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Item No. 3 on the agenda: Reports

(b) Report on the activities of the UNIDROIT Foundation

(prepared by the Secretariat)

<i>Summary</i>	<i>Update of the activities of the UNIDROIT Foundation</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to take note of the 2021 Annual Report of the UNIDROIT Foundation</i>

I. INTRODUCTION

1. Established in 1996, the UNIDROIT Foundation (hereinafter referred to as 'the Foundation') is a Dutch, not-for-profit organisation that supports UNIDROIT's mission by (i) promoting UNIDROIT instruments, (ii) facilitating complementary research, (iii) organising seminars and other educational programs, (iv) developing best practice information systems and other reference materials, and (v) fundraising. The Foundation's operations are centred on identifying projects, raising funds, and carrying out activities that are complementary to and supportive of the core work of UNIDROIT. The Foundation's website is available at <https://unidroitfoundation.org/>.

2. The Foundation is overseen by a Board of Governors, who are appointed consistent with the Foundation's Statute (see Annexe II for a list of the Board of Governors of the Foundation). The Board of Governors is assisted by members of the Secretariat (Mr William Brydie-Watson, Mr Hamza Hameed and Ms Myrte Thijssen) in the execution of their duties, and are advised by two Senior Counsellors.¹

II. ACTIVITIES

3. The Foundation's activities are divided into three thematic categories: A. Economic Development; B. Education and Research; and C. Cultural Heritage. Work within these categories is delivered either through specific projects or promotional activities. A summary of the Foundation's activities in 2021 is presented in its Annual Report below (Annexe I).

III. ACTION TO BE TAKEN

4. *The UNIDROIT Secretariat invites the Governing Council to take note of the 2021 Annual Report of the UNIDROIT Foundation.*

¹ Mr Michael Farley and Mr Marco Nicoli.

ANNEXE 1



SUPPORTING THE WORK OF UNIDROIT

Introduction

1. This document summarises the activities of the UNIDROIT Foundation in the year 2021, subdivided into the three thematic categories represented in the graph below.



A. Economic development

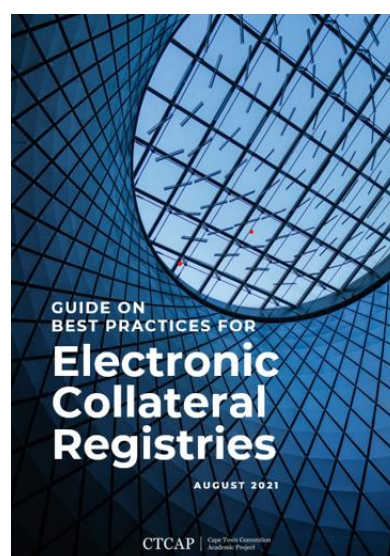
2. The Foundation's work on Economic Development consists of two substantive projects, which are now conducted under the auspices of the [Cape Town Convention Academic Project](#) (hereinafter 'CTCAP'), a joint partnership between UNIDROIT and the University of Cambridge, with the Aviation Working Group (hereinafter 'AWG') as the Founding Sponsor. The UNIDROIT Foundation continues to support these projects.

1. [Best Practices in Electronic Registry Design and Operations](#)

3. The 'Best Practices in Electronic Registry Design and Operations' (hereinafter 'BPER') Project was started in 2015 as a partnership between the UNIDROIT Foundation and Harris Manchester College's Commercial Law Centre at Oxford University. The Global Business Law Institute at the University of Washington joined as a partner in 2017. The project has been fully funded by Aviareto.

4. The BPER project is a pioneering initiative on the international scene which identifies policy and technical best practices in the design and implementation of electronic registries. It aims at providing guidance to all parties creating, involved in, or using electronic systems, including in the e-business and e-commerce contexts. The project is closely tied to the Aircraft Protocol of the Cape Town Convention and its International Registry of Mobile Assets.

5. The year 2021 marked the finalisation of the first international guide developed through the BPER Project: The [launch of the Guide on Best Practices for Electronic Collateral Registries](#) was celebrated on Friday 24 September 2021 in Rome and on Zoom.



6. The Guide can be accessed free of charge electronically and purchased in hard copy here: <https://ctcap.org/best-practices-in-the-field-of-electronic-registry-design-and-operation/>.

7. Shortly after the launch of the Guide, on 28th September 2021, the BPER project group met for its [fifth workshop](#) in Cambridge and on Zoom, to shift the focus of the project to developing best practices for electronic business registries, with a focus on technology and modern developments in their design and operation.

