

UNIDROIT 2003
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U n i d r o i t

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

RESEARCH SCHOLARSHIPS PROGRAMME

IMPLEMENTATION REPORT
FOR THE FINANCIAL YEAR 2003

Rome, December 2003

I – References

The UNIDROIT Research Scholarships Programme is the meeting-point of two UNIDROIT activities: legal co-operation with developing countries and countries in economic transition, and legal research conducted in a Library renowned for its holdings relating to private international law and located at the seat of a pioneering organisation in the field of private law harmonisation.

The Programme was launched in 1993 and in the ten years since its inception has hosted 115 researchers (civil servants, academics, judges and practitioners) from 46 countries.¹ In addition to the considerable advantages accruing to the beneficiaries themselves and to the legal community in their countries of origin, the Programme also has important institutional fall-out in that opens doors for UNIDROIT to new contacts, often at the highest level, both in its member States and in non-member States, thus vastly improving the exchange of information between the Institute and the legal community in these countries and maximising UNIDROIT's opportunities to publicise its activities there.

The implementation of the Programme is supervised by the Scholarships Sub-Committee of the Governing Council. The Sub-Committee is seized, at its annual meeting, of an implementation report prepared by the Secretariat, of the beneficiary scholars' research reports and of a list of applicants for the following year.²

With a view to attracting applications for 2003-2004, details of the Research Scholarships Programme have been officially circulated to member and non-member States and to a network of potentially interested persons. They may also be accessed on the UNIDROIT Internet website – see the leaflet reproduced in ANNEX I.

II – Funding

The Programme was conceived from the outset as a scheme funded in part by the UNIDROIT general budget and in part by *ad hoc* grants from voluntary donors. The budget allocation, originally set (in 1989) at 1% of member States' contributions (other than Italy), gradually began to fall short of that target in subsequent years, but it was reinstated to its original level by the General Assembly at its 57th Session on 28 November 2003 (*i.e.*, €15,000 to be financed by the 2004 budget). As to the voluntary donations, the Secretariat expresses its warm gratitude to the different sponsors (mostly member States) for their generosity, pointing out, however, that the amounts involved are still quite modest and also unpredictable,

¹ Albania (2); Algeria (3); Argentina (4); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (3); Cameroon (2); China (7); Colombia (5); Congo (1); Côte d'Ivoire (1); Croatia (1); Czech Rep. (2); Egypt (1); Estonia (2); Georgia (1); Guinea (1); Hungary (4); India (3); Indonesia (5); Iran (1); Latvia (3); Lithuania (4); Mexico (2); Moldavia (1); Mongolia (2); Morocco (2); Nigeria (2); Pakistan (1); Peru (2); Poland (3); Romania (5); Russian Federation (9); Serbia & Montenegro (1); Slovakia (3); Slovenia (3); Thailand (1); Tunisia (3); Turkey (1); Ukraine (4); Uruguay (81); Venezuela (1); Vietnam (2).

² In granting these scholarships, the Secretariat strictly observes the conditions set by individual donors, and adheres to the recommendations formulated by the Scholarships Sub-Committee, according to the following criteria :

- (a) preference to be given to applicants whose subject has a bearing on the Institute's past or present activities (subjects on the current Work Programme, and in general dealing with private law in the broadest sense);
- (b) preference to be given to graduate or post-graduate level applicants;
- (c) to bear in mind the objective of achieving the widest possible geographical distribution as far as the beneficiaries' countries of origin are concerned;
- (d) preference to be given to applicants whose research project is likely to result in the greatest practical application;
- (e) preference to be given to applicants whose linguistic skills will enable them to derive maximum benefit from the Library's bibliographical resources.

since they are inclined to be first in line for national budget cuts. This explains the withdrawal of some of those who sponsored the Programme in preceding years, a situation which resulted in a particularly marked downturn in resources in 2003. Annex II sets out the contributions in to the Research Scholarships Programme (percentage shares)

