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INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

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This Report covers the activity of UNIDROIT from 1 January to 31 December 2001.

## **I. ADMINISTRATION AND ORGANISATION**

### **A. GOVERNING COUNCIL AND PERMANENT COMMITTEE, GENERAL ASSEMBLY AND FINANCE COMMITTEE**

#### **1. Governing Council and Permanent Committee**

The 80<sup>th</sup> session of the Governing Council was held in Rome from 17 to 19 September 2001 under the chairmanship of the President of the Institute, Mr Berardino Libonati.

The Council approved the Secretary-General's report on the activity of the Institute during 2000 and appointed Mr Roland Loewe and Ms Anne-Marie Trahan as First and Second Vice-President respectively until the 81<sup>st</sup> session.

After reviewing the role of the correspondents of the Institute, the Council nominated the following new correspondents: Mr Mohamed Aboul-Enein (Egypt), Ms Cecilia Fresnedo (Uruguay), Mr Geoffrey Hazard (United States of America), Mr Souichirou Kozuka (Japan), Mr Guy Lefebvre (Canada), Mr Lance Liebman (United States of America), Mr Peter Nesgos (Canada), Mr Howard Rosen (United Kingdom), Ms Amélia Salehabadi (Canada), Mr Folarin Shyllon (Nigeria), Mr Rolf Stürner (Germany) and Ms Hernany Veytia (Mexico).

The Council authorised the transmission to the financial organs of the Institute of the draft estimates of expenditure for 2002 as drawn up by the Secretariat.

At its 102<sup>nd</sup> meeting, held on 17 September 2001, the Permanent Committee took a number of decisions concerning staff matters and approved the provisional agenda for the 55<sup>th</sup> session of the General Assembly.

#### **2. General Assembly and Finance Committee**

The 55<sup>th</sup> session of the General Assembly was held in Rome on 7 December under the chairmanship of Her Excellency Ms Eniko Gyori, Ambassador of Hungary in Italy. The Secretary-General made a statement concerning the Institute's activity during 2001.

In the course of its consideration of financial matters, the Assembly approved the final modifications to the 2000 budget, together with the accounts for that financial year and the Deputy Secretary-General's proposals for adjustments to the 2001 budget. The Assembly also adopted the budget for 2002 and the assessments of member States' contributions for that year.

Furthermore, the General Assembly adopted the Work Programme for the 2002-2004 triennium. The only new item is "Transactions on Transnational and Connected Capital Markets". This project encompasses the following topics: (1) The creation of clear and consistent rules for the taking of securities, especially securities held indirectly through intermediaries in multi-tier holding patterns and evidenced by book entries in the investor's account, as collateral. (2) The creation of standardised "global shares" permitting trade of such shares on more than one (national) stock exchange so as to make foreign capital markets

accessible to a wider range of companies with limited means to create genuinely global shares on a case-by-case basis. (3) The development of rules capable of enhancing trading on emerging markets. (4) The development of harmonised or uniform substantive rules applicable to so-called “delocalised” transactions. Such delocalisation may be the consequence of mergers between markets located in different jurisdictions or it may be technologically induced where “Electronic Communications Networks” (ECNs) are used for trading and even initial public offerings of securities. (5) The examination of the desirability and feasibility of rules for world-wide takeover bids. The Secretariat was authorised to set up one or more Study Group(s) depending on the availability of resources.

The 54<sup>th</sup> session of the Finance Committee was held on 3 October 2001 under the chairmanship of Mr Klaus Famira, Counsellor, Embassy of Austria in Italy. The Committee was called upon to formulate opinions on certain financial matters which were submitted for decision to the General Assembly at its above-mentioned 55<sup>th</sup> session.

In order to finalise a number of proposals for the revision of the 2002 budget, a meeting of the Sub-committee of the Finance Committee was held in Rome on 6 June 2001.

## **B. DIPLOMATIC CONFERENCES, STUDY GROUPS AND COMMITTEES OF EXPERTS**

The following meetings were organised by the Institute in 2001:

### **1. Principles of International Commercial Contracts**

Working Group for the preparation of Principles of International Commercial Contracts, fourth session (Rome, 4 - 8 June 2001).

### **2. Principles and Rules of Transnational Civil Procedure**

Second meeting of the Study Group on Principles and Rules of Transnational Civil Procedure (Rome, 2 - 6 July 2001).

### **3. International Interests in Mobile Equipment**

First joint session of a Committee of Governmental Experts for the preparation of a draft Protocol to the Cape Town Convention on Matters specific to Railway Rolling Stock, held at the seat of the Intergovernmental Organisation for International Carriage by Rail (OTIF), (Berne, 15 and 16 March 2001)

Diplomatic Conference to adopt a draft Convention on International Interests in Mobile Equipment and a draft Protocol thereto on Matters specific to Aircraft Equipment (Cape Town, 29 October - 16 November 2001).

### **4. Franchising**

First session of the Committee of Governmental Experts on Franchising (Rome, 25 - 29 June 2001).

## **C. RELATIONS WITH GOVERNMENTS**

In 2001, two new Governments adhered the Statute of UNIDROIT: Estonia and the Federal Republic of Yugoslavia, thus increasing the number of member States to 59: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia (Federal Republic of).

Consultations continued throughout 2001 between the Secretariat and a number of Governments with a view to their accession to UNIDROIT and it is hoped that these contacts will in due course result in a further expansion of the membership of the Institute.

## **D. DIPLOMATIC CONFERENCES AND MEETINGS ORGANISED BY OTHER INTERNATIONAL ORGANISATIONS**

In the course of the period under review, the Institute was represented at meetings organised by a number of international organisations, including the European Space Agency (ESA)/European Centre for Space Law (ECSL), the Hague Conference on Private International Law, the International Civil Aviation Authority (ICAO), United Nations Economic Commission for Europe (ECE), the United Nations Commission on International Trade Law (UNCITRAL), UNESCO, Intergovernmental Organisation for International Carriage by Rail (OTIF) and the Committee for the Peaceful Uses of Outer Space of the United Nations (UN/COPUOS). Members of the Secretariat also participated in various meetings and seminars at which they gave exposure to UNIDROIT Conventions and to the Institute's ongoing work, information regarding which is provided in Part II of this Report.

## **II. SCIENTIFIC ACTIVITY**

### **A. WORK IN PROGRESS**

#### **1. Principles of International Commercial Contracts**

The Working Group for the preparation of Part II of the UNIDROIT Principles held its fourth session in Rome (Italy) from 4 to 7 June 2001. The session was attended by M.J. Bonell (UNIDROIT, Chairman), P.-A. Crépeau (Canada), S. K. Date Bah (Ghana), A. Di Majo (Italy), E. A. Farnsworth (U.S.A.), P. Finn (Australia), M. Fontaine (Belgium), M. Furmston (United Kingdom), Huang Danhan (China), C. Jauffret-Spinosi (France), A. Komarov (Russian Federation) and P. Schlechtriem (Germany). F. Dessemontet (Swiss Association of Arbitration), H. Grigera Naón (ICC Court of Arbitration), G. Schiavoni (Milan Italian and International Chamber of Arbitration) and J. Sekolec (UNCITRAL) attended as observers. The session was also attended by H. Kronke (Secretary-General of UNIDROIT).

The session focussed mainly on the revised draft Chapter on Authority of Agents prepared by M.J. Bonell (UNIDROIT Study L - Doc. 67), the revised draft Chapter on

Limitation Periods prepared by P. Schlechtriem (UNIDROIT Study L - Doc. 68), the revised draft Chapter on Assignment of Rights, Transfer of Obligations and Assignment of Contracts prepared by M. Fontaine (UNIDROIT Study L - Doc. 69), the revised draft Chapter on Third Party Rights prepared by M. Furmston (UNIDROIT Study L - Doc. 70) and the draft Chapter on Set-off prepared by C. Jauffret-Spinosi (UNIDROIT Study L - Doc. 71). After an extensive discussion the Group, while basically agreeing on the general structure and substance of the drafts, decided on a number of amendments and asked the Rapporteurs to prepare revised drafts for the next session which will take place in Rome from 3 to 7 June 2002.

On the occasion of its last session the Working Group considered the matter of the French language version of Part II of the UNIDROIT Principles. In his capacity as former director of the Quebec Research Centre for Private and Comparative Law of McGill University, P.-A. Crépeau informed the other members of the Group that the Centre, now directed by N. Kasirer, had offered its assistance in the preparation of the French language version. While fully appreciating such a generous offer, it was agreed that the draft Chapters would be transmitted to the Centre as soon as finalised by the Group and that the final French language version should be reviewed by the three francophone members of the Group, i.e. P.-A. Crépeau, M. Fontaine and C. Jauffret-Spinosi.

## **2. International Interests in Mobile Equipment**

### **a) *Convention on International Interests in Mobile Equipment/Protocol thereto on Matters specific to Aircraft Equipment***

The single most important achievement of the Institute over the year under review was the opening to signature in Cape Town on 16 November of the Convention on International Interests in Mobile Equipment (hereinafter referred to as the *Cape Town Convention*), already dubbed by one member of the UNIDROIT Governing Council “one of the most important commercial law Conventions in the history of international private law”<sup>1</sup>, and the Protocol thereto on Matters specific to Aircraft Equipment (hereinafter referred to as the *Aircraft Protocol*). The diplomatic Conference which saw the adoption of these two new international instruments moreover took the historic decision to confer depositary functions in respect thereof upon UNIDROIT, the first time that such functions have been conferred upon the Institute.

The diplomatic Conference represented another historic landmark for the Institute, in the sense that it was the first time the latter had joined forces with another intergovernmental Organisation, in this case the International Civil Aviation Organization (ICAO), in the organisation of a diplomatic Conference for the adoption of a draft instrument prepared by UNIDROIT. The preparations for the Conference had kept the UNIDROIT Secretariat extremely busy in the run-up thereto.

Pursuant to the decision taken by the ICAO Council, at the Ninth Meeting of its 161<sup>st</sup> Session, held in Montreal on 22 November 2000,<sup>2</sup> representatives of the UNIDROIT and ICAO Secretariats visited South Africa from 22 to 25 January 2001 to discuss with the South African Authorities the financial implications of, and administrative arrangements for the

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<sup>1</sup> Cf. Sir Roy Goode, “The UNIDROIT draft mobile equipment Convention: confluence of legal concepts and philosophies” in *Mélanges en l’honneur de Denis Tallon. D’ici, d’ailleurs: harmonisation et dynamique du droit*, Paris, Société de législation comparée, 1999, 69 at 81.

<sup>2</sup> Cf. *Report on the Activity of the Institute 2000*, 5.



Conference such as to permit the ICAO Council to take a final decision as to the venue and date of the Conference. In the light of these discussions, the ICAO Council, at the Eleventh Meeting of its 162<sup>nd</sup> Session, held in Montreal on 13 March 2001, decided that the diplomatic Conference should be held in Cape Town from 29 October to 16 November 2001.

The diplomatic Conference was attended by the representatives of 68 States <sup>3</sup>, seven intergovernmental Organisations <sup>4</sup> and six international non-governmental Organisations.<sup>5</sup> Mr M.R. Rwelamira (South Africa) was elected President of the Conference, Messrs H.S. Burman (United States of America), Gao Hongfeng (China), S. Eid (Lebanon), J. S. Gama Filho (Brazil) and J. Atwood (Australia) Vice-Presidents of the Conference, Mr A.T. Leinonen (Finland) Chairman of the Commission of the Whole, Mrs J. Thompson (Ghana) Chairman of the Credentials Committee, Sir Roy Goode (United Kingdom) Chairman of the Drafting Committee and Mr K.O. Rattray (Jamaica) Chairman of the Final Clauses Committee. 20 of the Negotiating States <sup>6</sup> signed both the Cape Town Convention and the Aircraft Protocol at the closing ceremony of the Conference on 16 November 2001. One further Negotiating State <sup>7</sup> signed both instruments on 6 December 2001.

Pursuant to a decision taken by the diplomatic Conference, in particular with a view to ensuring the full conformity of the six language-versions (English, Arabic, Chinese, French, Russian and Spanish) of the Cape Town Convention and the Aircraft Protocol – each of which constitutes an authentic text – with one another, the texts of that Convention and Protocol are subject to verification by the UNIDROIT and ICAO Secretariats under the authority of the President of the Conference within 90 days of their opening to signature.

