

The International Institute for the Unification of Private Law

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UNIDROIT



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International Institute for the Unification of Private Law
Institut International pour l'Unification du Droit Privé

Introduction to UNIDROIT

- International Institute for the Unification of Private Law (UNIDROIT)
- Independent Intergovernmental Organisation set up in 1926 as an auxiliary organ of the League of Nations
- Re-established in 1940 on the basis of a multilateral treaty known as the UNIDROIT Statute
- Membership from all continents (63 Member States)
 - Africa and Middle East 9
 - Americas 13
 - Asia & Pacific 7
 - Europe 34



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Member States

Currently 63 Member States

In all regions

Egypt, Nigeria, South Africa and Tunisia

Africa

Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Mexico, Nicaragua, Paraguay, The United States of America, Uruguay and Venezuela

The Americas

Australia, China, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Pakistan, the Republic of Korea and Saudi Arabia

The Asia Pacific region

Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, the Holy See, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and The United Kingdom

Europe



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Mandate

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

UNIDROIT Statute, Art. I



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Structure

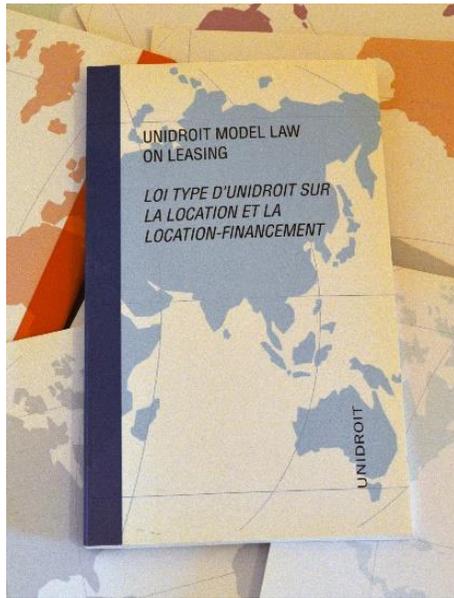
- **Governing Council**
 - Made up of experts (e.g. professors, practitioners) who are appointed by Member States
 - Recommends projects for the Work Programme and makes policy decisions
- **General Assembly**
 - Made up of government representatives
 - Approves the Work Programme and makes budget decisions
- **Secretariat**
 - Responsible for carrying out UNIDROIT's work on a daily basis
 - Provides support to Working Groups and Committees
- **Working Groups and Committees**
 - Composed of experts
 - Develop substantive project and draft instrument
 - Operate by consensus



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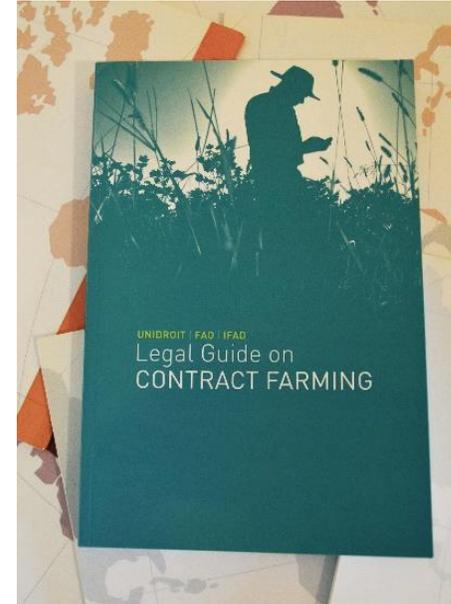
Example Instruments