Total funding for 2003 amounted to €37,896 (down from €48,909 in 2002), of which UNIDROIT's share (39.5 %) consisted of the annual budget allocation of € 10,000 (Chapter 11) supplemented by € 5,000 from a budget surplus carried over from 2002 (in accordance with the decision of the General Assembly at its 54th session in 2000). External donors contributed as follows: Aviation Working Group: 9.1%; the Government of Korea: 25.8%, the Government of the People's Republic of China (MOFTEC): 25.8%. Several researchers were able to secure direct (part-)funding pursuant to the Secretariat's recommendations. The Secretariat takes great care to use the available funds in as rational and transparent a manner possible. A detailed financial report for each grant, as well as the reports and research conclusions prepared by the beneficiaries are provided to individual donors separately.

III – Scholars in 2003-2004

In 2003, the Programme hosted 9 scholars from 9 different countries (see the list in Annex II), selected by the Research Scholarships Sub-Committee of the Governing Council (82nd Session, Rome, 26-28 May 2003) or accepted by the Secretary-General pursuant to the Scholarships Regulations in light of available funding. The research opportunity of several scholars attributable to the 2003 budget will – for both practical and personal reasons – be taken up in early 2004.

The beneficiaries' summary research reports offer conclusive evidence of the benefits they derive from their research opportunity (it should be borne in mind that these reports are of a descriptive, not a scientific nature – the academic fall-out, in the shape of articles, theses, books etc., does not usually become apparent until months or even years after the scholar's return to his/her own country). Moreover, the Institute itself has benefited in the form of promising new contacts through which to develop its institutional relations, in particular expected overtures by the governmental authorities of a non-member State with a view to its eventual accession to UNIDROIT, new institutional links with universities and research institutes, and the promotion of a UNIDROIT Convention with a view to its ratification by a new State.

IV – Promotion of the Research Scholarships Programme

The Secretariat publicises the Programme among potentially interested Governments and (mostly academic) institutions in the various countries concerned, as well as among persons variously involved in the Institute's work.

The Secretariat is pursuing its initiative to institute joint scholarships with national universities or research centres, adjusted to reflect the objectives of each of these institutions. One long-standing arrangement is that with the *Swiss Institute of Comparative Law* in Lausanne, thanks to which scholars are able to spend consecutive research periods with the two institutions. Other formulae include the granting of a UNIDROIT research period as a bonus in the framework of doctoral studies or competitions among young professors, such a period to be funded jointly or else sponsored in full by the associated institution or a third party of its choice (thus, for example, the *Universidad Argentina de la Empresa*, Buenos Aires, Argentina). Several other regional institutions are being canvassed as to openings for co-operation in this connection.

V – Perspectives

The Secretariat is fully aware of the extra effort requested of member States to contribute to the UNIDROIT Research Scholarships Programme. It is important to remember, however, that the Programme,

which concerns both training and legal assistance, has proved to be an efficient means of strengthening the Organisation's harmonisation work and indeed forms an integral part of its very mission. If new contributions – even modest ones – to the fund were to be made, it would be possible to host more scholars since the facilities for this already exist. The Secretariat expresses its profound gratitude to those donors who made a contribution in 2003, and hopes not only that they will wish to renew their support of the Programme in 2004, but that they will soon be joined by other sponsors.

(end of text - 3 annexes attached)

THE UNIDROIT LIBRARY

An information and research centre for visitors from all over the world

From its foundation, UNIDROIT set as one of its priorities the creation of an international legal documentation centre to assist it in the research and studies it was about to undertake. Initially designed as a simple tool in support of the Institute's scientific and legislative activities, over the years the Library has grown into one of the foremost legal documentation centres in Europe and beyond.

