



**EN**

**GOVERNING COUNCIL**  
**88<sup>th</sup> session**  
**Rome, 20-23 April 2009**

UNIDROIT 2009  
C.D. (88) 12  
Original: French  
March 2009

**Item No. 14 on the agenda: Correspondents**

(memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Origins of the network of UNIDROIT correspondents and state of play</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to take note of the existence of the network of correspondents and to give thought, in particular, to the renewal of their mandates (cf. paragraph 13) and to ways of correcting the current imbalance in the number of correspondents from member as opposed to non-member States (cf. paragraph 14)</i>
<i>Status</i>	<i>cf. paragraph 12</i>
<i>Related document</i>	<i>None</i>

**1947: Origins and development of the network of correspondents**

1. The first correspondents of the Institute were appointed by the Governing Council at its 18<sup>th</sup> session (1947) following a suggestion by Professor Ernst Rabel, who sought ways for the Institute to obtain information and advice in respect of the law of the United States, which was not at the time a member State of UNIDROIT. The Governing Council (still in its reduced form pending the first election of its members in accordance with the new Statute of the Institute) designated two North American correspondents and one Italian.

2. In 1949, however, at the 23<sup>rd</sup> session of the Council, the view was expressed that the title of correspondent of the Institute was essentially an honorary one. Since that time, correspondents have been appointed with different objectives in mind: to honour prominent persons in the world of uniform and comparative law, in particular persons called upon to sit on study groups, to secure the assistance of experts in areas of interest to the Institute, and to establish and/or strengthen the Institute's relations with non-member States.

3. This combination of different criteria for appointing correspondents led to a sharp increase in their numbers: from 3 in 1947 to 28 in 1955, 33 in 1965, 92 in 1985 and 152 in 1995.

## 1995-2007: Evolving views on the existence and functions of correspondents

4. At the 73<sup>rd</sup> session of the Governing Council (1994), several members suggested that the time had come to review the **criteria used to select** correspondents of the Institute, not least with a view to re-activating the network and correcting the imbalance in the countries represented. The importance of such a network of correspondents was, however, stressed at all times and its existence never placed in doubt. The proposal for their appointment is made by the President of the Institute, by the Secretary-General or by members of the Governing Council.

5. In 1996, the Governing Council drew up a **list of functions** for correspondents to serve as a basis for the selection of future correspondents (see ANNEXE 1 to this document).

6. **Correspondents are called upon in various capacities:** regularly, every three years, when the Work Programme is drawn up (and when they are invited to submit comments and/or propose new subjects), as well as sporadically (they might be asked to help organise a seminar in their country or region, or to obtain information in respect of national law or the implementation of UNIDROIT instruments in their country, or else they might be invited to contribute to a special issue of the *Uniform Law Review* (such as the issue published in memory of Malcolm Evans, former Secretary-General).

7. **In “return”, in the past correspondents used to receive the *Uniform Law Review* and the *News Bulletin* free of charge.** Indeed, a complete list of correspondents was reproduced in each issue of the Review. When the Review was placed in the hands of an outside publisher, it was no longer possible to supply free copies to all correspondents (with the exception of some four or five especially active members). As to the *News Bulletin*, this was discontinued in 1997. To-day, of course, the UNIDROIT Internet website is an exhaustive source of information and correspondents may access *UNIDROIT News* as well as a wealth of other information there.

8. During the years that followed, the Governing Council gave much thought to new ways of spurring correspondents to greater activity, and to the possibility of instituting a “de-selection” process for inactive correspondents (an *ad hoc* Working Group of the Council was even formed in 2006). The Council repeatedly requested the Secretariat to conduct surveys among the correspondents to gauge their level of interest. Between 1996 and 2007, four letters specifically addressing this issue were sent to correspondents (in addition to the usual letter seeking their opinion and suggestions with respect to the future Work Programme). The Council members also tried to “re-activate” correspondents from their own country of origin. The result of these various efforts was, however, disappointing.

9. While these discussions were in progress, the Governing Council continued to appoint correspondents, the number of which stood at 190 in 2001. The list was modified, rather empirically, with each survey.

