



UNIDROIT RESEARCH SCHOLARSHIP PROGRAMME*

Implementation Report for 2014



I – Background

The UNIDROIT Research Scholarships Programme bridges two concerns that are closely connected to the core activity of UNIDROIT: furthering the general objectives of UNIDROIT such as harmonising and modernising private law, with a particular attention to developing countries and countries in economic transition, and promoting legal research in a Library, which is 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, it has hosted nearly 300 researchers (civil servants, academics, judges and practitioners) from over 60 countries. 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 scholarship programme provides beneficiaries with the opportunity to carry out independent research in the library. Assistance is provided by UNIDROIT staff in the form of logistic support, bibliographical guidance and, depending on the particular research project, the organisation of

* UNIDROIT 2014 - Study LXV/Scholarships, – Impl. 25

exchange meetings with staff members. In addition, researchers have the opportunity to attend the meetings organised at UNIDROIT as guests. However, UNIDROIT does not provide academic supervision. A certificate is released at the end of the research period.

II – Financial resources for the Programme in 2014

Since the outset, the Scholarship Programme was intended to be funded primarily if not totally by external funding. Over time however the programme has relied for a substantial part upon the allocation under Chapter XI of the general budget of UNIDROIT, for an amount of nearly 10.000 Eur over the last past years. At its 2012 session, the General Assembly of UNIDROIT decided that, starting in 2014, the general budget of UNIDROIT would no longer support the Scholarships programme and that it should entirely rely on voluntary contributions. As a transitory measure, the allocation under Chapter XI of the 2013 budget was used to support researchers in early 2014.

The sources of funding of the Programme in 2014 inasmuch as they cover scholarships taken in 2014, were as follows:

- ❖ UNIDROIT general budget, Chapter XI – 2013
- ❖ Voluntary contributions to finance scholarships taken in 2014 or received in 2014 were:
 - ❖ The UK Foundation for International Uniform Law
 - ❖ Transnational Law & Business University (TLBU)
 - ❖ The Government of the Netherlands
 - ❖ The UNIDROIT Foundation for International Uniform Law
 - ❖ Members of the Governing Council on a personal basis
 - ❖ The President of UNIDROIT

The total funding made available in 2014 amounted to Eur 78.500,50. The amount spent for scholarships amounted to Eur 38.460,56, leaving a credit balance of Eur 40.039.94 for the Programme in 2015. A table reporting the amounts received and how they have been used is reproduced in Annex I. Annex II reproduces the Treasurer's Conclusions which certify the financial report of the Scholarship Programme in 2014.

III – Objectives and selection procedure

The Programme is publicised on the UNIDROIT Internet webpage, and publicity is also made by the Secretariat among member and non member States, Governing Council members and correspondents, as well as academic institutions in targeted countries. The selection of beneficiaries is made under the guidance of the Secretary General based upon any requirements set by donors, and according to the main following criteria/considerations:

- (a) the subject matter and the presentation of the research project, in particular its connection with UNIDROIT past or present activities (subjects on the current Work Programme, or adopted instruments) and in general dealing with private law in the broadest sense);
- (b) the potential application and spill over effects of the undertaken research in promoting legislation, academic dissemination, judicial application;
- (c) the potential of the candidate (based on his/her academic and professional qualifications, the references provided) to take best advantage of the scholarship opportunity
- (d) additional considerations include the objective of achieving the widest possible geographical distribution as far as the beneficiaries' countries of origin are concerned (having

in mind the aim of hosting scholars both from member States to enhance their participation in the Institute's activity and from non member States to build networks to disseminate UNIDROIT work)

Funding received from donors is exclusively allocated to scholars, to support local expenses in Rome (accommodation and local expenses). Other expenses related to the management of the programme (staff and library documentary resources) are born by the UNIDROIT general budget. Candidates admitted as invited scholars receive either a full scholarship or a partial scholarship when – as they are encouraged to do so – they can rely on personal funding or complementary sponsorship from their institution of origin, or other third party donor. The Secretariat devotes particular attention to ensuring that financial resources are used as efficiently as possible.

Although candidates are welcome to apply on an individual basis, cooperation agreements are in place for joint scholarships with a number of academic institutions. Generally cooperation agreements provide for a competition selection procedure within the partner institution, and imply shared expenses. Such agreements have been signed with: Universidad Argentina de la Empresa (UADE), University of Johannesburg, (South Africa), Universidad Externado de Colombia, Babes Bolyai University (Romania), Sukhothai Thammathirat Open University (Thailand). Worth of mention is the long standing cooperation between the UNIDROIT Scholarship Programme and the Swiss Institute of Comparative Law (Lausanne), which allows virtually each year one of the selected candidate under the UNIDROIT Programme to undertake an additional research period in Lausanne with a "von Calker" scholarship.

