



**GOVERNING COUNCIL**  
**90<sup>th</sup> session**  
**Rome, 9-11 May 2011**

**EN**

UNIDROIT 2011  
C.D. (90) 10  
Original: French  
March 2011

**Item No. 11 on the agenda: Legal Co-operation Programme**

(Memorandum prepared by the Secretariat)

<i>Summary</i>	<i>Information on</i> • <i>the Research Scholarships Programme</i> • <i>Action in support of legislative work</i>
<i>Action to be taken</i>	<i>To take note of the information supplied by the Secretariat;</i> <i>to support the action taken by the Secretariat to secure funding</i>
<i>Mandate</i>	<i>Work Programme 2011 – 2013</i>
<i>Priority</i>	<i>Low level of priority for the purpose of time allocation within the Secretariat</i>
<i>Status</i>	<i>Ongoing</i>
<i>Related documents</i>	<i>Annual Report 2010 (C.D. (90) 2); Implementation of the Strategic Plan:</i> <i>C.D. (88) 9, p. 6 ; Study LXV – Scholarships Impl. 22 rev.</i>

***Introduction***

1. The Legal Co-operation Programme can take many forms, with the Secretariat seeking to concentrate on the most cost-effective activities so as to make the best of the very modest – not to say marginal – resources at its disposal. It therefore focuses in particular on:

- the research scholarships programme for lawyers from developing countries and countries in economic transition
- publicity for the Institute's legislative work in member and non-member countries (organisation of seminars, promotion of institutional and personal contacts, dissemination of information through its publications and via the Internet, etc.) to enable the legal community in these countries to become more closely involved with UNIDROIT's work and to take full advantage of the corresponding benefits
- *ad hoc* technical support, where appropriate.

## **I. – THE RESEARCH SCHOLARSHIPS PROGRAMME 1993-2011**

3. For the annual implementation report for 2010, see Study LXV – Scholarships: Impl. 22 rev, reproduced as an Annex to this document. As to the general description of the Programme, following is a brief outline of its achievements and resources.

### (a) Achievements

- Over 200 researchers have been hosted by UNIDROIT to date, funded in full or in part by UNIDROIT or by external donors, for stays of two months' average duration, to conduct research connected with UNIDROIT instruments – or on uniform law in general. These top-flight researchers generally derive maximum benefit from the documentary resources of the UNIDROIT Library;
- the scholars' countries of origin also benefit where the modernisation of law, the implementation of uniform law instruments, training and information (through articles, advice to Governments, updating of university curriculae, etc.) are concerned;
- a spin-off effect for UNIDROIT is that former scholars constitute a network of experts in more than 60 countries who help to reinforce member States' involvement in the life of the Institute and to forge academic or institutional links with non member States and with other international organisations. All these elements play a key role in promoting and propagating UNIDROIT's work.<sup>1</sup>

### (b) Resources

4. There is unfortunately no denying that the Programme's resources are extremely modest.

- Allocation of Chapter 11 of the Budget: this has stood at € 10,000 since 2007, i.e., 0.53% of member States' contributions other than those of Italy (well below the 1% target set when this budget item was first created and which, if applied, would have meant a total allocation of € 18,825 in 2011). Although the budget allocation covers the Legal Co-operation Programme in general, most of the funds go towards funding the research scholarships.
- Voluntary contributions by external donors: the Secretariat is pleased to note the resumption, in 2009, of its sponsorship by the Government of the Republic of Korea, the continued sponsorship of the *UK Foundation for International Uniform Law*, the participation, for the first time in 2011, of the *American Foundation for International Uniform Law*, and expresses its satisfaction at the support of the members of the UNIDROIT Governing Council (1 scholarship).

5. The Secretariat does its utmost to ensure that the most rational use is made of the resources at its disposal, among other things by awarding partial grants to encourage beneficiaries to seek supplementary funding from their parent institution. In this connection, the Secretariat actively promotes the idea of co-operating with university institutes or research units with a view to

---

<sup>1</sup> Some former UNIDROIT scholars now occupy key posts in their respective Governments and have become spokesmen for UNIDROIT within their respective departments. Several have been appointed UNIDROIT correspondents, and one has become a correspondent of the *Uniform Law Review*; many have participated (also as representatives of their Governments) in meetings and seminars organised by UNIDROIT; the accession of new member States is frequently facilitated through the efforts of former UNIDROIT scholars; institutional links have been established with other international organisations; there are countless examples of former UNIDROIT scholars translating UNIDROIT instruments and helping to promote them in their countries of origin, which in some cases has led to their ratification there.

granting joint scholarships. Finally, the Secretariat recalls with satisfaction the work undertaken in 2010 to modernise the facilities available to researchers in the UNIDROIT Library, funded by the host country's Ministry of Cultural Property. The Secretariat does, however, wish to stress the importance, in this context, of maintaining adequate documentary resources in the Library, since these form the very foundation of the Research Programme.

