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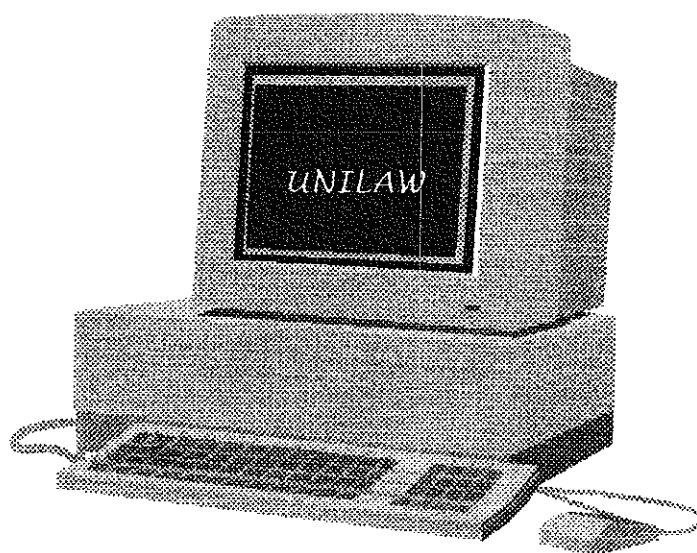
ORGANISATION OF A UNIDROIT INFORMATION SYSTEM OR DATA BASE ON
UNIFORM LAW

(Prospectus
Secretariat memorandum)

Rome, November 1995

UNIDROIT

Proposal for a Data Base on Uniform Law



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The International Institute for the Unification of Private Law (Unidroit) is proposing to set up a data base on uniform law. The proposed data base would deal with a number of different areas of law, including transport law, international sales, international arbitration and cultural property. This prospectus illustrates the background to the project, its aims and the possible methods of operation of the data base.

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UNILAW

THE PROPOSED UNIDROIT DATA BASE ON UNIFORM LAW

THE UNIDROIT INITIATIVE

1. BACKGROUND

As the technological revolution of the last three decades advanced, the International Institute for the Unification of Private Law (Unidroit) realised the importance that high quality electronic systems, and particularly a uniform law information system or data base, could have for its work. The setting up of such a data base was first proposed in 1985, but due to other pressing priorities and to the need to identify new sources of funding, was not actively pursued.

The urgency of the matter has become increasingly apparent. Over the years, retrieving information, above all up-to-date information, from traditional hard copy and electronic systems has become increasingly difficult. The volume of relevant material has expanded constantly and with even greater rapidity. Furthermore, no single institution has established itself as a point for the collection of at least the most important data on major uniform law topics. Commercially available electronic and hard copy materials only partially meet this need. A combination of these factors led Unidroit to the conclusion that the decision to set up an information centre itself to act as the point of reference for uniform law could no longer be post-poned.

In 1994 the Governing Council of the Institute acknowledged these findings and took a formal decision to this effect. With the authority of the Governing Council the Secretariat conducted surveys among four categories of potential users of the data base (members of the International Bar Association, international organisations, arbitral institutes and tribunals and chambers of commerce and industry) to determine the interest for a data base such as the one envisaged.

2. WHY IS UNIDROIT PROPOSING A UNIFORM LAW DATA BASE?

At its 73rd session in March 1995 the Governing Council of the Institute was seized of the results of the surveys conducted by the Secretariat. The evidence collected by these surveys, as well as a mature reflection of Council members on the Institute and its role in a changing world, led the Council to accept that there was:

- ♦ considerable potential demand from States and their legal advisers, other international organisations, legal practitioners and academics for expeditious and efficient access to a high-quality source of uniform law;

- ♦ this demand could not be satisfactorily met from the Unidroit Library and other available hard copy and electronic sources;
- ♦ the Institute could usefully fulfil its statutory purposes through the provision of information regarding uniform law. It was a service to the international community that of all international organisations Unidroit was in the best position to render, and
- ♦ state of the art electronic information technology was now available or becoming available which would allow the Institute to continue better to discharge its uniform law co-ordination and information roles to the international community into the twenty-first century.

In the light of the generally favourable responses received, the Governing Council of Unidroit at its March 1995 Session requested the Secretariat to go ahead with planning for the development of a proposed uniform law data base. As part of this planning, interested international organisations were invited to attend a meeting in Rome to discuss the data base, its scope and objectives, as well as the possibilities which exist for co-operation on this project between these organisations and Unidroit. The meeting was held on 2 February 1996 and saw the participation of the following seventeen inter-governmental and non-governmental organisations: the International Maritime Organization (IMO), the International Trade Centre UNCTAD/GATT (ITC - UNCTAD/GATT), United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), the Commonwealth Secretariat, the Council of Europe, the Nordic Council for Research on European Integration Law (NORFEIR), the Organisation for Economic Co-operation and Development (OECD), the *Organisation internationale pour les transports internationaux ferroviaires* (OTIF), the *Comité maritime international* (CMI), the International Bar Association (IBA), the *Union internationale des avocats* (UIA), the *Centre d'études sur la coopération juridique internationale* (CECOJI), the Centre for Comparative and Foreign Law Studies, and the *Institut international de droit d'expression et d'inspiration françaises* (IDEF).

The organisations expressed great interest in the project, indicating that if it became operative it would be of considerable benefit to the international community. It was a very ambitious project, but the organisations present were prepared to offer assistance. The meeting ended with all organisations present which are depositories of materials and information indicating what they would be able to offer the proposed Unidroit data base, both in terms of presently existing materials and in terms of consultations for the future. Clearly, the assistance the organisations would be able to offer would depend on their resources.

What is proposed is that a uniform law on-line data base (*UNILAW*) should be built progressively. This prospectus outlines the preliminary thinking of the Unidroit Secretariat on how users would be provided access to uniform law sources, including through subsidiary processes such as CD-ROM and hard copy.

Law often follows other applications in capitalising on the opportunities provided by modern technology. This is true of law in general, but is especially true of those areas of law which are mistakenly perceived by many as of no immediate interest to everyday business

and social life, that is, international and comparative law. Many developed countries now have data bases offering information on domestic law - legislation and case law - but there are relatively few that deal in any systematic way with international law in general or with uniform private law in particular. It is to fill this void that Unidroit has decided to set up a data base on uniform law.

3. IS UNIFORM LAW SO IMPORTANT?

The harmonisation or unification of law is a subject which is unfamiliar to most lawyers. It is a discipline which is not a core curriculum area in law schools and is therefore foreign to the majority of the legal profession. Many are not aware when they work with their national law that significant parts derive from international conventions. More to the point, too many are unaware that instruments such as the *1980 United Nations Convention on Contracts for the International Sale of Goods* are applicable to many transactions of their clients unless other provision is made.

There are a variety of strategies that may be adopted in seeking to harmonise law: through the preparation of international conventions, through uniform laws, through model laws or through guidelines. Not all subjects can be dealt with in the same manner. To be effective the instrument chosen has to be suited to the subject at hand, to the circumstances of the time and to the state of the law on the subject within each of the major legal traditions of the world.

Much uniform law development is painstakingly slow. But we live in a world that is increasingly interdependent and where the technological revolution of the information age means that developments occur with increasing speed. The world, however, has not as yet become so small as to obliterate all differences in cultures, customs and laws. The differences which remain are indeed so great, that they are liable to create very real problems in international relations. There is therefore an urgent need for a common legal framework that deals with this new situation and it is the role of international organisations such as Unidroit to supply that framework.

4. WHY SHOULD UNIDROIT BE THE ONE TO SPONSOR UNILAW AND PROMOTE UNIFORM LAW?

The *International Institute for the Unification of Private Law*, more commonly known as *Unidroit*, was originally founded in 1926 as an auxiliary organ of the League of Nations. Following the demise of the League of Nations it was re-established in 1940 on the basis of a multilateral agreement. It is an independent inter-governmental organisation, not part of the United Nations system, with fifty-eight member States.

