

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

UNIDROIT 2009 Study LXV - Scholarships; Impl. 20 rev. Original : French January 2009

RESEARCH SCHOLARSHIPS PROGRAMME

Implementation Report for the Financial Year 2008

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 some 200 researchers (civil servants, academics, judges and practitioners) from over 50 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 (3); Algeria (3); Argentina (9); Armenia (1); Azerbaijan (2); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (4); Burkina Faso (1); Cameroon (7); Chile (2); China (17); Colombia (5); Congo (1); Costa Rica (1); Côte d'Ivoire (2); Croatia (1); Czech Rep. (2); Egypt (3); Estonia (2); Georgia (1); Guinea (1); Hungary (4); India (4); Indonesia (6); Iran (2); Kenya (1); 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 (15); Senegal (1); Serbia & Montenegro (2); Slovakia (4); Slovenia (3); Thailand (1); Tunisia (8); Turkey (1); Ukraine (4); Uruguay (3); 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.

II – Funding received in 2008

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 euros), the years 2007 and 2008saw a substantial downturn in resources (withdrawal from the Programme of one of its donors, failure of another donor to renew its grant, and a one-third cutback in the UNIDROIT budget allocation for this post (20,926 and 26,669 euros respectively). The available funds will be used as efficiently as possible, in particular through the allocation of partial grants as an inducement to candidates to secure their own supplementary funding.

The sources of funding of the Programme in 2008 were as follows:

- UNIDROIT General budget, Chapter XI : 10,000 euros (6-8 scholarships).
- Voluntary contributions :*
 - The UK Foundation for International Uniform Law : 2 scholarships.
 - Balance of the funding provided for the Ouagadougou Colloquium on the "Harmonisation of Contract Law within OHADA" November 2007) (funded by the Governments of Switzerland and Luxembourg, by the AISBL Fonds Scientifique Jean Bastin, and by the American Foundation for International Uniform Law) : 3 scholarships (of which two partial)
 - Personal contribution by the members of the UNIDROIT Governing Council (one scholarship);
 - Personal contribution by the Secretary-General of UNIDROIT (one scholarship;
 - Government of the People's Republic of China (MOFTEC) : credit balance of the contribution for the two-year period 2004-2005;

III – Scholars in 2008

The Programme hosted 16 scholars from 11 countries (see the list in Annex III), selected by the Research Scholarships Sub-Committee of the Governing Council or accepted by the Secretary-General pursuant to the Scholarships Regulations. For organisational and logistical reasons, some of the scholars hosted in 2008 benefited from funding allocated in 2007. 3 scholars will be hosted in the first half of 2009 using funds carried over from the 2008 financial year.

The beneficiaries' summary research reports in 2008 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 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. Special mention should be made in this context of the research conducted on the ALI-UNIDROIT Principles of Transnational Civil Procedure by scholars from China and Argentina, which resulted in the translation of this text, and of the work carried out by UNIDROIT on the preliminary draft Uniform Act on contract law on behalf of OHADA.

^{*} 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.

IV – Promotion of the Research Scholarships Programme

Publicity regarding the Research Programme is circulated each year among member and non member Governments and among a network of potentially interested persons and institutions. Full information on the Programme may be accessed on the UNIDROIT Internet website – see the leaflet reproduced in ANNEXE I.

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

RESEARCH OPPORTUNITIES FOCUSING ON UNIFORM PRIVATE LAW AT THE UNIDROIT LIBRARY

INDEPENDENT VISITING RESEARCHERS

The <u>UNIDROIT Library</u> is more than 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 <u>Villa Aldobrandini</u> 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 <u>UNIDROIT</u> 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

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 200 researchers from some 50 countries.

Funding: Funding for the 2009-2010 Research Scholarships Programme will be roughly sourced as follows (tentative assessment based on the funding made available in 2008):

- The UNIDROIT General Budget: 6-8 scholarships (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 scholarship;
- <u>The UK Foundation for International Uniform Law Scholarship:</u> 1 four-month scholarship for an English-speaking applicant conducting 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, the Republic of Korea, Spain, and Sweden; Russian Foundation for Legal Reforms (Moscow); Transnational Law & Business Studies (Seoul, Korea)]

A scholarship (average duration: two months, minimum duration: six weeks – but see the special terms and conditions attached to each single scholarship) 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 <u>UNIDROIT Library</u>), 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 (please attach a certificate of proficiency (TOEFL / DELF level).

