



GENERAL ASSEMBLY
61st session
Rome, 29 November 2007

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A.G. (61) 8
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REPORT

(prepared by the UNIDROIT Secretariat)

Item No. 1 on the draft Agenda: Opening of the session by the President of the Institute and the President of the General Assembly 2006/2007.

1. The 61st session of the General Assembly was held at the headquarters of UNIDROIT on 29 November 2007 and was attended by the diplomatic representatives in Italy of 45 member States and one observer (*cf.* the list of participants in Appendix I). The session was opened by *H.E. Dr Gabriel Valdés Subercaseaux*, Ambassador of Chile in Italy, President of the Assembly for 2006/2007.

2. The *President of the General Assembly* welcomed the participants. He stated that the year that had elapsed had been particularly intense and productive for the Institute. He recalled that the Diplomatic Conference that in February had adopted the Protocol to the Cape Town Convention on financing of rail equipment had been a major achievement in the life of the Organisation, thanks to the generosity and hospitality of the Grand Duchy of Luxembourg. Similarly, the first meeting of the Committee of Governmental Experts held in Johannesburg to prepare a Model Law on Leasing concerned a subject that is particularly important in a globalised world. Chile, a country belonging to the southern hemisphere, followed with particular interest the work on the third Protocol to the Cape Town Convention, dealing with commercial financing of space assets, especially telecommunication satellites and satellites for monitoring the environment and forecasting natural disasters.

3. H.E. Dr Valdés concluded his address by thanking all the Governments for their support for UNIDROIT, and expressed his gratitude to the Secretariat for its efforts.

Item No. 2 on the draft Agenda: Appointment of the President of the General Assembly for the year 2007-2008

4. The *President of the General Assembly* recalled that there was a well-established practice for the presidency of the General Assembly of UNIDROIT to be held on the basis of a system of rotation among continents, by a member State from one of the five continents. For the year to come it was the turn of Australia and the Pacific; UNIDROIT had only one member State in that region, and thus, without need of the usual consultation process, he was pleased to propose *H.E. Mrs Amanda Vanstone*, Ambassador of Australia in Italy, to be elected President of General Assembly for the year commencing with today's session. A former lawyer who had held political office at the highest level, her experience, diplomatic skills and leadership would ensure that under her guidance UNIDROIT would continue to be an important intergovernmental forum in the world scenario.

5. *The General Assembly accepted the proposal.*

Item No. 3 on the draft Agenda: Adoption of the Agenda (A.G. (61) 1 rev.)

6. Taking the chair, *Ambassador Vanstone* expressed her delight at the opportunity to chair the General Assembly at its 61st session and to co-operate with member Governments' representatives and the Institute's Secretariat during the coming year.

7. The *President of the General Assembly* proposed the adoption of the draft Agenda.

8. *The draft Agenda was adopted as proposed (it is reproduced in Appendix II).*

Item No. 4 on the Agenda: Statement regarding the Organisation's activity in 2007 and the implementation of the Strategic Plan (A.G. (61) 2)

9. Before introducing this item, the *Secretary-General* welcomed the representatives of the member States on his own behalf and also on behalf of the *President of UNIDROIT, Mr B. Libonati*, who was unable to attend. The President of UNIDROIT had transmitted his address, a copy of which had been distributed to all the participants; the Secretary-General gave a brief outline of its content.

10. In his address the *President of UNIDROIT* stated that he sincerely regretted that a sudden indisposition had made it impossible for him to participate in the session. He welcomed the participants and thanked them for their presence. He expressed his particular gratitude to the Government of the Grand-Duchy of Luxembourg, for having hosted the Diplomatic Conference which adopted the Rail Protocol to the Cape Town Convention, the Government of South Africa, for having hosted the first Committee of Governmental experts for the adoption of the Model Law on Leasing as well as the Governments of Switzerland and, again, Luxembourg for having provided the funding for the Ougadougou colloquium for the presentation of the draft Uniform Act on contract law for OHADA member States. He then expressed his profound gratitude to H.E. Ambassador Valdés who, in his capacity as President of the General Assembly in the year 2006/2007, had given his advice and support, both essential to the work of the Institute, and he concluded by wishing the Assembly every possible success in its deliberations.

11. In introducing this item, the *Secretary-General* focused on the extra-ordinary cumulation of events in the year to come (election of a new Governing Council, adoption of the new triennial Work Programme and appointment of a new Secretary-General) and the ensuing top priority for completing as much outstanding work as possible by the end of the third quarter of 2008.

12. With respect to those items which had been finalised or which were progressing on schedule, he reiterated the expression of the Organisation's gratitude to the Government of the Grand Duchy of Luxembourg for engaging forcefully in the preparation of and for hosting the Diplomatic Conference that adopted the Luxembourg Protocol to the Cape Town Convention on secured rail financing.

