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## RESEARCH SCHOLARSHIPS PROGRAMME

### Implementation Report for the Financial Year 2011

#### **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 since its inception has hosted 220 researchers (civil servants, academics, judges and practitioners) from over 60 countries.<sup>1</sup> In addition to the 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 improving the exchange of information between the Institute and the legal community in these countries and increasing 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,<sup>2</sup> of the beneficiary scholars' research reports and of a list of applicants for the following year.

<sup>1</sup> Albania (3); Algeria (3); Argentina (11); Armenia (1); Azerbaijan (2); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (5); Bulgaria (5); Burkina Faso (1); Cameroon (9); Chile (2); China (29); Colombia (5); Congo (People's Republic of) (1); Republic of Congo (1); Costa Rica (1); Côte d'Ivoire (2); Croatia (2); Czech Rep. (2); Egypt (3); Estonia (2); Georgia (1); Guinea (1); Hungary (4); India (4); Indonesia (7); Iran (2); Kenya (1); Lao (PDR) (1); Latvia (4); Lithuania (4); Mexico (3); Moldavia (2); Mongolia (2); Morocco (3); Mozambique (1); Nepal (1); Nigeria (4); Pakistan (1); Palestine (1); Paraguay (1); Peru (2); Philippines (1); Poland (5); Republic of Korea (1); Romania (7); Russian Federation (16); Senegal (2); Serbia & Montenegro (2); Slovakia (4); Slovenia (3); Thailand (1); Tunisia (8); Turkey (3); Ukraine (4); Uganda (1); Uruguay (3); Venezuela (1); Vietnam (5).

<sup>2</sup> In granting these scholarships, due consideration is given to the conditions set by individual donors, and to the recommendations formulated by the Scholarships Sub-Committee, according to the following criteria (established and review by the Scholarships Sub-Committee at its session):

- (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 available in 2011**

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

In consequence, the amounts available for the programme may fluctuate each year, but they have been relatively stable over the last three years (2009: EUR 27,688.43; 2010: EUR 29,859.03; 2011: EUR 27,091.97). Financial resources 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 2011 were as follows (both those paid in 2010 inasmuch as they cover scholarships taken in 2011, and those paid in 2011 for scholarships taken in 2011 or to be taken in 2012) :

- ❖ UNIDROIT general budget, Chapter XI (2010 and 2011 budgets : 10,000 EUR each year) : 2 full scholarships (in 2012) and 3 partial scholarships (1 in 2011 and 1 in 2012)
- ❖ Voluntary contributions <sup>3</sup>:
  - ❖ The Government of the Republic of Korea (grant December 2010): 4 full scholarships (in 2011)
  - ❖ *Transnational Law & Business University (TLBU)*: 3 full scholarships (in 2012)
  - ❖ The Government of the Netherlands (a first-time donor to the Programme) (grant October 2011): 1 full scholarship (in 2011)
  - ❖ The UK Foundation for International Uniform Law (grants June 2010 and July 2011): 2 full scholarships (1 in 2011 and 1 in 2012) and 2 partial scholarships (in 2011)
  - ❖ Members of the Governing Council and of the Secretariat on a personal basis (grant 2011): 1 partial scholarship (in 2012)
  - ❖ The Government of the People's Republic of China (MOFTEC) : credit balance of the contribution for the two-year period 2004-2005 (not allocated in 2010)

## **III – Scholars in 2011**

The Programme hosted 11 scholars from seven 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 2011 benefited from funding allocated in 2010. Eight scholars will be hosted in the first half of 2012 using funds carried over from the 2011 financial year.

The beneficiaries' summary research reports in 2011 bear witness to the benefits accruing from their research opportunity (it should be borne in mind that a number of 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; in other instances, the research report takes the form of an article annexed to the report). Moreover, the Secretariat believes it has made promising new contacts to

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<sup>3</sup> 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.

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.

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 2009-2011**

<b>Sources of Funding / Sources de financements</b>	<b>Year / année *</b>	<b>Percentage with regard to total amount Pourcentage au regard du montant total reçu</b>
UNIDROIT – Chap. XI	2009	36,12
	2010	33,49
	2011	36,91
<i>Transnational Law &amp; Business University (TLBU)</i>	2011	25,96
<i>UK Foundation for International Uniform Law</i>	2009	21,08
	2010	20,08
	2011	20,40
Government of the Netherlands <i>Gouvernement des Pays-Bas</i>	2011	11,07
UNIDROIT Governing Council Scholarship / <i>Bourse du Conseil de Direction d'UNIDROIT</i>	2009	11,76
	2010	6,23
Including a contribution in 2011 by the UNIDROIT Secretariat / <i>Intégrant en 2011 une contribution du Secrétariat d'UNIDROIT</i>	2011	5,44
Government of the Republic of Korea / <i>Gouvernement de République de Corée</i>	2009	25,63
	2010	25,13
UNIDROIT Secretary-General's Scholarship / <i>Bourse du Secrétaire Général d'UNIDROIT</i>	2009	5,42
<i>US Foundation for International Uniform Law</i>	2010	15,07
Government of the People's Rep. China / <i>Gouvernement de la Rép. Pop. de Chine</i>	2009	p.m.**
Grant paid (on Nov 2002) for 2004-2005 <i>/ versement (en nov. 2002) pour 2004-2005</i>	2010	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*

