

SECURED TRANSACTIONS COORDINATION CONFERENCE:

ADVANCING GLOBAL REFORMS

FEBRUARY 9-10, 2017

University of Pennsylvania Law School | Philadelphia, PA



CO-SPONSORS:



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NATIONAL LAW CENTER FOR
INTER-AMERICAN FREE TRADE

Professor Boris Kozolchyk
President



ORGANIZATION FOR THE
HARMONIZATION OF BUSINESS
LAW IN AFRICA (OHADA)

Professor Dr. Dorothé Sossa
Permanent Secretary

CONFERENCE CO-CHAIRS:

Dr. Marek Dubovec
National Law Center for Inter-American Free Trade

Professor Charles W. Mooney, Jr.
International Insolvency Institute

HOST:



FEBRUARY 9, 2017

DEAR PARTICIPANTS IN THE 2017 SECURED TRANSACTIONS COORDINATION CONFERENCE,

Welcome to Philadelphia! Thanks to all conference participants for your efforts in making the 2017 Secured Transactions Coordination Conference a success. We very much hope that this will be the first of many such convocations dedicated to the goal of enhancing global efforts to improve secured transactions and related commercial laws and the many economic benefits that such reforms deliver.

We also thank our sponsors, the International Insolvency Institute, the National Law Center for Inter-American Free Trade, and the Organization for the Harmonization of Business Law in Africa. Their generous financial and administrative support and wise counsel throughout have made the conference a reality. Thanks as well to the University of Pennsylvania Law School for hosting the event and to Penn Law's outstanding staff, who have provided essential and outstanding support over the planning and implementation process. Finally, we thank the Secretariats of UNIDROIT and UNCITRAL for their support and encouragement, as reflected in the letters that are reproduced below following the Conference Program.

We look forward to working with all of you during the conference and beyond.

With all best wishes,



Marek Dubovec

Conference Co-Chair

National Law Center for Inter-American Free Trade

mdubovec@natlaw.com



Charles W. Mooney, Jr.

Conference Co-Chair

International Insolvency Institute

University of Pennsylvania Law School

cmooney@law.upenn.edu

THE ENTIRE CONFERENCE WILL BE CONDUCTED UNDER THE CHATHAM HOUSE RULE:

When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed. - See more at: <https://www.chathamhouse.org/about/chatham-house-rule#sthash>.

SPEAKERS:

M = Moderator; DP = Designated Panelist; ALP = At-Large Panelist

AKSELI, N. ORKUN (ALP)

*Senior Lecturer in Commercial Law,
Durham University Law School,
Durham, UK*

ALVAREZ DE LA CAMPA, ALEJANDRO (M, DP)

*Finance & Markets Global Practice Manager, Sub-Saharan Africa;
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*Directeur Adjoint du Conseil Juridique, Général & Affaires Juridiques;
Development Bank of West Africa, Lomé, TG*

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*Team Leader, Asia and Middle East Bureau, United States Agency for
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BAZINAS, SPYRIDON V. (DP)

*Senior Legal Officer, Secretary of Working Group VI (Security
Interests); International Trade Law Division, Office of Legal
Affairs; United Nations Commission on International Trade Law
(UNCITRAL) Secretariat, Vienna, AT*

BÖGER, OLE (DP)

Judge at the Hanseatic Court of Appeal, Bremen, DE

BRIALES GÓMEZ-TARRAGONA, EUGENIO (ALP)

*Restructuring and Finance Scholar, Harvard Law School,
Cambridge, MA, USA; Nanjing University Of Finance And
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*Distinguished Scholar in Residence, Penn State University; Member,
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CHINMOUN, OUMAROU (ALP)

*First Secretary, Embassy of Cameroon,
Washington, DC, USA*

CHIQUIER, MARIA (MAIKA) MAGDELENA (ALP)

*Private Sector Development Specialist, Development Economics,
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*Director of Legal Affairs, Organization for the Harmonization of
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*Ambassador of Cameroon to the United States of America,
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*Secretary-General, International Institute of for the Unification of
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GOODE, SIR ROY QC (Keynote; ALP)

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Hague Securities Convention and UNIDROIT Geneva Securities
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Chemonics International, Washington, DC, USA

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*The Secretary of the United Nations Commission on International
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New York, NY, USA

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WHITTAKER, BRUCE (ALP)

Ashurst, Sydney, AT

WILSON, JOHN M. (DP)

*Senior Operations Officer, International Finance Corporation (IFC),
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WOOL, JEFFREY (DP)

*Secretary-General, Aviation Working Group; Condon-Falknor
Professor of Global Business Law, University of Washington School of
Law; Senior Research Fellow, Harris Manchester College, University
of Oxford, New York, NY, USA*

INVITATIONAL CONFERENCE ON INTERNATIONAL COORDINATION OF SECURED TRANSACTIONS LAW REFORMS

Conference co-chairs:

Charles W. Mooney, Jr.

*Charles A. Heimbold, Jr. Professor of Law, University of Pennsylvania Law School;
Director, International Insolvency Institute*

Marek Dubovec

Senior Research Attorney, National Law Center for Inter-American Free Trade

CONFERENCE PROGRAM

DAY 1: FEBRUARY 9, 2017

8:15 a.m. – 9:00 a.m.

