

UNCITRAL - Third International Colloquium on Secured Transactions
Presentation by Yair Baranes

“You can live good doing it”
first money then development

Yair Baranes

Abstract

The presentation will deal with the need to issue internationally recommended standards by way of regulations of modern secured transactions registries.

The argument that without the regulations the reform cannot be completed will be amplified by the argument that failing to provide guidelines through regulations contributes to negative impact.

The international community and the donor organizations in particular provide funding to developing jurisdictions often conditioned on the establishment of modern secured transactions system.

In their eagerness to obtain the funding, developing jurisdictions agree to comply with the conditions. However, often they are met with the difficult task of selecting the most appropriate proposed reform from among a number of them. The lack of expertise on the part of the local counterparties who are tasked with making the decision coupled with lack of internationally recognized standards often result in poor selection of reform. Unlike other reforms where experience exists among local experts, the negative results are particularly evident in the case of secured transactions registry reform. The results are duplications of efforts, exaggerated costs charged by contractors, cumbersome and poor performance of registries. Eventually, this all results in negative impact.

The presentation will include case study of 5 jurisdictions where the negative results can be attributed at least in part to lack of guidelines and regulations in establishing the registries.

It will be concluded with a summary of benefits that could be brought about with the establishment of international regulatory guide for the creation and operation of modern secured financing registries.