- Likewise, the text of the draft Convention on Intermediated Securities, as finalised by a fourth session of a Committee of governmental experts held in May, had been approved by the Governing Council and transmitted to a Diplomatic Conference for adoption. The Diplomatic Conference would be held, at the invitation of the Government of Switzerland, in Geneva from 1 to 13 September 2008.

- Following the very successful first session of a Committee of governmental experts for the preparation of a Model Law on leasing, held thanks to the support of the Government of South Africa from 7 to 10 May 2007 in Johannesburg; a second session would be held, probably in March 2008, in Oman. This would enable the Institute to lay the text before the General Assembly, for adoption, in late summer or early autumn.

- The Working Group for the preparation of five additional chapters of the UNIDROIT Principles of International Commercial Contracts (hereinafter UPICC) had held its second session from 4 to 8 June 2007 and was confident to finalise its work, as planned, by 2009/10.

13. With respect to the only item where work was behind schedule, i.e. the preliminary draft Protocol to the Cape Town Convention on Matters specific to Space Assets, the Secretary-General referred the Assembly to a brief up-date which the Deputy Secretary-General *Mr Martin Stanford* would give under agenda item 5.

14. The Secretary-General suggested that, in light of the status of work, two conclusions for the preparation of the next triennial Work Programme (2009-2011) appeared to be in order. First, it had been a wise decision of the Institute's organs to focus during the 2006-2008 period on a few projects which had proved to be manageable and whose finalisation gave welcome manoeuvring space for the up-coming triennium. Second, it would be advisable to move forward in very select areas (such as credit, finance and capital market transactions, the development of reliable commercial law bases for the employment of new technologies, transactions in regulated industries as well as general contract law) where Governments and industry had come to trust UNIDROIT's specific expertise and the usefulness of its flexible working methods. In this connection, the Secretary-General mentioned that representatives of the financial services industry had already sought a first round of an exchange of views with the Secretariat. The document inviting Governments, international Organisations, research institutions and individual scholars, trade associations and the Institute's correspondents to submit proposals and comments regarding future work was being prepared and would be sent out in early January.

15. As regards the promotion, implementation and monitoring of adopted instruments, the Secretary-General focused on the Cape Town system on the one hand and, on the other hand, the UPICC. The success of the former – there were now 20 Contracting States to the Convention – was largely due to the huge amount of time which the officer in charge of the depositary functions was investing in counselling interested Governments at the stage when the decisions regarding appropriate declarations were made and the ratification documents prepared. The Preparatory Commission, the nucleus of the future Supervisory Authority for the international registry established under the Luxembourg Protocol, was currently finalising the Request for Proposals as well as the Regulations governing the international registry, and the international tender process for the selection of the registry's operator would commence shortly.

16. With respect to the UPICC, the spotlight had clearly been on the colloquium devoted to the draft Uniform Act on contract law for OHADA member States, prepared on the basis of the Principles by Professor Marcel Fontaine. Held from 15 to 17 November in Ouagadougou (Burkina Faso), it had provided the stage for in-depth discussions of the draft for some 250 scholars, practitioners and representatives of development banks and other international Organisations. All participants as well as the Government of Burkina Faso had expressed their appreciation for this so far unparalleled exercise in commercial law reform in the region, and the Secretary-General reiterated the Institute's and the participants' expression of gratitude to the Governments of Switzerland and Luxembourg for their generous financial support.

17. Turning to the Institute's research and outreach resources, the Secretary-General emphasized the Library's and the Uniform Law Review's centrality to its mission. The financial means at the library's disposal, for all practical purposes frozen for a number of years, did not match the demand (2,400 users from 22 countries) in particular from researchers and government officials from developing countries and transition economies. The Uniform Law Review had undergone some organisational changes aimed at reducing production costs. While the activities of UNIDROIT's sister Organisations (Hague Conference on Private International and UNCITRAL) were now reported on by authors from the two Organisations' staff, UNIDROIT's own projects were to feature more prominently in special issues planned for 2007/2008. In concluding his report on this field of activities, the Secretary-General drew the Assembly's attention to a new type of co-operation agreement which was currently being discussed with the law school of Kyushu University in Fukuoka (Japan): hopefully supported by the Japan Society for the Promotion of Science (JSPS), postgraduate students from developing countries would include in their curricula internships with

intergovernmental Organisations such as UNIDROIT, WIPO and others. During his visit to Chile the Secretary-General had been approached by two top institutions with a view to exploring the possibility to develop similar schemes for co-operation.

18. Passing on to a brief overview of activities and contacts designed to strengthen the relationship with member States and to broaden the Organisation's membership, the Secretary-General highlighted his visits to Chile and Turkey. Both in Santiago and in Ankara he had met Government officials (in Chile also the Senate's Foreign Relations Committee), airlines, rail operators, financial institutions and other selected groups of stakeholders in UNIDROIT work invited by the national chambers of commerce. As regards recruitment of new member States, the Secretariat had received encouraging news from Indonesia, Vietnam and the Kingdom of Saudi Arabia.

