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RESEARCH SCHOLARSHIPS PROGRAMME

Implementation Report for the Financial Year 2009

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 seventeen years since its inception has hosted over 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 (10); Armenia (1); Azerbaijan (2); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (4); Burkina Faso (1); Cameroon (9); Chile (2); China (19); Colombia (5); Congo (People's Republic of) (1); Republic of 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 (7); Russian Federation (15); Senegal (2); Serbia & Montenegro (2); Slovakia (4); Slovenia (3); Thailand (1); Tunisia (8); Turkey (2); 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 2009

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.

2006 was a most encouraging year in terms of funding (for a total of 50,950 euros); however, the subsequent years saw a substantial fall in resources (20,926 and 26,669 euros, and 27.688,43 euro for 2007, 2008 and 2009 respectively). The available funds are 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 2009 were as follows:

- ❖ UNIDROIT General budget, Chapter XI : 10,000 euros (5/6 scholarships)
- ❖ Voluntary contributions :^{*}
 - ❖ The UK Foundation for International Uniform Law : 2 scholarships
 - ❖ The Government of the Republic of Korea: 2 scholarships
 - ❖ Personal contribution by the members of the UNIDROIT Governing Council : 1 scholarship
 - ❖ Personal contribution by the Secretary-General of UNIDROIT (1 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 2009

The Programme hosted 7 scholars from 6 countries (see the list in Annex II), 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 2009 benefited from funding allocated in 2008. 7 scholars will be hosted in the first half of 2010 using funds carried over from the 2009 financial year.

The beneficiaries' summary research reports in 2009 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 scholars return to their 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

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.

* 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 I shows the breakdown of contributions paid in during the corresponding financial year.

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 co-operation 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 - 2 annexes attached)

ANNEX / ANNEXE I

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

Sources of funding / Sources de financements 2007-2010

Sources of Funding / Sources de financements	Year / année *	Percentage with regard to total amount / Pourcentage au regard du montant total reçu
UNIDROIT – Chap. XI	2007	47,79
	2008	37,49
	2009	36,12
Government of the Republic of Korea / <i>Gouvernement de République de Corée</i>	2009	25,63
UK Foundation for International Uniform Law	2007	34,05
	2008	23,69
	2009	21,08
UNIDROIT Governing Council Scholarship / <i>Bourse du Conseil de Direction d'UNIDROIT</i>	2007	10,99
	2008	10,49
	2009	11,76
UNIDROIT Secretary-General's Scholarship / <i>Bourse du Secrétaire Général d'UNIDROIT</i>	2007	7,17
	2008	9,37
	2009	5,42
Carry-over of credit balance of the Ouagadougou Colloquium (Nov. 2007) / <i>Reliquat des financements du Colloque de Ouagadougou (nov. 2007) **</i>	2008	18,93
Government of the People's Rep. China / <i>Gouvernement de la Rép. Pop. de Chine</i>	2007	p.m.***
	2008	p.m.***
Grant paid (on Nov 2002) for 2004-2005 <i>/ versement (en nov. 2002) pour 2004-2005</i>	2009	p.m.***

* 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*

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

*** Credit balance / *solde créditeur*

ANNEX / ANNEXE II

**UNIDROIT SCHOLARSHIPS PROGRAMME – 2009
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2009**

**Scholars hosted at UNIDROIT in 2009 (including with 2008 funding) /
Chercheurs ayant effectué leur séjour à UNIDROIT en 2009 (y compris avec un financement imputable à 2008)**

DIAKHATE Serigne Modou	Senegal	Directeur adjoint des Affaires civiles et du Sceau, Ministère de la Justice	UNIDROIT (2008)	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 (2008) / Universidad Argentina de la Empresa (UADE) Joint scholarship / bourse conjointe	Enterprises and immunity from execution of sovereign States
CHI Manjiao	People's Republic of China	Assistant Professor of International Law, Xiamen University School of Law	UNIDROIT	UICC The Standard for Contract Performance: A comparative study between the Chinese Contract Law and the UNIDROIT Principles
LONG Weidi	People's Republic of China	Ph.D. Candidate, Wuhan University Researcher, Acting Editor in Chief International Law Review	UNIDROIT	International Contract Law in the Chinese Context – China's experience with CISG and PICC
BASLOGU Basak	Turkey	Ph.D. Candidate, Teaching assistant, Civil Law Department, Istambul Bilgi University	Secretary-General's Scholarship / <i>Bourse du Secrétaire Général</i>	Comparative Study of Specific Performance under CISG, the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law
ROSIORU Felicia Catalina	Romania	Enseignante à la Faculté de droit de l'Université Babes-Bolyai, Cluj-Napoca, Avocat au Barreau	UNIDROIT / Faculté de droit de l'Université Babes-Bolyai Joint scholarship / <i>bourse conjointe</i>	L'influence de la dépréciation monétaire sur les restitutions en droit privé
BAMUANGAYI KALUKUIMBI Ghislain	Congo (République démocratique)	Avocat – Auditeur à l'Institut de droit communautaire (IDC) d'Abidjan, (Master II de droit communautaire africain)	UNIDROIT (partial funding / <i>financement partiel</i>)	Les obligations de sécurité des tiers et de respect de l'environnement dans les transport par route de marchandises dangereuses dans l'espace OHADA

Scholars hosted at UNIDROIT in 2010 with 2009 funding /
Chercheurs devant effectuer leur séjour à UNIDROIT en 2010 avec un financement imputable à 2009

JON Woo-Jung	Korea	Ph.D. Candidate University of Oxford	UK Foundation for International Uniform Law	Establishing an International Registration System for the Assignment of Receivables
MA Mingfei	People's Republic of China	Ph.D. Candidate Wuhan University of International Law	UNIDROIT Governing Council Members Scholarship / <i>bourse des membres du Conseil de Direction *</i>	Legal Issues of Cross-border securities
VICTORINO Margarita Eugenia	Philippines	Associate Solicitor, Office of the Solicitor General, Makati City	Korean Government <i>Gouvernement de Corée</i>	The emergence of green investors in the Asia Pacific region
HENG Wan	People's Republic of China	Student, International Law, Korea Transnational Law & Business University (TLBU)	Korean Government <i>Gouvernement de Corée</i>	The development of Electronic Commerce an its effect to global trade
FAN Yina	People's Republic of China	Student, International Law, Korea Transnational Law & Business University (TLBU)	Korean Government <i>Gouvernement de Corée</i>	The UNIDROIT Convention on Sustantive Rules for Intermediated Securities
LIANG Wenwen	People's Republic of China	PhD candidate, University of Manchester	UK Foundation for International Uniform Law	Legal Response of the United Kingdom to Intermediated Securities
ALATTRASH Amin	Palestine	Professor, Commercial Law, Arab American Universtity – Jenin, Palestine	UNIDROIT	Exent of harmony of the Palestinian Commercial law draft with CISG and the UNIDROIT Principles : Non-conformity of good as a Case Study

* In replacement of Ms Yin Liu, applicant to the Programme in 2009, selected by the Scholarships Committee and designated by the Governing Council at its 88th session, who withdrew her application for personal reasons / *En substitution de Ms Yin Liu, candidate au Programme en 2009, sélectionnée par le Comité des bourses et désignée par le Conseil de Direction à sa 88^{ème} session, qui s'est désistée pour des raisons personnelles.*