



UNIDROIT 2005
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RESEARCH SCHOLARSHIPS PROGRAMME
Implementation Report for the Financial Year 2005

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 in the thirteen years since its inception has hosted 150 researchers (civil servants, academics, judges and practitioners) from 50 countries.¹ 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.²

¹ Albania (2); Algeria (3); Argentina (7); Azerbaijan (1); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (3); Cameroon (4); Chile (1); China (11); Colombia (5); Congo (1); Costa Rica (1); Côte d'Ivoire (1); Croatia (1); Czech Rep. (2); Egypt (2); Estonia (2); Georgia (1); Guinea (1); Hungary (4); India (4); Indonesia (5); Iran (2); Lao (PDR) (1); Latvia (3); Lithuania (4); Mexico (2); Moldavia (2); Mongolia (2); Morocco (3); Nigeria (2); Pakistan (1); Peru (2); Poland (3); Romania (6); Russian Federation (12); Serbia & Montenegro (2); Slovakia (3); Slovenia (3); Thailand (1); Tunisia (7); Turkey (1); Ukraine (4); Uruguay (1); Venezuela (1); Vietnam (4).

² 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.

With a view to attracting applications, details of the Research Scholarships Programme have been officially circulated to member and non-member States and to a network of potentially interested persons. They may also be accessed on the UNIDROIT Internet website – see the leaflet reproduced in ANNEX I.

II – Funding in 2005

The Programme was conceived from the outset as a scheme funded in part by the UNIDROIT general budget and in part by *ad hoc* grants from voluntary donors. The budget allocation, originally set (in 1989) at 1% of member States' contributions (other than Italy), gradually began to fall short of that target in subsequent years, but it was reinstated to its original level by the General Assembly at its 57th Session on 28 November 2003 (*i.e.*, € 15,000 to be financed by the 2005 budget). As to voluntary donations, the Secretariat expresses its warm gratitude to only outside donor to the Programme in 2005, the Government of the Republic of Korea³, and regrets that there were no other donors this time round. The resources available to the Programme do tend to fluctuate owing to the voluntary nature of part of the funding, since such voluntary contributions are usually the first in line for any national budget cuts. In fact some of the donations to the Programme in previous years have fallen victim to such budgetary operations. See Annex II which sets out the contributions to the Research Scholarships Programme (2003-2006).

Nevertheless, reduced resources notwithstanding, the number of researchers hosted under the Programme was no lower in 2005 than in previous years. This is because several of these researchers were able to secure direct (or partial) funding from outside sources, pursuant to the Secretariat's recommendations. The Secretariat takes great care to use the available funds in as rational and transparent a manner possible.

III – Scholars in 2005

In 2005, the Programme hosted 15 scholars from 11 different countries (see the list in Annex III), selected by the Research Scholarships Sub-Committee of the Governing Council (82nd Session, Rome, 26-28 May 2003 and the 83rd session 19-21 April 2004) or accepted by the Secretary-General pursuant to the Scholarships Regulations. For organisational and logistical reasons, eight scholars will be received in 2006 with the surplus of the 2005 year funding.

The beneficiaries' summary research reports offer conclusive evidence of the benefits they derive 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 scholar's return to his/her own country). Moreover, the Institute itself has benefited in the form of promising new contacts through which to develop its institutional relations, in particular expected overtures by the governmental authorities of a non-member State with a view to its eventual accession to UNIDROIT, new institutional links with universities and research institutes as well as the promotion of UNIDROIT Instruments.

³ It should be noted that the Government of the People's Republic of China (MOFTEC), a regular contributor to the Programme for the past four years, which made a contribution for the two-year period 2004-2005, has not suggested any applicants to the Programme in 2005, so that its grant does not appear in the 2005 budget.

IV – Promotion of the Research Scholarships Programme

The Secretariat publicises the Programme among potentially interested Governments and (mostly academic) institutions in the various countries concerned, as well as among persons variously involved in the Institute's work.

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

As to funding, the Spanish Government's decision to finance four scholarships in 2006 (for applicants from Sub-Saharan Africa, from the Maghreb region and the Middle East, Latin-America and the Asian-Pacific region) is most welcome. The Italian Government, moreover, will be making a partial grant to a scholar benefiting from a joint UNIDROIT / *International Trade Law Post Graduate Course* (ILO), Turin (Italy) scholarship. The Secretariat is fully aware of the extra effort requested of member States to contribute to the UNIDROIT Research Scholarships Programme. It is important to remember, however, that the Programme, which concerns both training and legal assistance, has proved to be an efficient means of strengthening the Organisation's harmonisation work and indeed forms an integral part of its very mission. If new contributions – even modest ones – to the fund were to be made, it would be possible to host more scholars since the logistical facilities for this already exist. As it is, more applications are currently received than can be financed from available resources. The Secretariat very much hopes that the current donors will soon be joined by others.

