



UNIDROIT 2013
Study LXV - Scholarships; Impl. 24
Original : English
January 2013

RESEARCH SCHOLARSHIPS PROGRAMME

Implementation Report for the Financial Year 2012

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 since its inception has hosted nearly 250 researchers (civil servants, academics, judges and practitioners) from over 60 countries.¹ In addition to the 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 it opens doors for UNIDROIT to new contacts, often at the highest level, both in its member States and in non-member States, thus improving the exchange of information between the Institute and the legal community in these countries and increasing 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 (3); Algeria (3); Argentina (11); Armenia (1); Azerbaijan (2); Belarus (4); Bolivia (1); Bosnia-Herzegovina (1); Botswana (1); Brazil (5); Bulgaria (5); Burkina Faso (1); Cambodia (1); Cameroon (9); Chile (2); China (34); Colombia (5); Congo (People's Republic of) (1); Republic of Congo (1); Costa Rica (1); Côte d'Ivoire (2); Croatia (2); Czech Rep. (2); Egypt (3); Estonia (2); Ethiopia (2); Georgia (1); Guinea (1); Hungary (4); India (4); Indonesia (7); Iran (2); Kenya (2); Lao (PDR) (1); Latvia (4); Lithuania (4); Mexico (3); Moldavia (2); Mongolia (2); Morocco (3); Mozambique (1); Nepal (1); Nigeria (5); 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 (5); Slovenia (3); Thailand (1); Tunisia (8); Turkey (4); Ukraine (5); Uganda (1); Uruguay (3); Venezuela (1); Vietnam (6), Zimbabwe (1).

² In granting these scholarships, due consideration is given to the conditions set by individual donors, and to the recommendations formulated by the Scholarships Sub-Committee, according to the following criteria (established and review by the Scholarships Sub-Committee at its session):

- (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 2012

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 may fluctuate each year. While a donor that has regularly supported the programme over the last years did not contribute in 2012, another contributor increased significantly its contribution so enabling a large number of Asian researchers to receive a research scholarship. As a result, the relatively stable amount of roughly EUR 28,000 annually over the period 2009-2011 increased to EUR 32,800 in 2012 (see Annex I presenting the Programme's Sources of funding in 2010-2012).

Financial resources 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 2012 were as follows (both those paid in 2011 – or preceding years - inasmuch as they cover scholarships taken in 2012, and those paid in 2012 for scholarships taken in 2012 or to be taken in 2013) :

- ❖ UNIDROIT general budget, Chapter XI (2011 and 2012 budgets : 10,000 EUR each year): 2 full scholarships (in 2012, 1 under 2011 budget and 1 under 2012 budget) and 8 partial scholarships (4 in 2012 and 4 to be taken in 2013)
- ❖ Voluntary contributions ³:
 - ❖ *The UK Foundation for International Uniform Law* (grant July 2011): 1 full scholarship
 - ❖ *Transnational Law & Business University (TLBU)*: 10 full scholarships (1 scholarship under 2011 funding and 5 under 2012 funding; 4 scholarships to be taken in 2013)
 - ❖ The Government of the Netherlands (a second-time donor to the Programme) (grant September 2012): 1 full scholarship (in 2012)
 - ❖ The US Foundation for International Uniform Law (grant October 2012): 1 full scholarship (in 2012)
 - ❖ Members of the Governing Council on a personal basis (grant 2012): 1 partial scholarship (in 2012)
 - ❖ The Government of the People's Republic of China (MOFTEC) : credit balance of the contribution for the two-year period 2004-2005 allocated to 2 full scholarships (in 2012)

III – Scholars in 2012

The Programme hosted 17 scholars from eleven 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 2012 benefited from funding allocated in 2011. Seven scholars will be hosted in the first half of 2013 using funds carried over from the 2012 financial year.

³ A detailed report is submitted to each donor concerning their part of the funding, together with the relevant beneficiary scholars' research reports.