THE LIBRARY

The holdings of the UNIDROIT Library currently consist of over 260.000 volumes and some 450 current legal periodicals from a wide range of countries, covering the main areas of private law and, albeit to a lesser extent, other branches of the law (intellectual property law, public international law, economic law, as well as Roman and Canon law). It is particularly well-endowed in sources relating to the topics that have formed the subject of UNIDROIT legislative activities, both past and present. These topics cover: the unification of law (universal, regional and 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, dispute settlements, cultural property law, private international law and law of international civil procedure and international capital markets.

The Library also offers access to a great many international and national legal bibliographies. Special attention has been given to the collection of the legislation and case law – particularly as regards private law – of the European countries as well as the United States of America, Canada, Australia, and many Latin American, Asian and African countries.

Besides a complete set of UNIDROIT documents, the Library also contains the documentation of other international organisations including, among others, the League of Nations, the International Labour Organisation, the International Maritime Organisation, the European Union, the Council of Europe, the Organization of American States, the Nordic Council and the Hague Conference on Private International Law. Furthermore, the UNIDROIT Library is a depository library for United Nations official records and sales publications.

ONLINE CATALOGUE, DATABASES AND CYBERSPACE

An online catalogue (Intranet) is now functional. A list of current periodicals as well as lists of recent acquisitions are available on the Library Intranet homepage. There are plans for making this catalogue accessible on the Internet shortly.

The Library provides access to various legal information sources and other databases, including electronic information sources such as Westlaw, Hein-on-Line, DeAgostini Professional, Eur-lex, etc. Other important sources for reference materials are the UNILEX

database for the United Nations Convention on Contracts for the International Sale of Goods and the UNIDROIT Principles of International Commercial Contracts, as well as a consolidated *Uniform Law Bibliography* as published in *Uniform Law Review* as of 1994-1995.

THE GORLA COLLECTION

In 1987, Professor Gino Gorla, formerly a Professor of Comparative Law at the University of Rome "La Sapienza", donated to the UNIDROIT Library the collection of antique volumes he had built up to serve as support for his research on case law in Europe from the 17th to the early 19th century. This collection of over 550 titles (comprising about 900 volumes) is made up of treatises, commentaries, collections of decisions, resolutions, *consilia*, *responsa*, *allegationes* and *controversiae forenses*. Most of these volumes were published in Italy, although a good number come from France, Spain, Germany, Belgium, England and the United States of America. Professor Gorla's collection also comprises several 17th to early 19th century volumes dealing specifically with commercial law and maritime law.

The Gorla collection catalogue may be visited on the UNIDROIT website:
<http://www.unidroit.org/english/library/gorla/main.htm>

INDEPENDENT VISITING RESEARCHERS

The UNIDROIT Library is not only a prominent research centre – serving both those involved in the legislative activities of UNIDROIT and visiting researchers – but also a meeting-point for lawyers from the five continents, who benefit greatly from exposure to the legislative drafting work undertaken by UNIDROIT over the last 75 years, in the unique setting that is Villa Aldobrandini, right in the heart of Rome.

Government officials and other members of the legal profession, including academics and practitioners but also students from all over the world, are welcome to conduct individual research in the Library upon acceptance of a formal request to the Head of the Library. Such formal acceptance may also be used by applicants with a view to obtaining financial sponsorship from outside donors or from their own institutions of origin for the duration of their stay in Rome. Special consideration is given to research projects that focus on past or current legislative activities of UNIDROIT (see *supra*).

SCHOLARSHIPS FOR LAWYERS FROM DEVELOPING COUNTRIES AND COUNTRIES ENGAGED IN THE TRANSITION TO A MARKET ECONOMY

In line with UNIDROIT's legal co-operation activities, a scholarships programme has been developed with a view to facilitating access to research facilities for top-level lawyers from developing countries or countries in economic transition. A limited number of scholarships are available (two months' average duration), largely funded by outside donors – mostly Governments – who make generous contributions on a voluntary basis. The grants cover part or all of the cost of living in Rome for the designated period.