The purposes of the organisation as set out in Article 1 of its Statute are:

"to examine ways of harmonising and coordinating the private law of States and of groups of States, and to prepare gradually for the adoption by the various States of uniform rules of private law".

and German), on copyright laws and treaties (again, in English and French and, where available, in Spanish and German), an industrial property glossary (available in English, French and Spanish) and a ratification file (available in English and French). IPLEX is published every three months. The paper-based collection of documentation includes national intellectual property legislation, international, multilateral, regional and bilateral agreements in the intellectual property field (published in English and French). It has no information on case law or legal writing.

The *World Bank* has the *World Development Report 1978 - 1995* and the *World Data 1995* available on CD-ROM, both single user and net work versions. The *World Development Indicators 1995* are also available, but on diskette - single user and network versions.

The *World Trade Organization (WTO)*, as the successor of the GATT, has a data base containing an analytical index with the body of cases of the GATT. This data base will in the future contain also the body of cases of the WTO. Organised by legal concept by article of the various agreements, it contains the interpretation of the provisions as it results from the case law. This analytical index is available also on CD-ROM. The WTO also has a local network, to which member Governments are increasingly joining. In preparation is an electronic *Central Registry* for the notification system which the WTO is setting up following the agreements signed at Marrakech. The WTO and WIPO have also reached an agreement on the mutual recognition of notifications which are made to either of the organisations in accordance with the TRIPS agreement and the relevant WIPO agreements.

The *Organization for Economic Cooperation and Development (OECD)* has no data base dealing specifically with legal matters. It runs an "On-Line Service" (OLIS) which contains all the internal documents of the organisation, including all the reports and the working documents and all documents that are confidential or still restricted. Access to this data base is restricted.

The *Commonwealth Secretariat* is currently preparing data bases on legal positions in relation to money laundering and on the legal regulation of financial regulators. It is also planning a data base on the status of Commonwealth member States in relation to international conventions (twenty international conventions are currently considered in the preliminary research for this data base) and a data base on the domestic legislation of Commonwealth member States on human rights in general. Also at the planning stage is a data base on the legislation of Commonwealth member States for the protection of cultural property which has been illegally removed from their territory.

The *Organisation internationale pour les transports internationaux ferroviaires (OTIF)* has available information concerning the signature, entry into force of, and reservations to, the COTIF Convention and its modifications. It has also maintained an index of legal precedents ever since the entry into force of the first Convention for the International Carriage by Rail in 1893, although court decisions on the basis of the COTIF/CIM have become rather exceptional. The OCTI also publishes a periodical Bulletin which contains a bibliography, but no systematic or cumulative index of these bibliographies is available.

The Treaty Office of the *Council of Europe* collects all official correspondence relating to the treaties with respect to which the Secretary General exercises depositary functions. Case law and legal writing are however not archived in a systematic manner. The information on signatures and ratifications is published in loose-leaf form in the *Chart of*

signatures and ratifications which is up-dated four times a year. All information on signatures and ratifications as well as the full text of about thirty treaties, is available on *INFOCENTRE*, the Council of Europe data base. It is envisaged to include as soon as possible the text of all the treaties as well as reservations and declarations thereto. For the time being *INFOCENTRE* is however not open to access by out-side users. The Council of Europe has a data base called *CERES*, which is a bibliographic data base which contains a list of the documents of the organisation and of the hard copy collections. It also has a data base which contains the full text of the judgments of the Court of Human Rights since 1960 and of the decisions of the Commission of Human Rights since 1985 (*HUDOC*). Finally, the *EDICNV* data base contains the status of signatures and ratifications of the 160 conventions of the Council of Europe. None of these data bases are accessible to outside users. A project is underway to produce a CD-ROM containing the full text of all Council of Europe treaties, reservations and declarations thereto, as well as all the information regarding signatures and ratifications.

The *European Communities* have what are probably the most developed data bases. These include *CELEX* (*Communitatis Europaeae Lex*); *SCAD* (*Système communautaire d'accès à la documentation*); *INFO 92*; *ECLAS* (*European Commission's Library Automated System*); *JURISTOTE* (*Studies on European Integration*); *JUSLETTER*; *ELLIS* (*European Legal Literature Information Service*) and *ABEL* (*Amtsblatt elektronisch*).² Of these data bases *SCAD*, *EURISTOTE*, *JUSLETTER*, *ELLIS*, and *ABEL* contain exclusively European Union material, whereas *CELEX* and *INFO92* include also national implementing legislation and, in the case of *CELEX*, national case law. Some of the data bases are furthermore available through other systems, such as for example *CELEX* which is available through *WESTLAW*.

The *Organization of American States (OAS)* is in the process of making its data base on *Information on Treaties and Agreements of the Interamerican System* available through Internet. This data base includes information on status of ratifications.

The *Asian-African Legal Consultative Committee (AALCC)* is in the process of creating a data base on the *Legal Framework for Foreign Investment in Asia and Africa*. This data base will include multilateral instruments, bilateral treaties for the promotion and protection of investments and investment codes and laws.

The *Comité Maritime International (CMI)* publishes a yearbook which contains information on international conventions on maritime law and their status of ratifications. The yearbook does not contain reservations in respect of all conventions. The CMI does not have any systematic registration of case law and legal writing. The most recent ratifications of maritime conventions are also announced in the *CMI News Letter* which is published quarterly.

Unidroit itself does not as yet have a computerised system for the monitoring of its conventions. A document containing the status of ratifications of the conventions is produced twice per year and may be obtained from the Secretariat upon request. The *Uniform Law Review*, which publishes case law and bibliographical references on uniform law in general, includes also such information specifically relating to the *Unidroit* instruments.

² For a brief overview of these data bases, see Annex I.

An interesting government initiative is that of the United States *State Department Office of the Assistant Legal Adviser for Private International Law*. The data base created by this Office will include reports and information of the Office, documents on international projects in progress, private international law conventions en route to possible US ratification or accession, information on completed rules, model laws and legal guides, and PIL conventions to which the United States is a party. This material will include information from a number of international organisations, including UNCITRAL and Unidroit, and will be accessible through Internet.

There are also a number of other initiatives, public or private, which should be considered in this context. These include the initiative of *JURISCOPE* in Jaunay-Clan in France, the *Europakommentar* of the IPR-Verlag in Munich, Germany, and the data bases which exist on any one subject area.

There may be a variety of reasons why so few data bases include foreign material, but the most obvious one is language. Translations are extremely expensive and far from self-evident. Anyone who has dealt with comparative law knows that it is not always possible to translate legal concepts, indeed, the instances where it is not possible to provide an exact equivalent are more frequent than the ones in which it is. This difficulty must furthermore be multiplied by the number of legal systems which the data base wishes to cover. In addition, it is necessary to select a language, or a limited number of languages, to use as the language of the data base itself, i.e. the "communications language" in which the material is first classified and then retrieved. It would not be feasible to use all the languages of the world as communications languages. For such an option to be put into effect a huge computer memory would be necessary. It would also be very expensive. An alternative is to translate the foreign material into the communications language, but, in addition to the inevitable difficulties involved in translation, that would also be very costly. It would also be time-consuming to the point of rendering vain the efforts to keep the data base totally up-to-date.

The *UNILEX* data base has adopted a compromise solution, in that the data base is mainly in one language (English) but with the capacity to accept material in other languages. Thus, the cases are classified using an English thesaurus, the legal concepts under which they are classified are in English as are the summaries of the cases. The full text of the case, or in some cases a synopsis, is however accessible on the data base in the original language.

By contrast the European Union data bases are regularly in more than one language. Their ambition is to cover all Union languages, although that is a long-term project which takes time and is extremely costly.

Uniform law is of course published in paper-based publications, although with the exception of the Unidroit *Uniform Law Review* no other review collects cases merely on uniform law. Other journals will publish cases on uniform law instruments together with purely domestic court decisions (see, for example, the *Recht der internationalen Wirtschaft*). There are also publications specifically devoted to certain areas of law which contain decisions on uniform law (*Air Law*, *European Transport Law*, *Transport Laws of the World*, and the *Warschauer Abkommen Internationales Lufttransportrecht* for instance).

