



UNIDROIT 2008  
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## RESEARCH SCHOLARSHIPS PROGRAMME

### Implementation Report for the Financial Year 2007

#### *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 fourteen years since its inception has hosted 185 researchers (civil servants, academics, judges and practitioners) from almost 50 countries.<sup>1</sup> 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 it 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.<sup>2</sup>

<sup>1</sup> Albania (2); Algeria (3); Argentina (8); Azerbaijan (1); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (4); Cameroon (5); Chile (2); China (14); Colombia (5); Congo (1); Costa Rica (1); Côte d'Ivoire (1); Croatia (1); Czech Rep. (2); Egypt (3); Estonia (2); Georgia (1); Guinea (1); Hungary (4); India (4); Indonesia (6); Iran (2); Lao (PDR) (1); Latvia (3); Lithuania (4); Mexico (2); Moldavia (2); Mongolia (2); Morocco (3); Mozambique (1); Nigeria (4); Pakistan (1); Paraguay (1); Peru (2); Poland (4); Romania (6); Russian Federation (13); Senegal (1); Serbia & Montenegro (2); Slovakia (3); Slovenia (3); Thailand (1); Tunisia (8); Turkey (1); Ukraine (4); Uruguay (3); Venezuela (1); Vietnam (4).

<sup>2</sup> 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.

Details of the Research Scholarships Programme are officially circulated to member and non-member States and to a network of potentially interested persons and institutions. They may also be accessed on the UNIDROIT Internet website – see the leaflet reproduced in ANNEX I.

## **II – Funding received in 2007**

The Programme was originally conceived as a scheme funded in part by the UNIDROIT general budget but primarily by *ad hoc* grants from voluntary donors.

After a most encouraging year 2006 in terms of funding (for a total of 50,950.00 euros) which enabled us to cover the scholarships granted for 2007, the year 2007 unfortunately saw a substantial drop in funding (total: 20,925.98 euros) owing to the withdrawal from the Programme of one of its donors, to the failure of another donor to renew its grant, and to a cutback (one-third) in the UNIDROIT budget allocation for this post. This reduction will make itself felt in the operation of the Programme in 2008.

The sources of funding of the Programme in 2006 were as follows:

- ❖ UNIDROIT General budget, Chapter XI : 15,000 euros. This sum will pay for some 5 scholarships (or more if used towards partial grants).
- ❖ Voluntary contributions :<sup>\*</sup>
  - ❖ The Government of the People's Republic of China (MOFTEC), which made a contribution for the two-year period 2004-2005, the balance of which sum still outstanding will be used to finance 2 scholarships (for Chinese or Asian candidates);
  - ❖ The members of the UNIDROIT Governing Council make a personal contribution to fund one (part)-scholarship;
  - ❖ The Secretary-General of UNIDROIT makes a personal contribution to fund one (part)-scholarship;
  - ❖ The *UK Foundation for International Uniform Law*, a first-time donor to the Programme in 2006, decided to fund a four-month scholarship (for research into any of the subjects on the current Work Programme of the Institute).

## **III – Scholars in 2007**

In 2007, the Programme hosted 12 scholars from 10 countries (see the list in Annex III), selected by the Research Scholarships Sub-Committee of the Governing Council (86<sup>th</sup> session, 16-18 April 2007) or accepted by the Secretary-General pursuant to the Scholarships Regulations. For organisational and logistical reasons, some of the scholars hosted in 2007 benefited from funding allocated in 2006. Four scholars, in particular, were financed through the generous support of the Spanish Government. A further 7 scholars will be hosted in the first half of 2008 using funds carried over from the 2007 financial year.

The beneficiaries' summary research reports in 2007 bear witness to the benefits accruing 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

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\* No exact amounts are given here, and the number of scholarships given is intended as a rough guide only. A detailed report is submitted to each donor concerning their part of the funding, together with the relevant beneficiary scholars' research reports. The table reproduced in Annex II shows the breakdown of contributions paid in during the corresponding financial year.

usually become apparent until months or even years after the scholar's return to his/her own country). Moreover, the Secretariat believes it has made promising new contacts to strengthen its co-operation links with universities and research centres, and to have made a concrete contribution to the promotion of UNIDROIT instruments worldwide.

#### ***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 also actively committed to instituting joint scholarships with national universities or research centres, in line with the objectives of each of these institutions. One possible formula would involve the granting of a UNIDROIT research period in the framework of doctoral study programmes or competitions among young academics, to be funded jointly or else sponsored in full by the associated institution or by a third party of its choice. Several other regional institutions are being canvassed as to openings for co-operation in this connection.

#### ***V – Perspectives***

The Secretariat recalls that this Programme covers both training and legal assistance and has proved an efficient means of underpinning the Organisation's harmonisation work; on both these counts, it forms an integral part of the Institute's mission.

