

UNIDROIT 2001
Study LXV – Scholarships: Impl. 13
(Original: French)

U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

RESEARCH SCHOLARSHIPS PROGRAMME

STATE OF IMPLEMENTATION – INTERIM REPORT

AS OF 10 SEPTEMBER 2001

Rome, September 2001

I – Terms of reference

The UNIDROIT Research Scholarships Programme, which forms part of the Institute's legal co-operation activities, first appeared in the 1993-1995 triennial Work Programme, and was confirmed by the General Assembly in view of the 1999-2001 Work Programme. An assessment of the first seven years' operation of the programme carried out by the Secretariat¹ highlighted its benefits both from the beneficiaries' point of view and in terms of institutional fall-out. Under these circumstances, the Governing Council (79th session, Lisbon, 10-13 April 2000) recommended that it be developed further and the General Assembly (54th session, 30 November 2000) subsequently approved a proposal by the Finance Committee to allocate an extra Lit. 30,000,000 (maximum) to the Programme to be financed, on a case-by-case basis, from any budget surpluses that might have accumulated during the preceding financial year.

The implementation of the programme is supervised by a Scholarships Sub-Committee reporting to the Governing Council. The sub-committee is seized at its annual meeting of an annual report on the state of implementation prepared by the Secretariat, of the scholars' research reports and of new applications for the coming year. The content of the research programme (which has been publicised with a view to attracting applications for 2001-2002) is set out in the leaflet attached as ANNEX I.

II – Achievements and funding

A total of 71 beneficiaries from 36 countries took part in the UNIDROIT research scholarships programme during the period from its launch in 1993 until end-1999. Since the last report on the state of implementation (UNIDROIT 1999, Study LXV – Scholarships: Impl. 12 of December 1999), a further 19 researchers from 14 countries (see the list attached as ANNEX II) will have benefited from the programme. These were selected by the Governing Council's Scholarships Sub-Committee (79th session, Lisbon, 10-13 April 2000) or accepted by the Secretary-General in accordance with the Scholarships Regulations and funds permitting.

Financially speaking, 2001 was a particularly favourable year (Euro 62.890²), with the contributions by external donors (**Governments of Korea, Finland, France** and, for the first time, **Canada**) supplemented by carryover from the financial year 2000 (pursuant to the decision not to host any researchers during Jubilee Year), by the regular allocation for the corresponding chapter of the budget, and by the Lit. 30,000,000 surplus mentioned above. Moreover, several researchers were able to secure direct funding in line with the Secretariat's recommendations (Egide – French Ministry of Foreign Affairs; Research Centre for private Law, Russia). This explains the large number of researchers hosted by the Institute in 2001, and it helped to pay for the improvement of office and telecommunications facilities for researchers at the Institute.

¹ See Secretariat Memorandum to the Governing Council, UNIDROIT 2000, C.D. (79) 14 and UNIDROIT 2000, Study LXV – Doc. 13, "Research Scholarships Programme for legal scholars, government officials, judges and practitioners from developing countries or from countries in economic transition: Assessment – The First Seven Years".

² This figure rectifies the incorrect amount that appears in the Governing Council document for its 80th session (Rome, September 2001) dealing with the Programme of Legal Co-operation (UNIDROIT 2001, C.D. (80)13).

Beneficiaries' summary research reports offer ample evidence that they used their research opportunity to maximum effect. It should be borne in mind that these summary reports are of a descriptive, not a scholarly nature – the scholarly fall-out in the form of articles, theses, books, etc. cannot be expected until months or even years have passed after the scholars' return to their home country. Two researchers availed themselves of the co-operation arrangement with the Swiss Institute of Comparative Law (Lausanne), thus extending the research commenced at UNIDROIT. These new co-operation links are undoubtedly also an advantage to UNIDROIT itself, since they are bound to have concrete institutional repercussions (several researchers were in fact commissioned by their respective Governments with legislative reform in mind, and in one case the research may lead to the accession of a new State to the Institute).