19. The *President of the General Assembly* thanked the Secretary-General for his statement. No desire to commenting on the document or the oral presentation having been expressed, the President asked the Assembly for its views as regards confirmation or change of the priority status currently assigned to the various projects and activities.

20. *The General Assembly adopted the document, agreed with the procedural proposal to take all items listed in Document A.G.(61)2 en bloc and confirmed the priority status assigned, as indicated in the document.*

Item No. 5 on the Agenda: Presentation of the state of affairs regarding two of the projects in progress:

(a) Presentation of the draft Convention on Intermediated Securities

21. *Mr Thomas Keijser (UNIDROIT Secretariat)* illustrated the content of the draft Convention on Substantive Rules regarding Intermediated Securities. He recalled that, after the fourth session of the Committee of Governmental experts held in Rome from 21 to 25 May 2007, the Governing Council had considered the draft Convention mature for its submission to a Diplomatic Conference, which was to be held in Geneva at the invitation of the Government of Switzerland from 1 to 13 September 2008.

22. Mr Keijser illustrated the issues addressed in the draft Convention and explained its structure, indicating that its main objectives were the cross-border compatibility of the different legal systems, the better protection of market participants and of the financial system itself, and gains in economic efficiency. The Secretariat was currently drafting the Explanatory Report to the draft Convention, which would be ready by mid January 2008; and preparatory work was also being carried out by three Working Groups created by the Committee of Governmental experts.

23. The complete presentation made by Mr Keijser would be posted on the Institute website (reserved area for the Governments of member States).

24. The *representative of Switzerland* expressed the appreciation of its Government for the draft Convention on the Intermediated Securities, which is fully compatible with the Hague Convention on the Intermediated Securities that the Government of Switzerland signed in July 2006; he stated that the Government of Switzerland will therefore be particularly pleased to host the Diplomatic Conference for the adoption of the draft Convention.

(b) Update on procedural issues regarding the draft Space Protocol to the Cape Town Convention

25. *Mr Martin Stanford (Deputy Secretary-General of UNIDROIT)* reported on the current state of play regarding the Institute's project for the establishment of a Protocol to the Cape Town Convention on commercial space financing. This project had had rather chequered progress, essentially as a result of the 15 months during which he had been acting as Acting Deputy Secretary-General and had thus been obliged to give absolute priority to administrative

responsibilities. Since January 2006, however, he had devoted every effort to revitalising this project and believed that, as a result of the thorough intersessional work carried out over the previous 18 months, the Secretariat was well on track to ensuring the successful completion of yet another Protocol to the Cape Town Convention within a reasonable time.

During this time the Secretariat had essentially been dealing with the key problems left open since the last session of the UNIDROIT Committee of governmental experts. This had not been made any easier by the fact that only a very small number of Governments had responded to the requests for additional information issued by the Chairman of the Committee on these issues at the conclusion of the last session. Rather than sending out even more reminders to Governments, the Secretariat had adopted the strategy of organising two Government/industry meetings, first, to clarify the issues needing to be addressed and the most appropriate means of doing this, in particular with industry input, and, secondly, to review the results of the work done on addressing these key issues. Given the importance of ensuring a workable end-product, from the point of view of both Government and industry, the Secretariat had considered it at all times essential to ensure the participation in this work of a representative cross-section of both Governments and industry.

It had been encouraging to witness the significant support pledged to this process by leading industry players. The first intersessional meeting was hosted by the Royal Bank of Scotland in London in April 2006 and the second by a leading law firm Milbank Tweed Hadley & McCloy in New York in June 2007. Representatives of all the key sectors of the space industry, whether manufacturers, operators, financial institutions or insurers, participated actively in all stages of this work, taking a full part in both meetings and the preparatory work for them.

On the key outstanding issues the Secretariat had consulted industry, and in particular financial institutions, to complement the limited responses it had received from Governments. These consultations had provided the backbone of the proposals that the Secretariat had put to the New York meeting.

In particular, it emerged from the Secretariat's inquiry into the question of the most suitable criteria to be employed for the identification of space assets - of fundamental importance for the future international registration system - that there was a significant body of opinion of the view that it would be appropriate to consider narrowing the sphere of application of the preliminary draft Protocol with a view to ensuring early completion. Hitherto the Secretariat had taken the view that, while preparing what would in effect be a blueprint for the future of commercial space financing, it made sense to embrace as many likely developments in the field of commercial space activities as possible; for instance, the current version of the preliminary draft Protocol referred to assets manufactured or assembled in space and, whilst everyone was familiar with the prospects for such activity in the not too distant future, this was, nevertheless, not something that was currently the subject of commercial financing. Likewise, the current draft covered not only satellites after launch but also satellites in their pre-launch phase, a phase in which commercial financing was extremely important but something which perhaps complicated the equation more than was desirable vis-à-vis national law if the intention was to try to complete the project as expeditiously as possible. For these and other reasons, the conclusion of the Secretariat's inquiry was that it would be wise to concentrate more or less on the satellite itself, which, all were agreed, probably represented 90% of the space assets at present subject to commercial financing.

