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**REPORT**

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>For the information of the Members of the General Assembly</i>
<i>Action to be taken</i>	<i>None</i>
<i>Related documents</i>	<i>None</i>

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**Item No. 1: Opening of the session by the Secretary-General and the Chair of the General Assembly 2022-2023**

1. The 82<sup>nd</sup> session of the General Assembly of the International Institute for the Unification of Private Law (UNIDROIT) was held in hybrid format on 14 December 2023 in Rome. A list of participants is included in Appendix I.
2. The *Secretary-General* welcomed the participants and proceeded to open the session. He highlighted the importance of this Assembly, which would not only feature the election of a new Governing Council, with the nomination of a judge of the International Court of Justice (ICJ) as a 26<sup>th</sup> member, but also a decision on the Supervisory Authority for the MAC Protocol Registry. Further, an increase in the Institute's budget was being put forward for approval for the first time in 20 years. Finally, he expressed his utmost gratitude for the work of the Chair of the General Assembly 2022-2023.
3. The *Chair of the General Assembly 2022-2023* welcomed the participants and stated that she had been honoured to serve in her position as Chair and thanked everyone for the confidence they had placed in India and in herself. She noted that this year had not only been special because she had been the first person from India serving as Chair in 20 years, but also because this appointment had coincided with India's presidency of the G20 and the Shanghai Cooperation Organisation. 2023 had also marked the 75<sup>th</sup> anniversary of diplomatic relations between India and Italy. She noted that 2023 had been a special year for UNIDROIT as well, as it had been the first year of the new triennial work programme, and expressed her deep appreciation to the Secretariat, the Secretary-General, the Deputy Secretary-General and the entire team for their impressive work regarding both legislative and promotional activities.
4. Next, the Chair highlighted the adoption and publication of the Principles on Digital Assets and Private Law, as well as the approval of the Model Law on Factoring by the Governing Council and its launch in October, and the progress in the approval process of the UNIDROIT/UNCITRAL Joint Project on the Model Law on Warehouse Receipts. Furthermore, she complimented the Secretariat on the progress that had been made on other high-priority projects such as the Best Practices for Effective Enforcement, the Guide to Collaborative Legal Structures of Agricultural Enterprises and the project on Bank Insolvency, the last of which had also received the support of the Reserve Bank of India. She went on to mention two new projects that had been launched during her tenure, namely the project on the Legal Nature of Voluntary Carbon Credits, and on the UNIDROIT Principles of International Commercial Contracts and Investment Contracts. The Chair continued to report that in 2023, Spain had deposited its instrument of ratification of the Luxembourg Rail Protocol to the Cape Town Convention and the Republic of Cyprus had also deposited its instrument of accession to the Cape Town Convention and Aircraft Protocol as its 86<sup>th</sup> Contracting State and complimented the Secretariat on the progress that had been made on the MAC Protocol.
5. Underscoring the strengthened relations between India and UNIDROIT, the Chair reported that a very successful high-level seminar of the Indian Ministry of External affairs dedicated to UNIDROIT, as well as a roundtable discussion with senior public sector officials, had been held in New Delhi in July 2023 and had been attended by UNIDROIT officers as well as representatives from various ministries and authorities. The Chair continued to highlight the enormous interest that UNIDROIT had garnered in the past year, which was mirrored in the heightened interest in the Governing Council elections. She again expressed her gratitude for having been honoured to serve as Chair of the General Assembly during the past year, and praised the Secretariat, the Secretary-General, and the entire team as well as the President of UNIDROIT.

**Item No. 2: Election of the Chair of the General Assembly 2023-2024**

6. The *Chair of the General Assembly 2022-2023* noted that the post of Chair of the General Assembly traditionally rotated among the four geographic regions of UNIDROIT, and that it was the African region's turn to nominate the new Chair for 2023-2024. She then invited the Secretary-General to take the floor and explain the election procedure.

7. The *Secretary-General* thanked the Chair and invited Member State delegations to make their nominations for the role of Chair of the General Assembly for 2023-2024.

8. The *representative of Egypt* took the floor and suggested the nomination of South Africa as Chair for the General Assembly for 2023-2024.

9. The *Chair of the General Assembly 2022-2023* opened the floor to Member State delegations for expressions of support, which were provided by the *representatives of India, Brazil, Indonesia, Mongolia, Chile, Mexico, the Republic of Korea, China, Paraguay, Tunisia, and Uruguay*.

10. The *Chair of the General Assembly 2022-2023* thanked the delegation and concluded that the *General Assembly, by acclamation, appointed Her Excellency Ambassador Nosipho Nausca-Jean Jezile (South Africa) as the Chair of the General Assembly 2023-2024*.

11. The *Chair of the General Assembly 2023-2024* expressed her profound gratitude for the confidence placed in her election by the State delegations and accepted the appointment as Chair for 2023-2024 on behalf of South Africa. She expressed her intention to lead the 82<sup>nd</sup> meeting of the General Assembly to a successful conclusion.

12. In retrospect, she referred to South Africa's contributions to UNIDROIT over 50 years of membership, such as the country's close involvement in the process of adopting the Cape Town Convention and the Pretoria MAC Protocol. Furthermore, she complimented the *Chair of the General Assembly 2022-2023* for her exceptional work and invited the Member State delegations to join her in a round of applause. She further gratefully acknowledged the commitment and the dedication of UNIDROIT President Professor Malaguti, the Secretary-General and the Deputy Secretary-General, as well as the other members of staff.

13. The Chair proceeded to state that, in the context of South Africa's ties with UNIDROIT, she wished to highlight the importance of implementing and promoting UNIDROIT instruments. She made particular reference to her participation in UNIDROIT's International Programme for Law and Development, which had previously been known as the "Summer School" and had played a key role in reaching out to countries in the African region. The third edition of UNIDROIT's International Programme for Law and Development would be held in 2024, and would again be dedicated to African jurists. She underlined that the International Programme for Law and Development was funded by the Italian Government, to which she expressed her high appreciation for its commitment.

14. Introducing other ongoing projects for 2024, the Chair mentioned the entry into force of the Cape Town Convention Protocol on Matters Specific to Railway Rolling Stock (Rail Protocol), and the expected membership of South Africa in the Supervisory Authority of the Registry. She also referred to the importance of disseminating the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Mining, Agricultural and Construction Equipment (MAC Protocol).