The Secretariat wishes on this occasion to express its profound gratitude to the various donors for their support, and stresses that it is concerned at all times that the most rational and open use is made of the funds thus placed at its disposal. While experience and the very scale of the programme now facilitate its day-to-day management, financial commitments made on a two-yearly basis – as the Korean Government has agreed to do, a gesture for which the Institute is particularly grateful – would nevertheless be a great improvement. A point to be borne in mind is that scholars are actively encouraged to meet their own travel costs whenever possible, either out of their own pockets or through their respective organisations, and to identify additional sources of funding. A detailed financial report for each grant, as well as the beneficiaries' research reports and conclusions are submitted separately to the respective donors.

III – Candidates and beneficiaries

The Secretariat publicises the Programme with potentially interested Governments and institutions (mainly universities), highlighting the way in which it fits into the UNIDROIT structural mould as a centre of uniform law research and a forum for the preparation of international instruments. In this connection, it is worth mentioning a recent Secretariat initiative to set up joint scholarships with national academic and research institutions, in accordance with their respective goals and objectives. Agreements along these lines have already been concluded with the *Universidad Argentina de la Empresa*, Buenos Aires (Argentina) and with the *European Center for Peace and Development (ECPD) Postgraduate School in International Business Law*, Belgrade (Yugoslavia). A model agreement is attached as ANNEX III by way of illustration.

The terms and conditions stipulated by individual donors are scrupulously complied with and care is taken to observe the general guidelines laid down by the Scholarships Sub-Committee. These include a range of criteria designed to establish an order of precedence among applicants, which were re-formulated by the Scholarships Sub-Committee at its meeting in April 1999, as follows:

- (a) preference should be given to applicants conducting research on topics relevant to the activities of UNIDROIT (past achievements, items on the current work programme, private law in the broadest sense);
- (b) preference should be given to graduate or post-graduate level applicants;
- (c) the widest possible geographical distribution should be sought as to applicants' countries of origin;

(d) preference should be given to applicants whose research project will have the greatest practical impact;

(e) preference should be given to applicants with sufficient linguistic ability to use the bibliographical materials to best advantage.

When examining the Secretary-General's pre-selection of applications for 2002, and in deciding the guidelines for the implementation of the 2002 programme, the Scholarships Sub-Committee may wish to bear in mind the *Uniform Law Congress* which it is hoped will take place in September 2002 on the topic: "World-wide Legal Harmonisation and Regional Economic Integration". The subject-matter of the Congress is especially relevant to Asia, Africa and South America, and in order to optimise participation from these regions, *ad hoc* arrangements will no doubt have to be made to provide financial support to cover some of these participants' travel and accommodation costs, at least in part. In addition to financial assistance from the research programme, a targeted fund-raising policy might be instituted as it was back in 1987, when some fifteen people were sponsored by the Department for Co-operation and Development of the Italian Ministry of Foreign Affairs.

IV – Perspectives

The dissemination of information on uniform law as an instrument of world-wide legal harmonisation having become a priority concern at UNIDROIT, and with assistance to developing countries and countries engaged in economic transition in drafting or modernising their legislation likewise high on the Institute's agenda, the research scholarships programme fulfils a very important role. The Institute is modernising its facilities, aiming in particular at the computerisation of the Library catalogue and improved technical facilities to optimise access to information, and this should enable researchers to take even greater advantage of the rich sources of documentation on hand. The programme also offers valuable experience of the day-to-day life of an organisation committed to the drafting of legal instruments at international level.

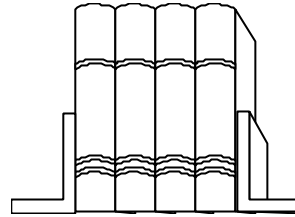
The importance given to the Research Scholarships Programme by the Governing Council – and confirmed by the General Assembly – is a source of great satisfaction to the Institute, as is the support of so many faithful donors and of its new partners. In this connection, special mention must be made of the decision of the **Government of the People's Republic of China** to sponsor the programme starting in 2002.

UNIDROIT

International Institute for the Unification of Private Law

2001 / 2002

2002 / 2003



UNIFORM LAW FOR EXPERIENCED LAWYERS: RESEARCH OPPORTUNITIES

Unidroit is widely known to experts in international private law for its pioneering work in the field of uniform private law. An impressive number of instruments and studies prepared by the Institute form the backbone of positive uniform law applicable to international relations in a wide range of countries all over the world.

