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**Item No. 19 on the Agenda: UNIDROIT Academy**

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>Proposal to provide a unified approach to UNIDROIT's academic network and activities</i>
<i>Action to be taken</i>	<i>Take note and endorse the proposal to create the UNIDROIT Academy</i>
<i>Related documents</i>	<i>Linked within text</i>

**I. INTRODUCTION**

1. This document provides an explanation of an initiative of the Secretariat to provide UNIDROIT with a unified approach to the many interrelated academic networks and activities it has committed to and initiated over the years. The idea consists in pooling all the activities under a distinct section of the Institute's non-legislative activities that are directly or indirectly academic in nature to raise awareness and support the taxonomy of the Institute's internal work. This should make the activities more manageable, will potentially create a new path for additional extra budgetary financing, and finally, create a platform which serves to enhance our academic activities, capitalising on an increased academic placement in terms of reputation for the Institute.

**II. THE UNIDROIT ACADEMY**

2. The harmonisation and coordination of the private law of States is UNIDROIT's main purpose, as defined by Article 1 of its Statute, also determines, as the means to achieve its aim, the undertaking "of studies in comparative private law" and the organisation of conferences as well as the publication of "works which the Institute considers worthy of wide circulation". As opposed to other transnational law intergovernmental organisations, UNIDROIT has always had an academic soul from its very conception, and its Governing Council Members, together with the Secretariat, were expected to actively form study groups, foster research and actively contribute not only to legislative activities, but also to the furtherance of academic knowledge on comparative private law. It is too daunting a task to enumerate the highly renowned law professors from all over the world, encompassing all legal families and jurisdictions, that have been part of the Governing Council or that have worked hand in hand with the Institute over the years. This is a reality and a legacy that UNIDROIT should capitalise on.

3. The many academic activities of UNIDROIT are currently intertwined with its general legislative projects, dissemination endeavours and administrative tasks. This weakens the visibility of the academic aspects of its work, and hinders the Institute's ability to benefit from the association of this

distinctive feature with its international image. It is therefore in UNIDROIT's best interest to visually separate its different areas of activity, so that each of them can shine in their own light, while maintaining a consistent and coordinated approach between them. The Secretariat is strongly convinced of the need for the academic profile of the Institute to be individualised and emphasised for the following reasons: (i) if adequately managed, a reinforced academic profile could generate a positive reputational effect, in terms of increased credibility and enhanced independence; (ii) a strong academic profile may also increase the chances of identifying and establishing fruitful collaboration with academic experts, especially those from jurisdictions with a weaker international profile; (iii) academic ties may facilitate the dissemination of UNIDROIT's instruments in academic environments, including the introduction of the Institute's work in study plans and research centres; or (iv) a separate individual profile could in some cases grant UNIDROIT access to projects and funding reserved to academic institutions<sup>1</sup>.