The Secretariat is optimistic that the voluntary donors will wish to renew their financial commitment, and that new donors may join them, so as to maintain the scheme's financial potential and enable a satisfactory number of candidates to be presented and accepted into the Programme.

*(end of text - 3 annexes attached)*



## ANNEX I

[HTTP://WWW.UNIDROIT.ORG/ENGLISH/LEGALCOOPERATION/SCHOLARSHIPS.HTM](http://www.unidroit.org/english/legalcooperation/scholarships.htm)

## RESEARCH OPPORTUNITIES FOCUSING ON UNIFORM PRIVATE LAW AT THE UNIDROIT LIBRARY

- **INDEPENDENT VISITING RESEARCHERS**

The [UNIDROIT Library](#) is not just a study centre for those who take part in the legislative activities of the Organisation and for visiting researchers; it is also a focal point and meeting-place for people of different legal cultures that bears testimony to 75 years' worth of legislative work by UNIDROIT and thus offers a unique research opportunity in an exceptional setting, that of [Villa Aldobrandini](#) located right in the centre of Rome.

Government officials and members of the legal profession, in particular academics and practitioners but also law students from all over the world, are welcome to use the UNIDROIT Library, subject to the Librarian's approval of their formal application. Applicants may use such approval to support their requests to potential sponsors (which may be the institution to which they belong, private or public donors, institutions that promote legal research and legal reform, etc.) to finance their stay in Rome. Projects relating to UNIDROIT's [past legislative activities](#) as well as subjects on the current [UNIDROIT Work Programme](#) are given special attention in this connection. A good working knowledge of English and/or French is indispensable. Librarian: Ms Bettina Maxion [b.maxion@unidroit.org](mailto:b.maxion@unidroit.org)

- **RESEARCH SCHOLARSHIPS FOR LAWYERS FROM DEVELOPING COUNTRIES AND COUNTRIES IN ECONOMIC TRANSITION**

In line with UNIDROIT's legal co-operation activities, a *Scholarships Programme* has been developed for top-level lawyers from developing countries or countries in economic transition. Since 1993, when the Programme was first launched, it has hosted more than 180 researchers from some 50 countries.

**Funding** : The 2008-2009 Research Scholarships Programme is currently funded by the following donors (the number of grants provided by each donor is intended as a guide only):

- The Government of the People's Republic of China: 2 grants, with priority to be given to applicants from the People's Republic of China and the Asian region;
- The UNIDROIT General Budget: 8 grants (as a rule, funding covers part of the scholarships, the difference to be made up by another donor identified by the applicant her/himself);
- The members of the UNIDROIT Governing Council, on a personal basis : 1 grant;
- The Secretary-General of UNIDROIT, on a personal basis : 1 grant;
- The [UK Foundation for International Uniform Law](#), 1-2 grants for three / four months for academic research into any of the subjects on the Institute's current Work Programme.

[Donors in previous years : Agence de la Francophonie (ACCT); Associazione Italiana Leasing (ASSILEA); Aviation Working Group; Council of Europe; Governments of Finland, France, Republic of Korea, Spain, and Sweden; Russian Foundation for Legal Reforms (Moscow); Transnational Law & Business Studies (Seoul, Korea)]

A scholarship (average length: two months, with a minimum of six weeks; exceptionally, four months in the case of the UK Foundation) may cover all or part of the cost of living in Rome for the designated period, but beneficiaries are in principle expected to meet their own travel expenses.



Scholarships are awarded by the UNIDROIT Governing Council or by the Secretary-General acting on its behalf, upon the recommendation of the Scholarships Committee and applying the following criteria (subject to any specific requirements on the part of donors):

- the subject of the candidate's research project, which must be related to uniform law / international private law (see details of the holdings of the [UNIDROIT Library](#)), preference being given to subjects that fit in with the Organisation's Work Programme;
- the project's potential for practical application in the beneficiary's country of origin, preference being given to projects relating to the drafting of national laws or which aim at promoting the study, the implementation or the adoption of uniform law instruments;
- the candidate's qualifications ("graduate" or "post-graduate") and position (academic, civil servant, judge, practitioner);
- A good working knowledge of English and/or French is indispensable.

Candidates who are not granted a scholarship may nevertheless be accepted for an independent research period without funding (see above). In that case, a formal letter is issued by the Secretary-General which may be used by applicants in support of their direct requests to potential sponsors to finance their stay in Rome.

UNIDROIT Research Scholarships Programme : [Regulations](#) 

At the end of their stay, scholars are required to submit a report on the research they have carried out at UNIDROIT. Contributions of a sufficiently high scientific level may be published in the [Uniform Law Review / Revue de droit uniforme](#), subject to acceptance by the Editorial Board.

