps 2005 de mettre un jeune avocat à disposition de l'Institut pendant une période de neuf mois à compter du 1^{er} octobre 2005, au cours de laquelle il assisterait l'Institut dans l'élaboration d'une loi type sur le *leasing* avec les fonctions de Secrétaire du Comité consultatif chargé de suivre la rédaction de la loi type, et d'assistant du Rapporteur, M. DeKoven.

Le soutien du cabinet Jenner & Block LLP pour l'élaboration de la loi type a été fondamental pour progresser. En effet, le Conseil de Direction ayant décidé que la préparation de la loi type sur le *leasing* ne devait pas avoir de répercussion sur le budget de l'Institut, ce projet n'a pu avancer que grâce à des sources extérieures de financement. Si les membres du Comité consultatif offrent leurs services et prennent en charge leurs propres frais, ou trouvent le financement ailleurs, la question restait ouverte de savoir comment le Secrétariat pourrait faciliter la procédure sans enlever des ressources aux autres projets importants de l'Institut. L'avocat du cabinet Jenner & Block LLP a contribué à tous les aspects de l'élaboration de la loi type: préparation des textes à soumettre au Rapporteur, recherche sur des questions posées par les membres du Comité consultatif, coordination de la préparation des trois sessions du Comité consultatif.

En partie grâce à la générosité du cabinet Jenner & Block LLP à travers cette mise à disposition d'un avocat, l'élaboration de la loi type sur le *leasing* est allée de l'avant très rapidement comme l'a demandé le Comité consultatif en raison de l'urgence d'une telle loi dans certains Etats. En moins de six mois à compter de la première session le 17 octobre 2005, le Comité consultatif s'est réuni à trois reprises à Rome, a examiné et commenté divers projets de texte et convenu d'un texte qu'il a recommandé au Conseil de Direction. Les services fournis par le cabinet Jenner & Block LLP à l'Institut ont ainsi aidé à promouvoir les objectifs stratégiques de l'Institut tout en maintenant l'engagement du Secrétariat à l'égard de ses autres projets.

Le cabinet Jenner & Block LLP est également très actif sur la scène internationale en assistant ses clients sur des questions de droit privé dans le monde entier. Un échantillon représentatif de ses activités internationales figure ci-après (en anglais seulement).

JENNER & BLOCK

Several of Jenner & Block's corporate clients are large companies headquartered in Europe, Japan and Latin America. Our long-standing relationships and experience with these corporations allow us to provide key insights and experience in the context of cross-border transactions. We assist our international clients with joint ventures and acquisitions in the United States as well as compliance with applicable United States regulatory requirements. We work closely with partners in our tax, intellectual property, regulatory and litigation practice to assist international clients with a wide array of disciplines.

Additionally, the transactions we engage in for our domestic clients increasingly involve significant international components, including non-U.S. securities compliance, anti-competition issues, tax structuring and planning, lien perfection matters, transfer pricing and other local law issues that arise in the context of acquisition and loan transactions. In connection with those matters, we coordinate with correspondent firms around the world. A number of our partners have been resident in Japan and the United Kingdom on multiple-year assignments. Those in Japan have been visiting members of a prominent Tokyo law firm. We have also regularly hosted visiting lawyers seconded to us from abroad.

International matters handled by our attorneys include:

Corporate Matters

- Establishing, restructuring and terminating joint ventures between Japanese multi-nationals and U.S. companies.
- Tender offer acquisitions in Australia and Ireland.
- An international (U.S., Japan and Europe) secondary securities offering of a Japanese automobile manufacturer's common stock, the acquisition of oil and gas fields in Ecuador.
- The acquisition of the protective and flexible packaging businesses of NV Koninklijke KNP TST, including negotiations and closing of the transaction in the Netherlands, Great Britain, Germany, Italy, France, Egypt, Poland and Belgium, with aggregate consideration in excess of approximately U.S. \$400 million.
- A restructuring of the existing financing of a Japanese multi-national corporation for Nippon Credit Bank.
- An international acquisition by Tenneco Inc. of Autocan, a Mexican catalytic converter and exhaust pipe assembly manufacturer.
- A U.S. \$200 million international asset acquisition by a U.S. based multi-national which had simultaneous closings in 15 countries.
- Restructurings of an automobile manufacturer's operations in Brazil, Mexico, the U.K. and Australia.

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- A joint venture between a U.S. automobile component manufacturer and a Czech company for manufacture of components in the Czech Republic.
 - A number of joint ventures between U.S. corporations and companies throughout Europe.
 - An international debt restructuring in excess of U.S. \$1 billion.
 - The recovery of assets and establishment of a distribution network in Japan for a U.S. client after its long-time, exclusive distributor in Japan filed for bankruptcy.
 - The establishment of a distribution arrangement in Mexico for a U.S. company and a U.S. subsidiary of a Netherlands multi-national corporation.
 - Structuring a series of investments in U.S. companies for Neste Oy, Finland's national oil and chemical corporation, as well as restructuring of certain of its U.S. and Canadian subsidiaries.
 - A joint venture project in Russia on behalf of a U.S. manufacturer of telecommunications equipment involving U.K. and Canadian joint venture partners.
 - Establishment of a joint venture between Mitsubishi Electric and NEC Corporation with respect to their North American computer monitor businesses.

**Cross-Border
M&A Capabilities**

We are accustomed to serving as “deal counsel” for U.S. based companies in cross-border M&A transactions.