10. **In 2006**, the Council resolved to adopt a **radically different approach:** correspondents were henceforth *to be appointed for a period of three years*. It also decided to create a *new class of corporate correspondents* (“law firms, industry associations, charitable organisations, etc. who contribute substantially and over a period of time by funding UNIDROIT activities, through secondments of staff to the Secretariat or in any other way”). At the time, UNIDROIT had 175 correspondents. The Governing Council requested the Secretariat to make one final attempt to reach dormant correspondents, following which it was to commence “de-selection” and draw up a new list.

### 2009: The current situation in respect of correspondents

11. At the 87<sup>th</sup> session of the Governing Council (2008), the Secretariat submitted a new list of correspondents of the Institute, suggesting that they be appointed for the period 1 May 2008 – 30 April 2011. The Council agreed to this proposal and the Secretariat proceeded to make the final attempt requested of it to reach inactive correspondents, and then to draw up a definitive list in the light of results obtained.

12. As of 28 February 2009, the **network of correspondents of the Institute consisted of 102 members and two corporate members** (see the list in ANNEXE 2 and the distribution by region and by country in ANNEXE 3).

13. The decision by the Council in 2006 to appoint correspondents for a period of three years made no mention of the modalities for **renewal of their mandate**. Should it be assumed, at the end of the three-year period, that these mandates are renewed automatically (which would not square with the decision to specify the duration of the mandate), or should mandates be renewed only if the correspondents in question have proved active (and how should this be determined)? The Governing Council is invited to state its views in this matter.

14. The table showing the distribution of correspondents by region and by country highlights the fact that the number of correspondents from non-member States has fallen significantly (24 in 2001, 8 to-day). Most were struck from the list because they were inactive. The Secretariat particularly wishes to stress this fact since one of the tasks entrusted to non-member State correspondents is “to act as go-between with their Governments”. The Governing Council is invited to consider whether measures should be taken to correct the **current imbalance in the distribution between member and non-member States** in making up the network of correspondents, for example by giving priority to the appointment of suitable candidates from non-member States, especially from States that are not currently represented in the network, or from member States that do not currently have a correspondent, in particular those not represented on the Governing Council.

### Proposals for the appointment of a new correspondent

15. In line with the policy set in place by the Council to exercise the greatest caution in appointing new correspondents, and to appoint only candidates who have made a significant contribution to the work of the Institute and who may be expected to continue to do so in the future, only one proposal for appointment is submitted to this session of the Council.

16. **Mr Brian Hauck**, an American lawyer who was seconded to the UNIDROIT Secretariat by his firm (thanks to the good offices of another correspondent, Mr DeKoven) for nine months in the early stages of preparation of the draft model law on leasing. Mr Hauck continued to assist the Secretariat as Secretary, first, to the Committee of governmental experts, then to the Joint Session which resulted in the adoption of the Model Law. Mr Hauck has just taken up his new duties as *Counsel* to the *Associate Attorney-General* of the United States of America. This proposal is made by Mr M.J. Stanford, Deputy Secretary General.

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

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

## ANNEXE 2

**CORRESPONDENTS OF THE INSTITUTE / CORRESPONDANTS DE L'INSTITUT**  
**as of 1 January 2009 / au 1<sup>er</sup> janvier 2009**