In parallel with its efforts in designing uniform law instruments, Unidroit is also aware of the need to improve information and develop research in the field of private law. Reflecting this concern, the Institute operates an active programme of legal co-operation with the developing countries and countries currently undergoing economic reconversion.

The Unidroit **Library** has some 230,000 volumes and 550 contemporary periodicals in the field of private law (commercial law, comparative law, private international law) covering the main legal systems. It also holds the documents of a wide range of United Nations agencies and other international organisations. The emphasis is on those areas of the law more particularly in keeping with Unidroit's aims and achievements and the library selection reflects that priority. Applicants whose research deals with such areas of the law will naturally be given priority in the selection process.

Areas of research:

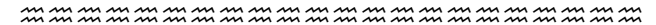
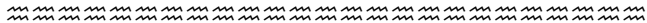
uniform law (in general, regional, internal) • international commercial transactions: contracts in general (e.g. the Unidroit Principles of International Commercial Contracts) and specific contracts (sales, factoring, leasing, franchising, agency, secured transactions etc.) • transport law • tourism law • civil liability • family law • disputes settlements • cultural property law • private international and procedural law • International capital markets.

Research periods at Unidroit

The Unidroit library is a remarkable source of documentation in the field of commercial law, comparative private law and international private law which is open to lawyers from all over the world wishing to conduct individual research. This facility is of interest both to senior university staff, to graduate and post-graduate students and to practitioners, particularly civil servants involved in the legislative reform process. An added bonus to researchers is the opportunity to take part in the day-to-day life of an international organisation and meeting the experts who work there. Priority in this programme is given to lawyers whose research subject tallies with the past and present activities of the Institute (see Library section on the previous page).

Terms of admission

An application should be addressed to the Secretary-General, setting out the reasons for the research and indicating the subject and the period during which the research would be conducted. A working knowledge of English and/or French is a must. Unidroit cannot give financial assistance nor does it, in principle, make any practical arrangements for individual research scholars. However, a letter of acceptance can be issued which may help candidates to apply for funding from academic or other sources in their country of origin.



Research Scholarships for Lawyers from Developing Countries and Countries Engaged in the Transition to a Market Economy

Purpose

Each year, Unidroit selects a small number of applicants to benefit from a Unidroit research scholarship. These scholarships (average duration of two to four months) are for the most part funded by outside sources. The grant covers part or all of the cost of living in Rome for the designated period, but beneficiaries are in principle expected to meet their own travel expenses. Thanks to the co-operation established between Unidroit and other legal research and training institutions in Europe, joint periods at Unidroit and at the other institution concerned may be organised.

Terms of admission

A detailed application should be addressed to the Unidroit Scholarships Office (next term of admissions : 10 September 2001 and 31 March 2002). To this end, the appropriate application form, which may be obtained by writing to Unidroit or consulting the Unidroit Internet web site: <<http://www.unidroit.org/english/presentation/application.pdf>>, should be duly completed and returned to Unidroit.

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### **Selection**

Candidates are selected by the Scholarships Committee or by the Secretary-General acting on its behalf. Several criteria are taken into account, in particular the candidates' degree of qualification (national civil servants, practising lawyers, graduate or post-graduate level academics), the nature of their research projects, which must be in keeping with Unidroit's statutory aims (with preference given to subjects which fit in with the Organisation's work programme), and their practical potential for application in the candidates' countries of origin. Projects relating to the drafting of national laws or which aim at promoting the adoption of uniform law instruments in the scholars' countries of origin are given particular attention. A good working knowledge of English and/or French is indispensable.

### **Conclusion of the scholarship period**

At the end of their stay, scholars submit a report, in English and/or French, on the research they have carried out at Unidroit, the content of which is agreed in advance with the Secretary-General or the Scholarships Office. Contributions of a sufficiently high scientific level may be published in Unidroit's *Uniform Law Review*.