There was general consensus in New York as regards the importance of building broader consensus around the provisional conclusions reached during the intersessional negotiations on the key outstanding issues, both among Governments and within industry. If the Secretariat were to be able to move relatively quickly to completion of the project once the Committee of governmental experts was reconvened, then it was essential to broaden the consensus reached among the key players that participated in the intersessional work in such a way as to ensure that other players serving on the Committee did not see fit to hold up the process.

After wide-ranging consultation with key Government and industry players, the Secretariat had, therefore, decided to establish a steering committee, open to representatives of both key Governments and key industry players (very much along the lines of the successful working method established during the intersessional negotiations), to streamline the way forward to the resumption of full intergovernmental negotiations by drawing the necessary conclusions from the intersessional negotiations, through the drawing up of a new alternative draft, and by seeking to build broad consensus around the conclusions to be embodied in this new draft.

Both the U.K. Foundation for international uniform law and the German Space Agency had generously agreed to pledge extra-budgetary resources to assist the Secretariat in realising this programme and the Government of Germany had kindly also offered to host a short meeting of the Steering Committee in Berlin in Spring 2008 to review the work done since the New York meeting, in particular the new alternative draft. The intention would then be to reconvene the Committee of governmental experts to complete a draft Protocol capable of being laid before the diplomatic Conference of adoption that the representative of the Government of the Russian Federation had kindly announced at the 60th session of the General Assembly that his Authorities would be considering hosting.

In conclusion, the Secretariat was most definitely back on track with this ambitious project, thanks to the loyal and generous support of those Government and industry players prepared to see the landmark contribution that it stood to make to the development of international space law and the opening of new markets for commercial space financing in the developing world. In particular, he submitted that the Secretariat had identified and taken the steps necessary to ensure its completion as speedily as possible, consonant with the achievement of a commercially viable instrument that Governments of every complexion would be able to accept. The Secretariat, therefore, proposed that this project continue to enjoy the high level of priority on the UNIDROIT Work Programme confirmed at the 60th session of the General Assembly, as moreover recommended at the 86th session of the Governing Council.

26. The *representative of Germany* stated that her Government and the German space industry had a strong interest in the project and strongly supported the continuation of the work and its rapid completion.

27. The *representative of Portugal*, in Portugal's capacity as president of the European Union, read out a statement of the Czech Republic, expressing the appreciation of the Czech Republic for the Institute's work on the project and its full support for its completion.

28. The *representative of the United States* expressed the keen interest of his Government in the project on the draft Space Protocol and its support for the formation of the steering committee.

29. *The General Assembly took note of the presentation on the draft Convention on Intermediated Securities and of the update on procedural issues regarding the draft Space protocol to Cape Town Convention.*

Item No. 6 on the Agenda: Revision of the Regulations:

(a) Constitution of an *ad hoc* Committee

30. The *Secretary-General* informed the General Assembly that a Note Verbale would be sent to all Governments of member States, inviting all member States to indicate their interest in participating in an *ad hoc* Committee which would be set up in the spring or summer of 2008, with a view to examining amendments to the Regulations that will be proposed by the Governing Council and submitted to all member States for their observations.

31. The *representative of Austria* asked for more information on the issue. The *Secretary-General* and the *Deputy Secretary-General* explained that the amendments to the Regulations had to be approved by the General Assembly. The practice of the Organisation was that an *ad hoc*

Committee of the General Assembly, open to the participation of all members, would examine the proposals made by the Governing Council that would then be submitted to the General Assembly at its next session for their formal approval.

32. *The General Assembly took note that a Note Verbale concerning the setting up of an ad hoc Committee of the General Assembly, open to all members, for the revision of the Regulations would be sent to the Governments of the member States.*

(b) Fast track procedure for the revision of Article 31 (A.G. (61) 3)

33. *The representative of Canada, in his capacity of chairman of the Finance Committee, and on the request of the Secretary-General, gave a presentation on the proposed amendment of Article 31 of the Regulations. The new rule, as amended, would allow the Finance Committee to give a framework for the draft Budget according to which the Governing Council would then be able to assess the priorities. The amendment had received the full support of the Governing Council at its last session, and of the Secretariat. The fast track procedure was chosen in order to enable implementation of the new rule in time for the adoption of the 2009 Budget. A Note Verbale had been sent by the Secretariat to the Governments of member States, some of which had submitted observations as set out in document A.G. (61) 3.*