The Programme hosted 15 scholars from 10 countries (see the list in Annex III).

The beneficiaries' summary research reports in 2014 are reproduced in a document attached to this report. Albeit very different, the Secretariat believes that they bear witness to the benefits accruing from their research opportunity (one ought to bear in mind that a number of these reports are of a descriptive, non-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, several candidates provided tangible contributions to UNIDROIT's current activities, by directly participating in Conferences held by UNIDROIT or otherwise supporting the Secretariat's efforts in suggesting potential speakers (in particular the UNIDROIT Workshop on Contract Farming held in Bangkok on 26 September). In most cases, the candidates have helped set or strengthen co-operation links with universities and research centres, and generally contribute to the promotion of UNIDROIT instruments worldwide.

IV – Perspectives

The Secretariat recalls that this Programme has proven to be an efficient means of underpinning the Organisation's harmonisation work and should be seen as forming an integral part of the Institute's mission.

The Secretariat expresses its gratitude to all donors in 2014 and hope that they 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 for and accepted into the Programme.

(end of text - 3 annexes attached)

UNIDROIT RESEARCH SCHOLARSHIPS PROGRAMME

Financial Report 2014
(amounts are expressed in Euros)

Sponsors	Funding	Scholars	Grant amounts		
Scholarship general fund UNIDROIT 2013 carry over UNIDROIT Governing Council members UNIDROIT President	13.937,76 3.152,00 4.010,56 <hr/> 21.100,32	Ms Fatma Bouraoui	3.000,00		
		Ms Romy S. Mevougou Zambo	2.800,00		
		Ms Vanya Singh	2.250,00		
		Ms Oksana Bilous	2.250,00		
		Ms Chen Xin	3.000,00		
		Mr H. Kadavil Sathyapalan	700,00		
		Mr Teemu Viinikainen ¹	1.610,56		
Total		Total	<hr/> 15.610,56		
Credit balance	5.489,76				
Government of the Netherlands 21 Feb. 2014	3.000,00	Mr H. Kadavil Sathyapalan	3.000,00		
Credit balance	-----				
Korean Government Carry over 2013 Transnational Law and Business University (TLBU), Seoul, R. Korea 11 Oct. 2013 17 Dec. 2014	548,69 7.304,48 3.200,00 <hr/> 11.053,17	Ms Hok Siem	2.100,00		
		Ms Yang Jiuying	2.100,00		
		Ms Vu Kim Hanh Dung	2.100,00		
		Ms Nguyen Thi Thu Trang	2.100,00		
		Mr Nguyen Huy Hoang	2.100,00		
		Total		Total	<hr/> 10.500,00
		Credit Balance	553,17		
UNIDROIT Foundation 11 March 2014 25 Sept. 2014	10.000,00 22.971,53 <hr/> 32.971,53	Mr Abual-Arja Ihab	1.500,00		
		Ms Fu Wenyi	3.000,00		
		Total	<hr/> 4.500,00		
	28.471,53				
UK Foundation Credit balance 2013 25 June 2014	375,48 10.000,00 <hr/> 10.375,48	Ms Afolasade A. Adewumi	2.350,00		
		Mr Jenner Alonso Tobar Torres	2.500,00		
		Total	<hr/> 4.850,00		
		Credit Balance	5.525,48		
Total amount available in 2014 Credit balance available for 2015	78.500,50 40.039,94	Total amount spent for scholarships	38.460,56		

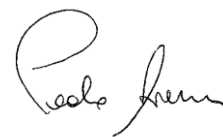
¹ Mr Viinikainen provided support to the UNIDROIT Secretariat as a research assistant. Although he prepared many research notes and reviewed drafts in relation with the Contract Farming project, no "final report" is included in this document.

CONCLUSIONS

The Treasurer:

- having found that the receipts and payments recorded in the table in Annex I are in conformity with the supporting vouchers and that they correspond with the balance held in the Institute's bank account with the Unicredit Banca di Roma, that is to say EURO account n° 000400757613, relating to the Institute's dedicated bank account for the UNIDROIT Scholarship Programme.
- expresses the opinion that the financial report for the project in 2014 may be approved.