To apply, please fill in the [application form](#) ([in pdf](#)  [in Word](#) ) and return it together with the requested documents. Deadline for consideration: **31 March 2008**, with a view to the next meeting of the Scholarships Committee (it is suggested to give advance notice of the submission of an application).

UNIDROIT Scholarships,  
To the attention of Ms Laura Tikanvaara,  
Via Panisperna 28,  
00184 Rome, Italy  
e-mail : [l.tikanvaara@unidroit.org](mailto:l.tikanvaara@unidroit.org)

#### • **JOINT SCHOLARSHIPS WITH NATIONAL UNIVERSITIES OR RESEARCH CENTRES**

The Secretariat is open to any project for co-operation with national universities or research centres with a view to organising joint scholarships in accordance with the objectives of each of the institutions involved. Possible co-operation 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 sponsored in full by the associated institution or a third party of its choice.

Associated institutions

- Swiss Institute of Comparative Law, Lausanne, Switzerland - <http://www.isdc.ch/>
- Universidad argentina de la Empresa (UADE) - <http://www.uade.edu.ar>
- International Trade Center (CCI) – WTO/UNCTAD - <http://www.intracen.org/>
- International Trade Law Post Graduate Course (ILO), Turin, Italy – <http://tradelaw.iuse.it/>

Co-ordinator of the Legal Cooperation Programme : Ms Frédérique Mestre : [f.mestre@unidroit.org](mailto:f.mestre@unidroit.org)