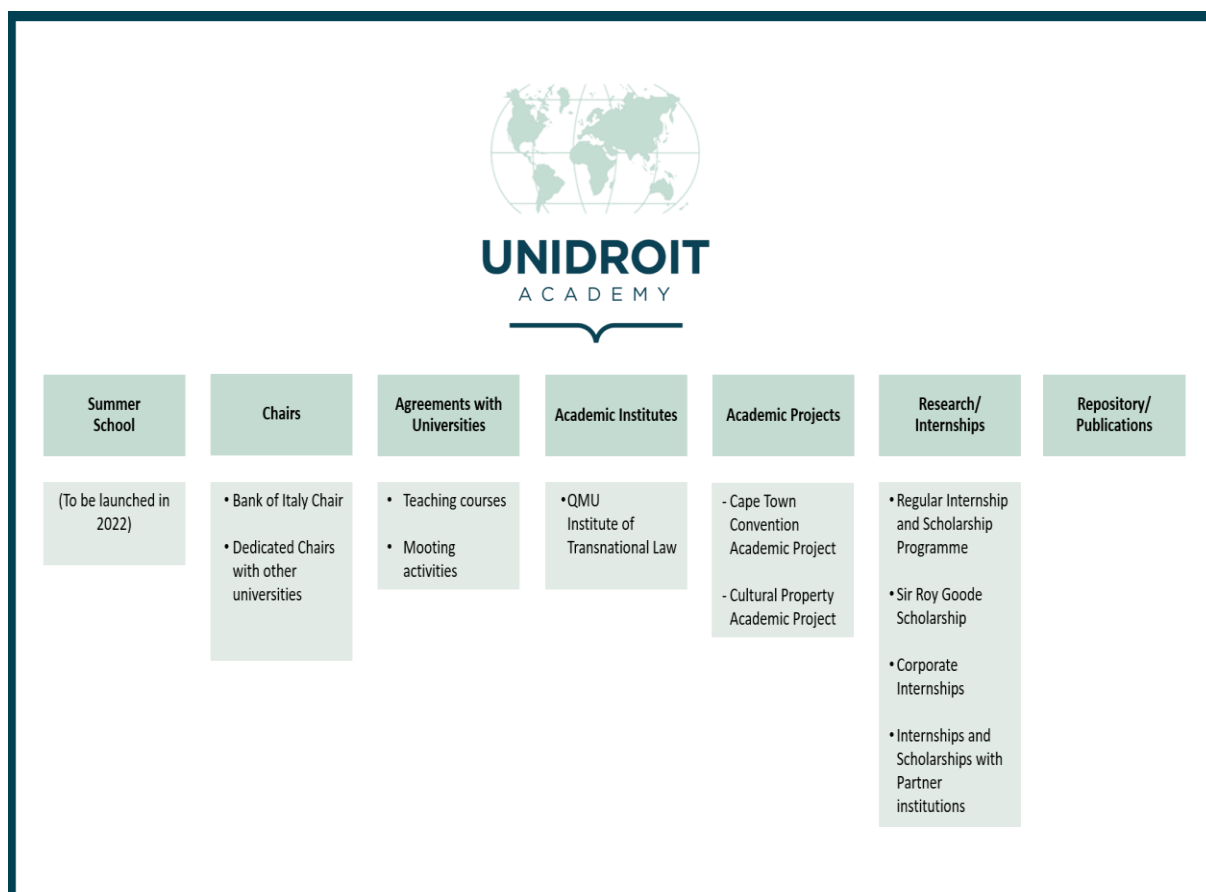
4. In light of the foregoing, the Secretariat, in the context of its mandate to implement the aims of the Institute, proposes to create the UNIDROIT Academy. All activities with a predominantly academic component will be clustered under this umbrella concept. The Academy shall have a separate logo, to allow for its own distinctive branding. It will also have a separate section in the website, where visitors will be able to access all academic activities of the Institute in an orderly manner. Internally, tasks will be appropriately allocated to maximise the potential of the concept and to streamline any new work generated by the measure. It is envisaged that any additional workload will be compensated by time savings generated by an improved categorisation of the activities. From a budgetary standpoint, the Academy will be, in a worse case scenario, budget-neutral. In fact, this measure should allow the Institute to access new sources of financing, including -but not limited to- the possibility to access public tenders for projects with an academic component, an area normally closed to ordinary intergovernmental institutions. In any case, as has been the case for our academic activities, any additional costs will be covered by the Institute's extra-budgetary chapter.

5. The UNIDROIT Academy is at the service of the general mandate of the Institute. In this sense, it is a tool to facilitate our legislative activities, which constitute the main thrust of the activity, and a mechanism to promote the implementation and dissemination of the Institute's work. It has no stand-alone, separate scope: its adequacy to help UNIDROIT's mandate must necessarily be linked in synergy with all other measures adopted in the general strategy of the Institute. In fact, the enhanced academic profile remains desirable so long as the Institute continues to give adequate consideration to the input transparently received from practitioners, relevant industries, as well as legal professionals, so that the practical implications are considered alongside the more abstract academic approach.

6. The logo of the UNIDROIT Academy and the different activities that will be integrated under its umbrella, are represented in the following chart, which is followed by a brief explanation of the different sections.

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<sup>1</sup> The separate academic profile may also help UNIDROIT benefit from longer-term stays in the library of academics and researchers, whose visas are very limited in time when the host institution does not have an academic nature. The contribution of these academics and researchers has proven extremely beneficial not only in the dissemination of UNIDROIT's instruments in their countries of origin but also for the work of the Secretariat, whose members avail themselves of research assistance from these experts.



