1. The 1994 edition of the UNIDROIT Principles

The idea of preparing a kind of “restatement” of the law of international commercial contracts in general was first formulated by Mario Matteucci at an international colloquium held in Rome in 1968 to celebrate the 40th anniversary of the foundation of UNIDROIT. Recalling the experience of the “Restatements of the law” in the United States of America, the then Secretary-General and later President of UNIDROIT raised the question as to whether a similar initiative could be successfully undertaken at the international level as well: 1

“[…] Obviously the restatement will have no binding force vis-à-vis States, but it could represent a conceptual preparation for unification. If one could offer judges a body

of rules reflecting the common principles that can be extracted from the case law of the various countries, in the different areas of international relations, this could represent the first step towards a uniform code. Judges and practitioners could gradually become familiar with these rules, and perhaps at a later stage one could consider converting these rules from simple statements to binding provisions by means of treaties or in other forms [...]” (translation from French original)

On the basis of preliminary studies carried out by the Secretariat, the UNIDROIT Governing Council – the Institute’s highest scientific organ – decided in 1971 to include in the Work Programme of the Institute what in the original French version of the resolution was indicated as an “essai d’unification portant sur la partie générale des contrats (en vue d’une Codification progressive du droit des obligations ‘ex contractu’).”

After the new Work Programme was approved by the Member States of UNIDROIT, the President of the Institute set up a small Steering Committee, composed of Professors René David (University of Aix-en-Provence), Clive M. Schmitthoff (City University of London) and Tudor Popescu (University of Bucharest), in representation of the civil law, the common law and the former socialist systems, with the task of making preliminary inquiries on