15. The Chair continued to mention five high priority projects which were to enter their final stage in 2024: the Guide to Enactment for the Model Law on Warehouse Receipts, the Guide to Enactment for the Model Law on Factoring, the Best Practices of Effective Enforcement, a Legal Guide on Bank Insolvency and a Legal Guide on Collaborative Legal Structures for Agricultural Enterprises. Moving on, she noted the excellent progress that had been made in the project on Investment

Contracts and the project on Voluntary Carbon Credits. Finally, the Chair looked forward to the celebrations for the 30<sup>th</sup> anniversary of the UNIDROIT Principles, which would be held at the seat of the institute in 2024.

**Item No. 3: Adoption of the agenda ([A.G. \(82\) 1](#))**

16. The *Chair* then drew the attention of the General Assembly to Item 3 of the agenda. She invited any comments on the revised draft agenda and proposed it for adoption.

17. *In the absence of comments, the General Assembly adopted the agenda as proposed (see Appendix II).*

**Item No. 4: Election of Governing Council Members for 2024-2028 ([A.G. \(82\) 2 prov. – Extract](#))**

18. The *Chair* introduced the item and invited the Secretary-General to take the floor to address the election of Governing Council Members for 2024-2028.

19. The *Secretary-General* took the floor and pointed out that there had been numerous candidacies for the Governing Council 2024-2028, amounting to 32 candidates for the 25 seats of the Council, as listed in the respective document (A.G. (82) 2) and on the ballot. He then provided an explanation of the voting procedure and noted that votes would be counted by a Special Ballot Committee, consisting of Australia, Colombia and Malta.

20. The *Chair* opened the floor to Member State delegations for any questions, in the absence of which the *Secretary-General* then invited the Member State delegations in alphabetical order to cast their votes. The Chair noted that, once the votes had been collected to be counted, the General Assembly would proceed to consider the other items on its agenda.

21. Once all *representatives* had cast their ballots in the ballot box, the *Chair* declared the vote concluded and pointed out that the results of the election would be announced once the count had been completed<sup>1</sup>.

22. The *Chair* noted that the ballot count had been completed and gave the floor to the representative of Malta to announce the results of the Governing Council Elections on behalf of the Ballot Committee.

23. The *representative of Malta* stated that 58 Member States had cast their votes which, in accordance with the rules, placed the absolute majority at 30. Applying the rules of procedure regarding geographical representation (i.e. Article 7(6)-(7)), according to which the most voted candidate from each of the four regions would be automatically elected, the following candidates obtained the majority: in Africa – the candidate from South Africa; in the Americas – the candidate from Mexico; in the Asia Pacific – the candidate from Japan; and in Europe – the candidate from Italy. The *representative of Malta* went on to provide the general result, which included also candidates elected by region. After the first round of voting, the following 24 Members were directly elected to the Governing Council: from Africa: Mr Eesa Allie FREDERICKS (South Africa) (44 votes); the Americas: Ms Kathryn SABO (Canada) (45 votes), Ms Maria Ignacia VIAL UNDURRAGA (Chile) (50 votes), Mr Jorge SÁNCHEZ CORDERO DÁVILA (Mexico) (51 votes), Mr José Antonio MORENO RODRIGUEZ (Paraguay) (47 votes); Asia-Pacific: Ms Uma SEKHAR (India) (45 votes), Mr Hideki KANDA (Japan) (52 votes), Ms Sharon ONG

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<sup>1</sup> The General Assembly continued considering the following agenda items until the ballot count had been completed, which happened when Member States were discussing agenda item 8. However, for the sake of completeness of the report of item 4, and in order to facilitate the understanding of reader, the report on the ballot count is summarised here.

(Singapore) (47 votes), Mr Inho KIM (Republic of Korea) (48 votes); Europe: Mr Jean-Christophe BOULET (Belgium) (51 votes), Ms Monika PAUKNEROVÁ (Czechia) (47 votes), Mr Antti T. LEINONEN (Finland) (49 votes), Mr Rémi DECOUT-PAOLINI (France) (47 votes), Mr Lars ENTELMANN (Germany) (48 votes), Ms Eugenia G. DACORONIA (Greece) (49 votes), Mr Attila MENYHÁRD (Hungary) (43 votes), Ms Karen BANKS (Ireland) (45 votes), Ms Stefania BARIATTI (Italy) (56 votes), Mr Lauris RASNACS (Latvia) (47 votes), Mr Andrzej SZUMAŃSKI (Poland) (42 votes), Mr Alfonso-Luís CALVO CARAVACA (Spain) (50 votes), Mr Niklaus D. MEIER (Switzerland) (49 votes), Mr Yusuf ÇALIŞKAN (Türkiye) (46 votes), Mr Daniel DENMAN (United Kingdom) (41 votes). A tie had been reached for the remaining seat between Mr Ji WENHUA (People’s Republic of China), and Ms Carla SIEBURGH (Netherlands), each of whom had secured 39 votes.

24. The *Chair* thanked the representative of Malta for announcing the results on behalf of the Ballot Committee and noted that new ballot papers would be distributed for the second ballot between the two candidates, as consistent with Article 7(5) of the Regulations.

25. The Chair allowed the delegates time to consult their governments in this regard and to make their votes, and thereafter instructed the Secretariat to collect the ballot papers.

26. Once the second ballot had been completed and votes had been counted,<sup>2</sup> the Chair gave the floor to the representative of Malta to announce the results on behalf of the Ballot Committee.

27. The *representative of Malta* stated that 57 Member States had cast their vote in due form. The results were as follows: Mr Ji Wenhua (People’s Republic of China) (27 votes) and Ms Carla Heleen SIEBURGH (Netherlands) (29 votes). As a result, Ms Carla Heleen SIEBURGH (Netherlands) was elected to the Governing Council for 2024-2028. A list of elected Members to the Governing Council for the period 2024-2028 can be found in Appendix III.

28. *The Chair concluded that the General Assembly had elected the members of the Governing Council 2024-2028.*

**Item No. 5: Nomination of The Honourable Leonardo Nemer Caldeira Brant, Judge at the International Court of Justice, as Governing Council Member for 2024-2028 (A.G. (82) 3)**

29. The *Chair of the General Assembly 2023-2024* drew the attention of the General Assembly to Item 5 of the draft agenda and invited the Secretary-General to explain the relevant procedure.

