



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

## UNIDROIT RESEARCH SCHOLARSHIP PROGRAMME

### Implementation Report for 2015 \*



#### I – Background

The UNIDROIT Research Scholarships Programme bridges two concerns that are closely connected to the core activity of UNIDROIT: furthering the general objectives of UNIDROIT, such as harmonising and modernising private law, with a particular attention to developing countries and countries in economic transition, and promoting legal research in a Library, which is 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, it has hosted nearly 320 researchers (civil servants, academics, judges and practitioners) from over 60 countries. In addition to the advantages for the beneficiaries and the legal community in their countries of origin, the Programme also has an important institutional effect, 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. This improves the exchange of information between the Institute and the legal community in these countries and increases UNIDROIT's opportunities to publicise its activities.

The scholarship programme provides beneficiaries with the opportunity to carry out independent research in the library. Assistance is provided by UNIDROIT staff in the form of logistic support, bibliographical guidance and, depending on the particular research project, the organisation of exchange meetings with staff members. In addition, researchers have the opportunity to attend

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\* UNIDROIT 2015 - Study LXV/Scholarships – Impl. 27

the meetings organised at UNIDROIT as guests. However, UNIDROIT does not provide academic supervision. A certificate is released at the end of the research period.

## **II – Financial resources for the Programme in 2015**

According to the General Assembly's decision at its 2012 session, the Scholarship Programme has relied entirely on voluntary contributions since 2014.

The sources of funding of the Programme in 2015 are as follows:

- ❖ The UK Foundation for International Uniform Law
- ❖ Transnational Law & Business University (TLBU)
- ❖ The UNIDROIT Foundation for International Uniform Law
- ❖ The Scholarship general fund (with contributions by Members of the Governing Council on a personal basis and the President of UNIDROIT)

The total funding available in 2015 amounted to Eur 87.601,26, with Eur 40.073,26 being carried over from 2014, and Eur 47.528,00 as grants accruing in 2015. The amount spent for scholarships amounted to Eur 33.200,00, leaving a credit balance of Eur 54.401,26 for the Programme in 2016. A table reporting the amounts received and how they have been used is reproduced in Annex I. Annex II reproduces the Treasurer's Conclusions, which certify the financial report of the Scholarship Programme in 2015.

## **III – Objectives and selection procedure**

The Programme is publicised on the UNIDROIT Internet webpage, and the Secretariat also publicises among member and non-member States, Governing Council members and correspondents, as well as academic institutions in targeted countries. Beneficiaries are selected under the guidance of the Secretary-General based upon any requirements set by donors, and according to the main following criteria/considerations:

- (a) the subject matter and the presentation of the research project, in particular its connection with UNIDROIT past or present activities (subjects on the current Work Programme, or adopted instruments, and in general dealing with private law in the broadest sense);
- (b) the potential application and knock-on effects of the undertaken research in promoting legislation, academic dissemination, judicial application;
- (c) the potential of the candidate (based on his/her academic and professional qualifications, the references provided) to take best advantage of the scholarship opportunity
- (d) additional considerations include the objective of achieving the widest possible geographical distribution as far as the beneficiaries' countries of origin are concerned (bearing in mind the aim of hosting scholars both from member States to enhance their participation in the Institute's activity and from non-member States to build networks to disseminate UNIDROIT's work)

Funding received from donors is exclusively allocated to scholars to support local expenses in Rome (accommodation and local expenses). Other expenses related to the management of the programme (staff and library documentary resources) are born by the UNIDROIT general budget. Candidates admitted as invited scholars receive either a full scholarship or a partial scholarship when – as they are encouraged to do so – they can rely on personal funding or complementary sponsorship from their institution of origin, or other third party donor. The Secretariat devotes particular attention to ensuring that financial resources are used as efficiently as possible.

Although candidates are welcome to apply on an individual basis, cooperation agreements are in place for joint scholarships with a number of academic institutions. Cooperation agreements generally provide for a competitive selection procedure within the partner institution, and imply shared expenses. Such agreements have been signed with: Universidad Argentina de la Empresa (UADE), University of Johannesburg (South Africa), Universidad Externado de Colombia, Babes Bolyai University (Romania), Sukhothai Thammathirat Open University (Thailand). Worth of mention is the long standing cooperation between the UNIDROIT Scholarship Programme and the Swiss Institute of Comparative Law (Lausanne), which allows one of the selected candidate under the UNIDROIT Programme to undertake an additional research period in Lausanne with a “von Calker” scholarship virtually every year.