	Name / <i>Nom</i>	Country / <i>Pays</i>	Mandat(e)
1	AZZIMAN Omar	Morocco / <i>Maroc</i>	1.V.2008 – 31.IV.2011
2	BEL HAJ HAMOUDA Ajmi	Tunisia / <i>Tunisie</i>	1.V.2008 – 31.IV.2011
3	BERAUDO Jean-Paul	France	1.V.2008 – 31.IV.2011
4	BERTHE Abdoul Wahab	Mali	1.V.2008 – 31.IV.2011
5	BEY El Mokhtar	Tunisia / <i>Tunisie</i>	1.V.2008 – 31.IV.2011
6	BOELE-WOELKI Katharina	The Netherlands / <i>Pays-Bas</i>	1.V.2008 – 31.IV.2011
7	BOGDANOWSKY DE MAEKELT Tatiana	Venezuela	1.V.2008 – 31.IV.2011
8	BOJARS Juris	Latvia / <i>Lettonie</i>	1.V.2008 – 31.IV.2011
9	BOSS Amelia Helen	USA	1.V.2008 – 31.IV.2011
10	BOUDAHRAIN Abdellah	Morocco / <i>Maroc</i>	1.V.2008 – 31.IV.2011
11	BOUTIN I. Gilberto	Panama	1.V.2008 – 31.IV.2011
12	BURMAN Harold S.	USA	1.V.2008 – 31.IV.2011
13	CALUS Andrzej	Poland / <i>Pologne</i>	1.V.2008 – 31.IV.2011
14	CASTILLO-TRIANA Rafael	Colombia / <i>Colombie</i>	1.V.2008 – 31.IV.2011
15	CHARFEDDINE Mohamed Kamel	Tunisia / <i>Tunisie</i>	1.V.2008 – 31.IV.2011
16	CHIAVARELLI Emilia	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
17	CRAWFORD James Richard	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 31.IV.2011
18	CREPEAU Paul-André	Canada	1.V.2008 – 31.IV.2011
19	CRESPI REGHIZZI Gabriele	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
20	CUMING Ronald C.C.	Canada	1.V.2008 – 31.IV.2011
21	DARANKOUM Sibidi Emmanuel	Burkina Faso	1.V.2008 – 31.IV.2011
22	DATE-BAH Samuel Kofi	Ghana	1.V.2008 – 31.IV.2011
23	DEKOVEN Ronald	USA	1.V.2008 – 31.IV.2011
24	DEL DUCA Louis	USA	1.V.2008 – 31.IV.2011
25	DE NOVA Giorgio	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
26	DESCHAMPS Michel	Canada	1.V.2008 – 31.IV.2011
27	DIAZ BRAVO Arturo	Mexico / <i>Mexique</i>	1.V.2008 – 31.IV.2011
28	DROBNIG Ulrich	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
29	EL KOSHERI Ahmed S.	Egypt / <i>Egypte</i>	1.V.2008 – 31.IV.2011
30	FEDCHUK Valery D.	Russian Fed. / <i>Féd. De Russie</i>	1.V.2008 – 31.IV.2011
31	FERRAND Frédérique	France	1.V.2008 – 31.IV.2011

32	FERRARINI Guido	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
33	FINN Paul Desmond	Australia / <i>Australie</i>	1.V.2008 – 31.IV.2011
34	FONTAINE Marcel	Belgium / <i>Belgique</i>	1.V.2008 – 31.IV.2011
35	FRESNEDO DE AGUIRRE Cecilia	Uruguay	1.V.2008 – 31.IV.2011
36	FURMSTON Michael P.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 31.IV.2011
37	GARCÍA PUJOL Ignacio	Chile / <i>Chili</i>	1.V.2008 – 31.IV.2011
38	GARRO Alejandro	Argentina / <i>Argentine</i>	1.V.2008 – 31.IV.2011
39	GHATTAS Iskandar	Egypt / <i>Egypte</i>	1.V.2008 – 31.IV.2011
40	GOLDRING John L.	Australia / <i>Australie</i>	1.V.2008 – 31.IV.2011
41	HARTONO Sunaryati, S.H	Indonesia / <i>Indonésie</i>	1.V.2008 – 31.IV.2011
42	HAZARD Geoffrey C., Jr	USA	1.V.2008 – 31.IV.2011
43	HERBER Rolf	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
44	HIROSE Hisakazu	Japan / <i>Japon</i>	1.V.2008 – 31.IV.2011
45	HINESTROSA Fernando	Colombia / <i>Colombie</i>	1.V.2008 – 31.IV.2011
46	HUANG Danhan	China / <i>Chine</i>	1.V.2008 – 31.IV.2011
47	ILLESCAS ORTIZ Rafael	Spain / <i>Espagne</i>	1.V.2008 – 31.IV.2011
48	ISSA-SAYEGH Joseph	Senegal / <i>Sénégal</i>	1.V.2008 – 31.IV.2011
49	IZADI Bijan	Iran	1.V.2008 – 31.IV.2011
50	JAYME Erik	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
51	KAHN Philippe	France	1.V.2008 – 31.IV.2011
52	KASIRER Nicholas	Canada	1.V.2008 – 31.IV.2011
53	KEMELMAJER de CARLUCCI Aida R.	Argentina / <i>Argentine</i>	1.V.2008 – 31.IV.2011
54	KÖNKKÖLÄ Mikko	Finland / <i>Finlande</i>	1.V.2008 – 31.IV.2011
55	KOZOLCHYK Boris	USA	1.V.2008 – 31.IV.2011
56	KOZUKA Souichirou	Japan / <i>Japon</i>	1.V.2008 – 31.IV.2011
57	KRAMER Ernst A.	Switzerland / <i>Suisse</i>	1.V.2008 – 31.IV.2011
58	KREUZER Karl	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
59	LALIVE d'EPINAY Pierre	Switzerland / <i>Suisse</i>	1.V.2008 – 31.IV.2011
60	LANDO Ole	Denmark / <i>Danemark</i>	1.V.2008 – 31.IV.2011
61	LEAL ANGARITA Manuel	Colombia / <i>Colombie</i>	1.V.2008 – 31.IV.2011
62	LEFEBVRE Guy	Canada	1.V.2008 – 31.IV.2011
63	LIEBMAN Lance	USA	1.V.2008 – 31.IV.2011
64	MARCHISIO Sergio	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
65	MARKESINIS Basil S.	United Kingdom	1.V.2008 – 31.IV.2011

