

UNIDROIT 2002
Study LXV - Scholarships: Impl. 14
(original: French)

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 2002

Rome, November 2002

I – References

The UNIDROIT Research Scholarships Programme, which comes within the ambit of legal co-operation, was first included in the Work Programme for the triennial period 1993-1995, and was subsequently regularly confirmed by the General Assembly as part of the UNIDROIT Work Programme. The Secretariat carried out a survey of the first seven years of operation in 2002,¹ to assess the Programme from the point of view of the beneficiaries and in terms of its positive institutional impact. The Governing Council (79th session, Lisbon, 10 – 13 April 2000) accordingly recommended that it be developed further, and pursuant to its recommendation, the General Assembly (54th session, 30 November 2000) approved a proposal made by the Finance Committee to allocate extra funds (on a case-by-case basis) to a total of Lit. 30.000.000 maximum from any budget surpluses carried over from the previous financial year.

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 drafted by the Secretariat, detailing the implementation of the Programme, and of scholars' research reports and the list of applicants for the following year. A leaflet describing the Research Programme (which has been publicised with a view to attracting applications for 2002-2003) may be accessed on the UNIDROIT website (see Annex I).

II – Achievements and funding

Since the Programme was launched in 1993, and up to and including 2001, a total of 93 researchers from 40 different countries have benefited from the UNIDROIT Research Scholarships Programme. In 2002, 16 researchers from 14 countries (see the list in ANNEX II) were selected by the Scholarships Sub-Committee of the Governing Council (80th session, Rome, 17-19 September 2001), or accepted by the Secretary-General in accordance with the Scholarships Regulations and within the limits of available resources.

Total funding for 2002 amounted to 48.909 €, of which **UNIDROIT**'s share (31,67 %) consisted of the annual budget allocation (Chapter 11) supplemented by 5.164 € from a budget surplus carried over from 2001 (in accordance with the afore-mentioned decision of the General Assembly at its 54th session in 2000). External donors (the **Governments of Korea, Finland, France** and, for the first time, the **People's Republic of China** (MOFTEC) accounted for 68,32%. Moreover, several researchers obtained direct (part-) funding pursuant to the Secretariat's recommendations.

The beneficiaries' summary research conclusions 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-academic nature – the academic fall-out (in the form of articles, theses, books etc.) does not usually make itself felt until some months or even years after the scholar has returned to his/her own country). Moreover, the Institute itself has benefited in the form of new institutional contacts: several scholars have been commissioned by their governments to assist with legislative reforms, and one scholar has been instrumental in forging institutional co-operation links with OHADA, which organisation has called on UNIDROIT to provide technical assistance in drafting a Uniform Act on contracts based on the *UNIDROIT Principles of International Commercial contracts*. Finally, the *UNIDROIT ANNIVERSARY CONGRESS* (27-28 September 2002) was attended by a large

¹ See the Secretariat memorandum to the Governing Council, UNIDROIT 2000, C.D. (79) 14 as well as UNIDROIT 2000, Study LXV - Doc. 13. "Research Scholarships Programme for lawyers (academics, civil servants, judges and practitioners) from developing countries or countries in economic transitions – The first seven years: 1993 - 1999".

number of former UNIDROIT scholars who continue to act as intermediaries for UNIDROIT in their countries of origin.

III – Applicants and beneficiaries

The Secretariat publicises the Programme among potentially interested Governments and (mostly academic) institutions in the various countries concerned. It is made clear that the Research Scholarships Programme forms an integral part of UNIDROIT's wider function as a research centre specialised in uniform law and as a forum for the drafting of international uniform law instruments.

It is worth recalling the Secretariat's recent initiative to institute joint scholarships with national university or research centres, adjusted to reflect the objectives of each of these institutions. Such agreements have so far been concluded with the *Universidad Argentina de la Empresa*, Buenos Aires, Argentina (the first joint scholarship was granted in 2002), and with the *European Center for Peace and Development (ECPD) Postgraduate School in International Business Law*, Belgrade, Yugoslavia.

Scholarships are granted by the Secretariat in strict compliance with any conditions that may have been set by the donor countries and with the recommendations formulated by the Scholarships Sub-Committee. It should be recalled that the following criteria were established by the Scholarships Sub-Committee at its April 1999 session to serve as a guide in selecting candidates:

- 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.