30. The *Secretary-General* took the floor and explained that, according to the Regulations, elections of persons should be carried out by secret ballot but proposed that this procedure be dispensed with as only one person had been nominated. He then invited the Member State delegations to comment on his suggestion.

31. In the absence of comments, the *Chair* then handed the floor to the President of UNIDROIT to present the candidate.

32. The *President* expressed her appreciation for the honour bestowed upon her to present the candidate, as this nomination was a symbol of the institutional ties between the ICJ and UNIDROIT, which dated back to the League of Nations. She informed the Assembly that the President of the International Court of Justice had put forward Judge Leonardo Nemer Caldeira Brant, a highly reputed professor of public international law, as their candidate. Noting that Judge Brant had only been

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<sup>2</sup> The General Assembly continued considering the following agenda items until the second ballot count had been completed, which happened when Member States were discussing agenda item 13. Again, for the same reasons stated in footnote 1, the report on the second ballot count is summarised here.

appointed to the Court one year ago, she appreciated that he would be able to serve his whole mandate on the Governing Council.

33. The *Chair* thanked the President for her presentation of the candidate and invited the Member State delegations to comment on the presentation or the election procedure.

34. *In the absence of comments, the General Assembly appointed The Honourable Leonardo Nemer Caldeira Brant, Judge at the International Court of Justice, as Governing Council Member for 2024-2028 by acclamation.*

**Item No. 6: Statement regarding the Organisation’s activity in 2023 (A.G. (82) 4)**

35. The *Chair* introduced item 6 on the agenda and invited the Secretary-General to present the statement on the Organisation’s activity in 2023.

36. The *Secretary-General* drew the Assembly’s attention to document (A.G. (82) 4), noting that 2023 had been a remarkable year for UNIDROIT in many ways. He complimented the entire staff of the UNIDROIT Secretariat and expressed his gratitude for the exceptional work that had been done with the limited resources available. He gratefully acknowledged that the Institute had welcomed two new Member States in 2023, the Republic of Singapore and Mongolia, which had both already been actively cooperating with the Institute, and now increased UNIDROIT’s presence in the region.

37. The Secretary-General went on to illustrate the projects that had been completed in 2023. Particularly, he referred to the finalisation of the Model Law on Factoring, an extremely important instrument for access to credit, especially for small and medium-sized enterprises, which had been initiated at the request of the World Bank. Next, he mentioned the Principles on Digital Assets and Private Law, which had already acquired remarkable international attention, and the Model Law on Warehouse Receipts, which was now being subject to negotiations at UNCITRAL, and was expected to be finalised in the coming months.

38. Further, he informed the Assembly that 2023 had seen significant progress for UNIDROIT’s treaties. Two States had ratified the Cape Town Convention and the Aircraft Protocol, and one more had ratified the Luxemburg Rail Protocol, which meant that it had reached the number of ratifying states required to enter into force. Furthermore, several other States were expected to ratify the Cape Town Convention and related Protocols, as well as the Convention on Stolen or Illegally Exported Cultural Objects.

39. UNIDROIT had worked in collaboration with the Organisation for the International Carriage by Rail (OTIF), the co-chairs of the Preparatory Commission, the Rail Working Group, and the newly appointed Registrar in building the institutional legal infrastructure required for the treaty to come into force. Three meetings of the Ratification Task Force had taken place in 2023; the Model Rules for the Practical Implementation of the Unique Rail Vehicle Identification System, drafted by the Expert Group set up by the United Nations Inland Transport Committee, had been approved, and the Protocol itself would enter into force on 8 March 2024.

40. With regard to the MAC Protocol, he highlighted that UNIDROIT had worked on three areas: the appointment of a Supervisory Authority, the selection of a Registrar, and the preparation of a first complete edition of the Regulations. A competitive bidding procedure had been carried out for the selection of a Registrar, with negotiations underway with the preferred bidder that were expected to continue throughout 2024. Specifically, he mentioned that UNIDROIT had been required to engage an international audit firm by the Preparatory Commission to assess the financial proposal of the preferred bidder, which had yielded positive results.

41. The Secretary-General went on to emphasise the relevance of the Model Law on Factoring, especially in terms of access to finance for start-ups, particularly in developing countries. The Model Law had recently been presented to a high-level audience in China and at the FCI's 55<sup>th</sup> Annual Meeting in Marrakech, where it had gained unanimous support from over 400 relevant stakeholders. He pointed out that the Model Law on Factoring was already being applied in some countries, and that the preparation of a Guide to Enactment to the Model Law was underway as envisaged in the Work Programme.

42. The Model Law on Warehouse Receipts was currently being negotiated at UNCITRAL, where so far only small changes had been made to the draft that had been approved by the Governing Council in May 2023. The preparation of its own Guide to Enactment also underway, as envisaged in the Work Programme. Both the Model Law and the Guide were expected to be approved in Summer 2024. He also underscored the great practical importance of the Model Law in terms of food security and access to credit in the agricultural sector.

43. Furthermore, the Secretary-General highlighted the groundbreaking nature of the work that had been done on the finalisation of the Principles on Digital Assets and Private Law, especially in the absence of existing legal frameworks that UNIDROIT might have identified as codifying existing best practices. He stated that the Principles had prompted remarkable interest, and had already been presented in many parts of the world with extraordinary success.

44. The Secretary-General went on to inform the Assembly on the progress of the Bank Insolvency project, which UNIDROIT had undertaken with the Bank of International Settlements' Financial Stability Institute, again highlighting the extraordinary interest that the project had been able to attain. The work had been very effective, and it was expected that a final draft would be presented to the UNIDROIT Governing Council in May 2024. The significantly relevant instrument that would result from the project would fill a gap in terms of rules applicable to the distress of small and medium sized banks.