The Cape Town Convention and the Aircraft Protocol remain open for signature until such time as they enter into force.<sup>8</sup> Both instruments are subject to ratification, acceptance or approval by signatory States <sup>9</sup> and non-signatory States may accede at any time.<sup>10</sup> The Cape Town Convention will enter into force on the first day of the month following the expiration of three months after the date of deposit of the *third* instrument of ratification, acceptance, approval or accession *but only as regards a category of objects to which a Protocol applies*, first, as from the time of entry into force of that Protocol, secondly, subject to its terms and, thirdly, as between States Parties to the Cape Town Convention and that Protocol.<sup>11</sup> The Aircraft Protocol will enter into force on the first day of the month following the expiration of

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<sup>3</sup> Albania, Angola, Argentina, Australia, Austria, Bahrain, Belgium, Benin, Botswana, Brazil, Burundi, Cameroon, Canada, Chile, China, Congo, Costa Rica, Ivory Coast, Cuba, Czech Republic, Democratic Republic of the Congo, Egypt, Ethiopia, Finland, France, Germany, Ghana, Greece, India, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Mexico, Namibia, Netherlands, Nigeria, Oman, Pakistan, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tonga, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Zimbabwe.

<sup>4</sup> African Civil Aviation Commission (Afcac), European Organisation for the Safety of Air Navigation (Eurocontrol), European Community, Hague Conference on Private International Law, Intergovernmental Organisation for International Carriage by Rail (OTIF), International Mobile Satellite Organization (I.M.S.O.) and the United Nations.

<sup>5</sup> Airlines Association of Southern Africa, Aviation Working Group, European Banking Federation, International Air Transport Association, Rail Working Group and Space Working Group.

<sup>6</sup> Burundi, Chile, China, Congo, Cuba, Ethiopia, France, Ghana, Jamaica, Jordan, Kenya, Lesotho, Nigeria, South Africa, Sudan, Switzerland, Tonga, Turkey, United Kingdom and United Republic of Tanzania.

<sup>7</sup> Italy.

<sup>8</sup> Cf. Article 47(1) of the Cape Town Convention and Article XXVI(1) of the Aircraft Protocol.

<sup>9</sup> Cf. Article 47(2) of the Cape Town Convention and Article XXVI(2) of the Aircraft Protocol.

<sup>10</sup> Cf. Article 47(3) of the Cape Town Convention and Article XXVI(3) of the Aircraft Protocol.

<sup>11</sup> Cf. Article 49(1) of the Cape Town Convention.

three months after the date of deposit of the *eighth* instrument of ratification, acceptance, approval or accession.<sup>12</sup>

ICAO has been invited by the diplomatic Conference to act as Supervisory Authority for the international registration system for aircraft equipment upon the entry into force of the Cape Town Convention and the Aircraft Protocol. Under that Convention the Supervisory Authority is responsible for the establishment of the international registration system for the category of equipment concerned and for the appointment of the Registrar who will in turn be responsible for the day-to-day management of the International Registry for that category of equipment and for ensuring its effective operation.

Pending the entry into force of the Cape Town Convention and the Aircraft Protocol, a Preparatory Commission, set up by the diplomatic Conference, has been given the power to act as Provisional Supervisory Authority, under the guidance and supervision of the ICAO Council. It will be the task of this body, to be made up of representatives of 20 States,<sup>13</sup> to oversee the process whereby the new system is to be established and made operational. The essential tasks of the Preparatory Commission will be to ensure, first, that the international registration system for aircraft equipment is set up in accordance with an objective, transparent and fair selection process and that it be ready to be operated by a target date of one year from the date of adoption of the Cape Town Convention and the Aircraft Protocol and at the latest by the date of their entry into force and, secondly, to ensure the necessary liaison and co-ordination with representatives of private industry that will in due course be using the international registry.

Those States that participated in the diplomatic Conference together with interested private parties have moreover been urged by the Conference to make available at the earliest possible date, on a voluntary basis, the start-up funding that will be necessary for the Preparatory Commission and ICAO to carry out the tasks with which they have been entrusted by the Conference.

Once the Cape Town Convention and the Aircraft Protocol have entered into force, a Commission of Experts, to be set up by ICAO, pursuant to an invitation addressed to it by the diplomatic Conference, will have the task of assisting ICAO in its functions as Supervisory Authority. This Commission is to consist of not more than 15 members to be appointed by the ICAO Council from among persons nominated by those States signing and becoming Parties to the Cape Town Convention and the Aircraft Protocol, having the necessary qualifications and experience.

***b) Preliminary draft Protocol on Matters specific to Railway Rolling Stock***

The first session of a Committee of governmental experts for the preparation of a draft Protocol to the Cape Town Convention on Matters specific to Railway Rolling Stock, on the basis of the preliminary draft Protocol prepared by the Rail Working Group, organised, at the invitation of the President of UNIDROIT, by Mr H. Rosen, as amended by a UNIDROIT Steering and Revisions Committee, was held, at the seat of the Intergovernmental Organisation for International Carriage by Rail (OTIF), in Berne on 15 and 16 March 2001. Pursuant to the decision taken by the UNIDROIT Governing Council at its 79<sup>th</sup> session, held in Lisbon from 10

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<sup>12</sup> Cf. Article XXVIII(1) of the Aircraft Protocol.

<sup>13</sup> Argentina, Brazil, Canada, China, Cuba, Egypt, France, Germany, India, Ireland, Kenya, Nigeria, Russian Federation, Senegal, Singapore, Switzerland, South Africa, Tonga, United Arab Emirates and United States of America.

to 13 April 2000, and to that taken by the fourth General Assembly of OTIF, held in Athens from 8 to 11 September 1997, this Committee of governmental experts is sponsored jointly by UNIDROIT and OTIF.

This first session of governmental experts was attended by the representatives of 20 States<sup>14</sup> and five international non-governmental Organisations.<sup>15</sup> Mr K.F. Kreuzer (Germany) was elected Chairman of the Committee, Ms I. Weinberg de Roca (Argentina) Deputy Chairman and Sir Roy Goode (United Kingdom) *Rapporteur*. During its session the Committee proceeded to carry out a first reading of the preliminary draft Protocol. It was agreed that the task of implementing the amendments agreed during that reading should be carried out by a restricted Drafting Committee manned by representatives of certain Governments represented in Berne. This restricted Drafting Committee will meet in Rome from 4 to 6 February 2002 prior to the second session of the Committee of governmental experts, to be held in Rome from 17 to 19 June 2002.

At its first session the Committee of governmental experts also agreed to establish a Registry Task Force the task of which would be to report back to it, first, on the extent to which the conclusions reached by the International Registry Task Force that had carried out preparatory work on the international registration system for aircraft equipment could be applied to the operation of the International Registry to underpin the future Rail Protocol, secondly, with an analysis of existing or possible future railway rolling stock registration systems, thirdly, on the advantages and disadvantages of making special provision for registration systems in unified transnational railway networks, fourthly, regarding the Unique Identification Criteria and how they were registered, fifthly, on the utility and cost of a lexicon of equivalent descriptions of railway rolling stock and regarding any other technical or operational issues and the relevant legal implications. Mr F. Croccolo (Italy) and Mr P. Bloch (United States of America) were appointed co-Chairmen of the Registry Task Force, which will meet for the first time in Rome from 20 to 22 March 2002.

**c) *Preliminary draft Protocol on Matters specific to Space Assets***

At its 80<sup>th</sup> session, held in Rome from 17 to 19 September 2001, the UNIDROIT Governing Council authorised the UNIDROIT Secretariat to transmit the preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets that had been communicated on 30 June 2001 to the President of UNIDROIT by Mr P. D. Negios, co-ordinator of the Space Working Group, to member Governments and to convene a UNIDROIT Committee of governmental experts to prepare, on the basis thereof, a draft Protocol capable of being submitted for adoption, at such time as a Steering and Revisions Committee, composed *inter alia* of members of the Governing Council, had had the opportunity to review it, in particular in the light of the texts of the Cape Town Convention and the Aircraft Protocol but also, where appropriate, in the light of the preliminary results of the *ad hoc* consultative mechanism of the Committee on the Peaceful Uses of Outer Space of the United Nations (UN/COPUOS) set up by that Committee at its 44<sup>th</sup> session, held in Vienna from 6 to 15 June 2001, to review the Cape Town Convention and the preliminary draft Space Protocol from the point of view of their compatibility with existing international

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<sup>14</sup> Argentina, Austria, Belgium, Canada, China, Croatia, Czech Republic, Finland, Germany, Hungary, Italy, Portugal, Republic of Korea, Russian Federation, South Africa, Sweden, Switzerland, Tunisia, United Kingdom and United States of America.

<sup>15</sup> European Company for the Financing of Railroad Rolling Stock (Eurofima), International Rail Transport Committee (C.I.T.), International Union of Private Railway Wagons (U.I.P.), International Union of Railways (U.I.C.) and Rail Working Group.

space law. On that occasion, the Governing Council further authorised the UNIDROIT Secretariat to invite those member States of UN/COPUOS that were not also member States of UNIDROIT, as well as the United Nations Office for Outer Space Affairs (UN/OOSA), to participate in the work of such Committee of governmental experts.

The preliminary draft Space Protocol thus communicated by Mr Nesgos to UNIDROIT had been prepared by the Space Working Group that had been organised by him at the invitation of the President of UNIDROIT over the course of three sessions. The Space Working Group had brought together representatives of the commercial aerospace industry and the financial and insurance communities supporting that industry.

The decision of the Governing Council to invite the Steering and Revisions Committee to have regard, where appropriate, to the preliminary results of the UN/COPUOS *ad hoc* consultative mechanism and to authorise the Secretariat to invite UN/COPUOS member States and UN/OOSA to participate in the work of the future UNIDROIT Committee of governmental experts had its origin in the feelers put out by the Secretariat to UN/OOSA to ascertain the interest of the United Nations in serving as Supervisory Authority in respect of the international registration system for space assets. The Space Working Group had taken the view that, in particular in view of the fact that the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies and the 1975 Convention on Registration of Objects Launched into Outer Space (hereinafter referred to as the *Registration Convention*) were concluded under the auspices of the United Nations and that the Registry provided for under the Registration Convention was maintained by UN/OOSA, the United Nations would in principle be the most appropriate body to exercise such functions.

It was as a result of the Legal Subcommittee of UN/COPUOS' consideration of the then draft Convention on International Interests in Mobile Equipment and the preliminary draft Space Protocol at its 40<sup>th</sup> session, held in Vienna from 2 to 12 April 2001, attended, on behalf of UNIDROIT, by Mr M.J. Stanford, Principal Research Officer, that the decision was taken by UN/COPUOS at its 44<sup>th</sup> session to set up the *ad hoc* consultative mechanism to review the draft Convention and the preliminary draft Space Protocol from the point of view of their compatibility with existing international space law. A first session of the *ad hoc* consultative mechanism met in Paris on 10 and 11 September 2001. UNIDROIT was represented on that occasion by Mr Stanford and, on behalf of the Space Working Group, Mr J. Bertran de Balanda, Mr S. Kozuka and Mr P.B. Larsen.

A fifth session of the Space Working Group will be held in Rome on 30 and 31 January 2002 with a view to revising the preliminary draft Space Protocol in the light of the results of the Cape Town diplomatic Conference. On 1 February 2002 the Steering and Revisions Committee set up by the Governing Council at its 80<sup>th</sup> session will be meeting in Rome to put the finishing touches to the preliminary draft Space Protocol prior to its transmission to member Governments.

### **3. Franchising**

From 25 to 29 June 2001 a *Committee of Governmental Experts* convened to examine the *Draft Model Franchise Disclosure Law* met for the first time. The meeting took place in Rome, at the seat of the Institute, and was attended by representatives of twenty member

States,<sup>16</sup> one non-member State,<sup>17</sup> and three international organisations.<sup>18</sup> Ms Hernany Veytia (Mexico) chaired the meeting. Mr Souichirou Kozuka (Japan) acted as Vice Chairperson.

While appreciating the work of the Study Group, the Committee made a number of proposals for modification of both the text and the Explanatory Report. Still open questions include the insertion of a Preamble to the Model Law (while the principle of the Preamble has been accepted its format has not yet been decided), whether or not the list of items to be disclosed in Article 6 should be a closed or an open list, and the nature of the remedies available under the Model Law.<sup>19</sup>

The second session of the Committee of Governmental Experts is due to be held from 8 to 12 April 2002.