## 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.

~~~~~ (Rome, January 2008)





## ANNEX / ANNEXE II

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

**Sources of Funding / Sources de Financements  
2005-2007**

| Sources of Funding / Sources de financements                                                                         | Year / année * | Percentage with regard to total amount / Pourcentage au regard du montant total reçu |
|----------------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------|
| UNIDROIT – Chap.XI                                                                                                   | 2004           | 45,16                                                                                |
|                                                                                                                      | 2005           | 45,20                                                                                |
|                                                                                                                      | 2006           | 29,44                                                                                |
|                                                                                                                      | 2007           | 47,79                                                                                |
| Government of the Republic of Korea /<br><i>Gouvernement de République de Corée</i>                                  | 2005           | 24,30                                                                                |
|                                                                                                                      | 2006           | 16,02                                                                                |
|                                                                                                                      | 2007           | ---                                                                                  |
| Government of the People's Rep. China /<br><i>Gouvernement de la Rép. Pop. de Chine</i>                              | 2005           | 30,30                                                                                |
| Grant paid (on Nov 2002) for 2004-2005<br><i>/ versement (en nov. 2002) pour 2004-2005</i>                           | 2006           | p.m.**                                                                               |
|                                                                                                                      | 2007           | p.m.**                                                                               |
| Italian Government (Ministry of Foreign Affairs /<br><i>Gouvernement italien (Ministère des Affaires Etrangères)</i> | 2006           | 5,16                                                                                 |
|                                                                                                                      | 2007           | ---                                                                                  |
| UNIDROIT Secretary-General's Scholarship /<br><i>Bourse du Secrétaire Général d'UNIDROIT</i>                         | 2006           | 5,88                                                                                 |
|                                                                                                                      | 2007           | 7,17                                                                                 |
| Government of Spain / <i>Gouvernement espagnol</i>                                                                   | 2006           | 23,55                                                                                |
|                                                                                                                      | 2007           | ---                                                                                  |
| UNIDROIT Governing Council Scholarship /<br><i>Bourse du Conseil de Direction d'UNIDROIT</i>                         | 2006           | 5,49                                                                                 |
|                                                                                                                      | 2007           | 10,99                                                                                |
| UK Foundation for International Uniform Law                                                                          | 2006           | 14,44                                                                                |
|                                                                                                                      | 2007           | 34,05                                                                                |

\* The year of reference is the year in which the grant was paid; the amounts received are spent either during the year in which they were paid or in the course of the following year / *L'année de référence est celle du versement de la subvention, étant entendu que les sommes sont effectivement dépensées soit dans l'année du versement, soit durant l'année successive*

\*\* Credit balance / *solde créditeur*

*(January 2008 / janvier 2008)*

**ANNEX / ANNEXE III**

**UNIDROIT SCHOLARSHIPS PROGRAMME – 2007  
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2007**

|                                  |                          |                                                                                                                              |                                                                      |                                                                                                                                                     |
|----------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Gao SHENG                        | China (People's Rep. of) | PhD., Associate Professor, School of Humanities and Law, Shandong University of Science and Technology                       | Government of Korea                                                  | The International Protection of Cultural Property                                                                                                   |
| XIE Wei                          | China (People's Rep. of) | Legal official, Department of Treaty and Law, Ministry of Commerce                                                           | Government of China                                                  | The Uniform Law of the International Carriage of Goods by Sea                                                                                       |
| José Pedro DE ANDRADE BARROSO    | Mozambique               | Senior Legal Counsel<br>Southern African Development Community (SADC)                                                        | Government of Spain                                                  | The Cape Town Convention and the Aircraft Protocols – Participation to the Luxembourg Diplomatic Conference (12-23 Feb. 2007)                       |
| Subianta MANDALA                 | Indonesia                | Head of Bilateral Economic Co-operation<br>Ministry of Justice and Human Rights, Djakarta                                    | Government of Korea                                                  | The UNIDROIT Principles of International Commercial Contracts as a Reference for Modernising Indonesian Contract Law                                |
| Sherif El Farouk Omar EL SAADANI | Egypt                    | Attorney-at-law ; Ph.D. Student, Cairo University                                                                            | Government of Spain                                                  | The Impact of CISG and the UNIDROIT Principles of International Commercial Contracts in the New Egyptian Commercial Code                            |
| Taimur ALTAF MALIK               | Pakistan                 | Associate legal researcher, Research Society of International Law<br>Islamabad                                               | Government of Spain<br>+ UNIDROIT Secretary-General's personal grant | Gross Disparity in International Commercial Contracts                                                                                               |
| Carmen GONZALEZ PEDROUZO         | Uruguay                  | Notary public ; Official, Ministry of Foreign Affairs, Montevideo                                                            | Government of Spain                                                  | International Contracts in an Electronic Environment                                                                                                |
| María Antonia GWYNN              | Paraguay                 | Attorney at law – Paraguay                                                                                                   | UNIDROIT (partial funding)                                           | The UNIDROIT Principles of International Commercial Contracts and the Legislation of the MERCOSUR Founding Country Members – A Comparative Overview |
| Nikola BACKOVIC                  | Serbia                   | Ph.D. Student, <i>European Center for Peace and Development (ECPD) Postgraduate School in International Business Law</i>     | UK Foundation for International Uniform Law                          | Leasing – Comparative and International Law Aspects                                                                                                 |
| Reginald KARAWUSA                | Nigeria                  | Divisional Head Enforcement,<br>Securities & Exchange Commission, Abuja                                                      | UNIDROIT (partial funding)                                           | Harmonization of Capital Market laws in Africa                                                                                                      |
| Martin LOO                       | Chile                    | attorney-at-law in Valparaíso, Chile                                                                                         | UNIDROIT (partial funding)                                           | Illegality of Contracts as a New Subject Matter of the UNIDROIT Principles                                                                          |
| Olusesan OLIYIDE                 | Nigeria                  | Department of Business and Industrial Law, Faculty of Law,<br>OLABISI Onabanjo University,<br>Ago-Iwoye, Ogun State, Nigeria | UNIDROIT Governing Council<br>Scholarship                            | Desirability of Integrated Banking Regulation in West Africa                                                                                        |

**Scholars to be hosted at UNIDROIT in 2008 with 2007 funding /  
Chercheurs devant effectuer leur séjour à UNIDROIT en 2008 avec un financement imputable à 2006**

|                       |                              |                                                                           |                            |                                                                                                            |
|-----------------------|------------------------------|---------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------|
| BRAGA DA SILVA Carlos | Brazil                       | Judge, 3d state court of law in Passos                                    | UNIDROIT (partial funding) | Good faith and efficiency in financial contracts                                                           |
| ZHANG Xue Song        | China (People's Republic of) | Official, Economy Department                                              | UNIDROIT                   | Financial Leasing Legislation                                                                              |
| MANUKYAN Mushegh      | Armenia                      | PhD. Candidate, Law Faculty, Russian State University, Moscow             | UNIDROIT (partial funding) | Transnational Corporations (TNCs) as subjects of international private law (IPL)                           |
| DRIDI Dhafer          | Tunisia                      | Assistant de droit privé à la Faculté et des Sciences Politiques de Tunis | UNIDROIT (partial funding) | Les Principes UNIDROIT à l'épreuve de la pratique judiciaire                                               |
| BIN Chen M            | China (People's Republic of) | PhD candidate, Research Institute of International Law, Wuhan University  | UNIDROIT (partial funding) | The Legal Problems of Securities Transactions with credits                                                 |
| SHI Xinya             | China (People's Rep. of)     | Attorney-at-Law, Beijing Zhang Yuqing Law Firm                            | UNIDROIT (partial funding) | Comparative Study of the Principles and Rules of Transnational Civil Procedure and Chinese Civil Procedure |
| CARMONA CARMONA Jhon  | Peru                         | Visiting Scholar<br>Columbia University, New York                         | UNIDROIT (partial funding) | Enhancing cross-border derivatives markets: Regulatory and transactional limitations                       |

– end / fin –