The Programme hosted 15 scholars from 10 countries (see the list in Annex III).

The beneficiaries’ summary research reports in 2015 are provided in a document attached to this report. Although very different, the Secretariat believes that they bear witness to the benefits deriving from their research opportunity. One ought to bear in mind that a number of these reports are of a descriptive, non-scientific nature, and that the academic effects, in the form of articles, theses, books etc., do not usually become apparent until months or even years after the scholars return to their own countries. In other instances, the research report takes on the form of an article annexed to the report. In most cases, the candidates have helped set or strengthen co-operation channels with universities and research centres, and generally contribute to the promotion of UNIDROIT instruments worldwide.

#### **IV – Perspectives**

The Secretariat recalls that this Programme has proven to be an efficient means of underpinning the Organisation’s harmonisation work and should be seen as forming an integral part of the Institute’s mission.

The Secretariat expresses its gratitude to all donors in 2015 and hope that they 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 for and accepted into the Programme.

*(end of text - 3 annexes attached)*

## UNIDROIT RESEARCH SCHOLARSHIPS PROGRAMME

## Implementation Report 2015

(amounts are expressed in Euros)

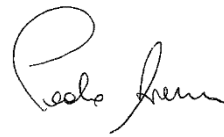
Sponsors	Funding	Scholars (estimates)	Grant amounts (estimates)
<b>Scholarship general fund</b>			
carry over 2014	5.489,76	Ms Maria Eugenia BERTIZZOLO	1.500,00
grant UNIDROIT Governing Council members (2015)	5.528,00	Ms Farzaneh SHAKERI	3.000,00
<b>Balance available for 2016</b>	<b>6.517,76</b>	Total	<u>4.500,00</u>
Transnational Law and Business University (TLBU), Seoul, R. Korea			
carry over 2014	586,49		
grant 12 Nov. 2015	5.000,00		
<b>Balance available for 2016</b>	<b>5.586,49</b>		
<b>UNIDROIT Foundation</b>			
		Ms Maria Ignacia VIAL UNDURRAGA	900,00
		Mr Gocha GIORGIDZE	3.000,00
		Mr Frantisek LIPTAK	1.600,00
		Ms Ana KEGELVIC	2.500,00
		Ms SIYU CAI	2.400,00
		Ms Albana HANA	1.600,00
		Mr Burcu ERBAYRAKTAR	1.600,00
		Ms Robin CUPIDO	1.600,00
		Mr Garth BOWERS	1.600,00
		Mr Faadhil ADAMS	1.600,00
		Mr Stoyan IVANOV	2.400,00
		Mr Coovi Prudence L. DAHODEKOU	2.400,00
		Mr Karel DOGUE	2.400,00
carry over 2014	28.471,53	Total	<u>25.600,00</u>
Grant 15 June 2015	37.000,00		
<b>Balance available for 2016</b>	<b>39.871,53</b>		
<b>UK Foundation</b>			
		Mr Asress GIKAY	1.600,00
		Ms Ekaterina IVANOVA PANNEBAKKER	1.500,00
carry over 2014	5.525,48	Total	<u>3.100,00</u>
<b>Balance available for 2016</b>	<b>2.425,48</b>		
Total carry over 2014	40.073,26		
Total grants in 2015	47.528,00		
<b>Total receipts in 2015</b>	<b>87.601,26</b>	<b>Total expenditure in 2015</b>	<b>33.200,00</b>
<b>Total amount available for 2016</b>	<b>54.401,26</b>		

## CONCLUSIONS

The Treasurer:

- having found that the receipts and payments recorded in the table in Annex I are in conformity with the supporting vouchers and that they correspond with the balance held in the Institute's bank account with the Unicredit Banca di Roma, that is to say EURO account n° 000400757613, relating to the Institute's dedicated bank account for the UNIDROIT Scholarship Programme.
- expresses the opinion that the financial report for the project in 2015 may be approved.