2. [Economic Assessment of International Commercial Law Reform](#)

8. The Economic Assessment of International Commercial Law Reform project (hereinafter 'EA project') started in 2015 as a partnership between the UNIDROIT Foundation and Harris Manchester College's Commercial Law Centre at Oxford University. The Global Business Law Institute at the University of Washington joined as a partner from 2017-2019.

9. In 2019, the project was brought within the ambit of the CTCAP, a joint initiative between the University of Cambridge and UNIDROIT, with the AWG as the Founding Sponsor. The UNIDROIT Foundation continues to support the Project.

10. The EA project is an inter-disciplinary project with involvement from national governments, international organisations, the private sector, legal scholars, and economists. It has three main objectives:

- To research, collect, and assess information relating to the production of economic benefits of international commercial law reform (hereinafter 'ICLR');
- To develop guidelines for governmental economic impact and cost-benefit analysis of ICLR;
- To produce a framework on the economic assessment of ICLR, which would be a resource for those involved in initiating, working on, or considering becoming a party to an ICLR instrument.

11. Following six workshops of the project group between 2016-2020, in light of the COVID-19 pandemic, it was decided to postpone the seventh workshop to 2022.

B. Education and Research

12. The Foundation's work on Education and Research comprises efforts towards supporting the UNIDROIT Library, UNIDROIT Internship and Research Scholarship Programme, and Promoting UNIDROIT Instruments.

1. Library Digitisation

13. In 2021, the Foundation maintained the initiative to support the in-house digitisation of all copyright free material present in the UNIDROIT Library. However, due to a lack of funding the Foundation was unable to provide any financing to this initiative.

2. UNIDROIT Alumni Association

14. The [UNIDROIT Alumni Association](#) was founded in 2020 as a platform for the distinguished guests which have been welcomed to UNIDROIT as part of its research scholarship, internship, and independent research programmes since 1993. The Association provides alumni an opportunity to network on a global scale and keep up to date with UNIDROIT news and events from across the world.

15. Members of the association receive a range of benefits, including quarterly newsletters with updates on the activities of UNIDROIT, notifications about upcoming events and conferences organised by UNIDROIT and its partners in different parts of the world, and access to closed groups on Facebook and LinkedIn where they can exchange with other members of the Association as well as with members of the UNIDROIT Secretariat.

16. The annual membership fee for the Association is 50 Euros for lawyers, jurists, academics, and others, and 25 Euros for young professionals and students (under the age of 35). Proceeds from the Association go towards supporting the UNIDROIT Internship and Research Scholarship Programme.

17. In 2021, the UNIDROIT Alumni Association has continued to grow. As of December 2021, the Association had 130 members.

3. UNIDROIT Scholarship and Internship Programme

18. Since its establishment, the Foundation has donated over € 275,000 to UNIDROIT in support of its Research Scholarship and Internship Programme. This has largely been raised through the royalties received from the Official Commentaries to the Cape Town Convention and its Protocols by Sir Roy Goode, which he graciously donated to the Foundation.

19. In 2021, the Foundation raised over € 5,000 to support the UNIDROIT Scholarship and Internship Programme. This support includes the provision of funding for specialised internships:

- The [FELDENSADRUGA](#)-UNIDROIT Internship, which was launched in 2020 with support from a member of the Alumni Association, was renewed in 2021. Funded by the Brazilian law firm FELDENSADRUGA, this internship provided an opportunity to a Brazilian individual, Ms Liana Issa Lima, to conduct a three-month funded internship with the UNIDROIT Secretariat in Rome.
- The UNIDROIT-[United Rule of Law Appeal \(UROLA\)](#) International Commercial Law Internships supported one internship at UNIDROIT in 2021. Ms Marija Marinovic (Montenegro) was selected for this internship. UROLA has indicated that it will support another internship in 2022, through a donation to the Foundation.
- UNIDROIT Alumni Association Grant: Through membership fees collected by the UNIDROIT Alumni Association, Ms Claudia Nyon (Malaysia) was awarded a grant to conduct a funded internship with the UNIDROIT Secretariat in Rome in 2021. A short video on Ms Nyon's experience at UNIDROIT can be found [here](#).

4. Promotion of UNIDROIT instruments

20. With support from law firm [Stibbe](#), the Foundation launched the [UNIDROIT-COVID-19 Essay Competition](#) in 2020-2021. Interested individuals were invited to submit manuscripts in English between 2000-3000 words examining the impact and usefulness of UNIDROIT instruments either during the COVID-19 pandemic, or in the post COVID-19 economy. The competition received over 80 contributions.