45. Remarkable progress had also been made on other ongoing projects, namely those on Private Art Collections, Best Practices for Effective Enforcement, and the Collaborative Legal Structures of Agricultural Enterprises Guide. Two new projects had also begun to develop, namely the Legal Guidance on International Investment Contracts in collaboration with the International Chamber of Commerce, and the Project on the Legal Nature of Voluntary Carbon Credits, undertaken at the request of the International Swaps and Derivatives Association and the Government of Paraguay. Referring to the latter, he informed the Assembly that two preparatory meetings and a first session of the Working Group had been held in 2023 and underlined the significant impact of Voluntary Carbon Credits in supporting the fight against climate change. A high-level paper was currently being prepared in collaboration with UNCITRAL, however the aim behind the project was to develop a normative instrument.

46. Preparatory work had also been carried out on the joint project with Hague Conference on Private International Law on Law Applicable Law to Cross-Border Holdings and Transfers of Digital Assets and Tokens, which was aimed at complementing the work that UNIDROIT had been doing on digital assets and private law. Initial, preparatory work had also been carried out on the project on Private Art Collections in 2023.

47. In the context of UNIDROIT's academic activity, the Secretary-General highlighted the importance of UNIDROIT's Library, and provided an account of the past and future events organised by the Queen Mary/UNIDROIT Institute of Transnational Commercial Law, which was now under a new leadership and a new programme. He also informed the Assembly about the creation of the Roma Tre/UNIDROIT Centre for Transnational Commercial Law and International Arbitration. Furthermore, he reported that the Cape Town Convention Academic Project had successfully held its annual

Conference at the University of Cambridge. A new Moot Court programme based on the interpretation of the Cape Town Convention had also been created.

48. Expressing gratitude towards Professor Giuditta Cordero-Moss and her family, he noted that their donation of the book collection of the late Professor Franco Cordero to UNIDROIT had enormously enriched the Institute's library and had led to the creation of the newly founded Nordic Law Centre. He also gratefully acknowledged the generous support provided by the Bank of Italy as well as the Italian Government, which had each funded a Chair Programme in the fields of Bank Insolvency and Private Law and Agriculture respectively. He thanked Professor Sir Roy Goode for his generous recurring donation to the Institute, which had enabled UNIDROIT to grant yet another Sir Roy Goode Scholarship, and the People's Republic of China for their generous regular donations towards the UNIDROIT Scholarship Fund.

49. The Secretary-General proceeded to inform the Assembly that the growing number of applications for internships at UNIDROIT had reached 262 in 2023, while 171 scholars had been welcomed over the course of the year; and he further remarked upon the success of the second edition of the UNIDROIT International Programme for Law and Development with the participation of jurists from Africa that had taken place in Rome during the summer.

50. The *Chair* took the floor and thanked the Secretary-General, the Deputy Secretary-General, the President and the staff of the Institute for their work and invited the Member State delegations to comment on the report.

51. The *representative of Spain* complimented UNIDROIT's excellent results in the past year, particularly applauding UNIDROIT's efficiency in implementing projects in collaboration with other international organisations, such as the Model Law on Warehouse Receipts together with UNCITRAL. He expressed Spain's satisfaction at the entry into force of the Rail Protocol to the Cape Town Convention in 2024, noting that Spain's ratification of the Protocol in 2023 had completed the number of States required for its entry into force. He thanked the UNIDROIT President, the Secretary-General and the entire staff for their commitment and dedication. He congratulated the Secretary-General for his unanimous re-appointment by the Governing Council for a second term, and further announced that Spain had decided to make a donation of 14,000.00 Euro to UNIDROIT to promote the use of the Spanish language at the Institute.

52. The *representative of Singapore* congratulated the Chair on her election and thanked the Secretary-General for his report. She expressed Singapore's gratitude for the welcome wishes as a new Member State of UNIDROIT and highlighted the intent to significantly support UNIDROIT's work in the future. Underlining Singapore's gratitude for UNIDROIT's hard work and its significant, positive impact on communities and countries, she pointed out that Singapore was proud to be a new member. Lastly, she referred to the nomination of a Singaporean candidate to the Governing Council.

53. The *representative of Italy* congratulated the Chair on her election, thanked the Secretary-General for his report, and congratulated UNIDROIT for the successful and high-quality work that had been done. Expressing his gratitude for the mention of the contributions provided by the Government of Italy, he added that the Italian Government would also continue to support UNIDROIT for the International Programme on Law and Development.

54. The *representative of India* joined the previous speakers in congratulating the *Chair* for her election and thanked the Secretary-General for his report. She highlighted India's commitment to UNIDROIT's mandate and the importance of the work that had been done in 2023, particularly, the very productive work on the MAC Protocol and the Bank Insolvency project. Further, she conveyed the wish of Indian experts to contribute their perspective in further discussions on the project on Digital Assets and expressed her satisfaction at the successful results of UNIDROIT's internship programme, noting that different ministries would like to take part in this process in due course.



55. The *representative of the United States of America* joined the previous speakers in congratulating the Chair for her election and conveyed her State's appreciation of the many achievements of UNIDROIT over the past year. She thanked Professor Tirado for his work as Secretary-General and underlined the importance of the MAC Protocol as well as the contribution of UNIDROIT's work to reaching sustainability goals. Concerning UNIDROIT's work in the field of agricultural development, the representative underlined the importance of the rule of law to achieve fully sustainable development in terms of economic, social and environmental sustainability, and she encouraged the Secretariat to continue to prioritise and promote the important instruments and legal guides in the field of agriculture.

56. The *Secretary-General* thanked the Government of Spain for its contribution and concurred with the request for further dialogue expressed by the representative of India. He highlighted the importance of secondments for the ability of UNIDROIT to continue its work and referred to two secondment programmes underway with the People's Republic of China, and one long-term secondment from the Government of Italy. He invited all Member States to send secondees to UNIDROIT as such programmes were mutually beneficial.

57. *The General Assembly took note of the Statement regarding the Organisation's activity in 2023.*

**Item No. 7: Appointment of a Supervisory Authority for the MAC Protocol Registry ([A.G. \(82\) 5](#))**

58. The *Chair* introduced the item and invited the Secretary-General to outline the role of the Supervisory Authority for the MAC Protocol Registry.