34. *No observations having been made, the President of the General Assembly concluded that the proposed amendment of Article 31 was approved.*

Item No. 7 on the Agenda: Final adjustments to the Budget, and approval of the Accounts for the 2006 financial year (A.G. (61) 4 and Accounts 2006)

35. *The Deputy Secretary-General introduced this item. As shown in Document A.G. (60)4, the Budget for the 2006 financial year, approved by the General Assembly at its 59th session on 1 December 2005, provided for actual expenditure of € 2,020,850.00 to be met by receipts of € 1,990,850.00 and an estimated surplus from 2005 of € 30,000.00. The Budget also provided for receipts and expenditure in the special accounts to balance at € 6,000.00. During the 2006 financial year, receipts and expenditure had shown increases in comparison with the Budget approved by the General Assembly at its 59th session, and accordingly the General Assembly at its 60th session (1 December 2006) approved adjustments to the Chapters and Articles of the Budget.*

36. *The Accounts for the 2006 financial year indicated that actual receipts (including the 2005 surplus amounting to € 74,110.49) totalled € 2,211,521.46 and actual expenditure € 2,158,921.94, yielding a surplus for the year as a whole of € 52,599.52 (as opposed to the € 30,000.00 estimated by the Secretariat). Receipts and expenditures in the special accounts, amounting to € 8,215.60, showed a balance.*

37. *The variations in receipts and expenditure were illustrated analytically in the 2006 Accounts. In requesting that the General Assembly approve the accounts for the 2006 financial year, the Deputy Secretary-General noted that the Accounts had been verified by the Auditor, and that at its 61st session, held on 6 October 2006, the Finance Committee had recommended their approval.*

38. *No observation having been made, the President of the general Assembly concluded that the Assembly approved the Accounts for 2006.*

Item No. 8 on the Agenda: Adjustments to the Budget for the 2007 financial year (A.G. (61) 5)

39. *The Deputy Secretary-General recalled that it was customary for the Secretariat to submit, first to the Finance Committee and then to the General Assembly, a paper indicating any adjustments that might need to be made to the Budget for the current financial year, on the basis of the Accounts available for the previous financial year, the partial accounts available for the*

current financial year and any other modifications due to exceptional circumstances. The Secretariat considered that it was not necessary to formulate any adjustment to the estimated Budget for the 2007 financial year, as the accounts were expected to be substantially in line with the Budget estimates, with only some minor adjustments within one Chapter.

40. *The General Assembly took note that no adjustments to the Budget for the 2007 financial year were deemed necessary.*

Item No. 9 on the Agenda: Arrears in contributions of member States (A.G. (61) 6)

41. The *Deputy Secretary-General* commented on the state of arrears as at 30 October 2007, as set out in Appendix I to Document A.G. (60)5. She pointed out that the situation had improved during the last year (€ 192,641.42 compared to € 267,521.28 in 2006); the States with arrears had been reduced from seven to four, one of which owed only the contribution for the year 2006. She assured the General Assembly that the Secretariat deployed all necessary efforts towards recovery of arrears, and that it was liaising with the Embassies in Rome as well as with the Administrations of the countries concerned in order to ensure that this issue was brought to the attention of the relevant Governments.

42. The *representative of Uruguay* informed the General Assembly that the internal process for the payment of the arrears had started and that in particular the payment of the 2007 contribution was underway.

43. The *President of the General Assembly* indicated that the information given by the representative of Uruguay was very positive, and she encouraged the Governments with outstanding contributions to investigate what could be done on the issue.

44. *The General Assembly took note of the report of the Secretariat on arrears.*

Item No. 10 on the Agenda: Approval of the draft Budget for 2008 and fixing of the contributions of member States for that financial year (A.G. (61) 7)

45. In introducing this item, the *Deputy Secretary-General* noted that, in accordance with Article 31 of the Regulations of the Institute, in February 2007 the Secretariat prepared first estimates of expenditure and receipts for 2008 which were submitted to the Sub-committee of the Finance Committee at its 107th session held in Rome on 6 March 2007, and subsequently to the Governing Council at its 86th session (Rome, 16 to 18 April 2007). At that session, the Secretariat informed the Council that after the drafting of the first estimates and the 107th session of the Sub-committee of the Finance Committee it had received a letter from Mr Anthony Inglese, member of the Council, offering an extra-statutory contribution of the Government of the United Kingdom of £ 50,000 for the funding, for the third year running, of the post of Deputy Secretary-General with function of Chief Administrator. The Secretariat had expressed its gratitude to Mr Inglese and the Government of the United Kingdom for this generous offer and had communicated this important news to the members of the Sub-committee, who had had a short informal meeting on this issue at the seat of the Institute on 4 April 2007. The Secretariat presented the first estimates to the Governing Council and proposed (a) that it accept the extra-statutory contribution of the Government of the United Kingdom and allocate it to the purpose expressly specified; (b) that it approve the draft Budget for the financial year 2008 as drafted on the basis of the first estimates and modified as a consequence of the acceptance of the British extra-statutory contribution. The Governing Council approved these proposals and expressed the opinion that the sum provided for in the Budget which was made available thanks to the British donation should be allocated to Chapters 2 (Salaries) and 3 (Social charges), in particular to the financing of the post of the officer (*hors-cadre*) with depositary function.