		/ <i>Royaume-Uni</i>	
66	MASKOW Dietrich	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
67	McKENDRICK Ewan G.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 31.IV.2011
68	MOONEY Charles W., Jr.	USA	1.V.2008 – 31.IV.2011
69	MORAN BOVIO David	Spain / <i>Espagne</i>	1.V.2008 – 31.IV.2011
70	MOURA RAMOS Rui Manuel	Portugal	1.V.2008 – 31.IV.2011
71	NESGOS Peter D.	USA	1.V.2008 – 31.IV.2011
72	ORTIZ SOBALVARRO Alfonso	Guatemala	1.V.2008 – 31.IV.2011
73	OYEKUNLE Tinuade	Nigeria	1.V.2008 – 31.IV.2011
74	OZSUNAY Ergun	Turkey / <i>Turquie</i>	1.V.2008 – 31.IV.2011
75	PAMBOUKIS Charalambos	Greece / <i>Grèce</i>	1.V.2008 – 31.IV.2011
76	PETER Fritz	Switzerland / <i>Suisse</i>	1.V.2008 – 31.IV.2011
77	PROTT Lyndel V.	Australia / <i>Australie</i>	1.V.2008 – 31.IV.2011
78	RAMBERG Jan	Sweden / <i>Suède</i>	1.V.2008 – 31.IV.2011
79	REICHELTE Gerte	Austria / <i>Autriche</i>	1.V.2008 – 31.IV.2011
80	RIVERA Julio César	Argentina / <i>Argentine</i>	1.V.2008 – 31.IV.2011
81	ROSEN Howard	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 31.IV.2011
82	SÁNCHEZ-GAMBORINO Francisco José	Spain / <i>Espagne</i>	1.V.2008 – 31.IV.2011
83	SCHIAVONI Giorgio	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
84	SCHIPANI Sandro	Italy / <i>Italie</i>	1.V.2008 – 31.IV.2011
85	SCHULZ Albrecht	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
86	SIEHR Kurt	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
87	SIQUEIROS José Luis	Mexico / <i>Mexique</i>	1.V.2008 – 31.IV.2011
88	SONO Kazuaki	Japan / <i>Japon</i>	1.V.2008 – 31.IV.2011
89	STÜRNER Rolf	Germany / <i>Allemagne</i>	1.V.2008 – 31.IV.2011
90	SUCHARITKUL Sompong	USA	1.V.2008 – 31.IV.2011
91	SVIDRON Ján	Slovakia / <i>Slovaquie</i>	1.V.2008 – 31.IV.2011
92	SYNVET Hervé	France	1.V.2008 – 31.IV.2011
93	TALLON Denis	France	1.V.2008 – 31.IV.2011
94	VEYTIA Hernany	Mexico / <i>Mexique</i>	1.V.2008 – 31.IV.2011
95	WALLACE Don, Jr.	USA	1.V.2008 – 31.IV.2011
96	WEINBERG DE ROCA Inés M.	Argentina / <i>Argentine</i>	1.V.2008 – 31.IV.2011
97	WINSHIP Peter	USA	1.V.2008 – 31.IV.2011
98	WOOD Philip R.	United Kingdom / <i>Royaume-Uni</i>	1.V.2008 – 31.IV.2011
99	WOOL Jeffrey	USA	1.V.2008 – 31.IV.2011

