



UNIDROIT 2004
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RESEARCH SCHOLARSHIPS PROGRAMME
Implementation Report for the Financial Year 2004

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 twelve years since its inception has hosted 130 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

¹ Albania (2); Algeria (3); Argentina (5); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (3); Cameroon (3); China (11); Colombia (5); Congo (1); Côte d'Ivoire (1); Croatia (1); Czech Rep. (2); Egypt (1); Estonia (2); Georgia (1); Guinea (1); Hungary (4); India (4); Indonesia (5); Iran (2); Latvia (3); Lithuania (4); Mexico (2); Moldavia (1); Mongolia (2); Morocco (3); Nigeria (2); Pakistan (1); Peru (2); Poland (3); Romania (6); Russian Federation (11); Serbia & Montenegro (1); Slovakia (3); Slovenia (3); Thailand (1); Tunisia (4); Turkey (1); Ukraine (4); Uruguay 1); Venezuela (1); Vietnam (4).

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.

With a view to attracting applications, 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, 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 2004 amounted to € 33,213 (it was € 37,896 in 2003 and € 48,909 in 2002), of which UNIDROIT'S share (45.16 %) consisted of the annual budget allocation of € 15,000 (Chapter 11). External donors contributions consisted in: the Government of Korea: 24.70%, the Government of the People's Republic of China (MOFTEC) (the contribution was paid in 2002 for the biennium 2004-2005; the percentage of 25.3% corresponds to the sums effectively spent in 2004). Several researchers were able to secure direct (or partial) 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 2004

In 2004, the Programme hosted 16 scholars from 10 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 and the 83rd session 19-21 April 2004) or accepted by the Secretary-General pursuant to the Scholarships Regulations. For organisational and logistical reasons certain scholars were received in 2004 with the surplus of the 2003 year funding.

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 as well as the promotion of UNIDROIT Instruments.

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*, *allegaciones 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

ANNEX II

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

Sources of Funding / Sources de Financements 1993-2004

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
2004 budget / budget pour 2004	2004	45,16
Government of the Republic of Korea / Gouvernement de République de Corée	1993-1999	15,9
	2001	20,1
	2002	12,3
	2003	25,8
	2004	24,72
Government of the People's Rep. China / Gouvernement de la Rép. Pop. de Chine	2002	26,3
	2003	25,3
Grant paid (on Nov 2002) for a two-year period 2004- 2005 / versement (en nov. 2002 pour la biennium 2004-2005	2004	30,10
	2004-2005	
Aviation Working Group	2003	9,1
Government of France / Gouvernement de France	1993-1999	21,8
	2001	4,1
	2002	15,58
Government of Finland / Gouvernement de Finlande	1993-1999	5
	2001	15,9
	2002	10,8
Others / autres		
Council of Europe / Conseil de l'Europe	1993-1999	10,7
Agence de la Francophonie (ACCT)		9
Government of Sweden / Gouvernement de la Suède		6,4
Associazione Italiana Leasing (ASSILEA)		2,6
Russian Foundation for Legal Reforms		1,6
Transnational Law & Business Studies (Seoul)		1,2

(December 2004 / décembre 2004)

**UNIDROIT SCHOLARSHIPS PROGRAMME – 2004
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2004**

1.	Mr BENCLINOV Constantin 22.7.1970	Romania	Attorney at Law, Benclinov & Associates – Partner Law Firm	Self-financed	Jan/Feb 2004	International Commercial Contracts – Formation (<i>Culpa in Contrahendo</i>) and Hardship
2.	Mr TUKTAROV Yuriy 27.1.1976	Russia	Legal Consultant, Institute for Legislation and Comparative Law under the Government of the Russian Federation (Moscow)	UNIDROIT Budget	Feb/Apr 2004	Transfer of Ownership on Moveables: Comparative Law Aspects
3.	M. ZHANG ShaoHui 1.10.1971	Chine	Doctorant, Univ. Cath. Louvain (Belgique)	Gouv. de la Rep. populaire de Chine	Fev/Mars 2004	Contrats commerciaux internationaux (CISG et Principes d'Unidroit)
4.	Mr CUI Shufeng 27.09.1974	China	Official, Department of Treaty and Law, MOFTEC, Beijing	Gov. of People's Rep. of China	Feb/April 2004	Competition law : international survey
5.	Mr ZHANG Gu 30.6.68	China	Professor, Beijing University	Government of People's Rep. of China	Feb / April 2004	Assignment of rights : Overview of International and Comparative Law Aspects under a Chinese perspective
6.	Mr HAN Liyu 23.12.65	China	Associate Professor, Renmin University, Beijing	Government of People's Rep. of China	Feb / April 2004	Franchising : Overview of International and Comparative Law Aspects under a Chinese perspective
7.	Mr POUR-OSTAD Majid 22-05-1971	Iran	Lecturer, civil and commercial litigation, Azad University Attorney at law	UNIDROIT budget (2003)	April / May 2004	Transnational Civil Procedure
8.	M. ALLIOUI Kamal 19.11.64	Maroc	Avocat /Professeur à la Faculté de droit, Rabat Souissi	UNIDROIT budget (2003)	Avril 2004	Le contrat commercial international de transfert de technologie
9.	Mr RIZVI Syed Ghulam Murtoza 20.6.1950	India	Deputy Chief Legal Adviser at Oil & Natural Gas Corporation	Government of Korea	April / May 2004	UNIDROIT Principles & Settlement of Disputes in Oil & Gas Agreements
10.	M. HUSSONMOREL Rodolfo 21.7.1960	Argentine	Avocat /Professeur, Universidad Argentina de la Empresa (UADE), Buenos Aires	UNIDROIT budget (2003) Universidad Argentina de la Empresa (UADE)	Avril / Mai 2004	Les garanties internationales portant sur des matériels d'équipement mobiles

Annex III – 2.

11.	M. HABIB Yakdhane 7.11.1969	Tunisie	Fonctionnaire / Services du Conseiller Juridique du Gouvernement – Première Ministère	UNIDROIT budget (2003)	Sep /Oct 2004	Le financement privé des infrastructures publiques
12.	TA THANH Binh 7.5.1975	Vietnam	Legal Official, Securities Market Development Department – Ministry of Finance	Government of Korea	Oct / Dec 2004	Improvement of the legal framework for Vietnam's Capital Market
13.	NGUYEN QUANG Anh 7.6.1973	Vietnam	Legal Official, Department of International Law and Treaties Ministry of Foreign Affairs	Government of Korea	Oct / Dec 2004	The settlement of Investment Disputes between States and Nationals of other States
14.	Mr FEDCHUK Valery 1.4.1956	Russia	Associate Professor/Private Law Department of the All-Russia Academy of Foreign Trade	Self-financed	Nov 2004	Company Law
15.	M. ZOCK ATARA à NGONN Joseph 11.11.1962	Cameroun	Chargé d'Etudes – Direction des Affaires Juridiques Ministère des Finances et du Budget	Ministère des Finances et du Budget du Cameroun	Nov / Dec 2004	Les contrats internationaux du Cameroun

- end / fin