

UNIDROIT 2007 Study LXV - Scholarships; Impl. 18 Rev. Original : French March 2007

RESEARCH SCHOLARSHIPS PROGRAMME

Implementation Report for the Financial Year 2006

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 fourteen years since its inception has hosted 166 researchers (civil servants, academics, judges and practitioners) from almost 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 fallout 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 (8); Azerbaijan (1); Belarus (4); Bosnia-Herzegovina (1); Botswana (1); Brazil (4); Bulgaria (4); Cameroon (5); Chile (2); China (12); 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 (4); Romania (6); Russian Federation (13); Senegal (1); Serbia & Montenegro (2); Slovakia (3); Slovenia (3); Thailand (1); Tunisia (8); Turkey (1); Ukraine (4); Uruguay (2); 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;

Details of the Research Scholarships Programme are officially circulated to member and nonmember States and to a network of potentially interested persons and institutions. They may also be accessed on the UNIDROIT Internet website – see the leaflet reproduced in ANNEX I.

II – Funding received in 2006

The Programme was originally conceived as a scheme funded in part by the UNIDROIT general budget but primarily by *ad hoc* grants from voluntary donors.

The year 2006 was most encouraging in terms of funding received or announced for the Programme. Part of that funds will be allocated in 2007, when a number of beneficiaries selected in accordance with the established procedure will come to UNIDROIT to fulfil their research period.

The sources of funding of the Programme in 2006 were as follows:

- UNIDROIT General budget, Chapter XI : 15,000 euros. This sum will pay for some 5 scholarships (or more if used towards partial grants).
- Voluntary contributions :^{*}
 - The Government of Spain, a first-time donor in 2006, whose contribution will permit the granting of four scholarships (benefiting, respectively, researchers from Latin America, the Maghreb and the Middle East, Sub-Saharan Africa and the Asia-Pacific region);
 - The Government of Korea (which has been supporting the Programme since 2001), whose contribution will finance some 3 scholarships (for Asian candidates);
 - The Government of the People's Republic of China (MOFTEC), which made a contribution for the two-year period 2004-2005, the outstanding balance of which will be used to finance some 3 scholarships (for Chinese or Asian candidates);
 - The Government of Italy (Ministry of Foreign Affairs, Department for Development Co-operation):
 1 (part) scholarship for a joint UNIDROIT / International Trade Law Post Graduate Course (ILO), Turin, Italy;
 - In addition, the members of the UNIDROIT Governing Council decided, at their 2006 session, to make a personal contribution to fund a scholarship;
 - The Secretary-General of UNIDROIT decided to make a personal contribution to fund a scholarship;
 - The UK Foundation for International Uniform Law, a first-time donor to the Programme in 2006, decided to fund a four-month scholarship (for research into any of the subjects on the current Work Programme of the Institute).

III – Scholars in 2006

In 2006, the Programme hosted 16 scholars from 13 different countries (see the list in Annex III), selected by the Research Scholarships Sub-Committee of the Governing Council (84th session, 8-10 May 2006) or accepted by the Secretary-General pursuant to the Scholarships

^{*} No exact amounts are given here, and the number of scholarships given is intended as a rough guide only. 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 II shows the breakdown of contributions paid in during the corresponding financial year

Regulations. For organisational and logistical reasons, a certain number of the scholars hosted in 2006 benefited from funding allocated in 2005, whereas 10 other scholars will be hosted during the first half of 2007 and funded by contributions attributable to the 2006 financial year.

The beneficiaries' summary research reports in 2006 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 scholar's return to his/her 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.

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

The Secretariat recalls that this Programme covers both training and legal assistance and has proved to be an efficient means of strengthening the Organisation's harmonisation work, on both these counts, it forms an integral part of the Institute's very mission.

Although the allocation from the UNIDROIT general budget has been cut from 15.000 to 10.000 euros for 2007, 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 - 3 annexes attached)

ANNEX I

HTTP://WWW.UNIDROIT.ORG/ENGLISH/LEGALCOOPERATION/SCHOLARSHIPS.HTM

RESEARCH SCHOLARSHIPS PROGRAMME AT THE UNIDROIT LIBRARY

• INDEPENDENT VISITING RESEARCHERS

The <u>UNIDROIT Library</u> 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 <u>Villa Aldobrandini</u> located right in the centre of Rome.