For further information contact:  
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fax: (39-06) 69 94 13 94  
e-mail: [unidroit.rome@unidroit.org](mailto:unidroit.rome@unidroit.org)  
website: <http://www.unidroit.org>  
download the application form:  
<http://www.unidroit.org/english/presentation/application.pdf>

## REGULATIONS GOVERNING THE PROGRAMME OF UNIDROIT RESEARCH SCHOLARSHIPS

### *Article 1*

The International Institute for the Unification of Private Law (Unidroit) awards scholarships to lawyers from developing countries and from countries engaged in the process of restructuring their economies for the purpose of conducting research at the Institute in the field of uniform law and comparative private law. Periods of research at the Institute shall as far as possible be organised in association with periods spent by scholars at other institutes (comparative law centres, intergovernmental organisations, specialised legal training centres, etc., hereafter referred to as "associate" institutes) so as to offer to scholars the possibility of in-depth study of specific aspects of their research, in accordance with the sphere of competence of each institute.

### *Article 2*

The number and value of the scholarships awarded by Unidroit will depend upon the contributions made by donors of a public and private character. Candidates are encouraged to make a preliminary investigation as to sources of funding, information regarding which shall accompany their application.

### *Article 3*

Applications shall contain precise details regarding the object and purpose of the research to be undertaken and the proposed length of the study period, and shall be accompanied by the necessary supporting documentation (curriculum vitae, testimonials, evidence of investigation as to sources of funding).

### *Article 4*

A committee composed of three members of the Governing Council (the Unidroit scholarships committee) or, in appropriate cases, the Secretary-General, shall be responsible for the awarding of scholarships without having to give reasons for the decision to accept or reject a candidate. Except in special circumstances, preference will be accorded to candidates whose research is directed towards a practical application corresponding to the statutory aims of Unidroit. The scholarships committee or the Secretary-General shall in each case determine the value and duration of the scholarship which shall as a general rule not exceed three months.

### *Article 5*

During their study period with Unidroit, scholars shall have access to bibliographical material and technical facilities subject to the conditions determined by the Secretary-General. Scholars shall, as far as possible, be associated with the daily life of the Institute and where appropriate invited to assist the Unidroit Secretariat within their sphere of interest.

### *Article 6*

Unidroit shall co-operate with the associate institutes with a view to ensuring a concerted programme of study periods although Unidroit and the associate institutes shall retain exclusive competence in regard to the periods spent with them under a scholarship awarded by them.

### *Article 7*

At the conclusion of the study period, scholars shall submit to the Unidroit scholarships committee a brief report on the study period spent with Unidroit and, where applicable, with the associate institute. In appropriate cases they shall make available to the Unidroit library a copy of their research work.

**UNIDROIT SCHOLARSHIPS PROGRAMME – IMPLEMENTATION NOVEMBER 2000 / DECEMBER 2001**

| <b>year</b> | <b>name</b>                        | <b>country</b> | <b>function</b>                                                                                              | <b>funding</b>                                                                 | <b>UNIDROIT dates</b>                                                                                                      | <b>area of research</b>                                                                                                                                                      |
|-------------|------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B00-I       | PLETNEV<br>(1950)                  | Russia         | Professor                                                                                                    | Self supported (by funds from Res Centre for Private Law, Russia (Oural))      | Nov-Dec. 2000<br>(2months)                                                                                                 | Rights <i>in rem</i> continental law                                                                                                                                         |
| B01-II      | MIKELENAS<br>Valentinas<br>1950    | Lithuania      | Dean, Law Faculty, Vilnius –<br>Judge, Supreme Court                                                         | Canada (ad personam)                                                           | January (1 month)                                                                                                          | Civil Procedure – international aspects                                                                                                                                      |
| B01-III     | KANTE Fodé<br>1957                 | Guinea         | Magistrate<br>Assistant to the Secr. Gal., Arbitral<br>Court of Guinea                                       | Egide (MAE France)<br>(ad personam)                                            | 15 Jan – 15 march<br>(2 months)                                                                                            | International Commercial Arbitration and<br>OHADA                                                                                                                            |
| B01-IV      | DANILEVICH,<br>Aliaksandre<br>1974 | Belarus        | Assistant Professor, Academy for<br>administration to the President of<br>the Republic                       | Self supported (by funds from<br>the Italian Min. of For. Affairs)<br>Unidroit | January/may<br><br>August / September (+ 2 months)<br>with the Swiss Institute of Comparative<br>Law (Lausanne) (2 months) | the arbitral award and recourses / La<br>sentence arbitrale et son recours                                                                                                   |
| B01-V       | SITUMORANG,<br>Mosgan<br>1961      | Indonesia      | Lawyer (business law), National<br>Law Reform Agency, Min. Justice<br>(team for Supreme Court Act<br>Reform) | Government of Korea                                                            | April/may                                                                                                                  | Cross Border Insolvency Law<br>(preparation of legislative reforms (project<br>commissioned by the National Law<br>Reform Agency, Min. Justice))                             |
| B01-VI      | YEROMENKO<br>Galina<br>1962        | Ukraine        | Researcher, and Professor,<br>Institute of State and Law of the<br>Ukrainian Academy of Sciencs              | Unidroit                                                                       | April/May                                                                                                                  | Conception of Civil Liability in modern<br>law doctrine (research commissioned by<br>the Institute of State and Law of the Uk.<br>Academy of Science)                        |
| B01-VII     | TRIGOUBOVITCH<br>Natalia<br>1971   | Russia         | Lecturer, Saratov State Acad. of<br>Law                                                                      | Unidroit                                                                       | Avril / mai                                                                                                                | DIP / contrats - Choice and application of<br>law in int. commercial contracts / choix de<br>la loi et application de la loi dans les<br>contrats commerciaux internationaux |