#### **4. International protection of cultural property**

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted and opened to signature on 24 June 1995, entered into force on 1 July 1998 pursuant to the deposit of the fifth instrument. As of 31 December 2001 there were fifteen Contracting States: Argentina, Bolivia, Brazil, China, Croatia, Ecuador, El Salvador, Finland, Hungary, Italy, Lithuania, Norway, Paraguay, Peru and Romania (cf. *infra*, sub Acceptance of UNIDROIT Conventions). The Secretariat was informed that, in 2001, Portugal concluded the parliamentary procedures for ratification and that, after having clarified a question of terminology, the deposit of its instrument should shortly take place. The procedure for ratification or accession is underway in other countries. We should note in particular that, on 24 January 2001, the project of law authorising the approval by France of the Convention was discussed during the Council of Ministers and this project has been sent to the National Assembly for further examination.

Ever since its adoption, the UNIDROIT Secretariat has been assiduous in its efforts to maximise awareness of the Convention by taking part in a number of events at which the Convention has been studied. Of particular interest among these events was the eleventh session of UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, which was held in Phnom Penh from 6 to 9 March 2001. This was an opportunity to establish contact with representatives of non-member States of UNIDROIT and for them to get acquainted with the Convention. Soon after this meeting, Cambodia initiated the parliamentary procedure in view of ratification which was practically completed by end of 2001.

In June 2001 the Secretariat also participated in a Conference organised by the Italian Carabinieri on archaeological property and the illicit trafficking on cultural property. These events made participants (government officials of the Ministries of Culture, Directors of

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<sup>16</sup> Argentina, Belgium, Canada, China, Colombia, France, Germany, Italy, Japan, Malta, Mexico, Republic of Korea, Russian Federation, South Africa, Sweden, Switzerland, Tunisia, and the United States of America.

<sup>17</sup> Ukraine.

<sup>18</sup> The International Bar Association, the Union Internationale des Avocats and the World Franchise Council.

<sup>19</sup> For a Report on the meeting, see Study LXVIII – Doc. 36. For the text and Explanatory Report as revised following the meeting, see Study LXVIII – Doc. 37. The documents are available on the UNIDROIT web site at <http://www.unidroit.org/english/franchising/modellaw/main.htm>.

museums, police and customs officers...) familiar with the legal weapons available for the protection of cultural property and offered the opportunity to stimulate the adhesion of a number of countries of the legal instruments of use to combat illicit trafficking in this field.

At the close of all these events recommendations were adopted requesting the States to become parties to the UNIDROIT Convention of Stolen or Illegally Exported Cultural Objects.

The Secretariat was also invited during 2001 to participate in other meetings and seminars so as to present the Convention and to lead round table discussions but, because of insufficient funds, it was not able to attend. We note in particular the meetings in Hanoi (Workshop on the Protection of Cultural Heritage in Southeast Asia, April 2001, organised by ICOM), in Brussels (first meeting of the European Forum for the Prevention of Organised Crime, with a specific workshop focusing on the prevention of trafficking in cultural goods, organised by the European Commission, Directorate General for Justice and Home Affairs, May 2001), in Brijuni (third Conference on Illicit Traffic in Cultural Property Stolen in Central and Eastern Europe organised in Croatia by ICPO-Interpol, May 2001), in Dushanbe (Regional Workshop on Cultural Legislation for Central Asian Countries organised in Tadjikistan by UNESCO, May 2001), in Phnom Penh (National Seminar to fight illicit traffic of Cambodian cultural property, adoption of an appropriate legal framework, organised by UNESCO, June 2001), in Erevan (Interregional Conference on Co-ordination of Implementation of UNESCO Conventions and other International Instruments on the Protection of Cultural Heritage, organised by UNESCO in September 2001 and following a workshop on cultural legislation organised by UNESCO's National Armenian Commission in 2000 which UNIDROIT attended), in Baku (National Workshop on International Standards for the Protection of Cultural Heritage organised by UNESCO in Azerbaijan, September 2001), in Shenzhen (Seminar on Fighting Against the Illicit Traffic and Smuggling of Chinese Cultural Heritage following a first seminar organised in 1998, organised by the Chinese Government and UNESCO in October 2001). As it was not possible for UNIDROIT to be represented at any of these meetings, written presentations were sent in most cases by the Secretariat.

The Convention continues to be the subject of articles in legal periodicals and in the international media.

## **5. Principles and rules of transnational civil procedure**

The second session of the Working Group for the Preparation of Principles and Rules of Transnational Civil Procedure was held at the UNIDROIT headquarters in Rome from 3 to 7 July 2001.

The session was chaired by Mr R. T. Nhlapo (South Africa; Member of the Governing Council of UNIDROIT) and was attended by Mr N. Andrews (U.K.), Ms A. R. Kemelmajer de Carlucci (Argentina), Ms F. Ferrand (France), Mr G. C. Hazard Jr. (U.S.A.; *Co-Rapporteur on behalf of the ALI*), Mr M. Kawano (Japan), Mr P. Lalive (Switzerland) and Mr R. Stürner (Germany; *Co-Rapporteur on behalf of UNIDROIT*). The session was also attended by Mr A. Gidi, Secretary to the Group and Ms L. Maggioni (observer for the Court of Justice of the European Communities). The UNIDROIT Secretariat was represented by Mr H. Kronke and Mr M.J. Bonell.

The session mainly focused on the examination of the Draft Fundamental Principles of Transnational Civil Procedure prepared by Mr G. C. Hazard Jr (UNIDROIT 2001 Study LXXVI – Doc. 4, pp. 11-15) together with the Comments thereto by Mr R. Stürner (UNIDROIT 2001 Study LXXVI – Doc. 5) and on the examination of selected provisions contained in the Draft Rules of Transnational Civil Procedure prepared by Messrs. G. C. Hazard Jr, M. Taruffo and A. Gidi (UNIDROIT 2001 Study LXXVI – Doc. 4, pp. 16-52).

After extensive discussion the Group decided to ask the two Rapporteurs to prepare a new Draft Fundamental Principles of Transnational Civil Procedure with Comments to be discussed at the Group's third session which will take place in Rome from 27 to 31 May 2002. It was also decided that a French language version of the draft Principles should be prepared as soon as possible. A first draft will be produced under the auspices of the ALI to be reviewed by the francophone members of the Group, i.e. Ms F. Ferrand and Mr P. Lalive.

As to the draft Rules of Transnational Civil Procedure it was agreed that for the time being they should be kept separate from the draft Principles and viewed as one of the possible forms of implementation of the Principles.

## **6. Transport**

In accordance with the brief entrusted to him by the *Working Party on Road Transport* of the Inland Transport Committee of the UN Economic Commission for Europe, Mr Putzeys, member of the Governing Council, submitted a draft text of a future Protocol to the *1956 Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR)* introducing electronic data interchange (EDI) into its procedures (see the Report on the Activity of the Institute 2000, p. 12).

The draft, which was adopted by the Governing Council at its 80<sup>th</sup> session in September 2001, was discussed on 18 October 2001, at the 95<sup>th</sup> session of the above-mentioned Working Party (TRANS/SC. 1/2001/7 of 10 October 2001). It was decided to elicit the view of the CMR Contracting Parties by means of a written questionnaire relating to the follow-up to be afforded the draft Protocol (TRANS/SC.1/369, p. 10 of the French version of the document). In collaboration with the Secretariat of the Working Party, Mr Putzeys finalised the questionnaire and a cover note. Following the preparation of a document reviewing the replies to the questionnaire, a drafting committee will be convened with a view to the preparation of the draft Protocol for adoption.

## **B. ACTIVITIES SUBSIDIARY TO THE UNIFICATION OF LAW**

### **1. Programme of legal co-operation**

It should be recalled that the aim of the programme of legal co-operation is to promote the Organisation's relations with developing countries or countries in economic transition, be they member or non-member States, whose resources to participate in the process of legal harmonisation are limited. This programme mainly consists of efforts to make the Institute's work more widely known and of offering training and research opportunities to top-level research scholars thanks to the scholarship programme.

**a) Research Scholarships programme**

The Research Scholarships Programme has just completed its first seven years' operation and has allowed 91 researchers originating from 39 countries to carry out top-level research in the UNIDROIT Library on the topic of their choice, related to UNIDROIT's activities and/or on uniform law, thus contributing to the realization of UNIDROIT's objectives in promoting uniform law.

Twenty researchers were welcomed during 2001 in accordance with the decision taken by the Scholarships Sub-committee of the Governing Council at its meeting in 2000 and thanks to the support of the following sponsors: Government of France, Government of the Republic of Korea and Government of Finland, as well as a contribution from UNIDROIT's general budget.

The following persons have thus benefited from the Programme:

1. Prof. Vladimir PLETNEV (Russian Federation), Law Professor, Ural State Law Academy, Ekaterinburg. Research period: 1 Nov. – 18 Dec. 2000. Research topic: "Rights *in rem* in continental law ". Funding (*ad personam*): Research Centre for Private Law (Ural Branch)
2. Prof. Valentinas Mikelenas (Lithuania), Law Professor, Vilnius University; Judge, Supreme Court. Research period: 2 Jan.- 2 Feb. Research topic: "International Civil Procedure". Sponsor: Canadian Government, Department of Justice.
3. Mr Fodé Kante (Guinea), Magistrate, Arbitration Chamber of Guinea. Research period: 15 Jan.-15 Mar. Research topic: "International Commercial Arbitration in the OHADA context". Funding (*ad personam*): French Government, Department of Foreign Affairs.
4. Mr Mosgan Situmorang (Indonesia), Senior Researcher, National Law Reform Agency, Ministry of Justice, Jakarta. Research period: April-May. Research topic: "Cross-Border Insolvency – Comparative & International Law Aspects". Sponsor: Government of Korea.
5. Ms Galina Yeromenko (Ukraine), Researcher and Professor, Institute of State and Law of the Ukrainian Academy of Sciences. Research period: April-May. Research topic: "Conception of Civil Liability in modern law doctrine". Sponsor: UNIDROIT.
6. Ms Natalia Trigoubovitch (Russia), Lecturer, Saratov State Academy of Law, Saratov. Research period: April-May. Research topic: "Choice and Application of Law in International Commercial Contracts". Sponsor: UNIDROIT.
7. M. Aliaksandre Danilevich (Belarus), Assistant Professor, Academy for Administration to the President of the Republic. Research period: August-September. Research topic: "The arbitral award and recourses". Sponsor: UNIDROIT. In conjunction with the Swiss Institute of Comparative Law (Lausanne) (2 months).
8. Ms Najla Mestiri (Tunisia), Post-graduate student (LLM), Montreal (Canada). Research period: 23 Apr.- 23 May. Research subject: "International Sales, Uniform Law and the UNIDROIT Principles". Sponsor: UNIDROIT.
9. Ms Ruslana Nikishova (Belarus), Lecturer, International Law Department, Belarus State University, Minsk. Research period: 7 May - 31 July. Research topic: "Civil Liability – Torts. International and Comparative Law Aspects". Sponsor: UNIDROIT.
10. Mr Daniel Belansky (Slovakia), Lawyer, Ministry of Foreign Affairs, Bratislava. Research period: May-June. Research topic: "Bankruptcy – A Comparative Study on Enforcement in Slovakia and the Countries of the European Union". Sponsor: Government of France.