IV – Perspectives

The Scholarships Programme has now completed its first ten years of operation. It has proved an efficient means of achieving UNIDROIT's legal co-operation objectives and a useful instrument in promoting its work. By making the most of its rich documentary resources in the field of private international and comparative law and by stretching the modest financial resources placed at its disposal by the Institute's general budget supplemented by indispensable external sponsorship, UNIDROIT is able to carry out its statutory mission of studying "ways of harmonising and co-ordinating the private law of States and of groups of States, and [to prepare] gradually for the adoption by the various States of uniform rules of private law" (Unidroit Statute, Article 1). Researchers from developing countries and countries in economic transition also play a key role in maximising the effect of the Secretariat's work back home.

The Secretariat wishes to seize this occasion to express its profound gratitude to the donors for their support, and to ensure them of its commitment to making the most rational and transparent use of the funds placed at its disposal. While the experience of ten years and the very scale of the Programme have greatly facilitated its management, it should be stressed that it would be most helpful if funding were to be allocated on a two-yearly basis – and in fact, the Governments of Korea and China have already agreed to do so, a decision for which the Secretariat is particularly grateful. Another point to bear in mind is that researchers are urgently invited to seek personal funding or financial support from their own institutions to cover their travel expenditure, and to identify supplementary sources of funding. A detailed report of the use made of each grant and copies of the beneficiaries' research reports and summary conclusions are submitted to individual donors separately.

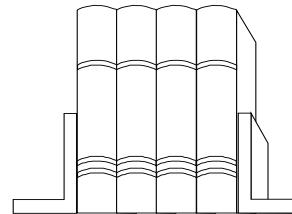
In this context, it is particularly gratifying to recall the importance given to the Research Scholarships Programme by the Governing Council and subsequently confirmed by the General Assembly at its afore-mentioned 2000 session, as well as the support so faithfully extended by both "old" and new partners. Special mention must be made in this connection of the decision of the ***Aviation Working Group*** so sponsor the Programme in 2002 by granting a research scholarship to help promote the Convention on Mobile Equipment and its Aircraft Protocol, adopted in Cape Town in November 2001.