Government officials and members of the legal profession, in particular academics and practitioners but also law students from all over the world, are welcome to use the UNIDROIT Library, subject to the Librarian's approval of their formal application. Applicants may use such approval to support their requests 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 <u>past legislative activities</u> as well as subjects on the current <u>UNIDROIT Work Programme</u> are given special attention in this connection. A good working knowledge of English and/or French is indispensable.

Librarian: Ms Bettina Maxion <u>b.maxion@unidroit.org</u>

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 toplevel lawyers from developing countries or countries in economic transition. Since 1993, when the Programme was first launched, it has hosted close on 180 researchers from some 50 countries.

Funding : The 2006-2007 Research Scholarships Programme is currently funded by the following donors (the number of grants provided by each donor is intended as a guide only):

- the Government of the Republic of Korea: 2-3 grants, with priority to be given to applicants from the Asian region;
- the Government of the People's Republic of China: 1-2 grants, with priority to be given to applicants from the People's Republic of China and the Asian region;
- the Government of Spain (Directorate-General of Cultural and Scientific Relations, Ministry of External Affairs and Co-operation): 4 grants for applications from Latin America, the Maghreb / Middle East, Sub-Saharan Africa and the African/Pacific region, respectively.
- the Government of Italy (Ministry of Foreign Affairs, General Directorate for Development Cooperation) : 1 partial grant for a joint scholarship UNIDROIT / International Trade Law Post Graduate Course (ILO), Turin, Italy.
- the UNIDROIT General Budget: 6-8 grants (as a rule, funding covers part of the scholarships, the difference to be made up by another donor identified by the applicant her/himself);
- the UNIDROIT Governing Council Scholarship: a personal donation from the members of the UNIDROIT Governing Council. Applications must be received by 31 March 2007;
- the UNIDROIT Secretary-General Scholarship: a personal donation from the Secretary-General.
- The <u>UK Foundation for International Uniform Law Scholarship 2007</u>: a donation to cover one four-month scholarship for an academic research project focusing on one of the topics included in the current UNIDROIT Work Programme. Applications must be received by 31 March 2007.

[Donors in previous years : Agence de la Francophonie (ACCT); Associazione Italiana Leasing (ASSILEA); Aviation Working Group; Council of Europe; Government of Finland; Government of France; Government of Sweden; Russian Foundation for Legal Reforms (Moscow); Transnational Law & Business Studies (Seoul, Korea)]

A scholarship (average length: two months, with a minimum of six weeks; exceptionally, four months in the case of the UK Foundation) may cover 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.

Scholarships are awarded by the UNIDROIT Governing Council or by the Secretary-General acting on its behalf, upon the recommendation of the Scholarships Committee and applying the following criteria (subject to any specific requirements on the part of donors):

- the subject of the candidate's research project, which 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 candidate's qualifications ("graduate" or "post-graduate") and position (academic, civil servant, judge, practitioner);

A good working knowledge of English and/or French is indispensable. Candidates who are not granted a scholarship may nevertheless be accepted for an independent research period without funding (see above). In that case, a formal letter is issued by the Secretary-General which may be used by applicants in support of their direct requests to potential sponsors to finance their stay in Rome.

UNIDROIT Research Scholarships Programme : <u>Regulations</u>

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 the <u>Uniform Law Review /</u> <u>Revue de droit uniforme</u>, subject to acceptance by the Editorial Board.

To apply, please fill in the <u>application form</u> and return it together with the requested documents. Deadline for consideration: 31 March 2007 for the Governing Council Scholarship, for the UK Foundation Scholarship 2007 and for the other UNIDROIT scholarships with a view to the next meeting of the Scholarships Committee:

UNIDROIT Scholarships, To the attention of Ms Laura Tikanvaara, Via Panisperna 28, 00184 Rome, Italy 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, Switzerland <u>http://www.isdc.ch/</u>
- Universidad argentina de la Empresa (UADE) <u>http://www.uade.edu.ar</u>
- International Trade Center (CCI) WTO/UNCTAD <u>http://www.intracen.org/</u>
- International Trade Law Post Graduate Course (ILO), Turin, Italy <u>http://tradelaw.iuse.it/</u> Co-ordinator: Ms Frédérique Mestre : <u>f.mestre@unidroit.org</u>

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.