11. Mr K.B. Agrawal (India), Director, Indian Institute of Comparative Law – former Dean of the Faculty of Law, University of Rajasthan, Jaipur. Research period: May-July. Research topic: “Private International Law – Research on Private International Law Aspects of Breach of Contract” commissioned by the Indian Institute of Comparative Law, Jaipur. Sponsor: Government of Korea.
12. Mr N. Gupta (India), Associate Professor, Indian Institute of Comparative Law, Jaipur. Research period: June, in co-operation with the Swiss Institute of Comparative Law (Lausanne). Research topic: “Family Law and Private International Law”, commissioned by the Indian Institute of Comparative Law, Jaipur. Sponsor: Government of Korea.
13. Mr Sergei Poukhof (Russia), Practising lawyer, Adjunct Professor, Russian Academy of Foreign Trade, Perm. Research period: June. Research topic: “The Principle of Good Faith and Fair Dealing in International Trade Law”. Sponsor: UNIDROIT.
14. Mr Olexey Kostromov (Ukraine), Lecturer, Ukrainian Center for Legal Studies and Ukrainian Institute of International Relations, Kiev. Research period: June-July. Research topic: “Contemporary Problems of the International Unification of Agency Law”. Sponsor: UNIDROIT.
15. Mr Messaoud Menti (Algeria), Professor, University of Annaba. Research period: June-July. Research topic: “The Obligations of Seller and Buyer in the International Sale of Goods”. Sponsor: Government of Finland.
16. Mr Olekunle Olatawura (Nigeria), Solicitor, PhD Researcher, London. Research period: July-August. Research topic: “The Impact of the UNIDROIT Model Law on Franchising and its Promotion in Developing Countries with Reference to Nigeria”. Sponsor: Government of Finland.
17. Ms Angela Mita-Baciu (Romania), Assistant Professor, Faculty of Law, University of Iasi. Research period: July-August. Research topic: “Conflict of Laws on International Sale of Goods Matters under the European Uniform Regulations”. Sponsor: UNIDROIT.
18. Mr José Mauricio Gaona (Colombia), Assistant Professor, University Externado de Colombia (Bogota). Research period: Sept.-Oct. Research topic: “European Procedural Law”. Sponsor: Government of Finland.
19. Mr Nikoloz Devdariani (Georgia), Legal Attaché, Ministry of Justice, Tbilisi. Research period: Sept.-Oct. Research topic: “Unification of Private Law and the Activities of UNIDROIT”. Sponsor: UNIDROIT.
20. Mr Gaston Kenfack-Douajni (Cameroon), Deputy Director of Civil, Commercial, Social and Traditional Legislation, Ministry of Justice, Yaoundé. Research Period: 15 Sept.- 30 Oct. Research topic: “The role of arbitration in the OHADA system”. Sponsored *ad personam* by the French Government.

**b) *Interns and Researchers***

In 2001 the Institute welcomed the following interns and researchers: Jennifer Lubin (USA), Olaf Meyer (Germany) and Romain Vallet (France).

Mr Bruno Poulain was seconded to the Secretariat in July 2001 for a period of twelve months under the French Government’s voluntary service scheme. This period of secondment is renewable and Mr Poulain is likely to apply for an extension until December 2002.

## **2. Creation of a data base on uniform law**

In the course of the year 2001 work progressed with a view to the setting up of the Uniform Law Data Base:

- the interest of the following institutions in the data base, as users but in some cases also as contributors, was ascertained: Institute of Advanced Legal Studies (London), *Katholieke Universiteit Leuven*, *Institut belge de droit comparé*, *Université libre de Bruxelles*, *Université Catholique de Louvain*, *Université de Liège*, *Faculté de droit*, *Universiteit Antwerpen UIA*, *Vrije Universiteit Brussel*, *Universiteit Gent*;
- a number of on-line sources of information in different countries were identified and relations established with the Belgian Supreme Court for the electronic transmission of the decisions of the Court;
- contacts were established with the holders of other sources of information; and
- an analysis of the CMR Convention, the first instrument due to be dealt with by the data base, and the consequent preparation of a list of the issues dealt with in the Convention, were carried out by Mr J. Putzeys, member of the UNIDROIT Governing Council.

## **3. Acceptance of UNIDROIT Conventions**

The Secretariat has throughout 2001 continued to use its best efforts to promote UNIDROIT Conventions, whether by making presentations at conferences or by penning articles.

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects entered into force in Croatia on 1 March 2001. Argentina and Norway acceded to the Convention on 3 August 2001 and on 28 September 2001 respectively and the Convention will enter into force in these countries on 1 February and on 1 March 2002 respectively. The Convention thus counts fifteen Contracting States to this date.

## **4. Conferences and other events**

### ***a) Principles of International Commercial Contracts***

The *XII<sup>es</sup> Journées Maximilien-Caron* organised by the Centre for Business Law and International Trade (CDACI), in conjunction with the Canadian Bar Association (CBA), Québec Division, Montreal (Canada) and devoted to “The UNIDROIT Principles and International Contracts: Practical Aspects” took place on 20 April 2001. Under the honorary chairmanship of P.-A. Crépeau, the Symposium was introduced by a general report by A.-M. Trahan. Papers were presented on: “The content of the UNIDROIT Principles” (E. Charpentier); “The UNIDROIT Principles and the Québec Civil Code: variations and permutations” (L. Rolland); “The UNIDROIT Principles and the Vienna Convention on the International Sale of Goods (M. J. Bonell); “How to use the UNIDROIT Principles in contractual practice?” (A. Prujiner); “The UNIDROIT Principles and electronic commerce” (V. Gautrais); “Application of the UNIDROIT Principles by arbitrators and tribunals”

(E. Darankoum); “Does recourse to the UNIDROIT Principles exclude application of national regulations?” (J. Talpis). A workshop followed with the participation of L. Da Gamma e Souza Jr, N. Brière, Jiao Jie and Ms A. Salehabadi.

Following a luncheon talk by Mr H. Kronke, Mr N. Kasirer presented the recently established Paul-André Crépeau Prize.

On 27 April a Seminar on “The use of the UNIDROIT Principles of International Commercial Contracts in International Commercial Arbitration”, organised jointly by the ICC International Court of Arbitration and UNIDROIT, took place at the ICC headquarters in Paris, France with the participation of a select group of invitees.

Papers were presented on: “The Principles’ Role in International Commercial Arbitration: A [European/US] Perspective” (Y. Derains; E.A. Farnsworth); “The Principles as a Means for Interpreting and Supplementing Domestic Law and International Uniform Law” (M.J. Bonell; F. Dessemontet); “The Principles and their Application to Contracts Involving States or Intergovernmental Organisations” (K.-H. Böckstiegel; J. Crawford); “The Principles as *lex contractus* chosen by the Parties and in the Absence of an Explicit Choice-of-Law Clause” (P. Lalive; J. Lew); “The Principles – An Expression of Current Contract Practice?” (M. Fontaine; H. Raeschke-Kessler); “The Role of the Principles in ICC Arbitration Practice” (P. Mayer). In addition representatives of a number of arbitration centres reported on the role of the UNIDROIT Principles in the jurisprudence of their centres: B. Attallah for the *Cairo Regional Centre for International Commercial Arbitration*; M. Ferrante for the *Associazione Italiana per l’Arbitrato, Rome*; A.S. Komarov for the *International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation*; W. Melis for the *Internationales Schiedsgericht der Wirtschaftskammer Osterreich, Vienna*; G. Schiavoni for the *Camera Arbitrale Nazionale e Internazionale di Milano*; Ko-Y. Tung for the *International Centre for the Settlement of Investment Disputes, Washington*.

Presentations were followed by a lively discussion and Mr H. Grigera Naón and Mr H. Kronke concluded the Seminar, noting with satisfaction that it had been a great success.

The proceedings of the seminar will be published jointly by ICC and UNIDROIT in the course of 2002.

#### **b) *International Interests in Mobile Equipment***

Ms Siew Huay Tan, Head (Legal) of the Civil Aviation Authority of Singapore and a member of the delegation of the Government of Singapore that had attended the joint sessions of the UNIDROIT Committee of governmental experts and Sub-Committee of the ICAO Legal Committee, spoke about the preliminary draft Protocol to the then draft Convention on International Interests in Mobile Equipment on Matters specific to Space Property at the Space Law Conference 2001 on “Legal Challenges and Commercial Opportunities for Asia”, organised jointly by the International Institute of Space Law and the Society of International Law, Singapore in Singapore on 11 and 13 March 2001.

Mr Peter D. Nesgos, co-ordinator of the Space Working Group, spoke about the preliminary draft Protocol to the then draft Convention on International Interests in Mobile Equipment on Matters specific to Space Property during a session of the 11<sup>th</sup> General International Space Conference on “The human Factor in Space”, organised by Assicurazioni

Generali S.p.A. in Rome on 15 and 16 March 2001. Mr Martin J. Stanford and Mr Alexandre de Fontmichel represented the Secretariat.

A regional seminar on the draft Convention on International Interests in Mobile Equipment and the draft Protocol on Matters Specific to Aircraft Equipment was held in Singapore from 23 to 25 May 2001. Organised by the Civil Aviation Authority of Singapore and the Singapore Trade Development Board with a view to familiarise government officials and commercial circles from the Asian-Pacific region with the draft instruments, the seminar was co-sponsored by UNIDROIT and ICAO. Mr Herbert Kronke represented the Secretariat.

Another regional seminar on the draft Convention and the draft Protocol, organised by ICAO, was held in Nairobi (Kenya) from 29 to 31 August 2001. Mr Herbert Kronke represented the Secretariat.

From 29 to 31 May 2001 an international colloquium "Legal Framework for the Commercial Use of Outer Space", organised by the Institute of Air and Space Law of the University of Cologne (Germany) and the German Aerospace Centre (DLR), was held in Cologne. Mr Herbert Kronke chaired the session on launch and associated services and made a presentation on the draft Protocol on Matters specific to Space Assets in the framework of the session dedicated to international law making and harmonisation of national laws.

A seminar for representatives from the MERCOSUR Member States, Bolivia and Chile was held in Montevideo on 8 October 2001 at the invitation of the Ministry of Foreign Affairs of the Republic of Uruguay. Both the draft UNIDROIT instruments and the Inter-American Model Law on secured transactions to be adopted by CIDIP VI were discussed. Mr Herbert Kronke represented the Secretariat.

A joint session of Committee E (Banking Law) and Committee Z (Outer Space) of the Section on Business Law of the International Bar Association was devoted to consideration of the preliminary draft Protocol to the then draft Convention on International Interests in Mobile Equipment on Matters specific to Space Assets in Cancun on 1 November 2001 on the occasion of the 2001 Conference of that Organisation. Presentations were given by Mr Dara A. Panahy, assistant to the co-ordinator of the Space Working Group, Ms Lisa Curran, Co-Chair of Subcommittee E6 (Innovations in Financing Transactions) of Committee E and, as such, co-representative of the IBA at the aforementioned joint sessions, and Mr David Meltzer, Vice-President, Intelsat Global Service Corporation, Washington, D.C.

A conference on the new international regimen ushered in by the Cape Town Convention, subtitled "Real rights from an international and a national perspective", was organised by the University of Utrecht in that city on 30 November 2001. Presentations were given by Mr Martin J. Stanford ("The new regimen: its history and future after South Africa"), Sir Roy Goode ("The international interest as an autonomous property interest"), Mr Willem H. van Baren ("The Geneva Convention and the Cape Town Convention: proprietary aspects from the viewpoint of a practitioner"), Mr Howard Rosen, co-ordinator of the Rail Working Group ("The regimen of the Railway Rolling Stock Protocol"), Mr Olivier M. Ribbelink ("The regimen of the Space Assets Protocol"), Mr B. Patrick Honnebier ("Dutch law and the new regimen"), Mr Arthur F. Salomons ("The development of security rights: how to maintain the balance of the interests involved"), Ms Eva-Maria Kieninger ("German law and the new regimen"), Messrs Vincent Sagaert and Eric Dirix ("Belgian law and the new regimen") and Mr Sjek H. M. van Erp ("The Cape Town Convention as a new international proprietary regimen").

**c) *Franchising***

The draft *UNIDROIT Model Franchise Disclosure Law* was the subject of discussion at two international conferences. The first was the conference *Franchising Asia 2001*, organised by the *Asia Pacific Franchise Confederation (APFC)*. It was hosted by the Philippines Franchise Association and was held in Manila (the Philippines) on 13 and 14 September 2001. There were two speakers on the Model Law: Mr Souichirou Kozuka, member of the UNIDROIT Study Group and subsequently representative of Japan to the First Session of the Committee of Governmental Experts convened to examine the Draft, and correspondent of the Institute, and Mr Brian Smart Director General of the British Franchise Association (BFA).

The second conference was the *Business Law International Conference* of the International Bar Association, which was held at Cancun (Mexico) from 28 October to 2 November 2001. The Draft Model Law was illustrated by Ms Hernany Veytia, representative of Mexico to, and Chairperson of, the First Session of the Committee of Governmental Experts, and correspondent of the Institute.