## A. UNIDROIT International Summer School 2022

7. The Secretariat is pleased to inform the Governing Council that the DG for Development Cooperation of the Italian Ministry of Foreign Affairs and International Cooperation has approved a generous grant to the Institute under the form of “Voluntary Contribution”. This unprecedented contribution will go towards funding the first edition of the UNIDROIT International Summer School that will be organized in 2022.

8. The purposes of the UNIDROIT International Summer School, which also aims to feature distinguished lectures from Members of the Governing Council, are manifold, and include:

- a) to provide theoretical-practical training on legal instruments concerning the unification of private law;
- b) the creation of a virtual community of participants, teachers and experts that facilitates the exchange of experiences, problems and solutions, even after the end of the summer school;
- c) support the dissemination activities of UNIDROIT tools by the participants in their respective countries of origin.

9. Subject to the developments of the current pandemic, the first edition of the UNIDROIT International Summer School will be held in the summer of 2022, in English, and with a focus on the countries of the African continent, at the headquarters of the Institute in Villa Aldobrandini. Hybrid solutions will be contemplated should the health conditions worsen, although it is the firm intention

of UNIDROIT to be able to create a network of participants who share the academic experience in person.

10. The expected duration of the Summer School is four weeks including one week online for preparatory reading, which will be mandatory and supported by three 50 minute online live Q&A sessions with members of the teaching staff to be carried out via Zoom. This will be followed by three residential weeks (45 classes of 60' for a total of 45 hours + 30 hours in-depth study) on the topics of the program, as well as short thematic seminars to be carried out in the afternoon based on the needs that can be identified during the classes, to bridge any knowledge gaps or to provide further information on topics of special interest to the participants.

11. The Summer School will aim to recruit jurists, particularly from legislative offices, ministries and magistrates from developing countries, in classes of 20-25 participants. Although the 2022 edition will be held in English with a special focus on African anglophone countries, subsequent editions of the course should also cover French speaking nations and focus on different regions of the world. Trained participants, for their respective institutional roles, will constitute qualified human capital in their countries of origin, capable of informing and raising awareness with policymakers, and of providing a concrete contribution in the phases of signature, ratification and transposition into national legal systems of the private law instruments with the most potential impact on the development of the relevant country. In particular, magistrates will have to apply the texts adopted in the event of disputes and therefore actively participate in their interpretation (which may also have an impact on the interpretation provided by neighboring countries). In light of this, the Secretariat is convinced that this summer school will prove a very useful tool to promote UNIDROIT's instruments and to increase the Institute's membership in sensitive areas of the world.

12. The grant for Summer School will be managed as an extrabudgetary activity, and the Summer School will have no impact on the ordinary budget of the Institute.

## **B. UNIDROIT Joint Chair Initiatives**

### **1. Bank of Italy**

13. UNIDROIT is proud to announce the activation of a UNIDROIT-Bank of Italy Chair Programme, which is aimed at promoting the existing cooperation between UNIDROIT, the Bank of Italy and IVASS (the Italian supervisor of the insurance and reinsurance markets) by contributing to joint research, training and dissemination of matters of common interest.

14. Upon the approval of the grant, the UNIDROIT Secretariat launched a call for applications and has successfully recruited a candidate who, during a one year contract with the Institute, is addressing matters concerning (i) digital assets and private law; (ii) the conception and analysis of specific procedures, administrative or judicial, to deal with distressed financial institutions, with particular regard to the liquidation stage and with a focus on non-systemic institutions; or (iii) enforcement, which have a direct link with non-performing loans. The three topics are all part of current projects existing on the UNIDROIT 2020-2022 Work Programme, and constitute natural areas of interest for the Bank of Italy and/or IVASS.

### **2. Other**

15. The Secretariat is considering the possibility of creating Chairs with other selected universities to enhance the visibility of the Institute's work and to benefit from the collaboration of prestigious academics and universities. A project to that effect will be presented to the Governing Council in due course.

### **C. Agreements with Universities and Research Centres**

16. With a view to foster the study of its instruments and projects, thereby increasing awareness on the Institute amongst a broad swath of legal actors, UNIDROIT seeks to enter into co-operation agreements with leading academic institutions around the world. Institutional cooperation, which may be formalised under a Memorandum of Understanding (MoU), may contemplate a number of avenues for collaboration, and typically allows for the development of joint research projects, initiatives or study programmes focused on UNIDROIT instruments; promotion of research stays or internships at UNIDROIT for professors and students or the establishment of joint fellowships.