(end of text - 3 annexes attached)

ANNEX I**RESEARCH SCHOLARSHIPS PROGRAMME AT THE UNIDROIT LIBRARY*****INDEPENDENT VISITING RESEARCHERS***

The UNIDROIT Library is not just a study centre for those who take part in the legislative activities of the Organisation and for visiting researchers; it is also a focal point and meeting-place for people of different legal cultures that bears testimony to 75 years' worth of legislative work by UNIDROIT and thus offers a unique research opportunity in an exceptional setting, that of Villa Aldobrandini located right in the centre of Rome.

Government officials and other members of the legal profession, in particular academics and practitioners but also law students from all over the world, are welcome at the UNIDROIT Library, subject to approval of their formal application by the Head of the Library. Such approval may be used by applicants in support of funding requests made to potential sponsors (which may be the institution to which they belong, private or public donors, institutions that promote legal research and legal reform, etc.) to finance their stay in Rome. Projects relating to UNIDROIT's past legislative activities as well as subjects included in the current UNIDROIT Work Programme are given special attention in this connection.

RESEARCH SCHOLARSHIPS FOR LAWYERS FROM DEVELOPING COUNTRIES AND COUNTRIES IN ECONOMIC TRANSITION

In line with UNIDROIT's legal co-operation activities, a *Scholarships Programme* has been developed for top-level lawyers from developing countries or countries in economic transition. Financing of the Programme is predominantly provided by external donors (in 2006 the Governments of Korea, the People's Republic of China, and Spain) which contribute to the scheme on a voluntary basis, and by the UNIDROIT General Budget.

A scholarship (average duration: two months - with a minimum of six weeks) covers all or part of the cost of living in Rome for the designated period, but beneficiaries are in principle expected to meet their own travel expenses. Since 1993, when the Programme was first launched, it has hosted close on 150 researchers from some 50 countries.

Candidates are selected by the Scholarships Committee of the UNIDROIT Governing Council or by the Secretary-General acting on its behalf according to the following selection criteria (and subject to any specific requirements on the part of donors):

- the candidate's research project : this must be related to uniform law / international private law (see details of the holdings of the UNIDROIT Library), preference being given to subjects that fit in with the Organisation's Work Programme;
- the project's potential for practical application in the beneficiary's country of origin, preference being given to projects relating to the drafting of national laws or which aim at promoting the adoption of uniform law instruments;
- the level of qualification ("graduate" or "post-graduate") and the current functions of the candidate (civil servant, academic, judge, practitioner);
- A good working knowledge of English and/or French is indispensable.

See below the Regulations of the UNIDROIT Research Scholarships Programme

At the end of their stay, scholars are required to submit a report on the research they have carried out at UNIDROIT. Contributions of a sufficiently high scientific level may be published in *Uniform Law Review / Revue de droit uniforme*, subject to acceptance by the Editorial Board.

Applications

To apply, please fill in the application form and return it together with the requested documents before 15 March to : UNIDROIT Scholarships Bureau – Via Panisperna 28, 00184 Rome, Italy (Ms Laura Tikanvaara – e-mail : l.tikanvaara@unidroit.org)

JOINT SCHOLARSHIPS WITH NATIONAL UNIVERSITIES OR RESEARCH CENTRES

The Secretariat is open to any project for co-operation with national universities or research centres with a view to organising joint scholarships in accordance with the objectives of each of the institutions involved. Possible co-operation formulae include the granting of a UNIDROIT research period as a bonus in the

framework of doctoral studies or competitions among young professors, such a period to be funded jointly or sponsored in full by the associated institution or a third party of its choice.

Associated institutions : Swiss Institute of Comparative Law, Lausanne, Suisse (www.isdc.ch); Universidad argentina de la Empresa (UADE) (www.uade.edu.ar/); International Trade Centre (ITC) – WTO/UNCTAD (www.intracen.org/); International Trade Law Post Graduate Course (ILO), Turin, Italie – (www.tradelaw.iuse.it)

For further information please contact Ms Frederique Mestre – e-mail : f.mestre@unidroit.org

REGULATIONS GOVERNING THE PROGRAMME OF UNIDROIT RESEARCH SCHOLARSHIPS

Article 1

The International Institute for the Unification of Private Law (UNIDROIT) awards scholarships to lawyers from developing countries and from countries engaged in the process of restructuring their economies for the purpose of conducting research at the Institute in the fields of uniform law and comparative private law.