59. The *Secretary-General* drew the Assembly's attention to document A.G. (82) 5, which contained detailed information on the Supervisory Authority for the MAC Protocol Registry. He began by briefly outlining the role of the Supervisory Authority for the MAC Protocol Registry within the institutional framework of the Protocol and explained that the original idea had been to appoint another international organisation for the role. Due to a change in circumstances, however, UNIDROIT had found itself in the position to either suggest another institution to be appointed as Supervisory Authority or to suggest UNIDROIT itself for this role. The search for alternative organisations had proven difficult as most international organisations only covered one of the three sectors of the MAC Protocol. In this context, the Preparatory Commission had asked the Institute whether it would be willing to accept the role. The Secretariat had prepared a thorough analysis and had carried out consultations with the Governing Council over three sessions, which had resulted in the constitution of a Special Committee, which had in turn availed itself of a legal opinion provided by an independent public international law professor from the University of Cambridge.

60. The Secretary-General then provided a brief explanation of the two options that had been set before the Assembly and pointed out that, were UNIDROIT to be appointed as Supervisory Authority, at least in the early stages of this activity, further funds might be required to perform this role. He further explained that, while both options presented would be feasible, The UNIDROIT Secretariat noted a slight preference of for the appointment of UNIDROIT, as this had been endorsed by the Governing Council at its latest session as well as by a clear majority of the Special Committee that had considered the matter.

61. The *Chair* invited the Member State delegations to provide comments on the matter.

62. The *representative of South Africa* highlighted the importance of a timely appointment of a Supervisory Authority, expressing support for the appointment of UNIDROIT as under option A.

63. The *representative of the United States of America* expressed appreciation for the thorough analysis of this issue, underlined her support for operationalising the MAC Protocol Registry and joined the previous speaker in supporting the appointment of UNIDROIT as Supervisory Authority. She further expressed her hope that other Member States would support this course of action as well.

64. The *representative of Spain* brought forward arguments for both options, though it was difficult to estimate which option would be more efficient, operate at lower cost and with greater simplicity. Expressing support for option A, he proposed that the adopted option should be reviewed after three years.

65. The *representative of India* acknowledged the importance of the decision, took note of the challenges expressed by the Secretary-General, and expressed support for option A.

66. The *representative of Australia* supported the appointment of UNIDROIT as Supervisory Authority for the MAC Protocol Registry, considering how it was an important step in securing the future of the MAC Protocol and related work, and pointed out that Australia remained open to consider other options that might be identified in the future.

67. The *representative of Brazil* joined the previous speakers in supporting the appointment of UNIDROIT as Supervisory Authority, as long as it would not lead to additional costs for Member States that were not yet users of the international registry.

68. The *representative of Poland* joined the previous speakers in supporting the appointment of UNIDROIT as Supervisory Authority.

69. The *representative of France* also expressed support for the appointment of UNIDROIT as Supervisory Authority.

70. The *representative of Canada* thanked the Governing Council for its careful consideration of the issues that had arisen in relation to the Supervisory Authority and for the assistance that the Secretariat had provided in this respect. She stated that neither option was ideal. While Canada would have preferred option B, she expressed support for the appointment of UNIDROIT as Supervisory Authority provided that the responsibilities attached to the Supervisory Authority's role be clearly allocated to one of UNIDROIT's organs and, more precisely, to the General Assembly. Finally, she expressed her expectation to see a proposed allocation of functions for decision at next year's session of the General Assembly.

71. The *representative of the United Kingdom* supported the appointment of UNIDROIT as Supervisory Authority, as this option provided both a pragmatic and workable solution without adversely interfering with the other important work.

72. The *representative of Paraguay* joined the previous speakers in supporting the appointment of UNIDROIT as Supervisory Authority.

73. The *representative of Japan* supported option A as laid out in the document A.G. (82) 5, as the option provided legal certainty and avoided the difficult procedures related to the creation of an international entity.

74. The *Chair* invited the Secretary-General to respond to the interventions.

75. The *Secretary-General* thanked the Member State delegations for their remarks and assured them that a paper would be distributed following the decision of the Governing Council as to how to allocate the decision-making process internally for the application of the competences of the Supervisory Authority.

76. *In view of the comments provided and in the absence of further requests for the floor, the Chair concluded that the General Assembly had agreed to the implementation of option A, the appointment of UNIDROIT as Supervisory Authority, as laid out in document A.G. (82) 5.*

**Item No. 8: Report of the Chairman of the Finance Committee on its 96<sup>th</sup> session ([F.C. \(96\) 8](#)) and reappointment of the Members of the Finance Committee ([A.G. \(82\) 1](#))**

77. Next, the *Chair* introduced item 8 and invited the Chair of the Finance Committee to report on the 96<sup>th</sup> session.

78. The *Chair of the Finance Committee* first expressed his gratitude for the Committee's confidence in him and thanked the former Chair of the Committee for his excellent leadership. He further expressed his congratulations to UNIDROIT for welcoming two new Member States and complimented the Institute on the ambitious work that had been done in 2023, which had increased UNIDROIT's visibility. He noted that 2023 had been an important year as several legal instruments had been finalised.

79. He then reported on the 96<sup>th</sup> session of the Finance Committee that had been held on 12 October 2023 in hybrid format in Rome. As a general remark, he noted the Committee's appreciation to the Secretariat for its transparency and responsible use of the Institute's financial resources. The Chair of the Finance Committee further informed the Assembly about the Committee's endorsement of the modifications to the 2022 Budget and of the Accounts as presented. In this context, he conveyed the Committee's appreciation of the Secretariat's efforts to limit the actual expenditure in 2022 to the greatest extent. With regard to item 10, he reported that the Committee had recommended the approval of the proposed adjustments to the 2023 Budget, noting that the largest adjustments concerned staff salaries, as well as the receipts, which had been higher than expected. Referring to item 11, he noted the Committee's satisfaction regarding the significant reduction of Member States' arrears in 2023 and thanked those Member States which had paid their contributions in 2023, noting that such payments might have been owed to the incentive of the Governing Council elections, which were scheduled to take place during that session. Moving on to item 12, the Chair of the Finance Committee conveyed the Committee's unanimous support for the Draft Budget for 2024, including the increase in Member State contributions. He pointed out that the Committee had appreciated that UNIDROIT had not sought any increase in many years and acknowledged that it was necessary to allow UNIDROIT to continue its operations in a high-inflation environment. Regarding item 13, he reported that the Finance Committee had taken note of the development of the pension scheme applicable to UNIDROIT staff and appreciated the change of the insurance provider. In conclusion, he stated that the Finance Committee had endorsed all documents as proposed by the Secretariat.