A number of on-line data bases as well as a number of legal periodicals are available also on CD-ROM.³ At times, a combined system is adopted, in that the CD-ROMs are updated every six months and in between the releases an on-line service is provided for subscribers to the CD-ROM.

The problem is therefore not so much that information on uniform law is not available at all, but that in most cases it is not available in a structured form and that the effort required to retrieve the information is such as to make the costs, in time and money, almost prohibitive. This difficulty of access weighs against the ready adoption of uniform laws in practice and the communication of its best practice standards throughout the international community.

The problem of costs is one which needs to be addressed also in the case of on-line data bases. A series of different cost factors are involved: the cost of the subscription to the on-line service, the cost of the telephone link and the cost of the time of consultation. Of the above factors the first two are more or less stable, whereas the third can vary considerably.

The time needed for consultation will depend also on the efficiency of the classification system used by the data base consulted. For example, a majority of data bases do not classify the materials they contain by legal concept. Access to the information is therefore through elements such as the number of the article of the convention, the date and number of the court decision, the names of the parties, and the actual words used in the document - which do not necessarily correspond to the legal concept the user is looking for. The result is that a lot of useless information is churned out of the data base before that which is sought for is arrived at. Admittedly the possibility to search by a combination of words or by strings of words or at times by whole sentences reduces the amount of useless information retrieved, but the question is whether such methods of search are always sufficiently effective.

Differences in demand and acceptance of a data base depend on familiarity. Tolerance of and the ability to accommodate effectively the shortcomings of the finding aids may also depend not only on whether the user is an academic, a judge or a practising lawyer, but also on whether he or she is from a common law jurisdiction, from a civil law jurisdiction or from a jurisdiction of another legal tradition. Whatever the time spent in research, this time will be charged, both by the data base and by the telephone company.

The method used to store and elaborate the material inserted in the data base will also affect costs considerably. The more analysis that needs to be done, the greater the amount of work that needs to be put into the preparation of the material for processing, the greater the expense. This is particularly the case if one wants to ensure that the data base is always up to date. It is no doubt much simpler and far less expensive just to scan the material and to insert it in the data base more or less as it is. The question is whether a data base with such a limited structure truly answers the needs of all its users.

Even if the specific needs of the different categories of users of the data base do not always coincide, data bases have to try to cater for all. They must therefore furnish sufficient data with respect to each category of information (texts of instruments, ratification, reservations, case law, bibliographical references) to cover the needs of the

³ For a table surveying existing selected data bases on CD-ROM which contain information on uniform law, see Annex II.

different users. They must also present this data in a form which is easily accessible, and which permits the user to arrive at the information required in the least amount of time and with the least possible effort. It is without doubt possible to achieve these objectives by making use of the infinite possibilities offered by computers. These include having proper keyword indexes, linking the different categories of information so that access to one category can be obtained through another. The technology is there to make the data base into a reasoned data base and that is what should be done. In other words, the information should be analysed and classified by legal concept, so as to permit it to be arrived at as effectively and in as short a period of time as possible. The Unidroit initiative UNILAW is precisely aimed at solving these research and information difficulties.

6. RESULTS OF THE SURVEYS CONDUCTED BY THE UNIDROIT SECRETARIAT

(i) *International Bar Association Members*

The *International Bar Association (IBA)* has some 17,000 members, including practising lawyers, academics, judges, in-house counsel, government officials and legal advisers. Of these, a selection of 1,155 was made on the basis of committee membership, professional background (academic, practising lawyer, judge, etc.), and nationality. As broad a selection of different nationalities as possible was made, so as to ensure a representative sample of potential users. The IBA members selected were sent a questionnaire together with a cover letter explaining the purpose of the survey.

Approximately ten percent of those contacted responded (57% of respondents were practising lawyers, 27% academics, 3% judges and 13% other members). Of this number about 70% stated that they used principally paper-based information sources, only a small minority using on-line data bases or CD-ROM sources. With respect to their future preferences 50% opted for on-line data bases and 40% for CD-ROM.

The majority of respondents stressed the need to have a source of information which was up-to-date and not as time-consuming as paper-based systems. This future preference for electronic based research devices was clearly based on dissatisfaction with present research tools (70% declared themselves to be dissatisfied, 30% satisfied).

Those who used data bases identified quite a number of different sources, the two used most frequently being LEXIS and WESTLAW. Of the European data bases CELEX was indicated as being the one used most often. Of particular interest was the fact that of the 20% who currently use data bases for a significant part of their research needs, only two percent indicated that the data bases furnished sufficient information on the international instruments themselves, and none felt that they furnished sufficient information on how the international instruments have been applied in different countries.

The question whether an analytical data base which would permit a search by legal concepts would be useful, was answered affirmatively by 70% of all respondents and negatively by only 6%. Of the 20% of respondents currently using data bases, only one percent indicated that an analytical data base would not be useful.

As to the areas of law which should be covered, the Secretariat had suggested a number of possibilities (settlement of commercial disputes, transport, investments,

negotiable instruments, security interests, international financing, international sales and related commercial transactions, agency, distribution and franchising contracts, and intellectual and industrial property). These were favourably received and a number of additions suggested. The area which was favoured by a majority of respondents was the settlement of commercial disputes (70%), followed by international sales and related commercial transactions (69%) and intellectual and industrial property (54%). As to the additions suggested, a large number of respondents (66%) indicated that information on national legislation dealing with international trade would be useful.

The conclusion that the Unidroit Secretariat draws from this response is that a data base such as the one proposed would be of considerable interest, above all to practitioners, but also to academics. Existing data bases appear not to furnish sufficient up-to-date information in relation to uniform law and are extremely time-consuming to use.

(ii) *International Organisations*

International organisations were contacted on two separate occasions. The first was in the context of the surveys referred to above, the second at a later date to determine the interest of the organisations to meet together at Unidroit to discuss the establishment of the proposed data base.

In the first survey thirty international organisations, mainly inter-governmental but also some non-governmental, were contacted by letter.

The organisations contacted were asked first, what information suitable for entry into a data base they had available (information as to ratifications and reservations, case law, bibliographical references, etc.). A majority of the organisations contacted were those responsible for the adoption of international conventions. They were also asked whether, if they had information available, they would be willing to co-operate with the Institute by furnishing this information to the Unidroit data base. Secondly, the organisations were asked whether they would be interested in the data base as potential users.

The first survey was answered by twelve organisations: UNCTAD, UNCITRAL, IAEA, IMO, WIPO, UNESCWA, the Hague Conference, the Council of Europe, the OAS, OCTI, the CMI and the OECD. The information available from these organisations is outlined in the section on the availability of uniform law. In general they expressed great interest in the Unidroit project and were favourably disposed to examining forms of co-operation, although they felt that more information was needed before any commitment could be made.

In addition to the above organisations, UNESCO, FAO, ICCROM and the Commonwealth Secretariat were contacted and asked whether they were interested in attending the proposed meeting of international organisations. In general the reactions received were positive and very encouraging.

(iii) *Arbitral Tribunals*

The arbitral tribunals and associations of arbitrators were contacted with a view to eliciting first, whether they as potential users had an interest in a data base such as the one

envisaged by Unidroit, and secondly, whether it would be possible to conclude agreements to permit the Unidroit data base to insert information relating to the arbitral awards rendered. Three of the fourteen arbitral tribunals and arbitration associations contacted replied.

Interest was expressed by the *Court of International Commercial Arbitration of the Chamber of Commerce and Industry of the Russian Federation*. Similarly the *Arbitration Court of the Hungarian Chamber of Commerce and Industry* considered that a data base containing the data under consideration would be very useful. The *American Arbitration Association* instead considered that existing publications already provided ready access and up-to-date information on international commercial arbitration. It also stressed the confidential nature of arbitral proceedings, which in effect would prevent the publication of the awards rendered. This result is perhaps not surprising and confirmed that special efforts would have to be made to assemble information on international commercial arbitration.