**d) *Others***

On 5 and 6 April 2001 the Law Centre for European and International Co-operation, Cologne (Germany), organised, in co-operation with the Centre for Commercial Law Studies, London (United Kingdom), and the Southern Methodist University Institute of International Banking and Finance, Dallas, Texas (USA), a conference on “Legal Issues in Electronic Banking”. Mr Herbert Kronke presented a paper on “Applicable Law and Jurisdiction in Electronic Banking Transactions”.

On 17 and 18 May 2001, the University of Cologne (Germany) and the *Bayer Stiftung für deutsches und internationales Arbeits- und Wirtschaftsrecht* organised a conference in Leverkusen entitled “Change of Systems in European Conflict of Laws, Private Law and Commercial Law after the Treaties of Amsterdam and Nice”. Mr Herbert Kronke chaired a session dedicated to the work of the Hague Conference on Private International Law, UNIDROIT and UNCITRAL in this context.

“The Imprint of Civil Law on International Commercial Relations” was the title of a conference organised by the Ministry of Foreign Affairs (Italy) and sponsored by UNIDROIT, on 29 and 30 November 2001. Among the papers presented were: “The 1980 Vienna Convention on the International Sale of Goods” by Mr Roland Loewe, member of the UNIDROIT Governing Council, “The Settlement of International Commercial Disputes: The UNIDROIT/ALI Draft Principles and Rules of Transnational Civil Procedure” by Ms Frédérique Ferrand, member of the Study Group on Principles and Rules of Transnational Civil Procedure, “UNIDROIT Principles of International Commercial Contracts” by Mr M. Joachim Bonell, “Legal Education in the United States and Europe. Its Relevance for Style and Substance of International Commercial Practice” by Mr Herbert Kronke.

## 5. The UNIDROIT Internet Web site: [www.unidroit.org](http://www.unidroit.org)

The UNIDROIT Internet web site continues to be an extremely effective means of promoting UNIDROIT's activities and its instruments.

Development of the UNIDROIT web site continued in 2001. The content of the site has been substantially enlarged and many of its pages updated and/or replaced in order to provide an up to date, comprehensive overview of UNIDROIT's activities.

Significant additions to the site in 2001 were the sections devoted to UNIDROIT's work on the draft Convention on International Interests in Mobile Equipment and relative draft Protocols as well as the section on the Diplomatic Conference to adopt a Mobile Equipment Convention and Aircraft Protocol held in Cape Town, South Africa from 29 October to 16 November 2001. All preparatory documents for that Conference were posted on the website as well as the two instruments adopted by the Conference – the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment – and the Final Act.

The UNIDROIT Internet web site contains:

- A **Presentation of UNIDROIT**, providing general information on the Institute, its membership, working methods, current work programme including subsidiary activities such as its scholarship programme and publishing activities, as well as a list of past achievements;
- The **UNIDROIT Work Programme**;
- A section devoted to the **UNIDROIT Principles of International Commercial Contracts** containing the integral version of the UNIDROIT Principles, including the model clause approved by the Governing Council in 1999 for use by the parties wishing to provide that their agreement be governed by the UNIDROIT Principles, an extensive bibliography, scholarly articles, case law and brief reports on the sessions of the Working Group for the preparation of Part II of the UNIDROIT Principles of International Commercial Contracts;
- A section devoted to the Institute's work on international interests in mobile equipment containing the **Preliminary draft Protocol on Matters specific to Railway Rolling Stock**, the **Preliminary draft Protocol on Matters specific to Space Property** and related materials as well as a select bibliography on secured transactions;
- A section devoted to the **Diplomatic Conference to adopt a Mobile Equipment Convention and an Aircraft Protocol**, Cape Town, South Africa, 29 October - 16 November 2001;
- The text of the **Model Franchise Disclosure Law** and draft Explanatory Report as well as an updated version of Annex 3 to the *UNIDROIT Guide to International Master Franchise Arrangements* on "Legislation and Regulations Relevant to Franchising";

- The **ALI/ UNIDROIT Principles of Transnational Civil Procedure** as well as brief reports on the work of the **ALI/UNIDROIT** Working Group for the Preparation of Principles and Rules of Transnational Civil Procedure;
- A section devoted to the **publicisation and promotion of UNIDROIT activities**;
- **UNIDROIT News**, a section of the Uniform Law Review providing information on the current events and activities of UNIDROIT;
- The texts of **UNIDROIT Conventions** as well as status reports on the state of ratifications of and accessions to those Conventions and relative bibliographies;
- A section devoted to **UNIDROIT Publications**, including the tables of contents and the leading article of each issue of the **Uniform Law Review**;
- Information on **Research opportunities at UNIDROIT, Scholarships and Internships**;
- A list **Depository Libraries for UNIDROIT documentation**;
- General information on the **UNIDROIT Library** and the catalogue of the Gorla Collection.

Access to the UNIDROIT web site has been facilitated by the hyperlinks more than 700 web directories, guides to Internet resources, libraries, law firms and international organisations have made on their web sites to <[www.unidroit.org](http://www.unidroit.org)>.

## 6. Depository Libraries for UNIDROIT documentation

The UNIDROIT Secretariat's invitation to Member States to designate libraries to serve as depositories for UNIDROIT documentation (*UNIDROIT Proceedings and Papers* on CD-ROM and the *Uniform Law Review*, New Series) has been well received. To date 38 libraries have been designated for this purpose. Apart from those which are cited in the Report on the Activity of the Institute in 2000 (cf. p. 17) three new States have designated a library in 2001:

Bolivia	Biblioteca Central de la Cancillería de la República, La Paz [< <a href="http://www.rree.gov.bo/catalogo/">http://www.rree.gov.bo/catalogo/</a> >]
Hungary	Library of Parliament, Budapest [< <a href="http://www.ogyk.hu">http://www.ogyk.hu</a> >]
Uruguay:	Facultad de Derecho de la Universidad de la República, 18 de julio 1824 Piso 1, Montevideo

## 7. Library

In 2001 the Library's holdings increased by 1.596 titles, of which 808 were purchased, 118 obtained on an exchange basis for a total value of €7.346,60 and 670 other titles were received as a gift for a total value of €25.794,44. Of particular importance among the gifts

were those received from the *Deutsche Forschungsgemeinschaft* (German Research Association) and the Italian Ministry of Cultural Property and Activities. The Library succeeded to obtain new materials by exchange programs with the Uniform Law Review

The Library continues to be used by various external readers: more than 2.350 visitors signed the admission book and about 16.500 books circulated.

The computerisation of the Library catalogue continued. More than 22.000 old and new bibliographical entries are now available in electronic format.

## **8. Publications**

### **a) *Uniform Law Review***

2001 saw the sixth year of publication of the new series of the *Revue* which was launched in 1996. Covering uniform law in a broad sense, it is now fully recognised for its scholarly qualities and as a means to promote uniform law. Its sections are as follows: articles, international activities, texts and implementation of uniform law instruments, case law and bibliographical information. Particular attention is paid to UNIDROIT's activities which makes the *Uniform Law Review / Revue de droit uniforme* an essential instrument for dissemination of information on its work. A number of items published in the *Review*, including the *UNIDROIT News* and case law concerning the *UNIDROIT Principles for International Commercial Contracts*, can be found on the UNIDROIT website.

Issue 2000-4, as well as the first two issues of 2001, were published in 2001. Because of an accumulated delay in publication (which should be caught up during the first semester of 2002), issues 2001-3 and 2001-4 will be published beginning of 2002.

The *Review* is distributed free of charge to a number of institutions and persons with a view to furthering the purposes of the organisation (including depository libraries) and permits to maintain almost the totality of the exchange agreements that the Institute has entered into as regards legal periodicals that form part of the Library stocks. Distribution of paying subscriptions of the *Review* were carried out in 2001 by *Kluwer Law International* and *Giuffrè Editore*.

### **b) *Other publications***

2001 saw the publication by the Secretariat of the Report of the activity of the Institute for 2000, the Accounts for 2000 and the budget for 2002.

The following documents relating to the implementation of the Institute's Work Programme were published in 2001, in English and French unless otherwise stated:

## **STUDY L - PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS**

Doc. 67 – Chapter [...] Authority of agents (Revised draft prepared by Professor M.J. Bonell in the light of the discussions of the Working Group at its 3<sup>rd</sup> session held in Cairo, 24-27 January 2000)

Doc. 68 – Chapter [...] Limitation periods (Revised draft prepared by Professor P. Schlechtriem in the light of the discussions of the Working Group at its 3<sup>rd</sup> session held in Cairo, 24-27 January 2000)



Doc. 69 – Chapter [...] Assignment of rights, transfer of obligations, assignment of contracts (Revised draft prepared by Professor M. Fontaine in the light of the discussions of the Working Group at its 3<sup>rd</sup> session held in Cairo, 24-27 January 2000)

Doc. 70 – Chapter [...] Third party rights (Revised draft prepared by Professor M. Furmston in the light of the discussions of the Working Group at its 3<sup>rd</sup> session held in Cairo, 24-27 January 2000)

Doc. 71 – Chapter [...] Set-off (draft Chapter prepared by Professor C. Jauffret-Spinosi)

Misc. 23 – Summary Records of the meeting held in Rome from 4 to 7 June 2001 (prepared by the UNIDROIT Secretariat)

*Documents prepared for the meeting of the Drafting Group in Bristol, 7-10 January 2001*

WP. 6 – Chapter [...] Limitation periods (Revised draft prepared by Professor P. Schlechtriem in the light of the discussions of the Working Group at its 4<sup>th</sup> session held in Rome, 4-7 June 2001)

WP. 7 - Assignment of rights, transfer of obligations, assignment of contracts (Revised draft prepared by Professor M. Fontaine in the light of the discussions of the Working Group at its 4<sup>th</sup> session held in Rome, 4-7 June 2001)

**STUDY LXV – LEGAL CO-OPERATION PROGRAMME**

Impl. 13 – Research Scholarship Programme: State of implementation – interim report as of 10 September 2001

**STUDY LXVIII – FRANCHISING**

Doc. 29 – Study Group on Franchising, fifth session (Rome, 7 December 2000): Report (prepared by the Secretariat) (English only)

Doc. 30 – Study Group on Franchising. Draft articles for a Model Franchise Disclosure Law with draft Explanatory Report as adopted by the UNIDROIT Study Group at its fifth session, held in Rome on 7 December 2000

Doc. 31 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law, first session (Rome, 25 – 29 June 2001): Comments on the draft Model Law and draft Explanatory Report thereto submitted by the International Chamber of Commerce (ICC)

Doc. 32 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law, first session (Rome, 25 – 29 June 2001): Comments on the draft Model Law and draft Explanatory Report thereto submitted by the World Franchise Council (WFC)

Doc. 33 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law, first session (Rome, 25 – 29 June 2001): Comments submitted by the Government of Australia

Doc. 34 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law, first session (Rome, 25 – 29 June 2001): Comments on the draft Model Law and draft Explanatory Report thereto submitted by the World Franchise Council (WFC)

Doc. 35 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law, first session (Rome, 25 – 29 June 2001): Comments submitted by the United States

Doc. 36 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law, first session (Rome, 25 – 29 June 2001): Report (prepared by the Secretariat)

Doc. 37 – Committee of governmental experts for the preparation of a Model Franchise Disclosure Law. Draft Articles for a Model Franchise Disclosure Law with Draft Explanatory Report as revised by the Committee of Governmental Experts at its First Session, held in Rome from 25 to 29 June 2001

Doc. 38 - Committee of governmental experts for the preparation of a Model Franchise Disclosure Law. Second session (Rome, 8 – 12 April 2002): Comments submitted by the People’s Republic of China

*Documents prepared for the Committee of governmental experts for the preparation of a Model Franchise Disclosure Law*

Misc. 1 – Text in English and French of the Draft Model Franchise Disclosure Law as modified at the Fifth Session of the UNIDROIT Study Group on Franchising, Rome, 7 December 2000

Misc. 2 – Proposal submitted by the German delegation

Misc. 3 – Proposal by the Drafting Committee

Misc. 4 – Proposal by the Drafting Committee

Misc. 5 – Proposal by the Drafting Committee

Misc. 6 – Proposal submitted by the delegations of Japan, Russia and the International Bar Association

## **STUDY LXXII – INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT**

*Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol*  
(Cape Town, 29 October to 16 November 2001)