Rome, 22 December 2014



Paolo Aversa
Treasurer

UNIDROIT SCHOLARSHIPS PROGRAMME

Scholars hosted at UNIDROIT in 2014

Ms Fatma Bouraoui	Tunisia	Professor, University of Carthage – Tunis	Scholarship general fund	The UNIDROIT Principles as a Renewed Source of the Lex Mercatoria, and the Islamic Law as a Part of this Dialectic 20 January – 24 March 2014
Ms Romy Suzanne MEVOUNGOU ZAMBO	Cameroon	PhD Student, Univeristy of Yaoundé II Soa	Scholarship general fund	Les tentatives de codification de la période précontractuelle dans l'œuvre législative contemporaine 20 January au 14 March 2014
Ms Vanya SINGH	India	Assistant Legal Advisor Securities and Exchange Board of India	Scholarship general fund	The impact of foreign institutional investments on domestic retail participation in the capital markets in India 3 February – 14 March 2014
Ms Oksana BILOUS	Ukraine	PhD Student, Department of Private International Law; National Taras Shevchenko University of Kyiv Institute of International Relations	Scholarship general fund	A Comparative Analysis of Contract Law Based on the UNIDROIT Principles 3 February – 14 March 2014
Ms Chen Xin	PRC	Assistant Professor, School of Law, Xiamen University	Scholarship general fund	The possibility of introducing close-out netting arrangements into China's legal system 3 February – 28 March 2014
Mr Harisankar Kadavil Sathyapalan	India	Assistant Professor of Law, National Law University Jodhpur	Netherlands/UNIDROIT	The Interactions between International Private Law and International Commercial Arbitration – Focusing on the potential relevance of the UNIDROIT Principles of International Commercial Contracts 17 March – 8 May 2014
Ms Hok Siem	Cambodia	2013 Master of Laws Graduate Transnational Law and Business University (TLBU), Seoul	TLBU	The Financial Lease in the UNIDROIT instruments, the UCC and the Cambodian legislation 14 April – 23 May 2014

Ms Yang Jiuying	PRC	2013 Master of Laws Graduate Transnational Law and Business University (TLBU), Seoul	TLBU	A Comparative Study on Fundamental Breach under the CISG, PICC and Chinese Contract Law 14 April – 23 May 2014
Ms Vu Kim Hanh Dung	Vietnam	2013 Master of Laws Transnational Law and Business University (TLBU), Seoul	TLBU	Intellectual property laws in Asean economic community – a lesson from EU 3 June – 11 July 2014
Ms Nguyen Thi Thu Trang	Vietnam	2013 Master of Laws Transnational Law and Business University (TLBU), Seoul	TLBU	Legal policies and regulations governing contract farming in Vietnam 3 June – 11 July 2014
Mr Nguyễn Huy Hoang	Vietnam	2013 Master of Laws Transnational Law and Business University (TLBU), Seoul	TLBU	Third Party liability due to GNSS malfunction: Liabilities arising from third party Case study: The disappearance of Malaysian aircraft MH370 3 June – 11 July 2014
Mr Abual-Arja Ihab	Jordan	Legal Director – Aviation Jurist Jordan Civil Aviation Regulatory Commission (CARC)	UNIDROIT Foundation	Security Interests and Remedies protecting Creditors under the Cape Town Convention & its Protocol on Matters Specific to Aircraft Equipment – A Study Applied to the Jordanian Legal System 26 June – 27 July 2014
Mr FU Wenyi	PRC	Associate Professor and Associate Dean Law College of Kunming University of Science and Technology Mingli Building, Chenggong Campus of KMUST	UNIDROIT Foundation	Genetically Modified Crops and Intellectual Property Law Issues in Agricultural Contracts in China and under a Comparative Law Perspective 2 June – 31 July 2014
Ms Afolasade A. ADEWUMI	Nigeria	Department of Public & International Law, Faculty of Law University of Ibadan, Ibadan	UK Foundation	A Comparative analysis of the 1970 UNESCO and the 1995 UNIDROIT Conventions on Return and Restitution of Cultural Property to their Countries of Origin with Particular Emphasis on Africa 2 October – 7 November 2014
Mr Jenner Alonso TOBAR TORRES	Colombia	Professor, National Univeristy of Colombia, Bogota	UK Foundation	UNIDROIT Principles of International Commercial Contracts 20 October to 20 December 2014