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 <u>Uniform Law Review / Revue de droit uniforme</u>, subject to acceptance by its Editorial Board.

Applications

To apply, please fill in the <u>application form</u> and return it together with the requested documents by **31 March 2009**. However, you are advised to contact the Institute first, just as soon as possible.

UNIDROIT Scholarships, To the attention of Ms Laura Tikanvaara, Via Panisperna 28, 00184 Rome, Italy e-mail : <u>l.tikanvaara@unidroit.org</u>

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.

Co-ordinator: Ms Frédérique Mestre : 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 2006-2008

Sources of Funding / Sources de financements	Year / année *	Percentage with regard to total amount Pourcentage au regard du montant total reçu
UNIDROIT – Chap. XI	2006	29.44
	2007	47.79
	2008	37.49
UK Foundation for International Uniform Law	2006	14.44
	2007	34.05
	2008	23.69
Reliquat des financements du Colloque de	2008	18.93
Ouagadougou (nov 2007) / Credit balance of the Ouagadougou Colloquium (Nov. 2007) **		
UNIDROIT Governing Council Scholarship /	2006	5.49
Bourse du Conseil de Direction d'UNIDROIT	2007	10.99
	2008	10.49
UNIDROIT Secretary-General's Scholarship /	2006	5.88
Bourse du Secrétaire Général d'Unidroit	2007	7.17
	2008	9.37
Government of the People's Rep. China /	2006	p.m.***
Gouvernement de la Rép. Pop. de Chine	2007	p.m.***
Grant paid (on Nov 2002) for 2004-2005	2008	p.m.***
/ versement (en nov. 2002) pour 2004-2005		
p.m. Government of Spain / Gouvernement espagnol	2006	23.55
p.m. Government of the Republic of Korea /	2006	16.02
Gouvernement de République de Corée	_,,,,	
p.m. Italian Government (Ministry of Foreign Affairs / Gouvernement italien (Ministère des Affaires)	2006	5.16
Etrangères		

^{*} 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 2009 / janvier 2009)

^{**} avec le soutien des Gouvernements de la Suisse et du Luxembourg, de l'AISBL Fonds Scientifique Jean Bastin, et de l'*American Foundation for International Uniform Law* / funded by the Governments of Switzerland and Luxembourg, the *AISBL Fonds Scientifique Jean Bastin* and the American Foundation for International Uniform Law.

ANNEX / ANNEXE III

DRIDI Dhafer	Tunisie	Assistant de droit privé à la Faculté et des Sciences Politiques de Tunis	UNIDROIT (partial funding / financement partiel)	Les Principes d'UNIDROIT relatifs aux contrats du commerce international à l'épreuve de la pratique judiciaire
BIN Chen	China (People's Republic of)	PhD candidate, Research Institute of International Law, Wuhan University	UK Foundation for International Uniform Law	Achievements and Problems of Margin Financing and Stock Lending Services in the Chinese Capital Market
SHI Xinya	China (People's Republic of)	Attorney-at-Law, Beijing Zhang Yuqing Law Firm	Korean Government / Gouvernement coréen	The ALI-UNIDROIT Principles and Rules of Transnational Civil Procedure and Chinese Civil Procedure : A Comparative Study
MANUKYAN Mushegh	Armenia	PhD. Candidate, Law Faculty, Russian State University, Moscow	UNIDROIT (partial funding / financement partiel)	The Legal Nature of Transnational Corporations in International Private Law
PALKOVA Regina	Slovakia	PhD. Candidate, Pavol Jozef Safaik University	UNIDROIT (partial funding / financement partiel)	The Slovak Law of Contract in the International Environment (with a special focus on the arbitration agreement)
ZHANG Xue Song	China (People's Republic of)	Official, Financial & Economy Committee National People's Congress, P. R. China	Unidroit	The future UNIDROIT Model Law on Leasing
RODIONOV Andrey	Russian Federation	Ph.D. Candidate, Diplomatic Academy of the Russian Federation, Institute of Contemporary International Studies	Secretary General's Scholarship / Bourse du Secrétaire Général	The Procedure in International Arbitration Proceedings ir German-speaking and English-speaking Countries : a Comparative View
DE SAN MARTIN Ines	Argentina	Attorney-at-Law, Buenos Aires Lecturer, Universidad de Buenos Aires	Unidroit	UNIDROIT Principles on Transnational Civil Procedure ("UPTCP") as a model for reform on International litigatio and arbitration
NGWANZA Achille	Cameroun	Attaché Temporaire d'Enseignement et de Recherches (ATER) Université Paris-Nord 13 (UFR SMBH)	UNIDROIT (partial funding / financement partiel) *	La favor contractus dans les Principes d'UNIDROIT relatifs aux contrats du commerce international
VUKATANA Rezarte	Albania	Associate Lawyer, Tirana	UK Foundation for International Uniform Law	Cross-border securities transactions in Albania and in a comparative law perspective