Periods of research at the Institute shall as far as possible be organised in association with periods spent by scholars at other institutes (comparative law centres, intergovernmental organisations, specialised legal training centres, etc., hereafter referred to as "associate" institutes) so as to offer to scholars the possibility of in-depth study of specific aspects of their research, in accordance with the sphere of competence of each institute.

Article 2

The number and value of the scholarships awarded by Unidroit will depend upon the contributions made by donors of a public and private character. Candidates are encouraged to make a preliminary investigation as to sources of funding, information regarding which shall accompany their application.

Article 3

Applications shall contain precise details regarding the object and purpose of the research to be undertaken and the proposed length of the study period, and shall be accompanied by the necessary supporting documentation (curriculum vitae, testimonials, evidence of investigation as to sources of funding).

Article 4

A committee composed of three members of the Governing Council (the Unidroit scholarships committee) or, in appropriate cases, the Secretary-General, shall be responsible for the awarding of scholarships without having to give reasons for the decision to accept or reject a candidate. Except in special circumstances, preference will be accorded to candidates whose research is directed towards a practical application corresponding to the statutory aims of Unidroit. The scholarships committee or the Secretary-General shall in each case determine the value and duration of the scholarship which shall as a general rule not exceed three months.

Article 5

During their study period with Unidroit, scholars shall have access to bibliographical material and technical facilities subject to the conditions determined by the Secretary-General.

Scholars shall, as far as possible, be associated with the daily life of the Institute and where appropriate invited to assist the Unidroit Secretariat within their sphere of interest.

Article 6

Unidroit shall co-operate with the associate institutes with a view to ensuring a concerted programme of study periods although Unidroit and the associate institutes shall retain exclusive competence in regard to the periods spent with them under a scholarship awarded by them.

Article 7

At the conclusion of the study period, scholars shall submit to the Unidroit scholarships committee a brief report on the study period spent with Unidroit and, where applicable, with the associate institute. In appropriate cases they shall make available to the Unidroit library a copy of their research work.

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(Rome, January 2006)

ANNEX II

UNIDROIT RESEARCH SCHOLARSHIPS PROGRAMME / PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT

Sources of Funding / Sources de Financements 2003-2006

Sources of Funding / Sources de financements	Year / année	pourcentage
UNIDROIT – Chap.XI	2003	39,5
	2004	45,16
	2005	65,00
	2006	
Government of the Republic of Korea / <i>Gouvernement de République de Corée</i>	2003	25,8
	2004	24,72
	2005	24,50
	2006	
Government of the People's Rep. China / <i>Gouvernement de la Rép. Pop. de Chine</i>	2003	25,3
	2004	30,10
	2005	p.m.
	2006	
Grant paid (on Nov 2002) for a two-year period 2004- 2005 / versement (en nov. 2002 pour le biennium 2004-2005	2003	
	2004	
	2005	
	2006	
Aviation Working Group	2003	9,1

(December 2005 / décembre 2005)

**ANNEX III
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**UNIDROIT SCHOLARSHIPS PROGRAMME – 2005
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2005**