(iv) *Chambers of Commerce and Industry*

Sixty-nine chambers of commerce and industry were contacted and of those that replied, the *Austrian Federal Economic Chamber*, the *Bulgarian Chamber of Commerce and Industry*, the *Camara nacional de comercio, La Paz*, the *Caribbean Association of Industry and Commerce*, the *Qatar Chamber of Commerce*, the *Associated Chambers of Commerce and Industry of India*, the *Czech Chamber of Commerce and Industry* and the *Russian Federation Chamber of Commerce and Industry* responded positively to the initiative.

7. SUBJECT -AREAS

A preliminary selection of the subject-areas which might be considered to be of particular interest for inclusion in UNILAW was made by the Unidroit Secretariat prior to the surveys it conducted among potential users. The appropriateness of the choice was confirmed by the surveys and several more areas suggested. The areas it is now proposed that UNILAW should include, but not necessarily be limited to, are the following:

- ◆ Acquisitions
- ◆ Agency
- ◆ Arbitration and Settlement of commercial disputes
- ◆ Banking Instruments
- ◆ Choice of law
- ◆ Communication
- ◆ Competition
- ◆ Cultural Property
- ◆ Energy law
- ◆ Enforcement of foreign judgements and awards
- ◆ Environmental law and natural resources
- ◆ GATT/WTO
- ◆ Insolvency and bankruptcy
- ◆ Insurance
- ◆ Intellectual and Industrial Property

- ♦ International Business Law (financing, factoring, leasing, investment, franchising)
- ♦ International Sales and related Transactions
- ♦ International wills
- ♦ Liability instruments
- ♦ Negotiable Instruments
- ♦ Security Interests
- ♦ Telecommunications law
- ♦ Transport

The initial priorities are proposed to be:

- ♦ Transport
- ♦ International Sales and Related Transactions
- ♦ Arbitration and other International Dispute Resolution
- and
- ♦ Cultural Property

This concentration would not prevent limited work being done on other subjects, such as the insertion into *UNILAW* of the texts of all international conventions adopted, with their respective status of ratifications and reservations.

It is intended that *UNILAW* should be accessible through an umbrella communications program which will permit access also to data bases containing the catalogue of the Unidroit Library and the scientific documents produced by the Institute. By having the library catalogue on-line researchers intending to spend time conducting research in Rome at the library of Unidroit and practising lawyers looking for information specific to their cases would be in a position to plan their research in advance. It would also permit the Unidroit library to become a more effective part of the international network of libraries. In this connection the possibility of entering the electronic inter-library exchange programmes will be examined sympathetically.

The scientific documents of the Institute are not always easy to locate. A number of libraries around the world are depositories and consequently every year receive the bound volumes containing all the relevant documents produced that year. These libraries are however few and far between and not many lawyers know what libraries are depositories. Unidroit frequently receives requests for past and present documents produced by the Institute and is not always able to satisfy such requests because the documents in question are out of print. At the most, the copy kept in the Unidroit archive is made available to visitors for consultation. Having all the scientific documents of the Institute on-line would be of inestimable value to researchers all over the world.

8. THE TYPES OF INSTRUMENT TO BE COVERED

A data base on uniform law will need to cover a great variety of different instruments to be complete. At times, several different types of instrument exist for the same subject and, depending on the subject, it might be necessary to deal with them all. Bearing this in mind, the types of instrument which it is intended that the data base should deal with are the following:

- ♦ international and multilateral instruments prepared by inter-governmental organisations
- ♦ regional instruments
- ♦ national laws which implement or incorporate international instruments
- ♦ general conditions of trade prepared by international organisations and
- ♦ legal guides.

The selection of the types of instrument to be included in *UNILAW* for each subject will be left to the expert panel in charge of the subject, as discussed in Part 10(b) of this prospectus.

9. THE INFORMATION TO BE OFFERED AND SEARCHING METHODOLOGY

The specific needs of separate categories of users will often differ. There is however certain basic information which will always be required, no matter for what purpose the research is being conducted - scientific research or a specific case - or by whom it is conducted - academic, judge, or practising lawyer. This was amply illustrated by the replies to the questionnaire, which indicated that the following categories of information should be offered by *UNILAW*:

- ♦ the text of international conventions and uniform laws
- ♦ the official explanatory reports to the international conventions and uniform laws
- ♦ the status of ratifications
- ♦ reservations
- ♦ the text of model laws
- ♦ national implementing legislation
- ♦ national case law on the instruments covered
- ♦ case law of international courts of justice
- ♦ case law of arbitral tribunals (where possible) and
- ♦ bibliographical references.

A very important aspect of any data base is the method used for the retrieval of the information. There are a number of possible methods, which are often available in combination. These include:

- ◆ search by article of the convention or legislative instrument
- ◆ search by date and number of the legislative instrument
- ◆ search by the date of a judgment
- ◆ search by the name of the court
- ◆ search by the names of the parties to a case
- ◆ search by key-words
- ◆ search by strings of key-words
- ◆ search by whole sentences and
- ◆ search by questions.

Cross-references between the different categories of information, and the possibility of accessing the other categories when a search is made through one, are very useful. In a majority of data bases the key-words are all the words of the instrument dealt with, with the exception of words such as conjunctions, prepositions, indefinite and definite articles. The consequence is that a search produces a mass of information, much of which is not of interest to the user. A search by a specific legal concept, such as "termination", which is not mentioned expressly in the instrument would not be possible with this type of system.

UNILAW is intended to be an "intelligent" data base. It is in other words intended that the information should be retrievable by legal concept. The instruments will be analysed by experts in the field who will be responsible for the extrapolation of the relevant concepts for the instruments concerned and for their classification as key-words. Each document which is subsequently inserted into *UNILAW* will be analysed and classified in accordance with this concept-key-word system. The information contained on a specific subject will be accessible through concepts and key-words in addition to being accessible through more simple and obvious classifications such as the date of the decision or the name of the relevant court.

10. DATA BASE CONTENT - APPROACHES

(a) CONTENT

The three main categories of information which it is intended that each subject-matter of the data base should contain are the texts of international instruments (conventions, uniform laws, model laws, guidelines, etc.), decisions of courts (national and supra-national) and bibliographical references.

The texts of the international instruments would be made available in full, in English and French. They would be searchable by legal concept as well as by, for example, number of article of the convention and by any other classification that the experts might deem to be appropriate. The instruments would of course need to be analysed to create the key-word-by-concept system, and the appropriate classifications made accordingly.

The decisions of the courts would be available in summary form in English and French, with the original text accessible where possible in full or abridged as deemed necessary by the experts. Also the cases would need to be properly analysed to ensure that they are classified and retrievable by concept as well as by more conventional methods.

The bibliographical references would of course be in the original language, classified by subject-matter and searchable also by author, date of publication, etc.

The possibility of accessing one set of information directly while consulting another, for example accessing the full text of a decision while consulting the text of the convention or the bibliographical references, would be provided for.

(b) *APPROACHES*

The analytical work which needs to be performed on the texts which are to be inserted into UNILAW can only be done by, or under the supervision of, experts in the fields concerned. There are however a number of alternative procedures which might be contemplated. Which one is selected will depend on what is suitable for the particular subject-matter at hand. The options appear to be those set out in the following paragraphs.

(i) *One expert personally in charge of a specific subject-area or convention:* in this case one person would be entrusted with the analysis of the instrument(s), with the collecting and analysis of the decisions of the courts, as well as with the drawing up of an analytical bibliography. Considering that UNILAW is to include materials from a great number of countries, at times from the whole world, this approach is feasible only for a subject of very limited scope.