| year     | name                         | country   | function                                                                                                           | funding               | UNIDROIT dates                                                         | area of research                                                                                                                                                                                   |
|----------|------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B01-VIII | MESTIRI<br>Najla<br>1975     | Tunisia   | Master Business Law (Montreal,<br>Canada)                                                                          | Government of Finland | 23 April / 23 May                                                      | International Sale, uniform law, Unidroit<br>principles / Vente internationale, droit<br>uniforme et Principes d'Unidroit                                                                          |
| B01-IX   | NIKISHOVA<br>Ruslana<br>1971 | Belarus   | Lecturer, Int.'l law dpt, Belarusian<br>State Univ. Minsk                                                          | Unidroit              | 7-25 May + 25 June -10 Aug.                                            | Civil liability – Torts. International and<br>comparative law aspects                                                                                                                              |
| B01-X    | BELANSKY<br>Daniel<br>1972   | Slovaquie | Lawyer, Min. Foreign Affairs                                                                                       | Government of France  | May / June                                                             | Insolvency and execution procedure<br>comparative and European Law<br>(preparation of legislative reforms (project<br>commissioned by the Min. Justice)                                            |
| B01-XI   | AGRAWAL K.B<br>1930          | India     | Director, Indian Institute of<br>Comparative Law – Former Dean<br>of the Faculty of Law University of<br>Rajasthan | Government of Korea   | May/June/July                                                          | Private international Law : focus on family<br>law (concept of domicile and the essential<br>validity of marriages)<br>research commissioned by the Indian<br>Institute of Comparative Law, Jaipur |
| B01-XII  | GUPTA, Nidhi<br>1969         | India     | Associate Professor, Indian<br>Institute of Comparative Law                                                        | Government of Korea   | June<br>+ Swiss Institute of Comparative Law<br>(Lausanne) July/August | Private international law : focus on Breach<br>of Contract (comparative and int. law<br>aspects)<br>research commissioned by the Indian<br>Institute of Comparative Law, Jaipur                    |
| B01-XIII | POUKHOF<br>Sergei<br>1962    | Russia    | Lecturer, Academy of Foreign<br>Trade of the Russian Federation -<br>Perm Branch                                   | Unidroit              | June                                                                   | Principle of good faith and fair dealing in<br>int trade law                                                                                                                                       |
| B01-XIV  | KOSTROMOV<br>Olexey<br>1972  | Ukraine   | - Lecturer, Ukrainian Center for<br>Legal Studies<br>- Lecturer, Ukrainian Institute of<br>Int. Relations          | Unidroit              | June/ July                                                             | Contrats / agency - Contemporary<br>problems of the int. Unification of Agency<br>law                                                                                                              |