80. The *Chair* thanked the Chair of the Finance Committee and noted that none of the members of the Finance Committee who had been appointed in 2020 had expressed an intention to leave the Committee. Therefore, she noted that the Assembly should assume that the members would be reappointed for the new three year-tenure, starting from January 2024. She further introduced the following items 9-13 to the Assembly and invited the Secretary-General to add his comments to these items. She also opened the floor for Member State delegations to bring forward specific questions.

81. The *Secretary-General* thanked the Chair of the Finance Committee and all Finance Committee members for their excellent work and collaboration and underlined the value of financial transparency, as this also facilitated collaborations with Member State governments. He also gratefully noted that none of the current members of the Finance Committee had asked to leave the Finance Committee, and invited additional Member State delegations to contact the Secretariat if they were interested in nominating a representative to the Finance Committee.

82. The *Chair* invited Member State delegations to reflect on the report of the Chair of the Finance Committee. In the absence of immediate comments, the Chair stated that the Assembly took note of the report of the Chair of Finance Committee and moved to the next subitem asking the Assembly to confirm the proposed composition of the Finance Committee for the next three years.

83. The *representative of Bulgaria* stated that Bulgaria could not endorse the reappointment of the Russian Federation as a member of the Finance Committee. Thereupon, the representative of the United States of America declared their disassociation with the reappointment of the Russian Federation to the Finance Committee. From that moment on, twenty-six States took the floor to state support for the declaration made by the representative of Bulgaria or disassociate themselves from the reappointment of the Russian Federation. These states were, ordered by time of intervention: Latvia, Luxembourg, Lithuania, Estonia, Croatia, France, Cyprus, Czech Republic, Denmark, Belgium, Finland, Greece, Ireland, Portugal, Spain, Sweden, United Kingdom, Norway, The Netherlands, Austria, Australia, Malta, Canada, Italy, Romania, and Japan.

84. The *representative of the Russian Federation* asked for clarification regarding the procedure, since, according to their understanding, it was not possible not to reappoint a member of the Finance Committee. She asked whether it was procedurally possible for the General Assembly to vote a member out of the Finance Committee.

85. The *Chair* noted that all the requests for the floor had been recorded and gave the floor to the Secretary-General.

86. The *Secretary-General* pointed out that the appointment of the Finance Committee was done by the General Assembly, and that membership renewal or reappointment were legally equal to the appointment itself. He made it clear that, although there were no precedent instances, the Assembly could reject the appointment of a single member, given that the Finance Committee was a delegate body of the Assembly. Replying to the question of the representative of the Russian Federation, he pointed out that, although a vote had not been requested, such a vote was possible upon request of the membership and that the votes ought to be cast and counted.

87. The *representative of the Russian Federation*, objecting to the interventions made by various Member States, expressed conviction that the rejection of the Russian membership in the Finance Committee was politically motivated. She represented the Russian Federation's high appreciation of the role, and the importance of UNIDROIT as a platform for constructive discussions of experts in the field of harmonisation of private law, as well as for discussions of a range of issues related to the mandate of the Institute. She urged the delegations to refrain from politicising decisions in general, including with regard to the Finance Committee.

88. A discussion ensued with several Member States intervening from the floor on whether the expressions of support for the declaration of the Bulgarian representative and the disassociations from the reappointment of Russia (i) implied a breach of consensus or not, (ii) whether, if so, a vote was required, (iii) the form of such a vote (secret ballot, by show of hands, or roll call), and (iv) the precise scope of the vote. Some delegations (*Egypt, Indonesia*) stated that the expressions of support for *Bulgaria* were acceptances of the appointment under disassociation, requesting that the General Assembly moved on to the next item on the agenda, while noting the disassociation of several delegations from the reappointment of one member on the Finance Committee in the final report.

89. The *Chair* invited the Secretary-General to explain the procedure to follow in this case.

90. The *Secretary-General* explained that the Assembly's decision not to reappoint certain candidates would first require that a formal vote be requested. Since it would not concern individuals, such a vote would in principle not be secret, and it would be exercised by show of hands or by roll call.

91. The *Chair* raised the prospect of a roll call and pointed out that the lack of support/disassociation to the reappointment of a member of the Finance Committee by several Member States had posed a new situation that had not occurred in the UNIDROIT General Assembly before. Stating that the decision was up to the General Assembly, she explained that there was either the option to reach a decision by consensus and, if consensus could not be reached, to make a decision by vote. Acknowledging that some delegations had requested time to clarify the position of their respective capitals, the Chair invited the Member State delegations to make suggestions on how to proceed.

92. The representatives of *China, Indonesia, Uruguay, Turkey, Pakistan, Egypt, and Iran*, with several other members seemingly nodding in agreement, requested time to consult with the capital.

93. The *Chair* suggested putting the decision on hold in order to enable all delegations to acquire mandates from their respective governments.

94. The representatives of *China, Paraguay, Canada, Italy and France* supported the proposal for a special General Assembly to be convened at a later date.

95. *The Chair concluded that the General Assembly agreed to postpone the decision on the reappointment to the Finance Committee to a future General Assembly, that would be dedicated only to this question and was expected to take place in early 2024, to enable Member State delegations to clarify the positions of their governments and enable the Secretariat to confirm the procedure.*

**Item No. 9: Final modifications to the Budget and approval of the Accounts for the 2022 financial year ([A.G. \(82\) 6](#))**

96. The *Chair* drew the Assembly's attention to item 9 and invited the Secretary-General to elaborate on the item.

97. The *Secretary-General* referred to document A.G. (82) 6 and pointed out that there had been fewer receipts than expected and that UNIDROIT had adjusted expenditure accordingly. The result was a shortfall of over 44,000.00 Euro in 2022, which would not have created any particular problems in light of the fact that UNIDROIT had a financial buffer of 276,000.00 Euro. He concluded by stating that the 2022 financial Accounts were the result of lower receipts, not of higher expenditure, and that UNIDROIT was in a good financial position.