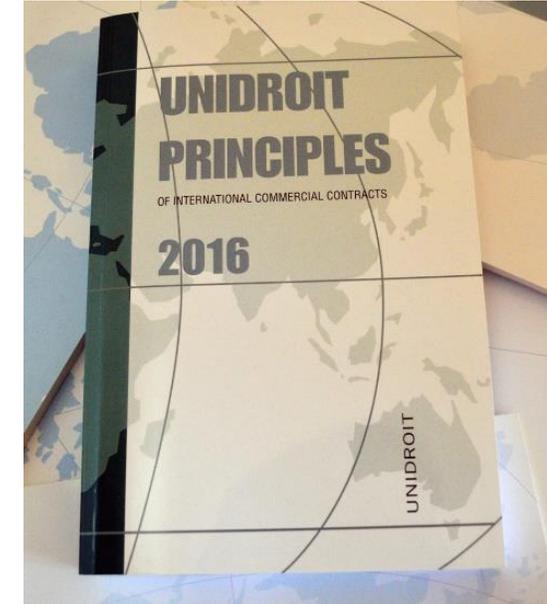
UNIDROIT Model Law on Leasing (2008)



Convention on International Interests in Mobile Equipment (2001)



UNIDROIT-FAO-IFAD Legal Guide on Contract Farming (2014)



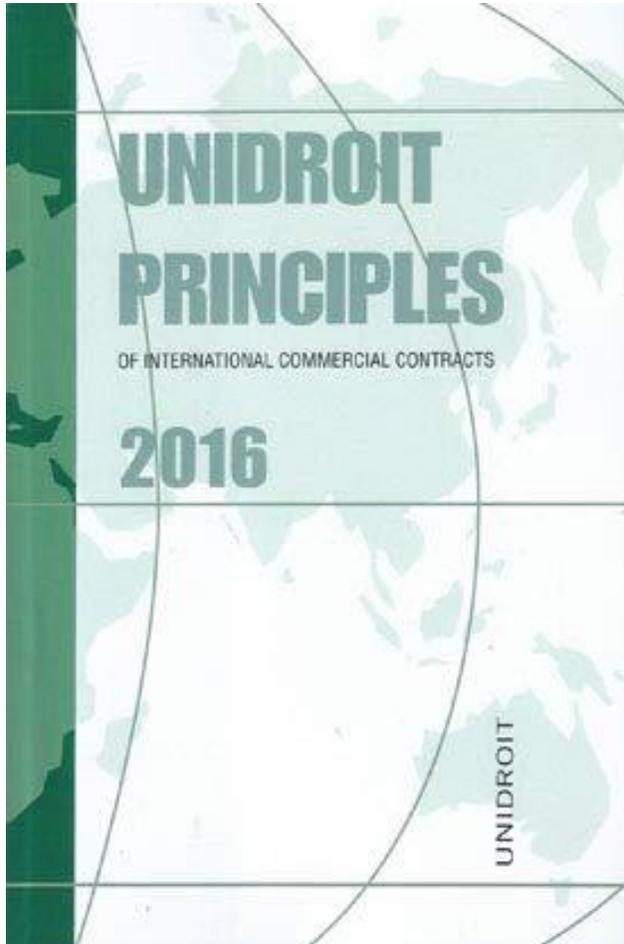
UNIDROIT Principles of International Commercial Contracts (1994, 2004, 2010, 2016)



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UNIDROIT Principles of International Commercial Contracts



- Based on extensive comparative law studies carried out over decades
- Prepared by a group of eminent experts in the field of international contract law representing all major legal systems and geo-political regions of the world
- Identify principles and offer commentary for virtually all important topics in contract law (e.g. formation, agency, validity, interpretation, content, third-party rights, conditions, performance, non-performance, transfer of rights, limitation periods)
- For use, inter alia, by parties in negotiating contracts or resolving disputes
- Fourth edition released in 2016, with additional provisions addressing long-term contracts