DCME Doc No. 1 – Provisional agenda

DCME Doc No. 2 – Provisional rules of procedure

DCME Doc No. 3 – Draft [UNIDROIT] ~~[UNIDROIT]~~ Convention on International Interests in Mobile Equipment

DCME Doc No. 4 – Draft Protocol to the [UNIDROIT] ~~[UNIDROIT]~~ Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment

DCME Doc No. 5 – Consolidated text. Draft Convention on International Interests in Mobile Equipment

DCME Doc No. 5 Corrigendum

DCME Doc No. 6 – Consolidated text (presented by the UNIDROIT Secretariat) of the Draft Convention on International Interests in Mobile Equipment as applied to Aircraft Equipment

DCME Doc No. 7 – Comments on draft Convention and draft Protocol (Presented by the Aviation Working Group (AWG) and the International Air Transport Association (IATA))

DCME Doc No. 8 – Comments on draft Convention and draft Protocol (Presented by the Latin American Association of Aeronautical and Space Law – ALADA)

DCME Doc No. 9 – Comments on draft Convention (Presented by the International Bar Association Sub-Committee E8 on International Financial Law Reform)

DCME Doc No. 10 – Comments on draft Convention and draft Protocol (Presented by the Government of the Czech Republic)

DCME Doc No. 11 – Comments on draft Convention and draft Protocol (Presented by the International Coordinating Committee of Aerospace Industries Associations (ICCAIA))

DCME Doc No. 12 – Comments on draft Convention (Presented by the Intergovernmental Organisation for International Carriage by Rail (OTIF))

DCME Doc No. 13 – Comments on draft Convention (Presented by the Government of United Kingdom)

DCME Doc No. 14 – Comments on draft Convention (Presented by the Space Working Group)

DCME Doc No. 15 – Comments on draft Convention (Presented by the Rail Working Group (RWG))

DCME Doc No. 16 – Draft Final Provisions capable of embodiment in the draft [UNIDROIT] Convention on International Interests in Mobile Equipment with explanatory notes (drawn up by the UNIDROIT Secretariat)

DCME Doc No. 17 – Preliminary Comments on draft Convention, the draft Protocol and Consolidated text (Presented by Canada)

DCME Doc No. 18 – Comments on draft Convention and draft Protocol (Presented by Jordan)

DCME Doc No. 19 – Comments on draft Convention and draft Protocol (Presented by Uruguay)

DCME Doc No. 20 – Comments on draft Convention (Presented by Kuwait)

DCME Doc No. 21 – Comments on draft Convention, the draft Protocol and Consolidated text (Presented by China)

DCME Doc No. 22 – Comments on draft Convention, the draft Protocol and Consolidated text (Presented by Thailand)

DCME Doc No. 23 – Comments on draft Convention and draft Protocol (Presented by the Kingdom of the Netherlands)

DCME Doc No. 24 – Preliminary comments on draft Convention and draft Protocol (Presented by the United States)

DCME Doc No. 25 – African States’ position on the draft Convention on International Interests in Mobile Equipment and the draft Protocol on Matters specific to Aircraft (Presented by the African States)

DCME Doc No. 25 Addendum – African States’ position on the draft Convention on International Interests in Mobile Equipment and the draft Protocol on Matters specific to Aircraft (Presented by the African States)

DCME Doc No. 26 – Comments on draft Convention and draft Protocol (Presented by China)

DCME Doc No. 27 – Comments on (1) “Designated entry points” Article (2) “Territorial Units” Article (Presented by China)

DCME Doc No. 28 – Comments on draft Convention and draft Protocol (Presented by the United States)

DCME Doc No. 29 – Comments on draft Convention and draft Aircraft Protocol (Presented by Uruguay)

DCME Doc No. 30 – Comments on draft Convention and draft Protocol (Presented by Japan)

DCME Doc No. 31 – Proposals to be inserted in the consolidated text (Presented by Saudi Arabia)

DCME Doc No. 32 – Comments on draft Convention (Presented by Japan)

DCME Doc No. 33 – Comments on draft Convention (Presented by Japan)

DCME Doc No. 34 – Comments on draft Convention (Presented by the United States)

DCME Doc No. 35 – Conclusions of the Informal Consultation Group on Article 26(2) of the draft Convention (Presented by Canada on behalf of the Informal Consultation Group)

DCME Doc No. 36 – Comments on Article 7(2) of the draft Convention (Presented by Australia)

DCME Doc No. 37 – Comments on Article 49 of the draft Convention (Presented by the Rail Working Group (RWG))

DCME Doc No. 38 – Comments on Articles 39 and 55 of the draft Convention (Presented by the United States)

DCME Doc No. 39 – Comments on Article 49 of the draft Convention (Presented by the Space Working Group (SWG))

DCME Doc No. 40 – Status of a consolidated text (Presented by Egypt)

DCME Doc No. 41 – Draft Final Provisions of the draft Convention (Presented by the ICAO Secretariat)

DCME Doc No. 42 – Comments on Article 48 of the draft Convention (Presented by the Rail Working Group (RWG))

DCME Doc No. 43 – Entry into force and International Registry proposal (Presented by Germany, France, Russian Federation, United Kingdom and United States)

DCME Doc No. 44 – Proposals for technical revisions to Chapter IX of the Convention (Presented by the United States)

DCME Doc No. 45 – Proposals on replaceable units (re Article 28(6) Convention and XIV(2) and (3) Protocol) (Presented by Germany)

DCME Doc No. 46 - Comments on Articles 29 and 39 of the draft Convention (Presented by Singapore)

DCME Doc No. 47 – Proposal concerning the draft Convention (Presented by Mexico)

DCME Doc No. 48 – Proposal concerning continuation of examination of matters relating to establishment of the International Registry (Presented by France and the United States)

DCME Doc No. 49 – Revised draft Final Provisions capable of embodiment in the draft Convention (Presented by the UNIDROIT and ICAO Secretariats on the basis of DCME Doc No. 16 and DCME Doc No. 41)

DCME Doc No. 50 – Consolidated text of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment

DCME Doc No. 51 – Proposal for inclusion of a provision relating to non-consensual rights or interests in the draft Protocol (Presented by Belgium)

DCME Doc No. 52 – Proposals regarding the draft Convention and the draft Protocol (Presented by Sweden on behalf of the Informal Group on Jurisdiction Issues)

DCME Doc No. 53 – Revised draft Final Provisions for the Protocol to be considered by the Final Clauses Committee (Presented by ICAO and UNIDROIT Secretariat)

DCME Doc No. 54 – Proposal on Article XVI of the Protocol and on a Conference resolution relating to Supervisory Authority and International Registry matters (Presented by the Members of the Informal Consultation Group: Brazil, Canada, China, Egypt, France, India, Nigeria, Singapore, Switzerland and United States)

DCME Doc No. 55 – Additional clause to the preamble of the draft Convention (Presented by Egypt)

DCME Doc No. 56 – Proposed changes to Article 49 as modified by the UNIDROIT Secretariat and set out in their submission of 10/10/01 (DCME Doc No. 16) and the submission of the Rail Working Group of 2/11/01 (DCME Doc No. 37) together with a proposal for a draft resolution to be adopted by the diplomatic Conference (Presented by Argentina, Australia, France, Germany, Mexico, Jamaica, Japan, South Africa, Sweden, United Kingdom, United States and the Rail Working Group)

DCME Doc No. 57 – Report of the Final Clauses Committee. Part I. (Presented by the Chairman of the Final Clauses Committee)

DCME Doc No. 57 Addendum – Report of the Final Clauses Committee. Part II. (Presented by the Chairman of the Final Clauses Committee)

DCME Doc No. 58 – Draft Resolution No. 1 (to be included in the Final Act) adopting the consolidated text of the Convention on International Interests in Mobile Equipment and the Aircraft Protocol

DCME Doc No. 59 – Draft Resolution No. 4 (to be included in the Final Act) relating to technical assistance with regard to the implementation and the use of the International Registry

DCME Doc No. 60 – Draft Final Act of the diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol held under the joint auspices of the International Institute for the Unification of Private Law and the International Civil Aviation Organization at Cape Town from 29 October to 16 November 2001

DCME Doc No. 60 Revised – Draft Final Act of the diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol held under the joint auspices of the International Institute for the Unification of Private Law and the International Civil Aviation Organization at Cape Town from 29 October to 16 November 2001

DCME Doc No. 61 – Interim report by the Drafting Committee (Presented by the Chairman of the Drafting Committee)

DCME Doc No. 62 – Amendment of the Aircraft Protocol (Presented by Egypt)

DCME Doc No. 63 – Review of the Aircraft Protocol and its practical operation (Presented by Egypt)

DCME Doc No. 64 – Draft Resolution relating to the official commentary to the Convention and Aircraft Protocol (Presented by the United States)

DCME Doc No. 65 – Draft Resolution relating to the selection of the host State for the International Registry (Presented by the African States)

DCME Doc No. 66 – Draft Resolution relating to the convening of future informal and preliminary meetings to consider additional topics (presented by the United States)

DCME Doc No. 67 – Conclusions of the Eurocontrol Informal Consultation Group (Presented by South Africa on behalf of the Informal Consultation Group)

DCME Doc No. 68 – Interpretation clause to be added to Article 52 of the Convention and former Article XVII on territorial units (Presented by Canada and China)

DCME Doc No. 70 – Proposal regarding the draft Convention (presented by the United States and both Secretariats)

DCME Doc No. 71 – Final report by the Drafting Committee (Presented by the Chairman of the Drafting Committee)

DCME Doc No. 72 – Report of the Credentials Committee (Presented by the Chairman of the Credentials Committee)

DCME Doc No. 73 – Change to Article 30 (Presented by Japan)

DCME Doc No. 74 – Convention on International Interests in Mobile Equipment signed at Cape Town on 16 November 2001

DCME Doc No. 74 Addendum

DCME Doc No. 74 Corrigendum

DCME Doc No. 75 – Protocol on the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment signed at Cape Town on 16 November 2001

DCME Doc No. 76 – Final Act of the Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol held under the joint auspices of the International Institute for the Unification of Private Law and the International Civil Aviation Organization at Cape Town from 29 October to 16 November 2001

### **STUDY LXXIIIH – INTERNATIONAL INTERESTS IN RAILWAY ROLLING STOCK**

*Committee of governmental experts for the preparation of a draft Protocol on Matters specific to Railway Rolling Stock to the draft UNIDROIT Convention on International Interests in Mobile Equipment*

Doc. 4 Corr. – Avant-projet de Protocole portant sur les questions spécifiques au matériel roulant ferroviaire

Doc. 5 – Report (prepared by the Secretariats of OTIF and UNIDROIT)

### **STUDY LXXIIJ – INTERNATIONAL INTERESTS IN SPACE PROPERTY**

Doc. 3 – Current working draft of a preliminary draft Protocol to the draft UNIDROIT Convention on International Interests in Mobile Equipment on Matters specific to Space Property (prepared in January 2001 for discussion within the Space Working Group by Peter D. Nesgos, Esq., co-ordinator of the Working Group)

Doc. 4 – Current working draft of a preliminary draft Protocol to the draft UNIDROIT Convention on International Interests in Mobile Equipment on Matters specific to Space Property (prepared in March 2001 for discussion within the Space Working Group by Peter D. Nesgos, Esq., co-ordinator of the Working Group, with the assistance of Dara A. Panahy, Esq.)