## **II. – COOPERATION AND TECHNICAL ASSISTANCE IN SUPPORT OF THE IMPLEMENTATION OF UNIDROIT INSTRUMENTS**

6. This activity is intended to promote understanding of how UNIDROIT legislative instruments work and how they can be applied at the national level, particularly with the developing countries and countries in economic transition in mind. In this context, the Secretariat pays close attention to the synergies between the Institute's various activities and to the development of efficient co-operation links with Governments and international organisations aimed at rationalising the use of resources and improving the quality of its work.

7. As to the past year, suffice it to recall the initiatives set out in the documents relating to the legislative subjects in the Work Programme: information and assistance provided as part of the Institute's depositary functions for the Cape Town Convention and its Protocols; promotional initiatives involving the participation of members of the Secretariat in meetings and conferences or visits (*cf.* in particular the documents on the UNIDROIT Principles of International Commercial Contracts, on the preparation of the Space Protocol to the Cape Town Convention and on the 1995 Convention on Stolen and Illicitly Exported Cultural Objects). Seminars organised around the world and focusing on the work of the Institute offer an excellent opportunity for the Organisation's training and promotion work.

8. Moreover, the UNIDROIT Secretariat participated in the "First Conference on International Trade Law in Africa" organised by Basel University (Switzerland) and Buea University (Cameroon) under the auspices of OHADA, UNCITRAL and UNIDROIT, which was held in Douala (Cameroon) on 13-14 January 2011. The Conference revolved around four panels dealing with international sales law, arbitration law, general contract law (round table chaired by the UNIDROIT representative), and the future of commercial law in Africa (including a report presented by the UNIDROIT representative). Contributions to the Conference will be published shortly by the organisers.

8. It is also worth mentioning the dissemination effect of the translation into languages other than UNIDROIT's own working languages of instruments prepared by the Institute. These language versions, in most cases, have no financial implications for the Institute and are as a rule prepared by or through the good offices of correspondents or invited researchers, and are published on the UNIDROIT Internet web site.

In this context, mention may be made of the publication, at the end of 2010 and in early 2011, of the complete versions in Russian and Spanish of the ALI-UNIDROIT Principles of Transnational Civil Procedure (*cf.* document G.C. (90) 14 – Uniform Law Review/ *Revue de droit uniforme* and other publications), which could serve as a basis for future promotion events to be held in interested countries.

\* \* \* \* \*

(end of document)





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

UNIDROIT 2011  
Study LXV - Scholarships; Impl. 22 rev.  
Original : French  
January 2011

## RESEARCH SCHOLARSHIPS PROGRAMME

### Implementation Report for the Financial Year 2010

#### 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.

Since its inception in 1993 the Programme has hosted over 200 researchers (civil servants, academics, judges and practitioners) from over 60 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 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 (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 (24); 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 (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 (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.

## **II – Funding available in 2010**

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 fluctuate each year : after a most encouraging 2006 year (50,950 EUR), the subsequent years saw a substantial fall in resources (20,926 and 26,669 EUR, and 27.688,43 EUR for 2007, 2008 and 2009 respectively). In 2010, the funding accruing to the programme (to be spent over 2010 and 2011) was **29,859,03 EUR**. 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 2010 were as follows :

- ❖ UNIDROIT General budget, Chapter XI (10,000 EUR) : 2 full scholarships and 4 partial scholarship (1 to be taken in 2011)
- ❖ Voluntary contributions :\*
  - ❖ The Government of the Republic of Korea : 2 full scholarships and 1 partial scholarship (2009 funding); 2 full scholarships (2010 funding – scholarships to be taken in 2011)
  - ❖ The UK Foundation for International Uniform Law : 3 full scholarships (2 with 2009 funding); 2 partial scholarships (1 to be taken in 2011)
  - ❖ The US Foundation for International Uniform Law : a first-time donor to the Programme: 2 scholarships
  - ❖ Personal contribution by the members of the UNIDROIT Governing Council : 1 full scholarship (2009); 1 partial scholarship (2010)
  - ❖ 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 2010**

The Programme hosted 15 scholars from 11 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 2010 benefited from funding allocated in 2009. 2 scholars will be hosted in the first half of 2011 using funds carried over from the 2010 financial year.

The beneficiaries’ summary research reports in 2010 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.

---

\* 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.