Candidates are selected by the Scholarships Committee or by the Secretary-General acting on its behalf. Selection criteria include the candidate's level of qualification, the nature of the candidate's research project (with preference given to subjects that fit in with the Organisation's work programme) and its potential for practical application in his/her country of origin. A good working knowledge of English and/or French is indispensable.

Further information on application conditions is available on the UNIDROIT website (www.unidroit.org) and an application form may be downloaded from :
www.unidroit.org/english/presentation/application.pdf.

UNIDROIT Library, Via Panisperna 28, 00184 Rome, Italy
www.unidroit.org
e-mail: b.maxion@unidroit.org
Scholarships Scheme : e-mail: l.tikanvaara@unidroit.org

**UNIDROIT RESEARCH SCHOLARSHIPS PROGRAMME /
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT**

Sources of Funding / Sources de Financements

Sources of Funding / Sources de financements	Year / année	pourcentage
UNIDROIT – Chap.XI (includes for 1998/1999 a special donation by the Brazilian Governing Council member of / y compris une donation spéciale du membre brésilien du Conseil de Direction : 4.000.000 lit en 1998/1999)	1993-1999	25,4
(including surplus 2000 / y compris excédent 2000 = lit. 30.000.000)	2001	59
(Including surplus 2001 / y compris excédent 2001 = € 5,164.57)	2002	31,7
(Including surplus 2002 / y compris excédent 2002 = € 5,000)	2003	39,5
Government of the Republic of Korea / <i>Gouvernement de République de Corée</i>	1993-1999	15,9
	2001	20,1
	2002	12,3
	2003	25,8
Government of the People's Rep. China / <i>Gouvernement de la Rép. Pop. de Chine</i>	2002	26,3
	2003	25,3
Grant for 2004-2005 corresponding to an equivalent sum as the total amount paid for 2002 -2003 / <i>Contribution pour 2004/2005 correspondant à une somme équivalente à celle versée en 2002-2003</i>	2004-2005	
Aviation Working Group	2003	9,1
Government of France / <i>Gouvernement de France</i>	1993-1999	21,8
	2001	4,1
	2002	15,58
Government of Finland / <i>Gouvernement de Finlande</i>	1993-1999	5
	2001	15,9
	2002	10,8
Others / autres		
Council of Europe / <i>Conseil de l'Europe</i>	1993-1999	10,7
Agence de la Francophonie (ACCT)		9
Government of Sweden / <i>Gouvernement de la Suède</i>		6,4
Associazione Italiana Leasing (ASSILEA)		2,6
Russian Foundation for Legal Reforms		1,6
Transnational Law & Business Studies (Seoul)		1,2

(December 2003 / décembre 2003)

UNIDROIT SCHOLARSHIPS PROGRAMME – 2003
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2003

ANNEX III

Scholars hosted at UNIDROIT in 2003 with 2003 funding / Chercheurs ayant effectué leur séjour à UNIDROIT en 2003 avec un financement imputable à 2003