Doc. 5 – Space Working Group (Seal Beach, California, 23/24 April 2001): Report (prepared by the UNIDROIT Secretariat)

Doc. 6 – Draft UNIDROIT Convention on International Interests in Mobile Equipment (as submitted by the UNIDROIT Governing Council for adoption to a diplomatic Conference, to be held in Cape Town from 29 October to 16 November 2001): preliminary draft Protocol on Matters specific to Space Property (as established by a working group, organised, at the invitation of the President, by Peter D. Nesgos, Esq., with the assistance of Dara A. Panahy, Esq., at the conclusion of its third session, held in Seal Beach, California on 23 and 24 April 2001)

Doc. 7 – Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001): preliminary draft Protocol on Matters specific to Space Assets ((as established by a working group, organised, at the invitation of the President, by Peter D. Nesgos, Esq., with the assistance of Dara A. Panahy, Esq., at the conclusion of its third session, held in Seal Beach, California on 23 and 24 April 2001 and as amended pursuant to the discussions at its fourth session, held in Evry Courcouronnes on 3 and 4 September 2001 and to the deliberations of the Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol, held in Cape Town from 29 October to 16 November 2001)

Doc. 8 – Space Working Group (Evry Courcouronnes, 3/4 September 2001): Report (prepared by the UNIDROIT Secretariat)

### **STUDY LXXVI – PRINCIPLES AND RULES OF TRANSNATIONAL CIVIL PROCEDURE**

Doc. 3 – Report on the First Session Rome, 22 to 26 May 2000 (omitted from 2000 list)

Doc. 4 – Draft Principles and Rules prepared by Professors G. Hazard, R. Stürner, M. Taruffo and A. Gidi

Doc. 5 – Fundamental Principles of Transnational Civil Procedure: Remarks and Comments prepared by Professor Rolf Stürner

### III. IMPLEMENTATION OF INSTRUMENTS BASED ON WORK CONDUCTED WITHIN UNIDROIT<sup>(\*)</sup>

#### A. CONVENTIONS DRAWN UP BY UNIDROIT AND APPROVED AT DIPLOMATIC CONFERENCES CONVENED BY MEMBER STATES OF UNIDROIT

##### 1. Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS), opened to signature at the Hague on 1.VII.1964

The following States signed the Convention:

Greece ( <i>ad referendum</i> )	3.VIII.1964
Netherlands	12.VIII.1964
San Marino	24.VIII.1964
Italy	23.XII.1964
Holy See (subject to ratification)	2.III.1965
United Kingdom	8.VI.1965
Belgium	6.X.1965
Federal Republic of Germany (subject to ratification)	11.X.1965
Luxembourg	7.XII.1965
Israel (subject to ratification)	28.XII.1965
France	31.XII.1965
Hungary	31.XII.1965

The following States have ratified the Convention:

United Kingdom	31.VIII.1967
San Marino (with declaration)	24.V.1968
Belgium	1.XII.1970
Netherlands (for the Kingdom in Europe) (with declaration)	17.II.1972
Italy	22.II.1972
Federal Republic of Germany (with declaration)	16.X.1973
Luxembourg (with declaration)	6.II.1979
Israel	30.V.1980

The following State has acceded to the Convention:

Gambia	5.III.1974
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The Convention duly entered into force on 23.VIII.1972 for Belgium, Italy, the Netherlands (for the Kingdom in Europe), San Marino and the United Kingdom, on 16.IV.1974 for the Federal Republic of Germany, on 5.IX.1974 for Gambia, on 6.VIII.1979 for Luxembourg and on 30.XI.1980 for Israel.

The Convention was denounced by Italy on 11.XII.1986 with effect from 1.I.1988, by the Federal Republic of Germany on 1.I.1990 with effect from 1.I.1991, by the Netherlands on 1.I.1991 with effect from 1.I.1992, by Belgium on 1.XI.1996 with effect from 1.XI.1997, by Luxembourg on 20.I.1997 with effect from 20.I.1998 and by Israel on 16.X.2001 with effect from 16.X.2002.

(\*)

*Note of the Secretariat:*

Based on information available to the Secretariat as of 31 December 2001.

Information on the status of the UNIDROIT conventions may be found on the UNIDROIT Web Site at <http://www.unidroit.org/english/implement/i-main.htm>

The UNIDROIT Secretariat may assist States with technical consultations for the ratification of, or the accession to its instruments, as well as for the preparation of legislation based on those instruments.

**2. Convention relating to a Uniform Law on the International Sale of Goods (ULIS), opened to signature at the Hague on 1.VII.1964**

The following States signed the Convention:

Greece ( <i>ad referendum</i> )	3.VIII.1964
Netherlands	12.VIII.1964
United Kingdom	21.VIII.1964
San Marino	24.VIII.1964
Italy	23.XII.1964
Holy See (subject to ratification)	2.III.1965
Belgium	6.X.1965
Federal Republic of Germany (subject to ratification)	11.X.1965
Luxembourg	7.XII.1965
Israel (subject to ratification)	28.XII.1965
France	31.XII.1965
Hungary	31.XII.1965

The following States have ratified the Convention:

United Kingdom (with declarations)	31.VIII.1967
San Marino (with declaration)	24.V.1968
Belgium (with declaration)	12.XII.1968
Israel	3.XII.1971
Netherlands (for the Kingdom in Europe) (with declaration)	17.II.1972
Italy (with declaration)	22.II.1972
Federal Republic of Germany (with declaration)	16.X.1973
Luxembourg (with declaration)	6.II.1979

The following State has acceded to the Convention:

Gambia (with declarations)	5.III.1974
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The Convention duly entered into force on 18.VIII.1972 for Belgium, Israel, the Netherlands (for the Kingdom in Europe), San Marino and the United Kingdom, on 22.VIII.1972 for Italy, on 16.IV.1974 for the Federal Republic of Germany, on 5.IX.1974 for Gambia and on 6.VIII.1979 for Luxembourg.

The Convention was denounced by Italy on 11.XII.1986 with effect from 1.I.1988, by the Federal Republic of Germany on 1.I.1990 with effect from 1.I.1991, by the Netherlands on 1.I.1991 with effect from 1.I.1992, by Belgium on 1.XI.1996 with effect from 1.XI.1997, by Luxembourg on 20.I.1997 with effect from 20.I.1998 and by Israel on 16.X.2001 with effect from 16.X.2002.

**3. International Convention on the Travel Contract (CCV), opened to signature at Brussels on 23.IV.1970**

The following States signed the Convention:

Belgium	23.IV.1970
Côte d'Ivoire	23.IV.1970
Holy See	23.IV.1970
Italy	23.IV.1970
Lebanon	23.IV.1970
Morocco (with reservations)	23.IV.1970
Niger	23.IV.1970
Philippines	23.IV.1970



Portugal	23.IV.1970
San Marino	23.IV.1970
Burkina Faso	27.IV.1970
Togo	25.III.1971

The following States have ratified the Convention:

Belgium	11.IV.1973
Togo	24.XI.1975
Italy (with reservation)	4.VII.1979

The following States have acceded to the Convention:

Benin	28.III.1975
Cameroon (with declaration)	16.IV.1975
Argentina	25.XI.1976

The Convention duly entered into force on 24.II.1976 for Belgium, Benin, Cameroon and Togo, on 25.II.1977 for Argentina and on 4.X.1979 for Italy.

This Convention was denounced by Belgium on 4.X.1993 with effect from 4.X.1994.

**4. Convention providing a Uniform Law on the Form of an International Will**, opened to signature at Washington on 26.X.1973

The following States signed the Convention:

Iran	27.X.1973
Sierra Leone	27.X.1973
United States of America	27.X.1973
Laos	30.X.1973
Holy See	2.XI.1973
Belgium	17.V.1974
Ecuador (with statement)	26.VII.1974
United Kingdom	10.X.1974
France	29.XI.1974
Union of Soviet Socialist Republics (with declaration)	17.XII.1974
Czechoslovakia (with statement)	30.XII.1974

The following States have ratified the Convention:

Ecuador	3.IV.1979
Belgium	21.IV.1983
France	1.VI.1994

The following States have acceded to the Convention:

Niger	19.V.1975
Portugal	19.XI.1975
Canada (for Manitoba and Newfoundland) (*)	24.I.1977
Libyan Arab Jamahiriya	4.VIII.1977
Yugoslavia	9.VIII.1977
Cyprus	19.X.1982

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(\*) Canada extended the application of the Convention to Ontario (by declaration deposited 15.III.1978), to Alberta (by declaration deposited 1.VI.1978), to Saskatchewan (by declaration deposited 8.IV.1982), to Prince Edward Island (by declaration deposited 22.IX.1994) and to New Brunswick (by declaration deposited 5.VI.1997).

Italy (with declaration)	16.V.1991
Slovenia	20.VIII.1992
Bosnia-Herzegovina	15.VIII.1994

The Convention duly entered into force on 9.II.1978 for Canada (for Manitoba and Newfoundland), Libyan Arab Jamahiriya, Niger, Portugal and Yugoslavia, on 3.X.1979 for Ecuador, on 19.IV.1983 for Cyprus, on 21.X.1983 for Belgium, on 16.XI.1991 for Italy, on 20.VIII.1992 for Slovenia, on 15.VIII.1994 for Bosnia-Herzegovina and on 1.XII.1994 for France.

The application of the Convention was extended for Canada to Ontario with effect from 31.III.1978, to Alberta with effect from 1.VI.1978, to Saskatchewan with effect from 8.X.1982, to Prince Edward Island with effect from 22.III.1995 and to New Brunswick with effect from 5.XII.1997.

**5. Convention on Agency in the International Sale of Goods**, opened to signature at Geneva on 17.II.1983

The following States signed the Convention:

Chile	17.II.1983
Holy See	17.II.1983
Morocco	17.II.1983
Switzerland	17.II.1983
Italy	9.IV.1984
France	25.X.1984

The following States have ratified the Convention:

Italy	16.VI.1986
France	7.VIII.1987

The following States have acceded to the Convention:

South Africa	27.I.1986
Mexico (with declarations)	22.XII.1987
Netherlands (**)	2.II.1994

The Convention will enter into force when accepted by ten Contracting States (see Article 33).

**6. UNIDROIT Convention on International Financial Leasing**, opened to signature at Ottawa on 28.V.1988

The following States signed the Convention:

Ghana	28.V.1988
Guinea	28.V.1988
Nigeria	28.V.1988
Philippines	28.V.1988
United Republic of Tanzania	28.V.1988
Morocco	4.VII.1988
France	7.XI.1989
Czechoslovakia	16.V.1990
Finland	30.XI.1990
Italy	13.XII.1990
Belgium	21.XII.1990

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(\*\*) The Netherlands extended the application of the Convention to Aruba (by declaration deposited 2.II.1995).

United States of America	28.XII.1990
Panama	31.XII.1990

The following States have ratified the Convention:

France (with declaration)	23.IX.1991
Italy	29.XI.1993
Nigeria	25.X.1994
Panama	26.III.1997

The following States have acceded to the Convention:

Hungary	7.V.1996
Latvia	6.VIII.1997
Russian Federation (with declaration)	3.VI.1998
Belarus	18.VIII.1998
Uzbekistan	6.VII.2000

The Convention entered into force between France, Italy and Nigeria on 1.V.1995, on 1.XII.1996 for Hungary, on 1.X.1997 for Panama, on 1.III.1998 for Latvia, on 1.I.1999 for the Russian Federation, on 1.III.1999 for Belarus and on 1.II.2001 for Uzbekistan.

**7. UNIDROIT Convention on International Factoring**, opened to signature at Ottawa on 28.V.1988

The following States signed the Convention:

Ghana	28.V.1988
Guinea	28.V.1988
Nigeria	28.V.1988
Philippines	28.V.1988
United Republic of Tanzania	28.V.1988
Morocco	4.VII.1988
France	7.XI.1989
Czechoslovakia	16.V.1990
Finland	30.XI.1990
Italy	13.XII.1990
Germany	21.XII.1990
Belgium	21.XII.1990
United States of America	28.XII.1990
United Kingdom	31.XII.1990

The following States have ratified the Convention:

France (with declaration)	23.IX.1991
Italy	29.XI.1993
Nigeria	25.X.1994
Germany	20.V.1998

The following States have acceded to the Convention:

Hungary	7.V.1996
Latvia (with declaration)	6.VIII.1997

The Convention entered into force between France, Italy and Nigeria on 1.V.1995, on 1.XII.1996 for Hungary, on 1.III.1998 for Latvia and on 1.XII.1998 for Germany.