46. The draft Budget resulting from this procedure, as set forth in Appendix I to document A.G. (61) 7, was submitted to the Governments of UNIDROIT member States with a view to their formulation of such observations as they might wish to make by 21 September 2007. The Government of Japan sent observations on the draft Budget for the financial year 2008, indicating that it accepted the draft Budget that was sent to it and that it requested the Secretariat to continue to exercise financial disciplines in a strict manner. At its 62nd session, the Finance Committee gave its favourable opinion that the General Assembly of member States, at its 61st session, should approve the draft Budget for the financial year 2008.

47. As regards the presentation of the draft Budget, the Secretariat considered it preferable to maintain the structure adopted in previous years by retaining the same division of the receipts and the expenditure into chapters and articles. Nevertheless, in order to respect the recommendations of the financial organs of the Institute, namely the Finance Committee and the General Assembly, to allow for greater transparency and to link the expenditure to the different projects and activities of the Institute, the Secretariat adopted the following two innovations:

a) the addition of a statement of the extra-budgetary receipts and expenditure of the Institute, such as the Scholarships Programme which is financed by special contributions of member States or by the allocation of certain private donations. Even if the sums concerned were very modest, and completely without effect on the finances of the Organisation, this would permit the organs of the Institute to more accurately assess the financial aspects of a certain number of projects managed by the Institute which, as they did not appear in the Budget, thus far had not been presented in official documents.

b) the allocation of the expenditure and, where relevant, of the receipts of the various projects and activities of the Institute.

The draft Budget, with these innovations, was submitted to the Finance Committee, which confirmed its support for the greater transparency provided by them, and was then submitted to the General Assembly, for the information of member Governments (Doc. A.G. (61) INF 1 and 2). The Deputy Secretary General indicated that these documents could still be improved and that suggestions of the participants to the General Assembly would help the Secretariat in that task.

48. The draft Budget for 2008 showed a very slight increase in the statutory contributions of member States other than Italy, that would be calculated on the basis of a unit of contribution amounting to € 2,372, representing an increase of 0.296% over the unit of contribution approved by the General Assembly for the statutory contributions of member States other than Italy for 2007 (€ 2,365).

49. The *President of the General Assembly*, accordingly, invited the General Assembly to adopt the draft budget for 2008.

50. The representative of Canada indicated that its Government welcomed the information documents, while noting that information document AG (61) INF 2 should contain information on the staff resources involved in every project and activity so that the one document would provide a comprehensive and readable account of how the Secretariat's resources are being apportioned.

51. The *representative of the United Kingdom* agreed with the opinion expressed by the representative of Canada.

52. *The President of the General Assembly concluded that the General Assembly had approved the draft Budget for the 2008 financial year.*

Item No. 11 on the Agenda: Any other business

53. No other business having been raised, *the President* declared the session closed at 11.30 a.m.

APPENDIX I

LIST OF PARTICIPANTS/*LISTE DES PARTICIPANTS*

ARGENTINA/ <i>ARGENTINE</i>	Ms Beatriz G. BOSCHI, Minister Counsellor Embassy of Argentina in Italy
	Ms Maria Fernanda TOGNON Embassy of Argentina in Italy
AUSTRALIA/ <i>AUSTRALIE</i>	H.E. Mrs Amanda VANSTONE, Ambassador Embassy of Australia in Italy <i>President of the General Assembly</i>
	Ms Lee HOLLOWAY, Third Secretary Embassy of Australia in Italy
AUSTRIA/ <i>AUTRICHE</i>	Ms Ingrid PECH, Minister Embassy of Austria in Italy
BELGIUM/ <i>BELGIQUE</i>	Excused / <i>excusé</i>
BOLIVIA/ <i>BOLIVIE</i>	Excused / <i>excusé</i>
BRAZIL/ <i>BRESIL</i>	Excused / <i>excusé</i>
BULGARIA/ <i>BULGARIE</i>	Excused / <i>excusé</i>
CANADA	Mr Peter EGYED, Counsellor Political and Public Affairs Embassy of Canada in Italy
	Mr Kent VACHON, Counsellor Alternate Permanent Representative to FAO, IFAD & WFP Embassy of Canada in Italy
CHILE/ <i>CHILI</i>	H.E. Mr G. VALDÉS SUBERCASEAUX, Ambassador Embassy of Chile in Italy
	Mr Julio FIOL, First Secretary Embassy of Chile in Italy
	Ms Valentina MONASTERIO GÁLVEZ, Lawyer Ministry of Foreign Affairs
PEOPLE'S REPUBLIC OF CHINA/ <i>REPUBLIQUE POPULAIRE DE CHINE</i>	Mr TONG Zhan, Third Secretary Embassy of the People's Republic of China in Italy
	Mr WANG Jianbo, Third Secretary Embassy of the People's Republic of China in Italy