100	ZEIDMAN Philip	USA	1.V.2008 – 31.IV.2011
101	ZIEGEL Jacob	Canada	1.V.2008 – 31.IV.2011
102	ZUMBO Frank	Australia / <i>Australie</i>	1.V.2008 – 31.IV.2011

**Institutional correspondents / *Correspondants institutionnels***

1	FRESHFIELDS BRUCKHAUS DERINGER	United Kingdom <i>/ Royaume-Uni</i>	1.V.2008 – 31.IV.2011
2	JENNER & BLOCH	USA	1.V.2008 – 31.IV.2011



## ANNEXE 3

**DISTRIBUTION OF CORRESPONDENTS OF THE INSTITUTE BY REGION AND BY COUNTRY**  
– 2001\* and 2009 compared –

*Non-member States of UNIDROIT are shown in italic script*

	2001	2009		2001	2009
<b>Africa</b>	<b>22</b>	<b>13</b>	<b>Europe</b>	<b>92</b>	<b>45</b>
<i>Angola</i>	1	0	Austria	3	1
<i>Burkina Faso</i>	0	1	Belgium	4	1
<i>Cameroon</i>	3	0	Bulgaria	1	0
<i>Côte d'Ivoire</i>	1	0	Croatia	1	0
<i>Egypt</i>	3	3	Cyprus	1	0
<i>Ghana</i>	2	1	Czech Rep.	1	0
<i>Kenya</i>	1	0	Denmark	2	1
<i>Madagascar</i>	1	0	Estonia	/	0
<i>Mali</i>	1	1	Finland	3	1
<i>Morocco</i>	2	2	France	8	5
<i>Nigeria</i>	2	1	Germany	10	8
<i>Central African Rep.</i>	1	0	Greece	4	1
<i>Senegal</i>	1	1	Holy See	0	0
<i>South Africa</i>	1	0	Hungary	1	0
<i>Tunisia</i>	2	3	Ireland	0	0
			Israel	2	0
			Italy	20	7
			Latvia	1	1
<b>Americas</b>	<b>49</b>	<b>35</b>	Lithuania	0	0
			Luxembourg	2	0
<i>Argentina</i>	8	4	Malta	1	1
<i>Bolivia</i>	0	0	The Netherlands	3	1
<i>Brazil</i>	4	0	Norway	1	1
<i>Canada</i>	8	6	Poland	2	1
<i>Chile</i>	3	1	Portugal	3	1
<i>Colombia</i>	2	3	Rep. of Serbia	0	0
<i>Cuba</i>	0	0	Romania	0	0
<i>United States of America</i>	14	14	Russian Federation	2	1
<i>Guatemala</i>	1	1	San Marino	0	0
<i>Mexico</i>	3	3	Slovakia	1	1
<i>Nicaragua</i>	0	0	Slovenia	1	0
<i>Panama</i>	1	1	Spain	3	3
<i>Paraguay</i>	0	0	Sweden	2	1
<i>Peru</i>	2	0	Switzerland	3	3
<i>Uruguay</i>	1	1	Turkey	1	1
<i>Venezuela</i>	2	1	United Kingdom	5	6

\* 2001 being the date on which this distribution was last published (cf. UNIDROIT 2001 – C.D. (80) 12, Annexe I).

	<b>2001</b>	<b>2009</b>
<b>Asia/Pacific</b>	<b>27</b>	<b>10</b>
Australia	7	4
China	1	1
India	3	0
Indonesia	1	1
Iran	3	1
Iraq	1	0
Japan	3	3
<i>New Zealand</i>	1	0
Pakistan	0	0
<i>Philippines</i>	3	0
Rep. of Korea	2	0
Saudi Arabia	/	0
<i>Singapore</i>	1	0
<i>Thailand</i>	1	0