

Geneva, April 29th, 1926.

LEAGUE OF NATIONS

**INTERNATIONAL INSTITUTE FOR THE UNIFICATION
OF PRIVATE LAW**

ITALIAN GOVERNMENT'S OFFER

Note by the Secretary-General.

In accordance with a report by M. Scialoja, which was adopted by the Council of the League on March 15th, 1926, the Italian Government's offer to found and maintain an International Institute for the Unification of Private Law was to be made in its final form in a letter addressed to the Council by the Italian Government.

As this letter in its official form could not reach the Council by March 18th, 1926, the latter, at its meeting on that date, authorised its President to receive the letter subsequently and send a reply accepting the Italian Government's offer.

The Secretary-General has the honour to circulate to the Members of the League copies of two letters, the first, dated March 31st, 1926, from the Italian Government, to which is attached the organic Statute of the Institute; and the second, dated April 20th, 1926, which constitutes the reply of the President of the Council in conformity with the decision reached on March 18th, 1926.

**I. LETTER FROM THE ITALIAN GOVERNMENT TO THE PRESIDENT
OF THE COUNCIL.**

Ministry of Foreign Affairs,
Rome, March 31st, 1926.

[*Translation.*]

The Council of the League of Nations having on October 3rd, 1924, in conformity with the resolution adopted by the Assembly on September 30th, 1924, accepted the Italian Government's offer to found and maintain an International Institute for the Unification of Private Law, I have the honour to confirm the fact that the Italian Government, in conformity with the above offer, undertakes to found and maintain an International Institute for the Unification of Private Law to be placed at the disposal of the League of Nations, the Institute to have its seat at Rome, under the following conditions:

1. The International Institute for the Unification of Private Law shall be administered by a Governing Body composed as indicated in the annexed Statute, which lays down the general regulations for the organisation of the Institute.

2. The Italian Government shall take the necessary measures to obtain the recognition of the International Institute as an autonomous foundation with its own legal personality.

3. The necessary premises for the working of the services of the International Institute shall be placed at the disposal of the Governing Body by the Italian Government.

In so far as the offices at its disposal will permit, the Governing Body may grant the use of offices and meeting-rooms to such institutions and associations for the development of international legal relations as ask for them and as appear to it to offer sufficient guarantees.

4. The cost of establishing the International Institute shall be entirely borne by the Italian Government, the League not being called upon to disburse any sum whatever for this purpose nor to assume any responsibility or financial burden of any kind in connection with the establishment of the Institute. The annual cost of the working and upkeep of the Institute shall be covered

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by an inclusive annual subsidy which the Italian Government, subject to approval by Parliament, fixes at one million lire.

Neither the Italian State nor the League of Nations shall assume any financial or other responsibility in connection with the administration of the International Institute.

The Italian State shall incur no civil responsibility by reason of the working of the services of the International Institute, for which it assumes financial responsibility in accordance with the previous paragraphs, and particularly as regards the personnel of the International Institute, which shall be exclusively subject to regulations which shall be fixed in accordance with Article 14 of the annexed Statute. These regulations shall, in particular, determine the categories of personnel belonging to the Institute which shall enjoy diplomatic privileges and immunities as laid down in Article 7 of the Covenant.

5. Donations, legacies and subsidies from other Governments than that of Italy and from public or private institutions, associations or individuals may be accepted by the International Institute in virtue of decisions by the Governing Body.

6. The sums intended to meet the annual cost of the working and upkeep of the Institute shall be paid every year, in half-yearly instalments and in advance, on January 1st and July 1st of each year, to a bank agreed upon by the Secretary-General of the League of Nations and the Italian Government. These sums shall be drawn from the bank as required on the request of persons authorised for the purpose by the Governing Body.

7. In the event of the closing down of the International Institute, the land, premises and movable property placed at its disposal by the Italian Government shall be restored to the Italian State. Material, particularly archives, and files deposited on the premises by the Governing Body, together with any property acquired by the Institute in the course of its work, shall remain the property of the League of Nations. Institutions and associations which shall have been granted the use of the premises by the Governing Body shall each take possession of its own furniture and documents.

8. The regulations for the financial administration of the Institute (budget, appropriation and use of funds, investment of capital, accounts, intervention by the Commissioner in the accounts of the League of Nations) and regulations relating to the responsibility of its organs shall be established in conformity with the procedure laid down in Article 14 of the annexed Statute.

9. A report on the work of the Institute shall be forwarded each year to the Council of the League of Nations and to the Italian Government. It shall be circulated to all the Members of the League.