COLOMBIA/ <i>COLOMBIE</i>	H.E. Mr Sabas PRETELT DE LA VEGA, Ambassador Embassy of Colombia in Italy
	Mr Francisco COY GRANADOS, Minister Embassy of Colombia in Italy
	Ms Beatriz CALVO VILLEGAS, First Secretary Embassy of Colombia in Italy
CROATIA/ <i>CROATIE</i>	Excused / <i>excusé</i>
CYPRUS/ <i>CHYPRE</i>	Ms Thessalia - Salina SHAMBOS, First Secretary Embassy of the Republic of Cyprus in Rome
CZECH REPUBLIC/ <i>REPUBLIQUE TCHEQUE</i>	Ms Jana BYSTRICKÁ Ministry of Education and Youth
DENMARK/ <i>DANEMARK</i>	Excused / <i>excusé</i>
EGYPT/ <i>EGYPTE</i>	Mr Hatem ABDEL KADER, First Secretary Embassy of Egypt in Italy
ESTONIA/ <i>ESTONIE</i>	Mr Roman VINARTŠUK, Second Secretary Embassy of Estonia in Italy
FINLAND/ <i>FINLANDE</i>	Ms Leena LIUKHONEN, Minister Counsellor Embassy of Finland in Italy
FRANCE	Mme Nicole COCHET, Direction des affaires civiles et du sceau, Ministère de la justice
GERMANY/ <i>ALLEMAGNE</i>	Ms Susanne HOCK, Third Secretary Embassy of Germany in Italy
	Ms Eva-Maria UEBBERT, Intern Embassy of Germany in Italy
GREECE/ <i>GRECE</i>	Ms Maria THEODOROU, First Counsellor Embassy of Greece in Italy
HOLY SEE/ <i>SAINT SIEGE</i>	M. Giuseppe DALLA TORRE Président du Tribunal de l'Etat de la Cité du Vatican
HUNGARY/ <i>HONGRIE</i>	Mrs Andrea PERNYE, First Counsellor Embassy of Hungary in Italy
INDIA/ <i>INDE</i>	Mr M. SUBBARAYUDU, Counsellor Embassy of India in Italy
IRAN	Mr Gholamreza NAJJARI, Minister Counsellor Embassy of the Islamic Republic of Iran in Italy

IRELAND/ <i>IRLANDE</i>	Ms Joanne KING, Second Secretary Embassy of Ireland in Italy
ISRAEL	Excused / <i>excusé</i>
ITALY/ <i>ITALIE</i>	Mr Paolo MASSA, Counsellor Diplomatic Legal Advisory and Treaties Service Ministry of Foreign Affairs
JAPAN/ <i>JAPON</i>	Ms Mariko SHIKAKURA, Second Secretary Embassy of Japan in Italy
LATVIA/ <i>LETTONIE</i>	Mr Āris VIGANTS, Counsellor Embassy of Latvia in Italy
LITHUANIA/ <i>LITUANIE</i>	Excused / <i>excusé</i>
LUXEMBOURG	S.E. M. Jean-Louis WOLZFELD, Ambassadeur Ambassade du Grand-Duché de Luxembourg en Italie
MALTA/ <i>MALTE</i>	Ms Ritienne BONAVIA Alternate Permanent Representative to U.N. Embassy of Malta in Italy
MEXICO/ <i>MEXIQUE</i>	H.E. Mr Jorge CHEN, Ambassador Embassy of Mexico in Italy Mr Diego Alonso SIMANCAS GUTIÉRREZ, Second Secretary, Embassy of Mexico in Italy
NETHERLANDS/ <i>PAYS-BAS</i>	Mr Chris DEVILLERS, Second Secretary Embassy of the Netherlands in Italy
NICARAGUA	Excused / <i>excusé</i>
NIGERIA	Chief Franklin B.I. EGOLAM, Director Federal Ministry of Justice
NORWAY/ <i>NORVEGE</i>	Mr Arne GJERMUNDSEN, Minister Counsellor Embassy of Norway in Italy
PAKISTAN	Excused / <i>excusé</i>
POLAND/ <i>POLOGNE</i>	Mr Marek SZCZEPANOWSKI, First Secretary Embassy of Poland in Italy
PORTUGAL	Mr Carlos VELOSO DA COSTA, Counsellor Embassy of Portugal in Italy Ms Tania ALEXANDRE, Lawyer Ministry of Foreign Affairs