(Rome, January 2007)

ANNEX / ANNEXE II

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

Sources of Funding / Sources de Financements 2004-2006

| Sources of Funding / Sources de financements | Year / année * | Percentage with regard to total amount Pourcentage au regard du montant total reçu |
|---|----------------|---|
| UNIDROIT – Chap.XI | 2004 | 45,16 |
| | 2004 | 45,20 |
| | 2006 | 29,44 |
| Government of the Republic of Korea / | 2004 | 24,72 |
| Gouvernement de République de Corée | 2005 | 24,30 |
| | 2006 | 16,02 |
| Government of the People's Rep. China / | | |
| Gouvernement de la Rép. Pop. de Chine | 2004 | 30,10 |
| Grant paid (on Nov 2002) for 2004-2005 | 2005 | 30,30 |
| / versement (en nov. 2002) pour 2004-2005 | 2006 | p.m.** |
| Italian Government (Ministry of Foreign Affairs / | | |
| Gouvernement italien (Ministère des Affaires) | | |
| Etrangères | 2006 | 5,16 |
| UNIDROIT Secretary-General's Scholarship / | | |
| Bourse du Secrétaire Général d'UNIDROIT | 2006 | 5,88 |
| Government of Spain / Gouvernement espagnol | 2006 | 23,55 |
| UNIDROIT Governing Council Scholarship / | | |
| Bourse du Conseil de Direction d'UNIDROIT | 2006 | 5,49 |
| UK Foundation for International Uniform Law | 2006 | 14,44 |

* 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

** Credit balance / solde créditeur

(January 2007 / janvier 2007)

UNIDROIT SCHOLARSHIPS PROGRAMME – 2006 PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2006

| AYADI Syrine | Tunisia | Student (Master), Faculty of Law University "Tunis 2" | Personal funding | Implementation of Alternative Dispute Resolution (ADR) Mechanisms in Cross-Border Merger - An International and Comparative Overview |
|--|-----------------------|--|---|--|
| EL BITR Mustapha | Maroc | Juriste, Crédit Agricole Doctorat en cours, Rabat-Agdal | Unidroit | Le contrat du commerce international – la contribution d'Unidroit, les Principes d'Unidroit |
| FERJANI Nabil | Tunisie | Doctorant, Droit International Privé | Unidroit | Le Juge étatique et les contrats internationaux ; essai d'harmonisation des solutions en droit international privé franco-tunisien |
| TSONEVA Silviya | Bulgaria | Senior Assistant, Legal Department New Bulgarian University | UNIDROIT (partial funding) | Investment Securities |
| 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 |
| LI XIAONIAN | China | Associate legal researcher, Law Faculty, Academy of Social Sciences, Shanghai | Government of Korea | International Carriage of Goods |
| GURYANOV Platon | Russian Federation | Expert at the Legal Department of the Ministry of Economic Development & Trade of the Russian Federation | UNIDROIT Secretary General Secrétaire Général d'UNIDROIT | Perspectives of implementation of unified civil procedure rules in the work of international commercial arbitration |
| BATOUAN BOUYOM Joseph-Alain | Cameroun | Doctorant, Universités de Nantes (France) et Yaoundé II–Soa (Cameroun); Moniteur à l'Université de Yaoundé II–Soa, Chercheur associé au Centre de Droit Maritime et Océanique de l'Université de Nantes (CDMO) | Bourse d'un tiers donateur | Transport des marchandises par route (droit OHADA) |
| JEMIELNIAK Johanna | Poland | Assistant Professor at the Leon Kozminski Academy of Entrepreneurship and Management (LKAEM), Warsaw Fulbright Fellow (Harvard University) | Personal funding | The lex mercatoria argumentative and interpretive strategies |
| BEBOHI EBONGO Ivonne | Cameroun | Doctorante, Université de Nancy 2 (France) ; | Bourse conjointe : Ministère italien des Affaires Etrangères (ad personam) UNIDROIT, Institute of European Studies | International Trade Law Post-Graduate Course, Institute of |
| CASTILLO ARGAÑARAS Luis Fernando | Argentina | Professor of Public International Law Universidad Argentina de la Empresa (UADE), Buenos Aires Member, National Council of Scientific and Technical Research of Argentina (CONICET) | Joint Scholarship UADE/UNIDROIT | International Space Contracts and Protection of Investments in Mercosur |
| MAZEIN Dmity | Russian Federation | Lecturer, Institute of State and Law under the Russian Academy of Science, Moscow | Unidroit | Implementation of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects into the Legal System of the Russian Federation |
| EKZEN Mehmet Can | Turquie | Doctorant, Faculté de droit de l'Université de Genève (Suisse) | UNIDROIT (bourse partielle) | Les titres intermédiés selon le droit turc et au regard des travaux d'UNIDROIT |
| | | | | |