17. Since 2000, the Institute has signed twenty-three MoUs with universities in seventeen countries throughout Latin America, North America, the Middle East, Asia, Africa, and Europe. UNIDROIT recently signed an MoU with the Law Schools Global League (LSGL) representing thirty-two leading law schools across the globe. Further, fourteen MoUs have been signed with research centres in Europe, the Middle East, Latin America, as well as global entities. The Secretariat continues its efforts to establish stable ties with prestigious universities and research centres from all over the world.

### **D. Academic Institutions**

18. The Queen Mary-UNIDROIT Institute of Transnational Commercial Law (Queen Mary-UNIDROIT ITCL) is a joint venture between Centre for Commercial Law Studies (CCLS), Queen Mary University of London (QMUL), and UNIDROIT.

19. The Queen Mary-UNIDROIT ITCL was established for the purpose of collaborating in and promoting:

- Through CCLS, research and scholarship into transnational commercial law as above defined, and its dissemination; and
- Through UNIDROIT, the design and promotion of instruments for international harmonisation of commercial law.

20. The activities of the Queen Mary-UNIDROIT ITCL include the provision of postgraduate teaching, supervision and examination by CCLS of candidates in transnational commercial law and related fields; research, publication and other dissemination of knowledge in these fields, including through conferences, seminars and short courses; and collaboration in the promotion of UNIDROIT instruments in the field of transnational commercial law. It is intended that the Queen Mary-UNIDROIT ITCL develops into a leading centre of excellence in research, scholarship and promotion of the international harmonisation of commercial law.

## E. Academic Projects

### 1. Cape Town Convention Academic Project



21. The Cape Town Convention Academic Project (CTCAP) is a joint undertaking between UNIDROIT and the University of Cambridge Faculty of Law, under the auspices of the Centre for Corporate and Commercial Law (3CL). The Aviation Working Group is the founding sponsor of the project. Professor Ignacio Tirado (UNIDROIT), Professor Louise Gullifer (University of Cambridge), and Professor Jeffrey Wool (Aviation Working Group) serve as the Directors of CTCAP. It was originally founded in July 2011 as a collaboration between the University of Oxford and the University of Washington, in collaboration with UNIDROIT.

22. The primary objective of CTCAP is to facilitate and further the academic study and assessment of the Convention on International Interests in Mobile Equipment (the Cape Town Convention) and its Protocols. It does this by providing a comprehensive, digitised and searchable repository ([www.ctcap.org](http://www.ctcap.org)) of documents and publications related to the Cape Town Convention and its Protocols.

23. Additionally, from time to time, CTCAP issues annotations to the Official Commentary on the Convention and the Aircraft Protocol, in order to provide further guidance on specific issues relevant to practitioners and researchers of the Cape Town Convention. It also publishes the Cape Town Convention Academic Journal, as well as organises the annual Cape Town Convention Academic Project Conference.

24. Finally, CTCAP also oversees two related projects on the [Economic Assessment of International Commercial Law Reform](#), and on [Best Practices in the Field of Electronic Registry Design and Operation](#). These projects further compliment research on the Cape Town Convention and assist in its implementation in different parts of the world.

25. The work of CTCAP is aimed for the benefit of scholars, students, practising lawyers, judges, governments officials and others working in the relevant industries, including by the provision of information on, and education about the Cape Town Convention and its Protocols. The project seeks to enhance the study of the many questions posed by the application of the Cape Town Convention, including, but not limited to, aspects of commercial and financial law, including property rights, insolvency, electronic commerce, and dispute resolution. The Project seeks to further understanding and effective implementation of the treaty and its protocols, as well as advancing its aims. All additional information about CTCAP can be found on [www.ctcap.org](http://www.ctcap.org).

## 2. Cultural Property Academic Project

26. The 1995 UNIDROIT Convention Academic Project (“UCAP”) is aimed at raising awareness and improving knowledge about the 1995 UNIDROIT Convention. UCAP is an online platform of shared material about the 1995 UNIDROIT Convention, UNESCO-UNIDROIT Model Provisions and other related international tools. UCAP provides an opportunity to assess the significance and operational aspects of the 1995 UNIDROIT Convention and its interaction with other regional and international instruments with a view also to assess their legal impact.