1.	BUTALE Phaza 1976	Botswana	State Counsel in General Division at Attorney General's Chambers Gaborone	Unidroit	Feb-March	Developing a Harmonised Legal Framework for International Trade – The Activity of UNIDROIT
2.	SMALIUKAS Andrius 1978	Lithuania	Attorney at Law Lecturer, Ph.D. Student, Vilnius University	Aviation Working Group	Feb-March	Harmonisation of the Law Governing Security over Movable Property: the Cape Town Convention and Aircraft Equipment Protocol
3.	Noelia CORNEJO MALPARTIDA 4.4.1978	Peru	Legal Assistant at Int. Trade Area at Law Firm, Presently studying at Law School, Stockholm Univ.	Personal funding	July	The UNIDROIT Convention on Interna- tional Financial Leasing : its potential benefits for small and medium size enterprises – Comparative law study”
4.	Yesim M. ATAMER 11.6. 1968	Turkey	Assist. Professor Faculty of Law Istanbul Bilgi University	Unidroit	June-July (6 weeks)	The Obligations of the Seller and the Results of Breach of Contract under CISG Compared to Turkish Sales Law
5.	DOAN Hong Nhung 1969	Vietnam	Lecturer, Faculty of Business Law, Hanoi University	Gouvernement of Korea	Oct-Nov	Some legal aspects of financial leasing, international experiences and the Vietnamese perspective
6.	KHUU Khandsuren 2.5.1979	Mongolia	Officer, Legal Policy Dep. Ministry of Justice and Home Affairs of Mongolia	Government of People's Rep. of China	Oct-Nov	Keystone of Copyright Legislation – International Aspects
7.	THANADSILLAPAKU Lawan 4.10.1956	Thailand	Head of Dep. Int. Law at Sukhothai Thammathirat Open University	Gouvernement of Korea	Oct-Nov	Harmonisation/Unification of ASEAN Competition Laws & Policy & Economic Integration in ASEAN
8.	PETRIC Magdalena 28.7.1954	Slovenia	Counsellor at Ministry of Culture/Cultural Heritage Administration	Unidroit	Oct-Nov (6 weeks)	Restitution of cultural property from public & private international law aspects

9.	SCHNABEL Judit 17.1.1979	Hungary	Ph.D. Student, Etvos Lorand University	Italian Government (ad personam)	Oct-Dec (3 months(Principles & CISG
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Scholars to be hosted at UNIDROIT in 2004 with 2003 funding / Chercheurs devant effectuer leur séjour à UNIDROIT en 2004 avec un financement imputable à 2003

10.	11. ZHANG 12. Shachui 13. 1.10.1971 14.	15. China	16. Doctorant, Univ. Cath. Louvain (Belgique)	17. Government of People's Rep. of China	18. Feb/March 2004	19. Contrats commerciaux internationaux (CISG et Principes d'Unidroit
20.	21. CUI Shufeng 22. Feb 2004 23.	24. China	25. Official, Department of Treaty and Law, MOFTEC, Beijing 26.	27. Government of People's Rep. of China	28. Feb/April 2004	29. 30. Competition law : international survey
31.	32. ZHANG Gu 33. Feb 2004	34. China	35. Professor, Beijing University	36. Government of People's Rep. of China	37. Feb/April 2004	38. International commercial law
39.	40. HAN Liyu	41. China	42. Associate professor, Renmin University, Beijing	43. Government of People's Rep. of China	44. Feb/April 2004	45. International commercial law
46.	47. POUR-OSTAD Majid 48. 22-05-1971 49. 50.	51. Iran	52. Lecturer, civil and commercial litigation, Azad University 53. Attorney at law	54. Unidroit budget (2003)	55. April / may 2004s	56. The role of the court in obtaining evidence and establishing the facts
57.	58. RIZVI 59. Syed Ghulam Murtoza 60. 20.6.1950	61. India 62.	63. Deputy Chief Legal Adviser at Oil & Natural Gas Corporation 64.	65. Government of Korea	66. April / may 2004s	67. UNIDROIT Principles of Int. Com. Contracts in the Oil & Gas Agreements & settlement of Disputes
68.	69. HUSSONMOREL 70. 21.7.1960 71.	72. Argentine	73. Professor, Universidad Argentina de la Empresa, Buenos Aires	74. Unidroit budget (2003)	75. April / may 2004s	76. Les Garanties Internationales portant sur des matériels d'équipement Mobiles
77.	78. STEPANOV 79. Dmitri 80. 20.2.1977	81. Russia	82. Off-Counsel. Center for East-European Legal Studies, Moscow – Ph.D. Student (Institute for Legislation and Comparative Law under the Gov. of Russia)	83. Unidroit budget (2003)	84. April / may 2004	85. Corporate control transactions - 86. Comparative Law aspects