| DIEDIHOU Parfait | Sénégal | Doctorant, Chargé de cours à l'Université de Genève | Unidroit | La renégotiation du contrat dans le future acte uniforme sur le droit des contrats de l'Ohada et les Principes d'Unidroit sur les contrats du commerce international |
|----------------------------------|---------|---|-----------------------------|--|
| Guillermo CABALLERO GERMAN | Chili | Doctorant, Faculté de droit de la Universidad Autónoma de Madrid | UNIDROIT (bourse partielle) | L'acquisition des titres intermédiés et la protection de l'acquéreur <i>a non domino</i> |
| KARPUSHINA Svetlana | Belarus | Second Secretary, Multilateral Treaties Division, General Legal Department, Ministry of Foreign Affairs of Belarus | Unidroit | Theoretical and Practical Aspects of the Participation of the Republic of Belarus in the Unidroit Convention on Stolen or Illegally Exported Cultural Objects |

Scholars to be hosted at UNIDROIT in 2007 with 2006 funding /

Chercheurs devant effectuer leur séjour à UNIDROIT en 2007 avec un financement imputable à 2006

| WEI XIE | People's Republic of China | Legal Official, Department of Treaty and Law, Ministry of Commerce, People's Republic of China | People's Republic of China | The Uniform Law of the International Carriage of Goods by Sea |
|-------------------------------------|-------------------------------|---|---|---|
| GAO SHENG | People's Republic of China | PhD., Associate Professor, School of Humanities and Law, Shandong University of Science and Technology, People's Republic of China | Government of Korea | The international protection of cultural property |
| DE ANDRADE BARROSO José Pedro | Mozambique | Senior Legal Counsel, Southern African Development Community (SADC) Secretariat | Government of Spain | Building cooperation links between SADC and UNIDROIT ; a focus or the participation of SADC in the intergovernmental negotiations for the adoption of the UNIDROIT Rail Protocol |
| MANDALA Subianta | Indonesia | Head of Section, International Economic Law, Ministry of Justice and Human Rights | Government of Korea | The use of the UNIDROIT Principles of International Commercial Contracts as a reference for the Modern Indonesian Contract Law |
| BELLAMINE Meriem | Tunisie | Assistante à la Faculté de Droit et des Sciences Politiques de Tunis | Personal funding | Les règles d'UNIDROIT et l'unification du droit international prive des pays arabes |
| YI HE | People's Republic of China | Associate Professor, Vice-Dean of the International Economic Law Department of the law school of Zhongnan University | UNIDROIT Governing Council Scholarship | A study on UNIDROIT Model Franchise disclosure law: focusing on the remedies |
| YARYURA Cintia | Argentina | Bureau du Procureur Général, République d'Argentine | UNIDROIT (bourse partielle) | Traitement législatif et jurisprudentiel des obstacles à la reconnaissance et à l'exécution des jugements et sentences arbitrales rendus à l'étranger contre des Etats souverains |
| VITALI Maria Victoria | Argentina | Conseiller juridique, Ministère du Trésor République d'Argentine | UNIDROIT (bourse partielle) | Traitement législatif et jurisprudentiel des obstacles à la reconnaissance et à l'exécution des jugements et sentences arbitrales rendus à l'étranger contre des Etats souverains |
| MALIK Taimur Altaf | Pakistan | Research Associate, Research Society of International Law, Pakistan | Government of Spain | The concept of gross disparity in international commercial contracts |
| EL FAROUK Sherif | Egypt | Attorney at Law , Zaki Hashem & Partners Attorneys at Law, Cairo | Government of Spain | The impact of the CISG and the UNIDROIT Principles of International Commercial Contracts on the Egyptian Commercial Code |