21. The top five essays were presented at a webinar organised by UNIDROIT on 8 March 2021 and the winners were invited to submit their papers for consideration by the Uniform Law Review.



First Position: Augusto Garcia Sanjur

[UNIDROIT Principles and the Covid-19 Economy.](#)

Augusto Garcia Sanjur is an attorney from the University of Panama. He has an LL.M. from Penn State Law. He was an oralist of the Penn State team that won the Vis Moot Competition in Austria. His practice is focused on international arbitration and he also helps Arbitrator Intelligence develop new tools for the arbitration industry.

**Second Position: Soterios Loizou**

[UNIDROIT: Tackling Covid-19 through Private Law.](#)

Soterios Loizou is a Lecturer (Ass. Professor) in Commercial Law at King's College London and TTLF Fellow at Stanford Law School. He pursued legal studies at premier institutions, including the University of Athens, NYU School of Law, the Institute of International Commercial Law (IICL), Harvard Law School, and the University of Cambridge. His PhD thesis at the University of Cambridge, Faculty of Law, focused on global & regional legal unification, international uniform law, conflict-of-laws, and comparative law issues.

**Third Position: Benedetta Mauro**

[Using the UNIDROIT Principles to Preserve Long Term Contracts in Times of Pandemic: The Case for a Covid-19 Model Clause.](#)

Benedetta Mauro is a Junior Associate at D|R Arbitration & Litigation, based in Rome. Her fields of interest are private comparative law, private international law and international arbitration. She is a Tutor of the Certificate in International Commercial and Investment Arbitration, organised by the Roma Tre University School of Law and the Italian Association for Arbitration in collaboration with the Milan Chamber of Arbitration and the International Chamber of Commerce.

**Fourth Position: Tamás Szabados**

[The Global Pandemic as an Opportunity: Towards a Cutting-Edge Legal 'App' for Online Art Trade.](#)

Tamás Szabados is an associate professor at ELTE University, Budapest. He obtained an LL.M. degree at the University College London. He completed research stays at renowned universities and research institutions, such as the University of Cambridge, Oxford and Heidelberg, the Harvard University and the Max Planck Institute for Comparative and International Private Law. His main areas of interest include private international law and international cultural property protection law. He has been an individual partner of the 1995 UNIDROIT Convention Academic Project.

**Fifth Position: Gabriella Prado**

[The UNIDROIT Principles of International Commercial Contracts and the Covid-19 Pandemic.](#)

Gabriella Boger Prado. Registered Lawyer in Brazil (OAB/MT). PhD candidate in Private International Law at Université Panthéon-Assas (Paris II), Paris, France. Master in Private International Law and International Trade Law by the same University. Bachelor of Law by Federal University of Mato Grosso (UFMT), Brazil. In September 2020, Gabriella started an Internship at UNIDROIT, where she was awarded the FELDENSMADRUGA-UNIDROIT Scholarship.



C. Cultural Heritage

22. In the past, the Foundation expressed an interest in supporting UNIDROIT's work in the field of the protection of cultural heritage. The Foundation developed the website for the Academic Project related to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, currently available at <http://1995unidroitcap.org/> (the content is now managed by UNIDROIT). Since then, the Foundation is exploring at low priority how to potentially support UNIDROIT in this area of work in the future.

23. In 2021, the Foundation did not undertake activities or provide funding to support UNIDROIT's work in the field of cultural heritage.

D. Other matters

24. In 2021, the Board of Governors of the UNIDROIT Foundation met twice, on 21 June and on 22 September.

25. In 2021, the Foundation registered Professor Maria Chiara Malaguti, President of the UNIDROIT Governing Council, as a Member of the Board of Governors of the Foundation at the Dutch Chamber of Commerce as of 30 September 2020.

26. For information on the current members of the Board of Governors, please see the [UNIDROIT Foundation webpage](#).

ANNEXE II**Board of Governors of the Foundation:**

- Jeffrey Wool (*President*)
- Don Wallace, Jr. (*Vice-President*)
- Kurt Siehr (*Secretary*)
- Ignacio Tirado (*Treasurer*)
- Maria Chiara Malaguti
- Georges Affaki
- Claude Brandes
- Alban Caillemer du Ferrage
- Antonio De Palmas
- Louise Gullifer
- Marcello Gioscia
- Carla Sieburgh

Senior Counsellors to the Foundation:

- Michael Farley
- Marco Nicoli

Managers of the Foundation:

- William Brydie-Watson
- Hamza Hameed
- Myrte Thijssen