(ii) *One expert acting as co-ordinator of a group of experts for a specific subject-area:* this is perhaps the solution which is the most feasible. In this case a network of experts is created, with each expert responsible for covering a specific geographical area. These experts would be responsible for the collection of the materials (cases and bibliographical references and any new instruments), for their analysis and for any treatment which might be necessary, for example, the preparation of the summaries of the cases to be inserted in UNILAW. The insertion procedure would be co-ordinated by the expert in charge of the subject as a whole. It would also be up to the co-ordinator to organise any meetings of national or regional correspondents of his or her network and to decide on the procedure to be followed for the insertion of the material into the data base (e.g. direct insertion by the correspondent or insertion by the co-ordinator).

(iii) *A series of independent experts for each specific subject-area, each of whom would be responsible for a geographical area and would report back to Unidroit:* the difference between this approach and the previous one is that instead of being responsible to a co-ordinator the local experts would report back to Unidroit itself. This would mean that Unidroit would be responsible for the co-ordination of the local experts for all the subjects on UNILAW. It would also be responsible for the insertion into the data base of all the materials sent to it by the experts. In view of the natural limitations of staff and financial resources this is an alternative which would not recommend itself for the whole project, although it might be contemplated for certain individual subject-matters.

Depending on what is most appropriate for the specific case, the material prepared by the experts could:

- ♦ either be sent to Unidroit for insertion into the data base by the staff of the Institute,
- ♦ or be inserted directly by the experts via computer links.

The simplest would of course be for a direct insertion via computer-link. This could be done either directly by the local experts, or alternatively the local experts could send their material to the co-ordinator who would then proceed with the insertion. The latter alternative would permit the co-ordinator to ensure that there is a certain uniformity in quality between the materials provided by the different correspondents.

It is the intention of Unidroit to convene a meeting in Rome of the co-ordinators, or persons responsible for the different subjects, for the purpose of establishing the criteria and conceptual approaches which are to be common to all subjects. The Secretariat of Unidroit will prepare a document to serve as the basis of the discussions at this preliminary meeting, indicating the purposes to be achieved and the different options as identified by the Secretariat. On-going contact between the co-ordinators of the different subjects will be essential to maintain continuity and to ensure that high quality standards are upheld. This would be done periodically at co-ordination meetings in Rome.

11. CO-OPERATION WITH INTERNATIONAL ORGANISATIONS

International instruments are as a rule prepared by, or under the aegis of, international organisations. The organisations concerned will in most cases closely follow the implementation of their conventions and how they are applied. From time to time these organisations will review the effectiveness of the conventions. Such reviews are important to understand shortcomings and deficiencies which are identified. Following such evaluations it is possible to introduce modifications as necessary. Unfortunately, international organisations are severely hampered in such follow-up activities by limited financial and staff resources. Access to *UNILAW* would in this context be useful to all the international organisations concerned.

On the other hand the developers of *UNILAW* will want to co-operate with international organisations to access a variety of data, such as the status of ratifications and reservations which the organisations will be in the best position to provide, but also to ensure the correctness of interpretation of the texts inserted into *UNILAW*.

Unidroit is one of the oldest international organisations. It has always made it a policy to co-operate with other international organisations to the greatest extent possible, both universally and regionally. This is evidenced by the number of conventions the organisation has produced in co-operation with the other organisations and by the series of co-ordination meetings which it has organised throughout its history. It is the intention of the Institute to intensify this co-operation.

The *UNILAW* project is an instance where such a co-operation would be of benefit to all. The precise modalities of the co-operation can be worked out between Unidroit and the organisations concerned. Basically, what is envisaged is that in exchange for regular up-

dating on the status of ratifications and reservations on the part of the other international organisations, done directly via computer-link, and in return for such expert advice as the organisations would be in a position to offer, Unidroit would provide the organisations with free access to the data base as a whole. Considering that experts would be in charge of the different subject-areas, this would in effect provide the international organisations with material they would otherwise be able to obtain only with difficulty, e.g. national case law on their conventions. Each section of *UNILAW* devoted to a particular subject-area would in effect be a co-operative venture between Unidroit, the relevant panel of experts and the organisations responsible for the international instruments concerned. This co-operation would be clearly acknowledged in *UNILAW*.

12. *POTENTIAL USERS*

The potential users of *UNILAW* are all those who in one way or another need to work with uniform law, i.e.:

- ♦ practising lawyers
- ♦ professional and trade associations
- ♦ judges and arbitrators
- ♦ scholars
- ♦ national legislators, above all from economies in transition and developing countries but also from industrialised nations and
- ♦ international organisations.

13. *HOW WOULD THE PRINCIPAL USERS OF UNILAW BENEFIT?*

(i) *Practising Lawyers*

Practising lawyers, including those practising as arbitrators, conciliators, mediators and administrators, increasingly find it necessary to use uniform law. But, if uniform law is to be effective in aiding international trade or setting best practice, practising lawyers must have ready access to it. Lawyers required to advise their clients about how their cases are likely to be received, particularly in another jurisdiction, must have the information necessary to do so. If the domestic lawyers concerned are not familiar with the sources of international law this information is difficult to find, on occasion even after the appropriate bodies are contacted. Uniform law will not become and maintain itself as a living system unless and until it is part of normal everyday practice.

All international organisations have had the experience of being contacted by practising lawyers with requests for information on international conventions, on the status of ratifications, on reservations, on national implementing legislation or on decisions of courts. It is not uncommon for organisations to receive requests for the actual texts of the conventions, despite the fact that these are public materials published in numerous journals and books.

Regrettably, it is not always possible for organisations to furnish the information requested, or to give information which is completely up-to-date. Material resources and staff are normally not sufficient to provide such an information service, particularly as there would be a need actively to collect this information all over the world. Systems of national correspondents tend to be of uneven quality, especially when no funds are provided, and systems based solely on such contacts are therefore too unreliable to be considered satisfactory. The result is that several different bodies or institutions have to be contacted before the information is retrieved. It is a procedure which is time-consuming and which does not always lead to success.

In addition to the actual text of the uniform law and to such basic information as the status of ratifications and reservations, practising lawyers are in need of information relating to the decisions of courts and not only of their own national courts but also of those rendered in other jurisdictions as evidence of precedent. It is likely to be some time before the acceptance of such evidence becomes a matter of course, but if lawyers have the means of producing this evidence and continue to do so, this will in the end occur and a true uniformity in application of the uniform instruments will thereby be achieved.

(ii) *Professional and Trade Associations*

Professional and trade associations are frequently required to furnish information to their members who intend to invest in a business either at home or abroad. It is therefore of importance to the associations to have the information necessary available in an accessible form. This of course primarily concerns the national legislation of different countries. *UNILAW* is intended to cover uniform law, which is a part of domestic law, but for selected areas it is not excluded that certain domestic legislation might not be covered as well. Of the uniform law, materials relating to investment and trade relations in general (including such essential items as intellectual and industrial property) would clearly be of the greatest interest to this category of potential users.

(iii) *The Judges*

The judges, or at least a majority of judges, will interpret any rules they have to apply in accordance with their own legal systems, independently of whether the rules in question are of national or international origin. This understandable approach is even more understandable when the terminology used reminds of, or may even have been inspired by, the national law of the judge.

Clearly, from the point of view of the unification of law this is unsatisfactory. The aim of international instruments is that they should be interpreted in their own context and not in the context of any national legal system. The result is that the same provision of an international instrument often risks being interpreted in different ways in different countries. For there to be real harmonisation or unification it is essential that there be a uniform application of the instruments. To ensure a uniform application, it is essential for the judges to have available background information on both the intentions of the international legislators as well as on how that instrument has been applied in other jurisdictions.

In recent year citations of cases within the courts of one jurisdiction of cases decided by courts in other jurisdictions have increased but only in a relatively few countries and disproportionately in common law jurisdictions. The number of judges who are reluctant to consider decisions from other jurisdictions is still in the majority. What little development there has been has been rendered possible also by the increased availability of information on the situation in other countries by, in particular, the spreading of information by electronic means. If this development is to continue and spread, the monitoring of national developments, in particular of case law but also of legal writing which in numerous countries is of considerable significance, assumes the greatest importance.