10. The Italian Government reserves to itself the right to propose for the acceptance of the Council of the League of Nations, and declares itself ready to examine, at the request of the Council, any modifications of the present conditions and of the annexed Statute which experience shall prove to be expedient.

11. The Italian Government gives the present undertaking for seven years; the undertaking shall remain in force for further periods of seven years, unless the Italian Government or the League of Nations shall, at least two years before the end of each period, have notified their intention to terminate its effects.

12. The present undertaking is given by the Italian Government subject to legislative approval and it shall not become definitive until this approval has been notified to the Secretary-General of the League of Nations.

(Signed) MUSSOLINI

Annex.

STATUTES OF THE INSTITUTE.

Article 1.

The seat of the International Institute for the Unification of Private Law shall be at Rome.

Article 2.

The object of the Institute is to study methods for the assimilation and co-ordination of private law as between States or groups of States, and to prepare for a gradual adoption by the various States of uniform private law legislation. This work shall be done under the direction of the League of Nations in connection with, and with due regard for the work of, the Committee on Intellectual Co-operation, the International Labour Office and the technical organisations of the League.

Article 3.

The organs of the Institute shall be: (1) a Governing Body; (2) a Standing Committee; and (3) a Secretariat.

Article 4.

The Governing Body shall consist of a President and ten members, as far as possible of different nationality, and shall be appointed by the Council of the League of Nations; the Italian member is *ipso facto* President of the Governing Body.

The Secretary-General of the League of Nations may be present, or represented, in an advisory capacity at the meetings of the Governing Body. The same shall apply to the Director of the International Labour Office when the discussions on the work of the Institute relate to questions affecting the Labour Organisation and in accordance with the terms of Part XIII of the Treaty of Peace of Versailles and with the corresponding provisions in the other Treaties of Peace.

The Secretary-General shall be appointed by the Governing Body. His appointment shall be made on a proposal submitted by the President of the Governing Body.

The elected members shall remain in office for five years and shall be re-eligible for a single term of office. The Secretary-General is appointed for a period of seven years and shall be re-eligible for a single term of office.

Article 5.

The Governing Body shall appoint from among its members a Standing Committee composed of the President of the Governing Body and of five members belonging to five different nationalities.

Article 6.

The Secretariat shall consist of a Secretary-General, appointed as laid down in Article 4, and two deputies belonging to different nationalities, also appointed by the Governing Body.

Article 7.

The Governing Body shall choose the subjects which shall form the object of the work of the Institute. Any State or any organisation of the League of Nations (International Labour Organisation, technical organisations, etc.) or any international legal association may, through the intermediary of the Council of the League of Nations, make proposals for the study of questions connected with the unification, assimilation or co-ordination of private law.

The Governing Body shall decide what action is to be taken upon the proposals which are thus submitted.

Article 8.

The Governing Body may refer particular questions for examination to commissions of jurists specially expert in such questions.

Article 9.

The approval of proposals which have formed the object of examination by it rests with the Governing Body.

Proposals and drafts approved by the Governing Body shall be transmitted to the Council of the League of Nations.

Article 10.

The Governing Body may also take the initiative in calling the attention of the Council of the League of Nations to the desirability of convening international conferences for the study of particular questions.

Article 11.

The Institute shall have a library, which shall be under the direction of the Secretary-General. The Institute will organise lectures, will issue statements concerning its work and may publish studies which it considers to deserve a wide circulation.

Article 12.

The allowances of members of the Governing Body, the emoluments of the personnel of the Secretariat and all administrative expenses shall be charged to the budget of the Institute.

Article 13.

The official languages of the Institute shall be Italian, French, English, Spanish and German.

Article 14.

Rules for the administration of the Institute and its internal management shall be made by the Governing Body of the Institute and shall be approved by the Council of the League of Nations and communicated to the Assembly of the League of Nations and to the Italian Government.

(Signed) MUSSOLINI.

2. REPLY FROM THE PRESIDENT OF THE COUNCIL OF THE
LEAGUE OF NATIONS.

[*Translation.*]

Paris, April 20th, 1926.

In a letter dated March 31st, 1926, you were good enough, with reference to the resolutions adopted by the Assembly and the Council on September 30th and October 3rd, 1924, to communicate to me the Italian Government's confirmation of the conditions under which the latter undertakes to found and maintain an International Institute for the Unification of Private Law to be placed at the disposal of the League of Nations.

In conformity with the Council resolution of March 18th, 1926, I have the honour to confirm the acceptance, as provided in this resolution, of your generous offer.

(Signed) K. ISHII,

*President of the Council of the League
of Nations.*

His Excellency M. MUSSOLINI,
President of the Council of Ministers,
Ministry of Foreign Affairs,
Rome.