LOYOLA NOVOA Héctor	Chile	Professeur, Faculté de droit, Universidad de Chile	Self-supported	27 Dec – 8 February	Le contrat commercial international
HARRINGTON Carolina	Argentina	School of Law and Social Sciences. University of Cordoba. Court of Appeal, Cordoba, Argentina	Unidroit (partial funding)	10 Jan – 11 Feb	UNIDROIT Principles on International Commercial Contracts as an instrument to establish general regulatory guidelines
BEN AYED Hichem	Tunisia	Magistrat, Tribunal de 1ère inst. de Sidi Bouzid	Unidroit	1 fev – 2 mars 2005	La réglementation du crédit-bail en Tunisie et sous l'angle du droit international et comparé
MILENKOVIC- KERKOVIC Tamara	Serbia & Montenegro	Assistant Professor Faculty of Economics, State University of Nish	Unidroit	1 fev – 1 April	1. Enacting Franchising Disclosure Law in Serbia – 2. Promotion of Countertrade in Serbia
AWAD BASSEM	Egypt	Substitut Premier du Parquet Général Ministère de la Justice, Egypte	Unidroit	3 mars – 30 avril	Le brevet, instrument d'incitation à l'innovation technologique en Egypte
ROJAS CHAN Anayansy	Costa Rica	Lecturer, Universidad de Costa Rica Legal Adviser, Banco Cuscatlan de Costa Rica	Unidroit (partial funding)	May – June 2005	1 : Los sistemas de tenencia directa e indirecta de valores / 2 : La aplicación del principio de buena fe en el sistema de tenencia indirecta de valores / 3 : La custodia de valores en sistemas de inmovilización y desmaterialización de valores
LATICHEVCHI Viorica	Moldova	Lecturer, Law Department of the International Independent University of Moldova (ULIM)	Unidroit	2 May – 30 June	Precontractual Disclosure in Franchising : International and Comparative Law Aspects
ONANA ETOUNDI Felix 27-8-64	Cameroon	Magistrat ; Expert Juriste à la CCJA / OHADA - Professeur à l'Université Catholique d'Afrique de l'Ouest et à l'Ecole Supérieure Internationale de Droit d'Abidjan (E.S.I.D)	Unidroit /CCJA	1 aout – 23 sept.	Les Principes d'Unidroit relatifs aux contrats du commerce international et la sécurité juridique des transactions commerciales dans le future droit des contrats en cours d'harmonisation dans l'espace ohada
AYADI Syrine	Tunisia	Etudiante de Magistère - Faculté des Sciences Juridiques, Université "Tunis 2"	Self-supported	1-30 Sept 2005	Implementation of International ADR Mechanisms in Cross-border Mergers : Tunisian, International & American Legal Perspectives
BEBOHI EBONGO Sylvie Ivonne	Cameroon	Etudiante de Doctorat Université deYaoundé	Self-supported	1 sept - 31 oct. 2005	L'exécution de la sentence arbitrale dans les systèmes CIRDI et OHADA
GABDULLINA Tatyana	Russia	LLM, Russian School of Private Law – Research Centre of Private Law; Moscow	Self-supported	8 sept - 28 Oct. 2005	State Contracts with Foreign Private Enterprises

VOGELMAN Alejandro	Argentina	Practicing lawyer – Lecturer Universidad de Buenos Aires	Self-supported	7 Sept. – 4 Nov.	Party Autonomy in International Commercial Contracts; Applicability and Enforceability of International Private Law rules
ACAR Hakan	Azerbaijan/Turkey	Vice-rector, Dean , Faculty of Law Qafqaz University	Government of Korea	1 October – 8 December	1 : Passing of Risks in International Sales : A Comparison with Turkish Law 2 : Promotion of Lex Mercatoria in Azerbaijan
INTHANAM Phomma	Lao P.D. Rep.	Research Department of the Prime Minister's Office, Vientiane City,	Government of Korea	Joint scholarship : 28 oct – 3 nov : ITC Geneva / 3 nov – 15 dec Unidroit	International Uniform Law Treaties and their Application in the Lao People's Democratic Republic with particular reference to the World Trade Organization Instruments
DRIDI Dhafer	Tunisia	Etudiant Mastère, Faculté de Droit et des Sciences Politiques de Tunis	Self-supported	2 Nov. – 3 Dec. 2005	Exequatur en Tunisie des décisions judiciaires étrangères

**Scholars to be hosted at UNIDROIT in 2006 with 2005 funding /
Chercheurs devant effectuer leur séjour à UNIDROIT en 2006 avec un financement imputable à 2005**

LI XIAONIAN	China	PhD Stud Student (3 rd yr.) Law Faculty, Kyushu University, Japan	Government of Korea	International Carriage of Goods
TSONEVA Silyiya	Bulgaria	Senior Assistant Legal Department New Bulgarian University	Unidroit (partial funding)	Investment Securities
MENGRI Filloreta	Albania	Assistant Lecturer Faculty of Law University of Pristina	Unidroit (partial funding)	UNIDROIT Principles
RUIZ ABOU-NIGM Veronica	Uruguay	Part-time Tutor in Commercial Law at Law School University of Edinburgh	Unidroit (partial funding)	Carriage of Goods by Sea in Private International Law
ABDEL RAHMAN Walid	Egypt	Court Chief & Judge, Shoubra El Khima Appeals Court	Unidroit (partial funding)	International Commercial Arbitration
YATSENKO Tatiana	Russian Fed.	Associate Professor at Rostov State University	Unidroit (partial funding)	Illicit transactions & International Commercial law
EL BITR Mustapha	Morocco	Juriste, Crédit Agricole Doctorat en cours, Rabat-Agdal	Unidroit	Le contrat du commerce international – la contribution d'Unidroit, les Principes d'Unidroit
FERJANI Nabil	Tunisia	Prépare thèse en Droit International Privé	Unidroit	Le Juge étatique et les contrats internationaux ; essai d'harmonisation des solutions en droit international privé franco-tunisien

- end / fin

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