(iv) *Scholars*

The use which legal scholars could put to a data base of the kind envisaged does not need to be enlarged upon. To have ready access to up-to-date information on the application of international instruments, to have a rich source of bibliographical information and to have access to an analysed text of the international instruments, is surely a scholar's dream.

The importance of making this material available to scholars lies not only in the doctrinal works which they produce, but also in the fact that any work they undertake as consultants, to national legislators or courts, will be done with even greater proficiency and expertise.

(v) *National Legislators*

Uniform law as a source of inspiration for national legislators has increased considerably in importance. This is the case particularly with the emerging nations of Central and Eastern Europe and south and east Asia, but also of a number of developing countries. The reason for this lies in the nature of uniform law.

Uniform law represents a compromise and a best practice solution worked out at international level among nations of varying legal traditions and at different stages of development. It represents refined international practice in the specific area concerned at the time of adoption and constitutes a system which is independent of any specific national tradition. Incorporation of uniform law in national legislation can therefore be seen as the ideal solution when a revision of the legal system is underway. Clearly, it is not possible for any international legislation to be as all-embracing or complete as domestic legislation, but it does provide a framework of principle within which national legislators are able to operate with confidence and comfort. All too often, in an attempt to modernise an obsolete system or to create a body of law which did not previously exist, legislators have turned to lawyers who admittedly might be considered experts in the practice of the relevant field of law in their countries, but who have little or no international experience and whose understanding of the traditions of the country concerned and policy generally is rather limited. The result has often been far less than satisfactory, with regulations inspired by different foreign legal systems applicable to different sections of the same area of law.

To be able to make use of the framework provided by uniform law the legislators require accessible up to date information. Knowledge of the background to compromise solutions reached may often be useful, as may information on how the uniform law in

question has been transformed into national law in countries with similar legal systems, and on how courts have interpreted it. Often, fact-finding missions from national legislations are necessary as this information is not otherwise available. If this information were accessible from one source only, and that source had an expert group supporting the development and revision of its data base the work of the legislators would be considerably facilitated and speeded up.

An electronic data base of uniform law not only aids national legislators but also international bodies responsible for ensuring that the uniform law is kept abreast of developments and does not itself become obsolete.

(vi) *International Organisations*

Most international organisations are set up to provide States with a neutral forum in which to discuss, co-ordinate and resolve issues of common interest. They provide an institutional framework through which relations among nations can effectively be promoted and discussed in such a manner that situations of conflict are reduced to a minimum. One effective way of organising relations among nations, and between individuals of different nations, is through uniform law such as might be adopted in individual transactions, in dispute resolution or be applied by domestic legislation and tribunals.

The procedure followed from institution to institution does not vary greatly. That adopted by Unidroit is in general flexible, allowing as it does for modifications responding to the nature of the final product. A subject is proposed, a preliminary comparative law study is conducted to ascertain the feasibility of the project, a study group is convened, then a committee of governmental experts works over the draft and finally, if the end product is an international convention, a diplomatic conference is held. Information is clearly necessary in one form or another at all of these stages, but perhaps most importantly in connection with the preparation of the comparative law study. It is in the identification of the problems faced in different jurisdictions and the solutions that might be acceptable to as many different countries as possible, that most information is needed.

In the past it was considered to be sufficient if only two or three legal systems were taken into consideration. This is no longer true. The increase in number of sovereign States which have resumed, or are developing, independent legal traditions has increased the number of legal systems which now must be taken into account by the comparative lawyer. It has been the practice to supplement the permanent staff of international organisations with outside consultants to ensure an adequate representation from the various legal systems, but there is a limit to how much this practice can overcome the information deficit. An irreducible minimum amount of information, including most importantly details of the practice and application of the law, must be available to the officers of organisations for their basic research. The problem, as always, is the retrieval of this information. The problems of retrieval do not concern only the actual finding of the materials, they concern also the accessibility of the information once retrieved. Only very rarely is all the information needed translated into one of the major languages of the world. Some important legal texts or treatises are on occasion relevant to the undertaking of a particular survey required in preparation for undertaking a harmonisation project. But for the purposes of the international organisations it would be preferable to have available in a pre-

digested way all the primary texts, case law and relevant learned writing on each of the major areas of uniform law.

This problem of access to information is one which is shared by all international organisations, as well as by judges and arbitrators, practising lawyers and legislators.

The actual preparation and adoption of uniform law instruments is only the first step in the unification or harmonisation of law. The test of the success of uniform instruments comes with their application.

Uniform instruments are adopted to ensure that the same rules apply in as many different countries as possible but the achievement of this purpose requires a similar interpretation of the rules by the judges of the different countries.

14. SERVICES TO BE OFFERED BY UNILAW

One of the great advantages with a computerised information system is the flexibility of the services it is able to offer. For an effective service to be put in place it is however necessary to proceed gradually. The services which over time are proposed through *UNILAW* are:

- ♦ on-line links
- ♦ CD-ROM
- ♦ selective hard copy service
- ♦ answering service via e-mail, via fax, and via telephone and mail for specific requests for information and
- ♦ accessibility to visitors to the Unidroit library and to resident researchers.

The value of a data base lies in rapidity of access and in the availability of up-to-date material. The quickest way is of course direct access via computer. It is therefore intended is to make *UNILAW* available directly.

What is also being considered in this context is the possibility of making *UNILAW* available to an even larger circle of people. The 1990's have been characterised by an enormous increase in the data which is made available to users of the information superhighway. More and more information is being channelled through systems such as the Internet, at what presently is a low or almost negligible cost. Information made available in this manner concerns practically all aspects of life, from the daily shopping to large scientific data bases. As it is intended that the information contained in the data base should be made available to as many different people as possible, consideration is being given to whether or not *UNILAW* could be made available by subscription on the Internet or on any other information superhighway carrier.

Although the use of CD-ROM technology has not yet spread to the extent that was first anticipated, and is indeed in some circles even considered to be on its way out, it is increasingly to be found in law libraries and in major law firms. The advantages of CD-ROM are first their considerable capacity, and secondly that it is possible for the user to browse through the material to be found on the CD-ROM without running up a bill of enormous proportions. Compared to on-line links, CD-ROM are more economical, even if they are expensive for the single user to buy. A CD-ROM service could also be envisaged for the storage of historical material which, although still of interest, is used less frequently. A number of existing CD-ROM services offer an on-line linkage for new material to be used between the releases up-dating the CD-ROM. Similar schemes are being considered for application to *UNILAW*.

In addition, the possibility of making the information contained in the data base available in paper-based publications of the Institute - first and foremost in the *Uniform Law Review* but also in other publications - is under consideration in view of the considerable importance paper-based publications still have in legal research as identified in the surveys conducted to date. This dependence exists in developing countries, in countries converting to a market economy, as well as in industrialised nations.

At times, potential users of the data base will not have access to on-line links or CD-ROM technology. They might further require assistance with the research they are conducting. Over time, the possibility of instituting an answering service that would reply to specific requests for information via e-mail, fax, telephone and mail will be examined.

In this connection the library of Unidroit would also offer a link-up with the data base for the use of resident researchers and other visitors to the library.

15. LANGUAGES

The question of the languages to be used in an international data base is a particularly difficult one. First and foremost in view of the fact that the materials come in a large number of different languages, linguistically and legally speaking. To effectively analyse and classify the material the expert(s) responsible for this operation need to be able to work in several languages or to have access to people with this knowledge. They will also need to be able to classify the materials in the "communications language" system, i.e. in the language which the data base itself uses and in which the material can be searched for.

With these considerations in mind, the most rational solution is again the creation of a network or panel of experts for each subject-area. Each of these experts would be responsible for collecting and treating the material from his or her own geographical area and for transmitting the results of their labours to the co-ordinator responsible for the subject as a whole.

Another issue concerns the "communications language". The simplest solution is clearly to have only one communications language. As soon as more than one language is used the costs multiply exponentially, as, indeed, do the difficulties. Appropriate terminology must be found in more than one language, the key-words must be worked out and there should preferably be some correspondence between the terminology used by the

different languages employed, even if the difficulties of matching the concepts of different legal systems make this a daunting task.