| <b>year</b> | <b>name</b>                    | <b>country</b> | <b>function</b>                                                                                                                                                                                  | <b>funding</b>                      | <b>UNIDROIT dates</b> | <b>area of research</b>                                                                                                                       |
|-------------|--------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| B01-XV      | MENTRI<br>Messaoud<br>1951     | Algeria        | Professor, University of Annaba                                                                                                                                                                  | Government of Finland               | June/ July            | International Sale of Goods / seller and buyer's obligations / vente internationale de marchandises – obligations du vendeur et de l'acheteur |
| B01-XVI     | OLATAWURA<br>Olekunle<br>1967  | Nigeria        | Researcher (London) – practising lawyer                                                                                                                                                          | Government of Finland               | July/August           | The Unidroit Model Law on Franchising and its relevance in the context of Nigeria                                                             |
| B01-XVII    | MITA-BACIU<br>Angela<br>1959   | Romania        | Assistant Professor, Faculty of Law, University of Iasi                                                                                                                                          | Unidroit                            | July/August           | Applicable law and International Sale of Goods                                                                                                |
| B01-XVIII   | GAONA<br>José Mauricio<br>1974 | Colombia       | PhD Student,<br>Assistant Professor, University Externado de Colombia                                                                                                                            | Government of Finland               | Sept/Oct              | Civil procedure - international aspects                                                                                                       |
| B01-XIX     | DEVDAIANI<br>Nikoloz<br>1978   | Georgia        | Legal officer, Ministry of Justice (Dpt Enforcement of Judgments)                                                                                                                                | Unidroit                            | Sept/Oct              | Unidroit instruments<br>With a view to Georgia acceding to Unidroit and Unidroit instruments                                                  |
| B01-XX      | KENFACK<br>Gaston              | Cameroun       | Min. Justice / sous-directeur de la législation – Rédacteur Revue de l'arbitrage / Sub-Director of Civil, commercial, Social and Traditional legislation Ministry of Justice<br>Directeur, Revue | Egide (MAE France)<br>(ad personam) | 15 sept – 15 nov      | Arbitration and OHADA / arbitrage et OHADA                                                                                                    |

**DRAFT**

**FRAMEWORK AGREEMENT BETWEEN UNIDROIT AND  
XXXXXXXXXXXXX  
ON THE IMPLEMENTATION OF A JOINT RESEARCH PROGRAMME  
IN THE FIELD OF UNIFORM LAW**

The International Institute for the Unification of Private Law (UNIDROIT) and XXXXXXXXX, pursuant to the co-operation links established between them and in accordance with their respective statutory aims *[to be completed as the case may be]*, have decided to sign a framework agreement for the implementation of a joint research programme in the field of uniform law.

The purpose of this agreement is to grant a UNIDROIT scholarship to a *[description of the kind of beneficiary : e.g. student having successfully completed a given Faculty course, or member of research team etc ...]*, with a view to conducting in-depth research on the basis of a research project submitted in advance, on a subject dealing with uniform law, private international law and comparative law. *[One]* such scholarship will be – in principle – granted each year.

XXXXXXXXXXXXX undertakes to

- select two candidates *[specification of the selection criteria e.g.: on merit]*, and
- fund – directly or via the intermediary of a third-party institution – half of the scholarship \*

UNIDROIT undertakes to

- make the final selection between the two candidates proposed,
- fund – directly or by using the grants of external donors – half of the scholarship \*, and
- provide the necessary documentary support and make practical arrangements for research in the UNIDROIT Library.

*Beneficiaries* for their part undertake to abide by the terms and conditions set by the scholarship sponsors. In particular, they are required to author a methodological report on their research period at UNIDROIT and, eventually, submit any scientific work that is the offshoot of their stay.

Implementation of this agreement will be subject to annual confirmation, on the basis of specific agreements in accordance with the availability of funds. Special objectives or conditions may be agreed on a case by case basis, in particular as regards the choice of research subjects.

For XXXXXXXXXXXX

For UNIDROIT

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\* A reasonable amount would be a total of 3,300 euro for a two-month scholarship – with 1,650 euro funded by UNIDROIT and the remainder by the partner. It is suggested that the beneficiary should cover his/her own travel expenditure.