

III/NATLAW/OHADA CONFERENCE

**INTERNATIONAL COORDINATION OF SECURED  
TRANSACTIONS LAW REFORMS:**  
*Regional Development Banks and Organizations*  
*Panel 4*

**A Perspective from the OAS**

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Organization of  
American States

# I. INTRODUCTION



Organization of  
American States

## Political Bodies

General Assembly

Permanent Council

Committee on Juridical  
and Political Affairs

Secretariat for Legal Affairs

## Bureaucratic Body

## Legal Advisory Body

Inter-American  
Juridical  
Committee

## Specialized Conferences

“CIDIP”



## OAS WORK IN PRIVATE INTERNATIONAL LAW

- OAS Charter, Article 122 – mechanism for special technical matters
- Specialized Inter-American Conferences on Private International Law
- “CIDIP” Conferences\* - meetings of legal experts
- CIDIP-I (1975) through to CIDIP-VII (2009) – seven conferences
- Resulted in adoption of 26 international legal instruments  
(*i.e.*, conventions, protocols, model laws and regulations)
  
- CIDIP-VI - 2002

### ***Model Inter-American Law on Secured Transactions***

- CIDIP-VII - 2009

### ***Model Registry Regulations***

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\* “CIDIP” = Conferencia especializada Interamericana sobre Derecho Internacional Privado



### AG/RES. 2886 (XLVI-O/16) INTERNATIONAL LAW

- i. **Inter-American Program for the Development of International Law**
  2. To instruct the Department of International Law, as part of the activities provided for in the Inter-American Program, ... **to continue promoting the Model Law on Secured Transactions** among member states; .... .
  3. To instruct the Department of International Law to promote among member states further development of private international law, **in collaboration with** organizations and associations engaged in this area, including the United Nations Commission on International Trade Law, the Hague Conference on Private International Law, and the American Association of Private International Law.

*(emphasis added)*



### OAS SECURED TRANSACTIONS PROJECT

#### Specific Funding:

- Canada-OAS Cooperation Plan (2012-2015)
- Funding has ended; mandate continues

#### Objective:

- “**Improved capacity** of member states to implement secured transactions reform, including the promotion of equitable access to credit, based on the Model Law.”

*(emphasis added)*

#### Methodology:

- Member-state driven, individualized, participatory, emphasis on sustainability
- Also stressed collaborative role of other institutions (named)



### OAS SECURED TRANSACTIONS PROJECT Lessons Learned

Effective Law Reform Requires...

1. Raising Awareness
2. Political Will
3. Capacity-Building
4. Stakeholder Consultations
5. Contemporaneous Legislative Reforms
6. Administrative and Technical Supports
7. Choice among Instruments
- 8. Inter-organizational Collaboration**
9. Training the Judiciary
10. Shift in (Legal) Culture



### 1. Raising Awareness

- Connections between public economic goals and PIL law reform
- Reaching key players - both political and technical
- States (not) involved in ongoing global PIL harmonization
- Weak internal networks of support among local stakeholders

### 2. Political Will

- “Expression of Interest” – but risk of change in political winds
- Different motivations for reforms (illustrate with comparisons)
- Reform must be locally initiated and driven

### 3. Capacity-Building (or??/vs??) Technical Assistance

- Lack of capacity for capacity-building
- Reliance on outside consultants (fragmentation, lack of transparency)



### 4. Stakeholder Consultations

- In itself an exercise in capacity building
- Casting the net widely
- Time requirements – beyond 3-year project window

### 5. Contemporaneous Legislative Reforms

- Related and consequential amendments
- (e.g. bankruptcy and insolvency law, central bank regulations)

### 6. Administrative and Technical Supports

- New bureaucratic offices, trained staff, software
- (e.g., Secured Transactions Collateral Registry)
- Need to be operational when law enters into force





### 7. Choice and Complementarity of Instruments

- various model laws, legislative guides
- complexity of subject matter

### 8. Inter-organizational Collaboration

- UNCITRAL/IFC/UNIDROIT/ASADIP
- Unique and complementary roles

### 9. Training the Judiciary

- Special needs

### 10. Shift in (Legal) Culture



**For More Information, Visit:**

[http://www.oas.org/en/sla/dil/secured\\_transactions.asp](http://www.oas.org/en/sla/dil/secured_transactions.asp)

*Thank you!!*