98. *The Chair concluded that the General Assembly had taken note of the Secretary-General's report, discharged the Secretary-General from his responsibilities regarding the management of the financial budget in this financial year in accordance with Article 38(5) of the Regulations, and approved the modifications to the Budget and the accounts for the 2022 financial year.*

**Item No. 10: Adjustments to the Budget for the 2023 financial year ([A.G. \(82\) 7](#))**

99. Upon the *Chair's* invitation, the *Secretary-General* referred to document A.G. (82) 7 and elaborated on the adjustments to the Budget for the 2023 financial year. Particularly, he explained that this document served the purpose of adjusting the expected expenditure in the Budget to the actual expenditure. Noting that the amended Budget had been approved by the Finance Committee, he explained that there were very few amendments to the proposed amounts. The budget provided for an increase in receipts in light of the accession of two new Member States, as well as to reflect an increase in foreseeable revenues on publications because of the new edition of the Official Commentary on the Cape Town Convention. He also referred to the proposed amendment regarding an increase in expenditure had been necessary due to the automatic 2.5% increase in salaries and

social security expenditures following the United Nations system and reiterated that those changes had also been approved by the Finance Committee.

100. The *Chair* opened the floor for comments.

101. *In the absence of comments, the Chair concluded that the General Assembly had taken note of the expected level of receipts and expenditure for the 2023 financial year and approved the Adjustments to the Budget, as set out in the Appendix.*

**Item No. 11: Arrears in contributions of Member States (A.G. (82) 8)**

102. The *Chair* invited the Secretary-General to update the General Assembly regarding the status of arrears.

103. The *Secretary-General* began by expressing his gratitude for the drastic reduction in arrears of Member States in 2023 and explicitly pointed out that, due to an additional payment that had been received shortly before the session of the General Assembly, Denmark was no longer in debt regarding its contributions for 2022, thus there were fewer arrears than those reflected in the document. The Secretary-General thanked the Government of Denmark for having made the payment.

104. The *Chair* invited the delegations to make comments.

105. *In the absence of comments, the Chair concluded that the General Assembly had taken note of and approved the Secretariat's report on arrears.*

**Item No. 12: Approval of the draft Budget for 2024 and observations submitted by Member States (A.G. (82) 9)**

106. The *Chair* invited the Secretary-General to present the draft Budget for the year 2024.

107. The *Secretary-General* pointed out that parts of this document had already been presented by the Chair of the Finance Committee, who had reported the unanimous consensus of the Committee to fully support the draft Budget. Explaining that the Budget for 2024 was historic, as it presented a proposal to increase Member State contributions for the first time in 20 years, even if by merely 6 percent, he also highlighted that this amount would effectively maintain the spirit of the Institute's zero nominal growth policy in light of the higher inflation rate. Some countries had reflected that the increase would not cover the full increase in prices due to inflation during the Finance Committee meeting and had underlined that UNIDROIT had been very moderate in its Budget increase request compared to other organisations in UNIDROIT's field of activity, which had benefited from increases several times over the years. The Secretary-General expressed his gratitude for the unanimous support of the draft Budget by the Finance Committee and his hope for such support by the General Assembly as well.

108. The *Chair* invited the Member State delegations to make comments.

109. The *representative of Argentina* requested the suspension of Argentina's reclassification to a higher category for the year 2024 as it had been granted in previous years. He also expressed his gratitude towards the Secretariat and the Finance Committee for taking note of the situation in the report.

110. The *Secretary-General* stated that such a suspension had already been made twice for Brazil and Argentina. He highlighted that Argentina's request had already been anticipated and was

therefore reflected in the Budget as if the petition had been made, making no changes to the draft necessary should the request be ultimately approved by the Assembly.

111. The *representative of Canada* thanked the Secretary-General and the UNIDROIT staff for the draft Budget and the continued transparency in the management of UNIDROIT's finances. She was aware that UNIDROIT had maintained a consistent budget level for many years and very much appreciated the efforts by the Secretary-General and his predecessor to not present growth budgets. She announced that Canada supported the proposed increase but queried if the 6 percent increase would be sufficient.

112. Replying to the question, the *Secretary-General* assured that UNIDROIT would inform the Member States should it become apparent that the proposed increase would not cover the expenditure required to implement the work programme and generally the Institute's mandate.

113. The *representative of the Russian Federation* expressed a request to optimise expenditure in light of the increase of the contributions of the Member States. First, she urged the Secretariat to continue providing exhaustive explanations with regard to the increase of the budgetary needs in the upcoming years. Second, she suggested that a list of measures should be prepared to optimise the use of the budgetary resources in order to save money where possible.

114. The *Secretary-General* provided assurance that the current practice of providing exhaustive explanations would continue, and further noted that he did not see leeway to cut down on expenses even further, reiterating that the increase did not serve to finance further measures, but to cover the current scope of work.

115. The *representative of the Russian Federation* clarified that her suggestion was not to reduce expenditure even more, rather to incorporate measures that already had been taken to cut back on expenses into a defined policy for future measures.

116. *In the absence of further comments, the Chair concluded that the General Assembly had approved the Budget for the 2024 financial year and expressed appreciation for both the transparency measures and good governance regarding the draft Budget.*

**Item No. 13: Update on the social security package applicable to UNIDROIT staff ([A.G. \(82\) 10](#))**

117. The *Chair* invited the Secretary-General to present the update on the pension scheme for UNIDROIT staff.

118. With reference to document A.G. (82) 10, the *Secretary-General* made two comments. First, the threshold for a change of investment policy of UNIDROIT's pension fund would be crossed during the coming year, and Member States would find the relevant information in the specific report. Second, he pointed out that there had been a change of health insurance company due to the dissatisfaction with the previous provider's performance and that UNIDROIT had contracted Cigna instead of AXA as a result.

119. The *Chair* opened the floor for comments.

120. *In the absence of comments, the Chair concluded that the General Assembly had taken note of the Secretariat's update regarding the social security scheme applicable to UNIDROIT staff, as well as of the update provided in the report of the ISRP – CAF, Committee for the Administration of Funds, enclosed in the Annexe to document A.G. (82) 10.*

**Item No. 14: Any other business**

121. The *Chair* introduced item 14 on the agenda.

122. The *Secretary-General* thanked all the Member States for their participation and for their vote to form the new Governing Council, which he looked forward to working with and hoped would take the organisation to the next level. He also thanked Mr Pierre Fournier, head interpreter at UNIDROIT, for his many years of service on the occasion of his retirement. He also expressed his appreciation for the President, Professor Malaguti, Deputy Secretary-General, Professor Anna Veneziano, all legal officers, and generally all staff of UNIDROIT for their invaluable work. Finally, he thanked both the past and the new Chair of the General Assembly for their work.