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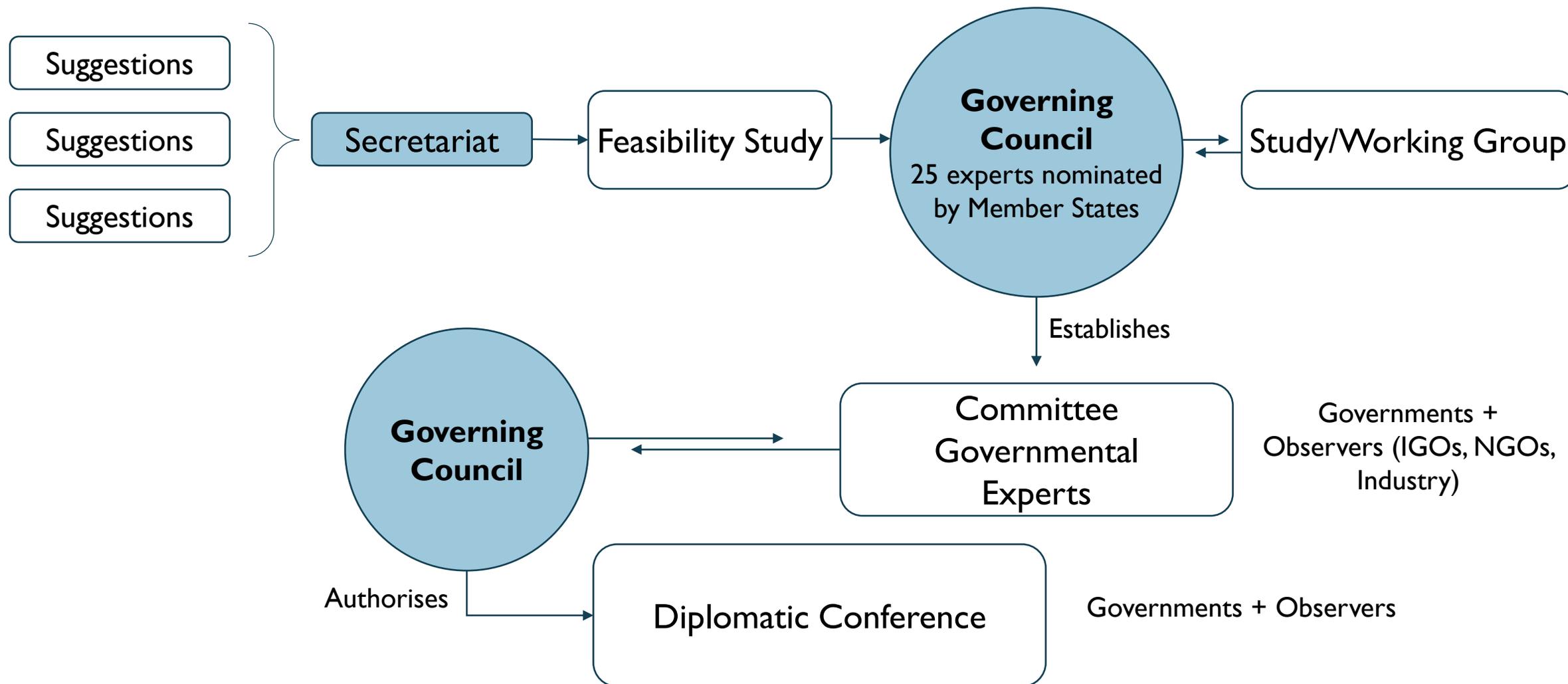
UNIDROIT High-Priority Projects 2020-2022



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Working Methods: Preparation of Conventions



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What instrument, what topic? Lessons learned

- Clear trend towards soft law harmonisation
- Conventions are still an important instrument for unification, but:
 - Increasingly difficult to adopt/implement due to diplomatic negotiations
 - Difficult to amend and update
 - **Successful if flexible, tailored to specific sectors and strongly supported by the industry**
- Importance of **involvement of stakeholders** both in negotiations and in implementation to ensure the usefulness and economic and social value of the legal regime
 - How to benefit from industry input without incurring the risk of a “capture”?
- Importance of **feasibility studies** to assess the need for uniform rules
 - Specific attention to economic benefit analysis not only ex post but also ex ante



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Thank you for your attention!
Any Questions?

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