**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 2007-2010**

<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	2008	37,49
	2009	36,12
	2010	33,49
Government of the Republic of Korea / <i>Gouvernement de République de Corée</i>	2009	25,63
	2010	25,13
UK Foundation for International Uniform Law	2008	23,69
	2009	21,08
	2010	20,08
US Foundation for International Uniform Law	2010	15,07
UNIDROIT Governing Council Scholarship / <i>Bourse du Conseil de Direction d'UNIDROIT</i>	2008	10,49
	2009	11,76
	2010	6,23
UNIDROIT Secretary-General's Scholarship / <i>Bourse du Secrétaire Général d'UNIDROIT</i>	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>	2008	p.m.***
	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*

\*\* Funded by the Governments of Switzerland and Luxembourg, the *AISBL 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'AISBL Fonds Scientifique Jean Bastin, et de l'American Foundation for International Uniform Law.*

\*\*\* Credit balance / *solde créditeur*



**ANNEX / ANNEXE II**

**UNIDROIT SCHOLARSHIPS PROGRAMME – 2010  
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2010**

**Scholars hosted at UNIDROIT in 2010 (including with 2009 funding) /  
Chercheurs ayant effectué leur séjour à UNIDROIT en 2010 (y compris avec un financement imputable à 2009)**

JON Woo-Jung	Korea	Doctor of Philosophy in Law, 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	PhD Candidate Wuhan University of International Law	UNIDROIT Governing Council Members Scholarship (2009)	Legal Issues of Cross-border securities Via Internet
VICTORINO Margarita Eugenia	Philippines	Associate Solicitor, Office of the Solicitor General, Makati City	Korean Government Gouvernement de la Corée	The rise of green investors in the Asia Pacific region : an overview of legal issues
HENG Wan	People's Republic of China	Student, International Law, Korea Transnational Law & Business University (TLBU)	Korean Government Gouvernement de la Corée	The Electronic Contract : Private International Law Issues
FAN Yina	People's Republic of China	Transnational Law & Business University, Korea, Master's Degree of Law (L.L.M);Wuhan University, China, Bachelor's Degree of Law (L.L.B)	Korean Government / UNIDROIT Gouvernement de la Corée / UNIDROIT	The UNIDROIT Convention on Substantive Rules for Intermediated Securities : An overview from the Perspective of Holding System and Risk Control in China
LIANG Wenwen	People's Republic of China	PhD candidate, School of Law, The University of Manchester; School of Law, Wuhan University	UK Foundation for International Uniform Law	Property Rights in Intermediated Securities under Chinese Law, English Law and the Geneva Securities Convention
DAWWAS ALATTRASH Amin	Palestine	Professor, Commercial Law, Arab American University – Jenin, Palestine	UNIDROIT	The Draft Palestinian Commercial Law, CISG and the UNIDROIT Principles compared :Non-conformity of Goods as a Case Study
NESTORUK Igor Bartosz	Poland	Senior Lecturer, Faculty of Law and Administration, University of Poznan	UNIDROIT	The Conflict-of-laws Rules on Unfair Competition under Rome II
OKIRIG Paul	Uganda	State Attorney, Ministry of Justice and Constitutional Affairs, Kampala	UNIDROIT	The interpretation and practical application of the notion of unlawful agreements in Uganda's Contracts Act, 2010 – Lessons from The UNIDROIT Principles of International Commercial Contracts
BASALP Nilgun	Turkish	Lecturer at Faculty of Law, Istanbul Bilgi University, PhD candidate	UNIDROIT	Exemption Clauses under Unidroit Principles on Intenational Commercial Contracts, Principles of European Contract Law and Convention on the International Sale of Goods
ZENYAKINA Anna	Russia	Ph.D. Student, Russian Academy of Foreign Trade (Moscow); Legal Counsel, International Law Department, Transaero Airlines, Moscow	UK Foundation for International Uniform Law	The prospective accession of the Russian Federation to the Cape Town Convention and Aircraft Protocol : some critical issues

OLAY CHEU Alejandra	Mexican	Academic coordinator of Postgraduate Studies, Universidad Anáhuac del Sur; President of Mexican Academy of Comparative and Private Law (MACPIL)	UK Foundation for International Uniform Law (partial)	Comparative approach to European Corporate Governance Models and its Possible Reception in the Mexican Legal System as a Tool for Development
SLIEDE Vita	Latvia	Head, Division on Private International Law of Civil law department, Ministry of Justice, Latvia	UNIDROIT Governing Council Members (2010)	Implementation and practical application of the Cape Town Convention, the Aircraft Protocol and the Rail Protocol: EU competence and particularities of National legislation in Latvia
YU Dan	China (PR)	PhD Candidate, Jilin University; Assistant to Prof Han Wang, Vice Cancellor, Northwest University of Politics & Law, Xi'an	US Foundation for Uniform Law	Cape Town Convention System and its application and reference to China
LAMICHLANE Buddhi Sagar	Nepal	Senior officer and Assistant Manager - ICAO/ASA/International Relations department of Civil Aviation Authority of Nepal Kathmandu	US Foundation for Uniform Law	Cape Town Convention System and its application and reference to Nepal

**Scholars hosted at UNIDROIT in 2011 with 2010 funding /  
Chercheurs devant effectuer leur séjour à UNIDROIT en 2011 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 / UADE	Towards a universal system of principles in transactional corporate law