The beneficiaries' summary research reports in 2012 bear witness to the benefits accruing from their research opportunity (it should be borne in mind that a number of 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; in other instances, the research report takes the form of an article annexed to the report). 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

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 2010-2012

Sources of Funding / Sources de financements	Year / année *	Percentage of total amount Pourcentage du montant total reçu
<i>Transnational Law & Business University (TLBU)</i>	2011	25.96
	2012	46.50
UNIDROIT – Chap. XI	2010	33.49
	2011	36.91
	2012	30.48
Government of the Netherlands <i>Gouvernement des Pays-Bas</i>	2011	11.07
	2012	9.15
<i>US Foundation for International Uniform Law</i>	2010	15.07
	2011	p.m.
	2012	9.11
UNIDROIT Governing Council Scholarship / <i>Bourse du Conseil de Direction d'UNIDROIT</i>	2010	6.23
	2011	5.44
	2012	4.76
Government of the Republic of Korea / <i>Gouvernement de République de Corée</i>	2010	25.13
	2011	p.m.
	2012	p.m.
<i>UK Foundation for International Uniform Law</i>	2010	20.08
	2011	20.40
	2012	p.m.

UNIDROIT SCHOLARSHIPS PROGRAMME – 2012
PROGRAMME DE BOURSES DE RECHERCHES D'UNIDROIT – 2012

Scholars hosted at UNIDROIT in 2012 (with 2012 funding) /
Chercheurs ayant effectué leur séjour à UNIDROIT en 2012 (avec un financement imputable à 2012)

GAO Pengcheng	China (PR)	Faculty of International Law, China University of Political Science and Law	UK Foundation (2011)	The Way ahead for Enforcing Close-out Netting in China – Exploration on the Resilience of Chinese Law on the basis of the Draft Unidroit Principles
KIRLI AYDEMIR Deniz Defne	Turkey	Ph.D Candidate, Research Assistant, Private International Law Department, Institute of Social Sciences, Marmara University	UNIDROIT (partial)	Provisional and Protective Measures in International Litigation in the light of the Brussels I Regulation, the UNIDROIT Principles of Transnational Civil Procedure and the Turkish Civil Litigation
ADEOJO Olanrewaju Oladokun	Nigeria	Associate Professor, Olabisi Onabanjo University, Ago-Iwoye	UNIDROIT	CISG and UNIDROIT Principles: Challenges for the Anglo-Phone Countries of Africa
TRUONG Thu Ngan	Vietnam	Transnational Law & Business University (TLBU), Korea, Master's Degree of Law (L.L.M)	Transnational Law & Business University (TLBU)	A Comparative Study on Close out Netting the Suggestion for the Close-out Netting Enforceability under Vietnamese Law
SHANG Min	China (PR)	Principal staff member of the Legal Department, China Securities Regulatory Commission	Government of the People's Rep. China / MOFCOM	What can China learn from the Geneva Securities Convention
FAN Yina	China (PR)	Official at Treaty & Law Department, Ministry of Commerce, PRC	Government of the People's Rep. China / MOFCOM	An analysis of the UNIDROIT Principles of International Commercial Contract 2010 and the Contract Law of the People's Republic of China: Comparison & Application
IRUNGU Sharon Gatwiri	Kenya	State Counsel at the State Law Office, Department of Treaties and Agreements	UNIDROIT (in cooperation with the Swiss Institute of Comparative Law)	East African Community : considerations for a unified contract legislation
TINASHE HOFISI David	Zimbabwe	LL.M. Loyola University's John Felice Rome Centre	UNIDROIT (partial)	Land investment deals and the role of private law
KEBEDE Araya	Ethiopia	Lecturer, Mekelle University Law Department, Ethiopia	UNIDROIT (partial)	Land investment deals and the role of private law