27. The project aims to promote a favourable legal environment for the restitution and return of stolen or illegally exported cultural objects through knowledge sharing and dissemination, as well as projects pursued individually by the partners and members or on the basis of joint initiatives. UCAP also seeks to assist practising lawyers, judges, other government officials, as well as art market players, such as art collectors, dealers, auction houses and museums by providing information about the legal framework protecting cultural property.

28. Taking a step further into cultural heritage education, studies and research carried out under UCAP will facilitate the identification of best practices in the art market in order to provide innovative means of implementation of the aforementioned instruments.

## F. Research/Internships

29. UNIDROIT grants research scholarships to a limited number of high-performing post-graduate law students, lawyers, academics and government officials to undertake research in the UNIDROIT library. Over the last 25 years, the Research Scholarship Programme has hosted nearly 400 researchers from 65 countries, generally under partial funding, for an average period of two months.

30. The Programme is funded by extra-budgetary contributions. The number of scholarships awarded each year depends on the available funding. UNIDROIT appeals to potential sponsors to support the Scholarship Programme.

31. UNIDROIT also welcomes a select number of interns to participate in the work of the Secretariat. Internship activities relate to subjects on the Institute's current Work Programme, and/or to UNIDROIT instruments that have already been adopted, in particular as regards their implementation and promotion. Interns will generally be expected to conduct research on specific aspects of the chosen/assigned subject and/or to prepare concept notes, draft documents and reports of meetings, prepare translations, and generally assist the professional staff of the Secretariat.

### 1. Sir Roy Goode Scholarship

32. In 2020, UNIDROIT launched the Sir Roy Goode Scholarship (the SRG Scholarship). The SRG Scholarship provides one outstanding lawyer/researcher with the opportunity to work with the UNIDROIT Secretariat for a period of 6 – 9 months on one of the Institute's high priority legislative projects.



33. The SRG Scholarship is maintained by UNIDROIT, separate from the existing UNIDROIT scholarship bank account. Funding is provided by the royalties from the sales of the Official Commentaries to the Cape Town Convention Protocols, written by Sir Roy Goode.

## **2. Scholarships with Law Firms, Partners, and other Institutions**

34. With the support of the UNIDROIT Foundation, the Institute has recently provided opportunities to students and young professionals to undertake their research with the Secretariat using funding provided by external partners. This includes the launch in 2020 of the FELDENSMADRUGA-UNIDROIT Internship for one Brazilian candidate, as well as the UROLA-UNIDROIT Commercial Law Internships.

35. With the support of the UNIDROIT Foundation, the Institute launched an Alumni Association composed of individuals who have participated in the Institute's Research Scholarship, Internship, and Independent Research programmes over the years. This has resulted in the establishment of the UNIDROIT Alumni Association Grant which allows one candidate from a developing country to conduct an internship in Rome with the UNIDROIT Secretariat each year. Additional information about the Alumni Association can be found at <https://unidroitfoundation.org/education-and-research/unidroit-alumni-association/>.

## **G. Repository/Publications**

36. The repository would be an electronic database of materials relating to the instruments of UNIDROIT, searchable through open access. Such a repository already exists under the Cape Town Convention Academic Project (CTCAP), concerning the Convention its protocols. The idea would be to create a repository which includes documents provided by UNIDROIT as well as other organisations, public or private, with regard to our instruments. As is the case with the CTCAP, examples of documents to be included in the repository would be legal texts, developmental and legislative documents from before, during, and after the diplomatic conferences and working group meetings, national documents relating to the implementation of our instruments, cases and administrative activity, scholarly articles, professional materials, etc. Much of this type of information already exists under the different instruments in our current website, or in related databases (e.g., UNILEX for the Principles on International Commercial Contracts).

37. A repository of this sort requires substantive time and effort to set up. Moreover, a repository, like all databases, must be constantly updated. This is even more the case for an intergovernmental institution, whose documents have a predominantly public side. The setting up and the updating of the repository would require much time, effort and financing. The project is, thus, to be considered for the mid-term, and following a carefully crafted strategy which will be duly shared with Governing Council Members in future sessions.

## **III. ACTION TO BE TAKEN**

38. *The UNIDROIT Secretariat would invite the Governing Council to take note of the proposal to create the UNIDROIT Academy and to express its endorsement.*