123. The *President* took the floor to highlight how UNIDROIT worked extremely well as an international organisation, especially in light of its small size, thanks to the work of the Secretary-General and the Institute's staff. She then invited the delegations to attend the workshop on Soft Law that would be held at 3 p.m. in the Institute.

124. The *representative of the People's Republic of China* congratulated the Chair for her election and thanked the Secretary-General and his entire team for the hard work and the excellent organisation of this Assembly. He expressed his disappointment regarding the outcome of the election and considered the composition of the Governing Council manifestly flawed given the absence of necessary jurisdictional representations, noting that well qualified candidates had been sacrificed due to reasons other than merit. He went on to postulate that the outcome presented political elements which compromised the inclusiveness of the Council and the integrity of its decisions, which in turn affected the public confidence in the Institute. He recalled that Article 16 of the UNIDROIT Regulations allowed the Governing Council to invite representatives of Member States that had no representative in the Council to attend the meetings in a consultative capacity and urged the new Council to act accordingly. He noted that the election results had shown a loophole in the rules of the election of the Governing Council, which were to be readily addressed, offering China's support to work with other Member States and the Secretariat on this issue.

125. *In the absence of any further interventions, the Chair thanked all Member States for their valuable contributions, as well as the Secretary-General and his entire team for their hard work. Furthermore, she expressed her gratitude to all the participants present in person as well as online for their participation and inputs during the session. The Chair then declared the session closed.*



**APPENDIX I****LIST OF PARTICIPANTS**82<sup>nd</sup> session of the General Assembly**ARGENTINA / ARGENTINE**

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Chargé d'affaires *ad interim*  
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Mr Lucas Ricardo PAVIOLO  
Secretary  
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Ms Tanya PRIDANNIKOFF  
First Secretary  
Australian Embassy

Mr Angus MINNS  
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Ms Teresa PILOSI  
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Australian Embassy

**AUSTRIA / AUTRICHE**

Mr Karl EHRLICH  
Minister Plenipotentiary  
Deputy Head of Mission  
Embassy of Austria in Italy

Mr Christopher WASTIAN  
Attaché  
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S.E. M. Lieven DE LA MARCHE  
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Représentant permanent auprès des  
organisations internationales basées à  
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M. François HIRSCH  
Représentant permanent adjoint

M. Jean-Christophe BOULET  
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Ms Augusta LĖKAITĖ  
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Ambassade du Grand-Duché de  
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First Secretary  
Embassy of the Republic of Malta

Ms Laura CAMILLERI  
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MEXICO / *MEXIQUE*

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	Mr Mauricio GUERRERO DCM Embassy of Mexico
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	Mr Miguel DIONISI BATTILANA First Secretary Embassy of Paraguay in Italy
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	Mr Ian THOMPSON ( <i>remotely</i> ) UNIDROIT Coordinator Department for Business and Trade
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	H.E. Mr José Angel BUCARELLO ( <i>remotely</i> ) Alternate Ambassador Permanent Representation of the Bolivarian Republic of Venezuela to FAO

**APPENDIX II****AGENDA**

1. Opening of the session by the Secretary-General and the Chair of the General Assembly 2022-2023
2. Election of the Chair of the General Assembly 2023-2024
3. Adoption of the agenda (A.G. (82) 1)
4. Election of Governing Council Members for 2024-2028 (A.G. (82) 2)
5. Nomination of The Honourable Leonardo Nemer Caldeira Brant, Judge at the International Court of Justice, as Governing Council Member for 2024-2028 (A.G. (82) 3)
6. Statement regarding the Organisation's activity in 2023 (A.G. (82) 4)
7. Appointment of a Supervisory Authority for the MAC Protocol Registry (A.G. (82) 5)
8. Report of the Chairman of the Finance Committee on its 96th session (F.C. (96) 8) and reappointment of the Members of the Finance Committee (A.G. (82) 1)
9. Final modifications to the Budget and approval of the Accounts for the 2022 financial year (A.G. (82) 6)
10. Adjustments to the Budget for the 2023 financial year (A.G. (82) 7)
11. Arrears in contributions of Member States (A.G. (82) 8)
12. Approval of the draft Budget for 2024 and observations submitted by Member States (A.G. (82) 9)
13. Update on the social security package applicable to UNIDROIT staff (A.G. (82) 10)
14. Any other business.

**APPENDIX III****List of elected Members of the Governing Council 2024-2028**

Ms Karen BANKS (Ireland)  
Ms Stefania BARIATTI (Italy)  
Mr Jean-Christophe BOULET (Belgium)  
Mr Yusuf ÇALIŞKAN (Türkiye)  
Mr Alfonso Luis CALVO CARAVACA (Spain)  
Ms Eugenia DACORONIA (Greece)  
Mr Rémi DECOUT-PAOLINI (France)  
Mr Daniel DENMAN (United Kingdom)  
Mr Lars ENTELMANN (Germany)  
Mr Eesa Allie FREDERICKS (South Africa)  
Mr INHO Kim (Republic of Korea)  
Mr Hideki KANDA (Japan)  
Mr Antti LEINONEN (Finland)  
Mr Niklaus MEIER (Switzerland)  
Mr Attila MENYHÁRD (Hungary)  
Mr José Antonio MORENO RODRÍGUEZ (Paraguay)  
Ms Sharon ONG (Singapore)  
Ms Monika PAUKNEROVÁ (Czech Republic)  
Mr Lauris RASNACS (Latvia)  
Ms Kathryn SABO (Canada)  
Mr Jorge SÁNCHEZ CORDERO (Mexico)  
Ms Uma SEKHAR (India)  
Ms Carla Heleen SIEBURGH (Netherlands)  
Mr Andrzej SZUMAŃSKI (Poland)  
Ms Maria Ignacia VIAL UNDURRAGA (Chile)