VYGOVSKYY Oleksander	Ukraine	Assistant of the Head of Ukraine's Parliament Committee on Finance and Banking Activities; Assistant professor, Taras Shevchenko National University of Kyiv	UNIDROIT (partial)	Intermediated Securities Transactions in Emerging Markets : a Comparative Legal Analysis
ZHOU Ying	China (PR)	2012 Master of Law Transnational Law and Business University (TLBU), Seoul	TLBU	Personal incapacity in the sales contract
LI Chao	China (PR)	2012 Master of Law Transnational Law and Business University (TLBU), Seoul	TLBU	Comparative study of management buy-out financing from the legal perspective
CANELAS SCHÜTT José Manuel	Bolivia	Associate practicing lawyer	US Foundation for international uniform law	Contract farming in Bolivia under a comparative law study
FURA Gashahun Lemessa	Ethiopia	Dean, Law School, Jimma University	Netherlands Government	An appraisal of Agricultural Foreign Direct Investment in Ethiopia : Towards Uniform Investment Contracts
IVANECKÁ Mária	Slovak Republic	JUDr. ; Ph.D. Candidate, Faculty of Law, Pavol Jozef Šafárik University, Košice, Slovak Republic	UNIDROIT Members of the Governing Council on a personal basis	The Financial Lease Contract : Recodification of Slovak Civil Code and Commercial Code – Possible sources for future legislation
WU Jialiang	China (PR)	2012 Master of Law Transnational Law and Business University (TLBU), Seoul	TLBU	The Transfer of Risks in the International Sale of Goods
SENG Vitou	Cambodia	2012 Master of Law Transnational Law and Business University (TLBU), Seoul	TLBU	Master Franchise Agreement and Disclosure of Information : their relevance for Cambodia and its future legislation

**Scholars to be hosted at UNIDROIT in 2013 with a 2012 funding /
Chercheurs devant effectuer leur séjour à UNIDROIT en 2013 avec un financement imputable à 2012**

AGREBI Asma	Tunisia	Practicing lawyer, Tunis; Researcher at DRIMAN (laboratoire de droit des relations internationales, des marchés et de négociations) and Ph.D. Candidate, Faculty of Law and Political Sciences, University of Tunis, Elmanar, Tunis	UNIDROIT (partial)	Distribution contracts in international investment law – selective distribution agreements, franchise agreements and concession agreements
IANNELLO Pablo	Argentina	Ph.D. Candidate, Universidad de Buenos Aires ; Researcher and Associate Professor of law, Universidad Argentina de la Empresa (UADE)	JOINT SCHOLARSHIP UNIDROIT / UADE	Harmonization of intermediated securities in emerging markets – the case of Argentina and Brazil
BAHTIYAROGLU Pinar	Turkey	Lawyer, Central Registry Agency of Turkey (MKK); LLM Candidate, Istanbul Bilgi University, Institute of Social Sciences	UNIDROIT (partial)	Netting of Financial Instruments: the compliance under Turkish law and measures to be taken to implement in the light of the UNIDROIT (draft) Principles on Netting of the Financial Instruments

VISHNEVSKIY Peter	Russia	PhD, National Research University. "Higher School of Economics", Moscow	UNIDROIT (partial)	Legal forms of international finance: international loans and bonds
WANG Xu	China (PR)	2012 Master of Law Transnational Law and Business University (TLBU), Seoul	TLBU	Intermediated securities transactions
DUAN Xiuli	China (PR)	2012 Master of Law Transnational Law and Business University (TLBU), Seoul	TLBU	Principles of international Commercial Contracts and their practice in China
BUI Duc Tien	Vietnam	2012 Master of Law Transnational Law and Business University (TLBU), Seoul Lawyer Training Course at Judicial Academy of Vietnam	TLBU	A study on conditions in international commercial contracts – Concept, effect interference issues in a comparative view
NGUYEN Quynh Diep	Vietnam	2012 Master of Law Transnational Law and Business University (TLBU), Seoul Lawyer Training Course at Judicial Academy of Vietnam	TLBU	International Commercial Contracts

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