The importance of reaching as many different audiences as possible is however such, that the data base cannot be limited to one language only. It is therefore the intention of Unidroit to provide access to *UNILAW* in the two working languages of the Institute, that is, in English and French.

16. SOURCES OF INFORMATION

In general terms, the information needed for *UNILAW* could be obtained from a number of different sources, including

- (i) *the international organisations responsible for the international instruments;*
 - (ii) *Governments (especially where Governments are the depositories of the instruments of ratification of the conventions):* Governments acting as depositories for international conventions will normally be responsible for communicating information on any ratifications, adhesions or denunciations to the other States parties to the conventions. Often, a particular office will be entrusted with this task. Relations with the competent Government offices are therefore of importance to *UNILAW*. International organisations have relations with the Governments of their member States and this would greatly facilitate matters when the conventions of that particular organisation are concerned;
 - (iii) *other data bases, international, national and commercial, particularly for court decisions and, to a limited extent, for bibliographical material:* the most highly organised sources of information available are data bases. The problems of obtaining information on uniform law from existing data bases have already been considered. Where such information is available, copyright and practical considerations will need to be taken into account by Unidroit and the various experts involved;
 - (iv) *interested contact persons, especially in countries where there are no data bases or where the language is inaccessible to the group responsible for a particular instrument or area of law:* access to information is problematic in a considerable number of countries, in particular in developing countries and in countries in transition to a market economy. In these cases it will be important for Unidroit and the experts concerned to establish a network of committed persons who are interested and prepared to find the information needed on a regular basis, to make such translations as are required and to analyse, treat and classify the materials;
- and
- (v) *national and international research institutions:* in a number of countries research institutions of repute and importance exist. These institutions are in many cases attached to universities but they may also be independent. In exchange for their co-operation with Unidroit and with the experts concerned, these institutions could be offered free access to *UNILAW* in proportion to the contribution they make to its creation and maintenance.

17. EXPERTS PER SUBJECT AREAS

A number of experts in the subject-areas which it is intended should serve as the first for inclusion in the data base have been contacted to sound out their interest in participating in the project. Further consultations with these experts will lead to the appointment of the co-ordinators for the different subjects. These co-ordinators will subsequently be entrusted with the creation of a world-wide network of correspondents, each for his or her area of competence. The Unidroit Secretariat will of course assist the experts in this task. The response of the experts contacted so far has been very favourable indeed.

18. FINANCING

An accurate assessment of the capital and start-up cost of *UNILAW* is difficult to make because of the considerable number of variables involved. An analysis of the technical requirements, both hardware and software, is being made by software consultants whose assistance has been enlisted by Unidroit. Over time recurrent running costs are likely to be the heaviest, particularly when work has started on the majority of the subjects to be dealt with.

The funds which will be necessary for a project such as the one described in this paper are far beyond the very limited possibilities of an international organisation such as Unidroit. It is therefore clear that the funding of *UNILAW* must be found from extra-budgetary sources. A variety of possibilities are open and are being examined. One possibility is funding from the earnings on subscriptions to a proposed new foundation. Unidroit has hired qualified attorneys to look into the legal aspects of the setting up of such a body.

With respect to the offsetting of recurrent costs Unidroit would in principle be seeking some contributions from users. It should be noted, however, that Unidroit does not intend to make a profit from *UNILAW*, but is seeking secure financing of adequate proportions for what is a complex and ambitious scheme.

In this context some preferential schemes are under study. Thus, Governments of member States of Unidroit would have access to *UNILAW* free of charge, as would those international organisations with which Unidroit has a co-operation agreement. Preferential schemes are also being considered for users from developing countries and from countries converting to a market economy.

Once the funding has been secured, the methods of providing the experts with adequate financing must be examined. Again, a number of alternatives are available. The most feasible solution would be for Unidroit to advance a sum to each co-ordinator which they would then administer, on condition that they produce the results they have undertaken to produce, both as to quantity and as to quality. It would be up to the co-ordinators in accordance with any conditions and arrangements made by Unidroit, to pay the local experts of their network.

19. IMPLEMENTATION: PROCEDURE AND TENTATIVE SCHEDULE

UNILAW is a data base which when fully functional will provide information on all major areas of uniform law. This information will be accessible through a concept-key-word system elaborated after a thorough analysis of the materials it contains. It is however clear that even though these are, and remain, the ultimate objectives of the data base, they are not objectives that can be attained in one go. It is also clear that there is a great need for information which, even if very basic in nature (the status of ratifications, for example) is not presently readily available. These two fundamental considerations have led Unidroit to the conclusion that even if it is not possible to provide access to all information by means of the concept-key-word system from the start in all the areas of uniform law that the data base will eventually cover, work should nevertheless begin across the board to make some information available immediately through more simple means of research (for example, country, date, number, court, and through a full text search). This approach would permit a large number of instruments and other texts to be included in the data base within the first year of its operation.

The proposed procedure to be followed in building UNILAW will therefore involve a three stage progression:

1. insertion of:
 - ♦ the texts of the instruments, and
 - ♦ the status of ratifications with reservations and declarations
2. insertion of:
 - ♦ case law selected by the experts, and
 - ♦ bibliographical references
3. analysis of the materials with the extrapolation of the concept-key-words and the linking of these concepts with the materials.

This procedure could be followed also for the up-dating of the data base, thus permitting it to be constantly up-to-date as to the materials it contains, even if the latest additions have not been fully analysed.

20. CONCLUSIONS

The creation of a data base is never a simple task. The problems which have to be faced are many and not always of easy solution. A constant effort and adequate funding over time are essential to meet the challenge. The proposed Unidroit Data Base on Uniform Law is no exception. Indeed, the difficulties which can be expected are such as to make the project a daunting task. It is, however, the firm conviction of Unidroit that it is a venture well worth embarking upon. If, with the assistance of the community of international organisations and of the experts who will be working with Unidroit, the data base is launched as planned, it will be a tool that will be invaluable. To have all the information available from one single source is surely the dream of all those who have to deal with uniform law. The present state of affairs, with information scattered and difficult to locate, is the researcher's nightmare.

The time ahead will be very busy. Already a meeting of international organisations has been held in Rome, at the seat of the Institute (2 February 1996), at which the participating organisations expressed their interest in the project and their willingness to co-operate with Unidroit to the extent of their possibilities. Following the final adoption of the proposal by the Governing Council of the Institute (17 to 22 June 1996) the project will enter its detailed planning phase with implementation consultations with member States and private financiers, another round of consultations with international organisations and meetings of experts being organised, with the setting up of the networks for the different subjects and with the acquisition of the equipment.

TABLE		OF		SELECTED		DATA		BANKS		ON-LINE (as at 1990)*	
Country	Item	Data base	Subject matter	Contents	Geographical coverage	Language	Up-dating	Price	Available other format		
European Communities		CELEX (Communautés Européennes Lex)	European Community Law	Treaties establishing and enlarging the Communities; External Relations agreements; Regulations, Directives, Decisions and Recommendations; Council Decisions, international agreements between the member States; Preparatory Works; ECJ Case law; National provisions implementing Community Directives; Parliamentary Interrogations; Case Law of member States on Community Law; Legal writing on Community Law	European Communities and Member States of the Communities	Danish, Dutch, English, French, German, Greek, Italian, [Spanish and Portuguese]	Depends on the section concerned		CD-ROM		
		SCAD (Système communautaire d'accès à la documentation)	European Community Law	Proposals and acts of the Commission; Papers, resolutions and opinions of the European Parliament; Opinions of the Economic and Social Council and of the Court of Auditors; Council Resolutions; Community legislation published in the OJ EEC Series L; Official publications and documents published by Community institutions; Review articles on the activities of the Community institutions; Statements and opinions of the social partners.	European Communities and member States.	Community Acts and preparatory works in English and French; Official publications and documents of Community institutions in English, French and German; Review articles and documents of the social partners in the original language.	Weekly.		CD-ROM Paper-based publications: Scad Bulletin; Scad Bibliographies; Scad Dossiers bibliographiques.		