UNIDROIT SCHOLARSHIPS PROGRAMME – 2008 PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2008

* Balance left over from the sponsorship monies of the Ouagadougou Colloquium on "The Harmonisation of Contract Law within OHADA" (November 2007) (financed by the Governments of Switzerland and Luxembourg, by the *AISBL Fonds Scientifique Jean Bastin* and by the American Foundation for International Uniform Law) / *Reliquat du financement du Colloque de Ouagadougou sur « L'harmonisation du droit OHADA des contrats » (novembre 2007) (financé par les Gouvernements de la Suisse et du Luxembourg, de l'AISBL Fonds Scientifique Jean Bastin, et de l'American Foundation for International Uniform Law)*

GOUEM K. Pélagie Arienne	Burkina Faso	Etudiante de DEA, Université de Ouagadougou	UNIDROIT Governing Council Members personal Scholarship / Bourse personnelle des membres du Conseil de Direction d'UNIDROIT	Les innovations du projet d'acte uniforme OHADA sur le droit des contrats
ABDULLAYEVA Sevinj	Armenia	Practicing lawyer (intellectual property) Baku, Azerbaijan LL.M. Sutdent, Ankara University (Turkey)	UK Foundation for International Uniform Law	Modernising the Legal Framework for Leasing Transactions in Azerbaijan with reference to the UNIDROIT Model Law on Leasing
ADUNGO Brian Ikol	Kenya	State Counsel, Office of the Attorney General (Masters in Law (LLM) University of Manchester, UK)	Unidroit	UNIDROIT and the Unification of Private Law, Relevance for Kenya
BILĖ Emile	Côte d'Ivoire	Etudiant DESS, Institut de Droit Communautaire, Abidjan	UNIDROIT *	L'impact des Principes d'UNIDROIT sur la réforme du droit des Obligations des Etats de l'espace OHADA
DJIEUFACK Roland	Cameroon	Graduate Teaching Assistant, Part-time Lecturer, University of Dschang Ph.D. Student	UNIDROIT (partial funding / financement partiel) *	The protection of buyers of goods in Cameroon
ZEMILYACHENKO Yroslav	Russian Federation	Senior Teacher at private law department at the Russian Academy of Foreign Trade, Moscow	UNIDROIT (partial funding / financement partiel)	Product Liability under a Comparative Law Perspective

Scholars to be hosted at UNIDROIT in 2009 with 2008 funding /

Chercheurs devant effectuer leur séjour à UNIDROIT en 2009 avec un financement imputable à 2008

DIAKHATE Serigne Modou	Senegal	Directeur adjoint des Affaires civiles et du Sceau, Ministère de la Justice	Unidroit	Aspects civils et commerciaux de la lutte contre la délinquance économique et financière en vue d'une harmonisation dans l'espace UEMOA
LABORIAS Alexis Rodrigo	Argentina	Professor, Universidad Argentina de la Empresa (UADE)	UNIDROIT (partial funding / financement partiel)	Enterprises and immunity from execution of sovereign States
ESTEVES DE MATIAS FERNANDES Maria Joao	Portugal	Lecturer at the Universidade Catolica Portuguesa, Faculty of Law, Lisbon	UNIDROIT (partial funding / financement partiel)	Law Applicable to Proprietary Issues in Respect of the Cross-Border Holding, Transfer and Collateralisation of Securities
CHI Manjiao	PR China	Assistant Professor of International Law, Xiamen University School of Law	Chinese Government	UPICC The Standard for Contract Performance: A comparative study between the Chinese Contract Law and the UNIDROIT Principles
LONG Weidi	PR China	Researcher, Acting Editor in Chief of Wuhan University International Law Review	Chinese Governement	International Contract Law in the Chinese Context