

Article 1 (continued)

Mr. OGUNDERE (Nigeria) said he approved of article 1, while considering that article 7, which dealt with interpretation and application of the Uniform Law should be linked with that article.

Mr. GUEIROS (Brazil) wondered whether the term "person" defined in article 1 (3) (f) was concerned only with the physical persons or persons having legal existence, or if it could also mean de facto entities.

Mr. ROGNLIEN (Norway) explained that the position taken by the Working Group was that the term "person" should be understood also to mean any group, whether or not it had legal personality; that idea was expressed by using the words "company, association or entity".

Mr. COLOMBRES (Argentina) added that the Working Group had retained the idea of de facto entities rather than that of individuals or legal persons, thus using the broader concept employed in certain national legislations.

Mr. MANTILLA-MOLINA (Mexico) felt that in article 1, paragraph (1), the words "and to the prescription of the rights" were superfluous since the draft Convention dealt only with prescription. He therefore proposed that those words should be deleted. Furthermore, article 24, by making provision for payment after the expiry of the limitation period, recognized that the right itself subsisted, even if it could not be legally exercised, after the expiry of the limitation period.

Mr. ROGNLIEN (Norway) pointed out that the draft had to take into account the different legal systems and for that reason the Working Group had decided to deal with rights and claims.

Mr. RECZEI (Hungary) shared the Norwegian representative's view. He felt that both terms were necessary because certain national legislations recognized de facto and de jure limitation.

The CHAIRMAN noted that the majority of members approved of article 1. He therefore proposed that the Commission should adopt it.

Article 1 was adopted.