\*\* Credit balance / *solde créditeur*

**UNIDROIT SCHOLARSHIPS PROGRAMME – 2011  
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2011**

**Scholars hosted at UNIDROIT in 2011 (including with 2010 funding) /  
Chercheurs ayant effectué leur séjour à UNIDROIT en 2011 (y compris avec un financement imputable à 2010)**

BOZINA BEROS Marta	Croatia	Ph.D. Candidate, Univ. Ljubljana (Slovenia) / Siena (Italy) ; Assistant Lecturer, Faculty of Economics, Univ. Pula (Croatia)	UK Foundation (partial)	Indirectly held investment securities and the concept of “legal risk” – developing a legal context for securities market in Croatia
ZIGELBAUM Sergio Javier	Argentina	Professor of Corporate law and International Commercial Arbitration (UADE)	UNIDROIT (partial) Joint scholarship with the Universidad Argentina de la Empresa (UADE)	Towards a universal system of principles in transactional corporate law
FERRO CATAPANI Marcio	Bresil	Federal Judge, Tribunal Regional Federal da 3a Regiao (Federal Justice of the 3 <sup>rd</sup> District)	UK Foundation (partial)	The Development of Securities Markets in Latin America – a Comparative Approach of Market Rules
WIDYAWATI Roshida	Indonesia	Head of the Legal Department, Indonesian Central Securities Depository (ICSD)	Netherlands Government	An Analysis of Cross Border Securities Transactions
MANGATCHEV Ivan	Bulgaria	Assistant Professor, Faculty of Law, New Bulgarian University, Sofia (Bulgaria)	UK Foundation (partial)	Settlement Finality Systems : the Legal Framework
PHAM Tran Yen Anh	Vietnam	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Korean Government	Termination of Contract under UNIDROIT Principles of International Commercial Contracts and Vietnamese Law
LAI Jiaying	China (PR)	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Korean Government	The Retrieval of Chinese Stolen Cultural Objects under an International Law Perspective : an overview
WANG Qiao	China (PR)	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Korean Government	The Application of the 1995 UNIDROIT Convention on the Protection of the Cultural Objects which are Illegally Exported from other States to China
ZHANG Xian	China (PR)	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Korean Government	Illegality of Contracts: the Approach of the UNIDROIT Principles 2010 and its Legal Developments under Chinese Contract Law
MIAO Qing	China (PR)	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Transnational Law & Business University (TLBU)	The Investor's protection under the Geneva Securities Convention
CHAO Yan	China (PR)	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Transnational Law & Business University (TLBU)	Insider Trading regulation : an overview of legal issues under a comparative law perspective

**Scholars to be hosted at UNIDROIT in 2012 with a 2011 funding /  
Chercheurs devant effectuer leur séjour à UNIDROIT en 2012 avec un financement imputable à 2011**

GAO Pengcheng	China (PR)	Faculty of International Law, China University of Political Science and Law	UK Foundation	The Way ahead for Enforcing Close-out Netting in China – Exploration on the Resilience of Chinese Law on the basis of the Draft Unidroit Principles
IRUNGU Sharon Gatwiri	Kenya	State Counsel at the State Law Office, Department of Treaties and Agreements	UNIDROIT (in cooperation with the Swiss Institute of Comparative Law)	East African Community : considerations for a unified contract legislation
ADEOJO Olanrewaju Oladokun	Nigeria	Associate Professor, Olabisi Onabanjo University, Ago-Iwoye	UNIDROIT	CISG and UNIDROIT Principles: Challenges for the Anglo-Phone Countries of Africa
KIRLI AYDEMIR Deniz Defne	Turkey	Ph.D Candidate, Research Assistant, Private International Law Department, Institute of Social Sciences, Mar mara University	UNIDROIT (partial)	Provisional and protective measures in international litigation, especially in European Law and in UNIDROIT Principles
TRUONG Thu Ngan	Vietnam	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Transnational Law & Business University (TLBU)	A Comparative Study on Close out Netting the Suggestion for the Close-out Netting Enforceability under Vietnamese Law
SHANG Min	China (PR)	Principal staff member of the Legal Department, China Securities Regulatory Commission	Government of the People's Rep. China / MOFCOM	Legislation of Securities Dematerialization in the light of the Convention on Substantive Rules for Intermediated Securities
FAN Yina	China (PR)	Official at Treaty & Law Department, Ministry of Commerce, PRC	Government of the People's Rep. China / MOFCOM	UNIDROIT Principles of International Commercial Contracts 2004 and the Contract Law of the People's Republic of China in a Comparative Perspective