**8. UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**, opened to signature at Rome on 24.VI.1995

The following States have signed the Convention:

Burkina Faso	24.VI.1995
Cambodia	24.VI.1995
Côte d'Ivoire	24.VI.1995
Croatia	24.VI.1995
France	24.VI.1995
Guinea	24.VI.1995
Hungary	24.VI.1995
Italy	24.VI.1995
Lithuania	24.VI.1995
Zambia	24.VI.1995
Georgia	27.VI.1995
Finland	1.XII.1995
Portugal	23.IV.1996
Paraguay	13.VI.1996
Switzerland	26.VI.1996
Romania	27.VI.1996
Pakistan	27.VI.1996
Netherlands (with declarations)	28.VI.1996
Peru	28.VI.1996
Bolivia	29.VI.1996
Senegal	29.VI.1996
Russian Federation	29.VI.1996

The following States have ratified the Convention:

Lithuania	4.IV.1997
Paraguay	27.V.1997
Romania	21.I.1998
Peru	5.III.1998
Hungary	8.V.1998
Bolivia	13.IV.1999
Finland	14.VI.1999
Italy	11.X.1999
Croatia	20.IX.2000

The following States have acceded to the Convention:

China	7.V.1997
Ecuador	26.XI.1997
Brazil	23.III.1999
El Salvador	16.VII.1999
Argentina	3.VIII.2001
Norway	28.IX.2001

The Convention entered into force on I.VII.1998 between China, Ecuador, Lithuania, Paraguay and Romania, on 1.IX.1998 for Peru and on 1.XII.1998 for Hungary, on 1.IX.1999 for Brazil, on 1.X.1999 for Bolivia, on 1.XII.1999 for Finland, on 1.I.2000 for El Salvador, on 1.IV.2000 for Italy and on 1.III.2001 for Croatia. The Convention will enter into force on 1.II.2002 for Argentina and on 1.III.2002 for Norway.

**9. Convention on International Interests in Mobile Equipment**, opened to signature at Cape Town on 16.XI.2001

The following States have signed the Convention:

Burundi	16.XI.2001
Chile	16.XI.2001
China	16.XI.2001
Cuba	16.XI.2001
Ethiopia	16.XI.2001
France	16.XI.2001
Ghana	16.XI.2001
Jamaica	16.XI.2001
Jordan	16.XI.2001
Kenya	16.XI.2001
Lesotho	16.XI.2001
Nigeria	16.XI.2001
Republic of the Congo	16.XI.2001
South Africa	16.XI.2001
Sudan	16.XI.2001
Switzerland	16.XI.2001
Tanzania	16.XI.2001
Tonga	16.XI.2001
Turkey	16.XI.2001
United Kingdom (with reservation)	16.XI.2001
Italy	6.XII.2001

The Convention will enter into force on the first day of the month following the expiration of three months after the date of the deposit of the third instrument of ratification, acceptance, approval or accession (Article 49.1).

**10. Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment**, opened to signature at Cape Town on 16.XI.2001

The following States have signed the Protocol:

Burundi	16.XI.2001
Chile	16.XI.2001
China	16.XI.2001
Cuba	16.XI.2001
Ethiopia	16.XI.2001
France	16.XI.2001
Ghana	16.XI.2001
Jamaica	16.XI.2001
Jordan	16.XI.2001
Kenya	16.XI.2001
Lesotho	16.XI.2001
Nigeria	16.XI.2001
Republic of the Congo	16.XI.2001
South Africa	16.XI.2001
Sudan	16.XI.2001
Switzerland	16.XI.2001
Tanzania	16.XI.2001
Tonga	16.XI.2001
Turkey	16.XI.2001
United Kingdom (with reservation)	16.XI.2001
Italy	6.XII.2001

The Protocol will enter into force on the first day of the month following the expiration of three months after the date of the deposit of the eight instrument of ratification, acceptance, approval or accession, between the States which have deposited such instruments (Article XXVIII.1).

**B. INTERNATIONAL INSTRUMENTS IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS OR CONVENTIONS**

- 1. Convention on the Contract for the International Carriage of Goods by Road (CMR)**, adopted in Geneva in 1956 under the auspices of the Economic Commission for Europe of the United Nations. The Convention, which entered into force in 1961, is based on the draft Convention on the Contract for the International Carriage of Goods by Road (CMR) which was transmitted by UNIDROIT to the Economic Commission for Europe of the United Nations in 1952.

Contracting States: Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, United Kingdom, Uzbekistan and Yugoslavia.

- 2. UNESCO Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict**, which entered into force in 1956. The Convention is based on the draft UNIDROIT completed in 1951.

Contracting States: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, China, Colombia, Congo (Democratic Rep. of), Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Holy See, Hungary, India, Indonesia, Iran (Islamic Rep. of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Monaco, Mongolia, Morocco, Myanmar, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Socialist People's Libyan Arab Jamahiriya, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Republic of Tanzania, Uruguay, Uzbekistan, Yemen, Yugoslavia and Zimbabwe.

- 3. International Convention of 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations**, adopted under the auspices of ILO, UNESCO and WIPO and which entered into force in 1964. The Convention is very largely based on the preliminary draft Convention for the Protection of Interpreting and Performing Artists, as well as of Manufacturers of Phonographic Records and other phonograms and on the preliminary draft Convention for the Protection of Radio Broadcasts.

Contracting States: Albania, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Republic of Moldova, Romania, Saint Lucia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, United Kingdom, Uruguay, Venezuela and Yugoslavia.

4. **Hague Convention of 1958 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations in respect of Children** which entered into force in 1962. This Convention was prepared on the basis of the draft Convention on the Recognition and Enforcement abroad of Maintenance Obligations, a first draft of which had been drawn up by UNIDROIT in 1938 and work on which was completed in 1949 when it was transmitted to the Department for Social Affairs of the United Nations. After being revised by a United Nations committee of experts, the draft was recommended to States under a Resolution of the Economic and Social Council at its XVIIth session for use as a model in the drawing up of bilateral conventions or uniform laws for separate adoption by each State.

Contracting States: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Liechtenstein, Netherlands, Norway, Portugal, Slovakia, Spain, Suriname, Sweden, Switzerland and Turkey.

5. **European Convention of 1962 on the Liability of Hotel-keepers concerning the Property of their Guests**, adopted under the auspices of the Council of Europe and which entered into force in 1967. The Convention is based on the draft uniform law on the hotelkeeper's liability for damage to or destruction or theft of his guests' property, the drafting of which was completed by UNIDROIT in 1934.

Contracting States: Belgium, Bosnia-Herzegovina, Croatia, Cyprus, France, Germany, Ireland, Italy, Luxembourg, Malta, Poland, Slovenia, the Former Yugoslav Republic of Macedonia, United Kingdom and Yugoslavia.

6. **Benelux Treaty of 1955 on Compulsory Insurance against Civil Liability in respect of Motor Vehicles**

*and*

**European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles**, adopted in 1959 under the auspices of the Council of Europe, which entered into force in 1969. These two instruments are based on the draft uniform rules on the compulsory insurance of motorists, the drafting of which was completed by UNIDROIT in 1937.

Contracting States to the 1959 Convention: Austria, Denmark, Germany, Greece, Norway, Sweden and Turkey.

7. **European Convention on Establishment of 1955**, adopted under the auspices of the Council of Europe and which entered into force in 1965. The Convention is based on the draft Convention on the reciprocal treatment of nationals as between member States of the Council of Europe, the drafting of which was completed by UNIDROIT in 1951.

Contracting States: Belgium, Denmark, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Turkey and United Kingdom.

8. **Protocol No. 1 concerning Rights in rem in Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels which was adopted under the auspices of the Economic Commission for Europe of the United Nations and to which Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia are Contracting Parties. The Protocol is based on the draft Convention concerning rights in rem in boats in inland navigation, the drafting of which was completed by UNIDROIT in 1960. The Convention and Protocol No. 1 entered into force in 1982.

The Contracting States to Protocol No. 1 are Austria, France, Luxembourg, Netherlands, Switzerland and Yugoslavia.

9. **Protocol No. 2 on Attachment and Forced Sale of Inland Navigation Vessels** annexed to the 1965 Convention on the Registration of Inland Navigation Vessels, adopted under the auspices of the Economic Commission for Europe of the United Nations. The Protocol is based on the draft

Protocol on attachment and forced sale of inland navigation vessels, the drafting of which was completed by UNIDROIT in 1962. Protocol No. 2 entered into force in 1982.

The Contracting States to Protocol No. 2 are Austria, France, Luxembourg and Yugoslavia.

10. **United Nations Convention on Contracts for the International Sale of Goods**, adopted at Vienna in 1980 and which entered into force in 1988. This Convention is based on the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS) and the Convention relating to a Uniform Law on the International Sale of Goods (ULIS), adopted at The Hague at a diplomatic Conference in 1964 (Sections A 1 and 2 above).

Contracting States: Argentina, Australia, Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Burundi, Canada, Chile, China, Colombia, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Hungary, Iceland, Iraq, Italy, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Mauritania, Mexico, Mongolia, Netherlands, New Zealand, Norway, Peru, Poland, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Uganda, Ukraine, United States of America, Uruguay, Uzbekistan, Yugoslavia and Zambia.

11. **Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), the drafting of which was completed by UNIDROIT in 1969. The Convention entered into force in 1994.

Contracting States: Bosnia-Herzegovina, Croatia, Czech Republic, Latvia, Slovakia and Yugoslavia.

#### C. **INTERNATIONAL INSTRUMENTS NOT YET IN FORCE ADOPTED UNDER THE AUSPICES OF OTHER ORGANISATIONS AND BASED ON UNIDROIT DRAFTS**

1. **Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN)**, adopted in Geneva in 1973 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), the drafting of which was completed by UNIDROIT in 1970. The Russian Federation is the sole Contracting State.
2. **Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN)**, adopted in Geneva in 1976 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), the drafting of which was completed by UNIDROIT in 1972. The Russian Federation is the sole Contracting State.
3. **European rules for investment funds**, which were in 1972 recommended by the Committee of Ministers of the Council of Europe as a model law for the member States of the Council of Europe. The rules are based on the preliminary draft model law on investment funds, UNIDROIT's drawing up of which was completed in 1969.
4. **European Convention providing a Uniform Law on Arbitration**, adopted in 1966 under the auspices of the Council of Europe. The Convention is based on the preliminary draft uniform law on arbitration in private law matters in international relations, UNIDROIT's drawing up of which was completed in 1954. Belgium is the sole Contracting State.
5. **European Convention of 1973 on Civil Liability for Damage caused by Motor Vehicles**, adopted under the auspices of the Council of Europe. The Convention is based on the draft of a uniform law



on the civil liability of motorists, UNIDROIT's drawing up of which was completed in 1938. No State has ratified this Convention.

6. **United Nations Convention on International Multimodal Transport of Goods**, adopted in Geneva in 1980. The origin of the Convention is to be found in the draft Convention on Contracts for the Combined International Carriage of Goods, UNIDROIT's drawing up of which was completed in 1965. The UNIDROIT draft also provided one of the bases for the draft Convention on the International Combined Carriage of Goods (TCM), drawn up at a round table convened by UNIDROIT at the request of the Economic Commission for Europe of the United Nations in 1969 and 1970, which was itself revised at meetings convened jointly by the Intergovernmental Maritime Consultative Organisation (IMCO) and the Economic Commission for Europe of the United Nations. The Contracting States are: Burundi, Chile, Georgia, Lebanon, Malawi, Mexico, Morocco, Rwanda, Senegal and Zambia.
7. **Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD)**, adopted in Geneva in 1989 under the auspices of the Economic Commission for Europe of the United Nations. The Convention is based on the draft articles for a Convention on civil liability for damage caused during carriage of dangerous goods by road, rail and inland navigation vessels, UNIDROIT's drawing up of which was completed in 1986. No State has ratified this Convention.
8. **United Nations Convention on the Liability of Operators of Transport Terminals in International Trade**, adopted in Vienna in April 1991. The Convention is based on the preliminary draft Convention on Operators of Transport Terminals, UNIDROIT's work on which was completed in 1983. The Contracting States are: Egypt and Georgia.

**D. EUROPEAN COMMUNITY DIRECTIVE BASED ON A PRELIMINARY DRAFT UNIDROIT CONVENTION**

**Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.**

**E. UNIFORM RULES PUBLISHED BY THE INTERNATIONAL CHAMBER OF COMMERCE AND BASED ON A DRAFT UNIDROIT CONVENTION**

**Uniform Rules for a Multimodal Transport Document** first published by the International Chamber of Commerce in 1973 and subsequently revised. The origin of the Rules is the same as that of the United Nations Convention on International Multimodal Transport of Goods (see above Section C. 6.).

**F. INTERNATIONAL INSTRUMENTS BASED ON PRELIMINARY STUDIES PREPARED BY UNIDROIT**

1. **European Convention on Products Liability in regard to Personal Injury and Death of 27 January 1977**

No State has ratified this Convention.

2. **Resolution (78)3 on Penalty Clauses in Civil Law adopted by the Committee of Ministers of the Council of Europe on 20 January 1978.**