Rome, 18 December 2015



Paolo Aversa  
Treasurer

## UNIDROIT SCHOLARSHIPS PROGRAMME

## Scholars hosted at UNIDROIT in under the Programme in 2015

1.	Ms Maria Ignacia VIAL UNDURRAGA	Chile	PhD, King's College London Lecturer in law, Universidad de los Andes, Santiago de Chile	UNIDROIT Foundation	Research for a proposal of amendment of the Chilean Private International Law (regarding international contracts, non-contractual obligations and matrimonial property regimes) 7 – 29 January 2015
2.	Ms Maria Eugenia L. BERTIZZOLO	Argentina	Professor of Private International Law. UADE (Universidad Argentina de la Empresa – Buenos Aires	Joint Scholarship UADE/ UNIDROIT general fund	Contract farming as a tool for the development of the agribusiness in Argentina 7 January – 26 February 2015
3.	Mr Gocha GIORGIDSE	Georgia	Lecturer, International Black Sea University Law School, Tbilisi	UNIDROIT Foundation	Model clauses for use by Parties of the UNIDROIT principles of international commercial contracts 14 January – 6 March 2015
4.	Mr Asress GIKAY	Ethiopia	PhD, SJD Cand. Central European University, Budapest	UK Foundation	Research toward a new legal framework for Ethiopian secured transactions law 4 March – 30 April 2015
5.	Ms Farzenah SHAKERI	Iran	PhD Cand. University of Tehran	UNIDROIT general fund	The application of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects by Iran: Challenges and opportunities - 25 March – 25 May 2015
6.	Mr Frantisek LIPTAK	Slovakia	PhD Cand., Faculty of Law, Pavol Jozef University in Kosice	UNIDROIT Foundation	Interactions between Private International Law and International Commercial Arbitration – Focusing on the potential relevance of the UPICC 13 April – 12 June 2015
7.	Ms CAI SIYU	PRC	Master Cand., Renmin University of China	UNIDROIT Foundation	Study on Bon Fide Acquisition of Stolen Cultural Property 4 May – 30 June 2015

8.	Ms Ekaterina IVANOVA	Russian Federation	Doctoral Cand., Erasmus University Rotterdam School of Law	UK Foundation	Are intentions binding? Developing an Harmonised approach to letter of intent in international contracting 4 May – 2 July 2015
9.	Ms Ana KEGELVIC	Croatia	Assistant Senior Professor, Department of Civil Law, University of Zagreb	UNIDROIT Foundation	Disgorgement of Profits – A case for UNIDROIT ? 4 May – 30 June 2015
10.	Ms Albana HANA	Albania	PhD candidate, University of Hamburg Faculty of law	UNIDROIT Foundation	Private and transnational procedural law and the role of judges into practices of bringing legal certainty: common core and better law - 1 June – 31 July 2015
11.	Ms Burcu ERBAYRAKTAR	Turkey	PhD, Istanbul University Institute of Social Sciences - Research Assistant, Koç University, Istanbul	UNIDROIT Foundation	The contractual prohibitions of the assignment of receivables and legal consequences from a comparative law perspective 8 June – 31 July 2015
12.	Mr Faadhil ADAMS	South Africa	LL.M., Lecturer, University of Johannesburg	UNIDROIT Foundation in cooperation with the Univ. of Johannesburg	Overriding mandatory provisions of another law 9 June – 10 July 2015
13.	Ms Robin CUPIDO	South Africa	LL.M., Lecturer, University of Johannesburg	UNIDROIT Foundation in cooperation with the Univ. of Johannesburg	The role and application of good faith in long term contracts 15 June – 10 July 2015
14.	Mr Garth BOUWERS	South Africa	LL.M., Lecturer, University of Johannesburg	UNIDROIT Foundation in cooperation with the Univ. of Johannesburg	International Commercial Contracts 15 June – 10 July 2015
15.	Mr DAHODEKOU Coovi Prudence Léonce	Benin	Doctorant, Université d'Abomey-Calavi, Assistant de recherche CREDIJ-Bénin	UNIDROIT Foundation	Les aspects juridiques du marché financier dans l'espace UEMAO-CEMAC 14 September – 30 October 2015
16.	Mr Stoyan IVANOV	Bulgaria	Assistant Professor of Private Law, University of Sofia St. Kliment Ohridski	UNIDROIT Foundation	Legal rules and procedure for the transfer of ownership of land in Europe - 21 September – 19 November 2015
17.	Mr Karel DOGUE	Benin	Chef des études, Directeur de la recherche et documentation (ERSUMA) de l'OHADA	UNIDROIT Foundation	L'encadrement juridique de la joint-venture OHADA – Etude du projet de texte OHADA sur la joint venture à la lumière des Principes d'UNIDROIT - 14 September – 30 October 2015