- Several partners have practiced abroad for extended periods—London, Tokyo
- One member of the Firm is currently based in London—with extensive cross-border leasing expertise
- Relationships with local counsel throughout the EU and Asia-Pac
- Longstanding practice of hosting visiting transactional lawyers

Cross-border transactions that our partners have led include:

- Sale of American Tool Company to Newell Rubbermaid
- Exide Technologies acquisition of the GNB Battery business
- Acquisition by Motorola of the Force Computers business of Solectron Corporation
- Disposition of the pacemaker manufacturing operations of Pacific Dunlop Limited
- General Dynamics acquisition of GM Canada

**International
Arbitration
Experience**

- We represented Ticona (formerly Hoechst Celanese Corporation) in the arbitration of an insurance coverage dispute against an offshore insurer. The three-member arbitration panel, which sat in London and was chaired by a member of England's House of Lords, awarded our client in excess of \$90 million, including policy limits and an award of pre-judgment and post-judgment interest.
- We represented General Dynamics in an ICC arbitration in Geneva, Switzerland concerning a dispute over a contract to build military combat vehicles. Our client prevailed and was awarded all of its costs and attorneys' fees.
- We successfully represented Lockheed Martin in an international arbitration against Thomson CSF concerning alleged defects in an anti-aircraft missile.
- We represented the owner of a hotel in the Cayman Islands in an international arbitration before a three-member tribunal concerning insurance coverage for a property loss caused by a hurricane. We prevailed in the arbitration, in which the insurer attempted to void the policy based on a misrepresentation in the policy application process.
- We represented a Venezuelan petrochemical company against London insurers in an arbitration before the Law Society of London. Our client obtained a substantial award.

Litigation**Semiconductor Cases**

- We represented Hitachi in a patent infringement suit filed in August 2000 concerning three patents relating to DRAM and SDRAM technology.
- We represented Hitachi in patent infringement litigation concerning 8 Rambus patents on synchronous memory devices, including DDR SDRAM and memory controllers. The litigation, which was prosecuted simultaneously in 2000 in federal court, in the ITC, and in a German court, involved counterclaims asserting patent misuse, antitrust violations and unfair licensing practices.
- We represented Hitachi in 2001 and 2002 in infringement and breach of contract cases involving the parties' memory patents.
- We represented Hitachi in an action involving charges of patent infringement of a number of the parties' DRAM patents.
- We represented Hitachi in patent infringement litigation concerning microprocessor and memory technology.
- We are representing the plaintiff in a patent infringement suit filed in December 2003 concerning seven patents relating to DRAM and SDRAM technology.

Television/CRT Technology

- We represented Funai in patent infringement litigation concerning 3 patents on TV and VCR tuner technology.
- We represented Hitachi in a patent infringement case involving several Hitachi patents on cathode ray tube (CRT) displays.

Other Patent Litigation Engagements

- We represented SEL in infringement litigation involving SEL patents covering thin film transistors used in the manufacture of LCDs.
- We represent SEL in infringement litigation involving SEL patents covering the process used in manufacturing low temperature polysilicon thin film transistors used in LCD devices.
- We represented Mitsubishi Electric in a patent infringement case concerning patents covering industrial sewing machines.
- We represented Namco America Inc. in patent infringement litigation concerning 2 patents on video game technology.
- We represent Mitsubishi Electric in patent infringement litigation involving sensors used to activate air bag safety systems used in automobiles.

Other Matters

- We represent Schunk GmbH, a German electrical carbon products manufacturer, in a Sherman Act class action pending in New Jersey, which is in the process of a nationwide settlement. We are also defending claims by opt-outs from the settlement and a parallel state court antitrust suit in California.
- We represented several Japanese companies in negotiations with the U.S. Department of Justice in situations where the U.S. Government threatened to indict our clients for alleged violations of the antitrust laws.
- We represented several Japanese defendants in civil antitrust litigation in various courts in the U.S. and in Canada.
- We represented a number of U.S. subsidiaries of Japanese companies in litigation involving employment disputes, claims of patent infringement, charges of breach of contract, distributorship terminations and product liability.

**International
Bankruptcy
Experience**

- We recently advised a steering group of Hungarian banks in relation to English law intercreditor and security aspects of an \$140 million out-of-court restructuring for NABI Rt. (a Hungarian bus manufacturer) and its American subsidiary, North America Bus Industries, Inc.
- We represent TXU Europe Ltd., a British utility company that is under administration in the High Court of Justice of England and Wales. We recently obtained a permanent injunction for TXU Europe Ltd. in the U.S. Bankruptcy Court for the Southern District of New York in Manhattan that blocks U.S. creditors from taking legal action against TXU Europe Ltd.'s assets in U.S. courts. We are also assisting the administrators in their attempt to recover amounts due to TXU Europe Ltd. from U.S. entities.

Practices

Antitrust and Trade Regulation	Insurance Litigation and Counseling
Appellate and Supreme Court Practice	Intellectual Property
Arbitration: Domestic and International	Labor and Employment
Association Practice	Litigation & Dispute Resolution Practice
Bankruptcy, Workout and Corporate Reorganization	Media and First Amendment Practice
Class Action Litigation	Mergers & Acquisitions
Commercial Law and Uniform Commercial Code	Pharmaceutical, Biotech and Medical Device
Complex Business Litigation	Private Equity and Emerging Companies
Construction Law	Products Liability and Mass Tort Defense
Corporate	Professional Liability Litigation
Corporate Finance	Public Policy
Defense and Aerospace	Real Estate
Employee Benefits and Executive Compensation	Real Estate Securities Practice
Entertainment and New Media	Reinsurance Practice
Environmental, Energy and Natural Resources Law	Securities
ERISA Litigation	Securities Litigation
Estate Planning and Administration	Tax Practice
Family Law	Tax Controversy Practice
Government Contracts	Telecommunications
Health Care Law	Trade Secrets and Unfair Competition
	White Collar Criminal Defense and Counseling

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