2003 / 2004

**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

Adetailed application should be addressed to the Unidroit Scholarships Office (next terms of admissions: 31 March 2003). To this end, the appropriate application form, which may be obtained by writing to Unidroit or consulting the Unidroit Internet web site: www.unidroit.org/english/presentation/application.pdf should be duly completed and returned to Unidroit.

~~~~~

### **Selection**

**C**andidates 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**

**A**t 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:*  
UNIDROIT Research Programme, Via Panisperna 28, 00184  
Rome, Italy  
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:*  
[www.unidroit.org/english/presentation/application.pdf](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 fields 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 – 2002**  
**PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2002**

|       |                                |                        |                                                                                                                        |                                |                                     |                                                                                                                   |
|-------|--------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| B02-1 | MOGYORÓ<br>Andras<br>1975      | Hungary                | Ph.D. Student, ELTE University of Sciences, School of Law, Budapest; Student Central European University, Budapest     | Unidroit (partial funding)     | 5 Feb. – 30 March<br>(2 months)     | The Principle of preservation of contract in international instruments                                            |
| B02-2 | KHAYAT<br>Amina<br>1969        | Morocco                | Lecturer, Faculty of Law, Souissi University, Rabat; Official, Ministry of Finance                                     | Gov. Finland                   | 12 March – 12 April<br>(4 semaines) | La loi applicable au contrat commercial international                                                             |
| B02-3 | DJORIC<br>Ana<br>1972          | Yugoslavia<br>(Serbia) | Researcher, Institute of Comparative Law and G17 Institute, Belgrad; Ph.D Student (Paris X, France); practising lawyer | Gov. France                    | 27 march – 27 July<br>(4 months)    | Le transport international de marchandises                                                                        |
| B02-4 | QUIROGA LEON<br>Anibal<br>1957 | Peru                   | Professor, Faculty of Law, Pontificia Universidad Católica del Peru, Lima; practising lawyer                           | Gov. Finland (partial funding) | 1 May – 31 July<br>(3 months)       | Les Principes et Règles Unidroit / ALI relatifs à la procédure civile transnationale (rapport non encore parvenu) |
| B02-5 | LENEVICH<br>Yulia<br>1974      | Russian Federation     | Counsellor, Legal Department, Ministry for Economic Development and Trade, Moscow                                      | Unidroit (partial funding)     | 29 May to 29 July<br>(2 months)     | Warehousing contract in international trade                                                                       |
| B02-6 | KALESNA<br>Katarina<br>1959    | Slovakia               | Professor, Faculty of Law, Comenius University, Bratislava                                                             | Unidroit                       | 1 July – 11 August<br>(6 weeks)     | International Franchising and Competition Law Issues                                                              |
| B02-7 | SEROGIN<br>Oleksandr<br>1977   | Ukraina                | Assistant Professor of Law, Institute for International Relations – Taras Shevchenko National University of Kyiv       | Unidroit                       | 5 July – 31 August<br>(2 months)    | Legal Regulation of International Tourist Relations (Ukraine – EU comparative Study                               |

|        |                                   |                     |                                                                                              |                                                                                     |                                                          |                                                                                           |
|--------|-----------------------------------|---------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------|-------------------------------------------------------------------------------------------|
| B02-8  | HARDJOWAHONO<br>Bayo Setu<br>1954 | Indonesia           | Professor, Catholic University of Parahyangan                                                | Korea                                                                               | 7 Sept-20 Dec<br>3 months ½                              | Unidroit Principles and their application in Asia (in progress)                           |
| B02-9  | Fan Yon<br>1974                   | People's Rep. China | Attorney-at-law, Sinobridge law Firm, Beijing                                                | People's Rep. China                                                                 | July-August<br>3 months                                  | Cross-Border Mergers and Acquisitions and Merger Control Regulation under EU Legal System |
| B02-10 | ZUO Haicong<br>1966               | People's Rep. China | Assoc. Prof. Int. Economic, Commercial Law, Wuhan Univ.                                      | People's Rep. China                                                                 | July-August<br>3 months                                  | Agency Law (in progress)                                                                  |
| B02-11 | DUAN Donghui<br>1971              | People's Rep. China | Legal Counsel<br>China Construction Bank                                                     | People's Rep. China                                                                 | 27 July – 15 Oct.<br>2 mois ½                            | Unidroit Principles (in progress)                                                         |
| B02-12 | TELEC<br>Ivo<br>1959              | Czech Republic      | Professor, Masryk University, Brno<br>Member, Permanent civil law commission                 | Unidroit                                                                            | Sept-Oct.<br>2 months                                    | Franchising and Licensing Law – comparative law (in progress)                             |
| B02-13 | BABKINA<br>Elena<br>1974          | Belarus             | Professeur Assistant, Université d'Etat de Bélarus, Minsk                                    | Gov. France                                                                         | Sept-Oct.<br>2 mois                                      | Le droit de l'agence commerciale : aspects de droit international et comparé (en cours)   |
| B02-14 | CARRIZO<br>Gustavo                | Argentina           | Professor, Universidad de la Empresa de Buenos Aires                                         | Gov. Finland (joint scholarship with the Universidad de la Empresa de Buenos Aires) | Sept-Oct.<br>2 months                                    | Competition law / Mercosur UE compared (in progress)                                      |
| B02-15 | SOKOLOVA<br>Elena<br>1977         | Russian Fed.        | Ass. Prof. Moscow State Open University Lawyer at Russian Trade Limited Company "RAESK-AQUA" | Unidroit (joint scholarship with the Swiss Institute of Comparative Law, Lausanne)  | Sept-Oct. Unidroit<br>Nov-Dec. SICL<br>(2 mois + 2 mois) | Factoring and law of credit : international instruments (in progress)                     |
| B02-16 | DAUGAUX-KOUASSI<br>Blaise         | Côte d'Ivoire       | Professeur assistant, Université d'Abidjan                                                   | (UNIDA - ad personam)                                                               | Oct-Nov                                                  | Intégration juridique en Afrique francophone – aspects de droit privé                     |

- end -