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Item No. 10 on the agenda: Legal Co-operation Programme

(Memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Information on • the Research Scholarships Programme</i> <i>• Action in support of legislative work</i>
<i>Mandate</i>	<i>Work Programme 2006 – 2009</i>
<i>Action to be taken</i>	<i>To take note of the information supplied by the Secretariat;</i> <i>to support the action taken by the Secretariat to secure funding</i>
<i>Priority</i>	<i>High</i>
<i>Status</i>	<i>Ongoing</i>
<i>Related documents</i>	<i>Annual Report 2009 (C.D. (89) 2); Implementation of the Strategic Plan:</i> <i>C.D. (88) 9, p. 6 ; Study LXV – Scholarships Impl. 21</i>

Introduction

1. The special needs of developing countries and countries in economic transition when modernising their legal infrastructure in response to the challenges of trade globalisation are one of UNIDROIT's main concerns and form a major focus of its legislative work.¹ However, specific action should, insofar as possible, be taken to boost the impact of that work – and this is especially true for a small organisation whose achievements are as yet too little known – with a view to providing beneficiaries with appropriate information on the existence and practical implementation of the instruments prepared by the Institute, and to give them access to expertise in the relevant subject matter.

¹ The preparatory work on all instruments under preparation refers to developing countries and countries in economic transition as privileged beneficiaries (model law on leasing; international interests in mobile equipment; UNIDROIT Principles, the legislative setting for emerging financial markets).

2. The Legal Co-operation Programme can take many forms, with the Secretariat seeking to concentrate on the most cost-effective activities so as to make the best of the very modest – not to say marginal – resources at its disposal. It therefore focuses in particular on:

- the research scholarships programme for lawyers from developing countries and countries in economic transition
- publicity for the Institute's legislative work in member and non-member countries (organisation of seminars, promotion of institutional and personal contacts, dissemination of information through its publications and via the Internet, etc.) to enable the legal community in these countries to become more closely involved with UNIDROIT's work and to take full advantage of the corresponding benefits
- *ad hoc* technical support, where appropriate.

I. – THE RESEARCH SCHOLARSHIPS PROGRAMME 1993-2010

3. For the annual implementation report for 2009, see Study LXV – Scholarships: Impl. 21. As to the general description of the Programme, following is a brief outline of its achievements and resources.

(a) Achievements

- **Over 200 researchers** have been hosted by UNIDROIT to date, funded in full or in part by UNIDROIT or by external donors, for stays of two months' average duration, to conduct research connected with UNIDROIT instruments – or on uniform law in general. These top-flight researchers generally derive maximum benefit from the documentary resources of the UNIDROIT Library;
- the scholars' **countries of origin also benefit** where the modernisation of law, the implementation of uniform law instruments, training and information (through articles, advice to Governments, updating of university curriculae, etc.) are concerned;
- a **definite spin-off effect for UNIDROIT** is that former scholars constitute a network of experts in more than 50 countries who help to reinforce member States' involvement in the life of the Institute and to forge academic or institutional links with non member States and with other international organisations. All these elements play a key role in promoting and propagating UNIDROIT's work.²

(b) Resources

4. There is unfortunately no denying that the Programme's resources are extremely modest.

² Some former UNIDROIT scholars now occupy key posts in their respective Governments and have become spokesmen for UNIDROIT within their respective departments. Several have been appointed UNIDROIT correspondents, and one has become a correspondent of the *Uniform Law Review*; many have participated (also as representatives of their Governments) in meetings and seminars organised by UNIDROIT; the accession of new member States is frequently facilitated through the efforts of former UNIDROIT scholars; institutional links have been established with other international organisations; there are countless examples of former UNIDROIT scholars translating UNIDROIT instruments and helping to promote them in their countries of origin, which in some cases has led to their ratification there.

- **Allocation of Chapter 11 of the Budget:** this has stood at € 10,000 since 2007, i.e., 0.53% of member States' contributions other than those of Italy (well below the 1% target set when this budget item was first created and which, if applied, would have meant a total allocation of € 18,817 in 2010). Although the budget allocation covers the Legal Co-operation Programme in general, most of the funds go towards funding the research scholarships.
- **Voluntary contributions by external donors:** the Secretariat is pleased to note the resumption, in 2009, of its sponsorship by the Government of the Republic of Korea, the continued sponsorship of the *UK Foundation for International Uniform Law* and expresses its satisfaction at the support of the members of the UNIDROIT Governing Council (1 scholarship) and the Secretary-General of UNIDROIT (1 scholarship).

5. The Secretariat does its utmost to ensure the most rational use of the resources at its disposal, among other things by awarding partial grants to encourage beneficiaries to seek supplementary funding from their parent institution. In this regard, the Secretariat's co-operation links with university institutes or research units with a view to granting joint scholarships might be further developed. Finally, the Secretariat is pleased to note the work undertaken in early 2010 to modernise the Library with funding by the host country's Ministry of Cultural Property, which should help to improve the facilities we are able to offer researchers. The Secretariat does, however, wish to stress the importance, in this context, of maintaining adequate documentary resources in the Library, since these form the very foundation of the Research Programme.

II. – TECHNICAL ASSISTANCE IN SUPPORT OF THE IMPLEMENTATION OF UNIDROIT INSTRUMENTS

6. This activity is intended to promote understanding of how UNIDROIT legislative instruments work and how they can be applied at the national level, particularly with the developing countries and countries in economic transition in mind. In this context, the Secretariat pays close attention to the synergies between the Institute's various activities and to the development of efficient co-operation links with Governments and international organisations aimed at rationalising the use of resources and improving the quality of its work.

7. As to the past year, suffice it to recall the initiatives set out in the documents relating to the legislative subjects in the Work Programme: information and assistance provided as part of the Institute's depositary functions for the Cape Town Convention and its Protocols; promotional initiatives involving the participation of members of the Secretariat in meetings and conferences or visits (*cf.* in particular the documents on the UNIDROIT Principles of International Commercial Contracts and on the promotion of UNIDROIT instruments). Seminars organised around the world and focusing on the work of the Institute offer an excellent opportunity for the Organisation's training and promotion work.

8. It is also worth mentioning the dissemination effect of the translation into languages other than UNIDROIT's own working languages of instruments prepared by the Institute. These language versions, in most cases, have no financial implications for the Institute and are as a rule prepared by or through the good offices of correspondents or invited researchers, and are published on the UNIDROIT Internet web site.

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