* Information taken mostly from R. WEIDINGER/V. TRÜB, *Rechtsinformation - Online*, Bibliothek der Universität Konstanz, Second edition, 1990

Country	Item	Data base	Subject matter	Contents	Geographical coverage	Language	Up-dating	Price	Available other format
European Communities		INFO92	European Communities	Statistical info regarding the completion of the internal market, agendas of the Council and of the Parliament, dates of entry into force of Community provisions; Summaries and references to publications regarding provisions adopted or proposed for the completion of the internal market; National provisions of implementation of Community provisions.	European Communities and member States.	The official languages of the Communities	Daily.		Annual out-print
		ECLAS (European Commission's Library Automated System)	Bibliographical information on writings and documents available at the Commission regarding European integration	Information on monographs, articles in specialised periodicals, Community publications, selected COM, SEC and non-legislative EP documents; publications of international organisations (UN, OECD, IMF, NATO, EFTA, ILO, GATT, WHO, etc.) ; selected articles of yearbooks and collective works; dissertations.	European Communities	Official languages of the European Communities.	Three to four times per month.		Paper-based publications: Monthly bibliography on the Communities; Annual cumulative catalogue of Community publications.
		EURISTOTE (Studies on European Integration)	European integration.	Bibliographical references and abstracts of dissertations and studies dealing with Community policy, economic law, external relations, European institutions, etc.	European Communities.	Mainly English and French. The abstracts are in the original language of the dissertation or study - if the language is not an official language of the Communities the title is indicated in an official language of the Communities.	Four times per year.		
		JUSLETTER	European Communities	Summaries of the initiatives and decisions taken by the European Council, Commission, Court, Parliament, Economic and Social Council in relation to the development of Community Law.	European Communities	French and Flemish.	Weekly.		

Country	Item	Data base	Subject matter	Contents	Geographical coverage	Language	Up-dating	Price	Available other format
European Communities		ELLIS (European Legal Literature Information Service)	European Community Law, mainly the internal market.	Bibliographical references to publications which comment on Community Law, e.g. parliamentary documents of the Communities, acts of congresses, scientific papers, periodicals and books.	European Communities	Dutch.	Four times per year.		
		ABEL (Amtsblatt elektronisch)	European Community Law.	Bibliographical references to Community legislation (based on the CJ EEC series L).	European Communities.	The official languages of the Communities.	Daily.		
Austria		REDOK (Rechtsdokumentation)	Austrian law.	Published and non-published decisions of Austrian courts in <i>inter alia</i> international transport law.	Austria.	German.	Every week.		
Belgium		BJUS (Belgian Jurisprudence)	Belgian law and European law.	Decisions of Belgian courts in <i>inter alia</i> international private law, and European law.	Belgium	French and Flemish	Every month.		Available by batch access.
		ORBI	International law; national legislation of about sixty countries.	References to literature on international law, international institutions and to the internal legal system of about sixty different countries.	Various countries	Dutch, English, French, German, Spanish and Portuguese.	Every month.		Available by batch access.
France (i) CNIL Data bases		CJCE (Cour de justice des Communautés européennes)	European Community Law	Judgments and decisions of the European Court of Justice.	European Communities	French			
		LEGI (Législation réglementation)	French law	Contains <i>inter alia</i> treaties	France	French			
Germany contd.		JURIS-CR	European Community Law.	Decisions of the European Court of Justice.	European Communities.	German.	Every month.		Contents identical with the part of CELEX which deals with the decisions of the ECJ.
Italy (i) ITALGIURE		CONVES	International agreements	International agreements to which Italy is a party, even if they have not yet been ratified and have not been published in the <i>Gazzetta Ufficiale</i> .	International law	Italian			
		TITCON	International agreements	Bibliographical references to international agreements and information about their ratification.	International law	Italian			

TABLE				CD-ROM (as at 1993)*			
Country	Item	OF	SELECTED	DATA	BANKS	ON	Available other format
ILO - International Labour Office	Data base						
	ILOLEX	Subject matter Labour law	Contents Complete text of ILO international labour standards, Conventions, Recommendations, Ratifications by member States, including denunciations and declarations of applicability in respect of non-metropolitan areas, etc.	Geographical coverage International	Language English, French, Spanish	Up-dating Annual	Price (1993) US\$ 850; US\$ 695 for ILO member States
European Communities	SCAD	European Community Law	Bibliography of European Community acts, documents, publications and related articles	European Communities and European Community Member States	English, French, German	Every six months	On-line data base Paper-based publications: Scad Bulletin; Scad Bibliographies; Scad Dossiers Bibliographies Paper-based, diskettes
Italy	UNILEX	CISG	Contains the text of the convention, decisions of courts and arbitral tribunals and bibliographical references.	Various countries	English, with the full text of the decisions in the original language	Every six months	
Netherlands	GINTRAP	European Community Law relating to quality, quantity, safety and fair trade	Trade regulations, product requirements and consumer protection legislation affecting product development and intra-Community trade; summaries of regulations, directives and decisions with details of the implementing and supplementary national legislation of all EC member States.	European Communities and its member States	English		Issued as 16 separate diskettes, prices ranging from Hfl. 50 to 250 Corresponds to paper-based loose-leaf service: <i>Guide to Industrial Trading Regulations and Practice</i>

* Information taken from K. YOUNG MARCACCIO (ed.), *Gale Directory of Databases, Vol. 2: CD-ROM, Diskette, Magnetic Tape, Handheld, and Batch Access Database Products*, Detroit, 1993.

Country	Item	Data base	Subject matter	Contents	Geographical coverage	Language	Up-dating	Price (1993)	Available other format
Switzerland		LawBase	Federal supreme court decisions on civil, public, administrative, criminal and social law, law of obligations, law of insolvency, insurance and product liability	Complete text of materials covering a variety of judicial and legal issues; includes unpublished decisions on insurance and product liability cases; summaries of articles and books covering computer hardware and software law	Switzerland and Germany	French, German, Italian, English	Quarterly or Annual		
		SoftBase	Computer hardware and software law	Citations with abstracts of articles and books	International, excluding Africa, Arabia, Australasia, China and South America	German	About 600 items per year	Initial purchase US\$ 1300, annual renewal subscriptions US\$ 630; COBRA software (one-time purchase only) US\$ 1100	Available by batch
		softlaw	Computer law	Full-text images of softlaw, a quarterly covering computer law and reviews of computer hardware and software products of interest to the legal profession	International, excluding Africa, Arabia, Australasia, China and South America	Varies depending on article	Annual	Initial purchase US\$ 1300, annual renewal subscriptions US\$ 630; COBRA software (one-time purchase only) US\$ 1100; archival files US\$ 450 per year	
United Kingdom		JUSTIS CELEX: European Community Law on CD-ROM	European Community Law	Complete text of citations to European, European Community and United Kingdom case law, legislation and secondary materials	European Communities, and its member States, United Kingdom	English	Quarterly		Available by batch access
		JUSTIS Single Market	European Community single market provisions	Legislation and implementation of the European Community single market provisions. Contains SPEARHEAD database with summaries of measures affecting the establishment of the Single Market; INFO92 data base with complete text of proposed and adopted legislation relating to the implementation of the White paper; EUROPEAN UPDATE data base with complete text of reports analysing the changing business climate in Europe	European Communities	English	Quarterly	£ 200 for annual subscription (single user and small network version); £ 400 for annual subscription (large network version)	Available by batch access SPEARHEAD corresponds to the on-line SPEARHEAD database produced by the UK Department of Trade and Industry; INFO92 corresponds to the on-line INFO92 database produced by the Commission of the European Communities; EUROPEAN UPDATE corresponds to the on-line EUROPEAN UPDATE database produced by Deloitte & Touche Europe Services S.A.