REPUBLIC OF KOREA/ <i>REPUBLIQUE DE COREE</i>	Mr Eun-chul LEE, Counsellor Embassy of the Republic of Korea in Italy
ROMANIA/ <i>ROUMANIE</i>	Mrs Cristina POPESCU, Second Secretary Embassy of Romania in Italy Mrs Doina DOROFTEI, Third Secretary Embassy of Romania in Italy
RUSSIAN FEDERATION/ <i>FEDERATION DE RUSSIE</i>	Mr Nikolay V. POPOV Director of the Legal Department Ministry for Economic Development and Trade Mr Evgeny TYUSIN, Legal Adviser Trade Representation of the Russian <i>Federation in Italy</i>
SAN MARINO/ <i>SAINT-MARIN</i>	Mr Victor CRESCENZI, Professor
SERBIA/ <i>SERBIE</i>	Ms Ana PETKOVIC, First Secretary Embassy of Serbia in Italy
SLOVAKIA/ <i>SLOVAQUIE</i>	Mr Roman GOGA, First Secretary Embassy of the Slovak Republic in Italy
SLOVENIA/ <i>SLOVENIE</i>	Ms Nuša Anuška VIDETIČ, Adviser Ministry of Justice
SOUTH AFRICA/ <i>AFRIQUE DU SUD</i>	Mr Duncan M. SEBEFELO, Counsellor Embassy of South Africa in Italy
SPAIN/ <i>ESPAGNE</i>	Dr Conrado LOZANO MARTÍN Director of the International Treaties Section Ministry of Foreign Affairs
SWEDEN/ <i>SUEDE</i>	Ms Jenny LOVÉN, First Secretary Embassy of Sweden in Italy
SWITZERLAND/ <i>SUISSE</i>	M. Alexander R. MARKUS Chef de section du droit international privé Office fédéral de la justice Mme Manuela LEIMGRUBER, Premier Secrétaire Ambassade de Suisse en Italie
TUNISIA/ <i>TUNISIE</i>	Mr Abdelhamid ABID, Conseiller Ambassade de Tunisie en Italie
TURKEY/ <i>TURQUIE</i>	Mr Duygu CELESIBOY, Legal Adviser Ministry of Foreign Affairs

UNITED KINGDOM/
ROYAUME-UNI

Ms Sally MOSS, Head
Legislation and International Policy Unit
Department of Business, Enterprise and Regulatory
Reform

Ms Claudia GIUNCHIGLIA, Trade Relations Officer
Embassy of the United Kingdom in Italy

Ms Lynne McGREGOR, Political Officer
Embassy of the United Kingdom in Italy

UNITED STATES OF AMERICA/
ETATS-UNIS D'AMERIQUE

Mr Leslie S. deGRAFFENRIED, First Secretary
Alternate Permanent Representative
U.S. Mission to the UN Agencies in Rome
Embassy of the United States of America in Italy

URUGUAY

Mr Carlos BENTANCOUR, Minister Counsellor
Embassy of Uruguay in Italy

VENEZUELA

Excused / *excusé*

OBSERVERS/OBSERVATEURS

SOVEREIGN MILITARY ORDER
OF MALTA/*ORDRE SOUVERAIN
MILITAIRE DE MALTE*

H.E. Mr Aldo PEZZANA CAPRANICA DEL GRILLO
Ambassador

UNIDROIT

Mr Herbert KRONKE, Secretary-General / *Secrétaire-Général*

Mr Martin STANFORD, Deputy Secretary-General / *Secrétaire Général adjoint*

Mrs Alessandra ZANOBETTI, Deputy Secretary-General / *Secrétaire Général adjoint*

APPENDIX II

DRAFT AGENDA

1. Opening of the session by the President of the Institute and the President of the General Assembly 2006-2007
2. Appointment of the President of the General Assembly 2007-2008
3. Adoption of the agenda (A.G. (61) 1)
4. Statement regarding the Organisation's activity in 2007 and the implementation of the Strategic Plan (A.G. (61) 2)
5. Presentation of the state of affairs regarding two of the projects in progress:
 - (a) presentation of the draft Convention on Intermediated Securities
 - (b) update on procedural issues of draft Space Protocol to Cape Town Convention
6. Revision of the Regulations:
 - (a) constitution of an *ad hoc* Committee
 - (b) fast track procedure for the revision of Article 31 (A.G. (61) 3)
7. Final adjustments to the budget and approval of the accounts for the 2006 financial year (A.G. (61) 4)
8. Adjustments to the budget for the 2007 financial year (A.G. (61) 5)
9. Arrears in contributions of member States (A.G. (61) 6)
10. Approval of the draft budget for 2008 and fixing of the contributions of members States for that financial year (A.G. (61) 7)
11. Any other business.