CONTINENTAL BREAKFAST

Davis Student Union

9:00 a.m. – 9:30 a.m.

WELCOME

Fitts Auditorium

THEODORE RUGER, Dean and Bernard G. Segal Professor of Law, University of Pennsylvania Law School

CHARLES W. MOONEY, JR., University of Pennsylvania Law School; III

*DR. BORIS KOZOLCHYK, President and Executive Director, NATLAW; Evo DeConcini Professor of Law,
James E. Rogers College of Law University of Arizona*

BOUBACAR SIDIKI DIARRAH, OHADA

9:30 a.m. – 9:45 a.m.

INTRODUCTORY REMARKS

Fitts Auditorium

RENAUD SORIEUL, Secretary, UNCITRAL (by video)

9:45 a.m. – 12:00 p.m.

MORNING SESSION

Fitts Auditorium

MODERATOR: ALEJANDRO ALVAREZ DE LA CAMPA, IFC

9:45 a.m. – 10:45 a.m.

PANEL 1

Fitts Auditorium

SECURED TRANSACTIONS LAWS AROUND THE GLOBE: PAST, PRESENT, AND FUTURE

This panel will report on the status of secured transactions law reforms around the world, with panelists reporting on African, Latin American, Australasian, Middle Eastern, and European states. This panel also would make specific projections for specific states in each of the regions addressed.

PANELISTS:

BORIS KOZOLCHYK, NATLAW

MURAT SULTANOV, The World Bank Group

EVERETT WOHLERS, Consultant, IFC

JELENA MADIR, EBRD

10:45 a.m. – 11:00 a.m.

COFFEE BREAK

Davis Student Union

11:00 a.m. – 12:00 p.m.

PANEL 2

Fitts Auditorium

PURSUING LAW REFORM: INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS—HAGUE CONFERENCE, UNIDROIT, UNCITRAL

This panel will provide an overview of the general working methods of the international organizations which lead to the adoption of instruments, particularly in the area of secured transactions. The panelists will discuss their experience with law reform, the means to achieve uniform results and their present form(s) of coordination.

PANELISTS:

SPYRIDON V. BAZINAS, *UNCITRAL*

JOSÉ ANGELO ESTRELLA-FARIA, *UNIDROIT*

SANDRA M. ROCKS, *Cleary Gottlieb Steen & Hamilton LLP; EMTA*

12:00 p.m. – 1:00 p.m.

LUNCH

Davis Student Union

1:00 p.m. – 3:15 p.m.

AFTERNOON SESSION: PART 1

Fitts Auditorium

MODERATOR: G. RAY WARNER, *St. John's University School of Law*

1:00 p.m. – 2:15 p.m.

PANEL 3

Fitts Auditorium

PURSUING LAW REFORM: THE WORLD BANK GROUP

This panel will provide an overview of the working processes of the World Bank Group that lead to the implementation of commercial law related international instruments, particularly in the area of secured transactions. The panelists will also describe the typical steps involved in a legal reform project, and discuss some of the completed and existing projects, as well as those in the pipeline.

PANELISTS:

ANDRES F. MARTINEZ, *The World Bank Group*

ALEJANDRO ALVAREZ DE LA CAMPA, *IFC*

JEAN-FRANÇOIS RIFFARD, *School of Law, University of Auvergne (Clermont-Ferrand)*

2:15 p.m. – 3:15 p.m.

PANEL 4

Fitts Auditorium

PURSUING LAW REFORM: REGIONAL DEVELOPMENT BANKS AND REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

This panel will provide an overview of the working processes of the regional institutions that lead to the adoption and implementation of their secured transactions instruments. The panelists will also describe the typical steps involved in a legal reform project, and discuss some of the completed and existing projects, as well as those in the pipeline.

PANELISTS:

JELENA MADIR, *EBRD*

JEANNETTE TRAMHEL, *OAS*

BOUBACAR DIDIKI BIARRAH, *OHADA*

TERRY REID, *ADB*

3:15 p.m. – 3:30 p.m.

COFFEE BREAK

Davis Student Union

3:30 p.m. – 6:00 p.m.

AFTERNOON SESSION: PART 2

Fitts Auditorium

MODERATOR: CHARLES W. MOONEY JR.

3:30 p.m. – 4:15 p.m.

PANEL 5

Fitts Auditorium

OVERVIEW OF THE LAW REFORM ACTIVITIES: EXISTING, IN PROGRESS, AND FUTURE

This panel will reflect on the previous three panels and analyze some of the instruments and their actual implementation in projects. It will attempt to identify the reasons for the success or failures of these instruments and projects. The panelists will also identify any areas of overlap in the existing instruments and the impact of this overlap on their implementation.

PANELISTS:

ANNA VENEZIANO, *UNIDROIT; University of Amsterdam; University of Teramo Faculty of Law* (by video)

NEIL B. COHEN, *Brooklyn Law School* (by video)

OLE BÖGER, *Judge of the Hanseatic Court of Appeal*

4:15 p.m. – 5:00 p.m.

PANEL 6

Fitts Auditorium

PRACTICAL CHALLENGES AND LAW REFORM

This panel will highlight the challenges in navigating the rules that affect cross-border lending, and assess the impact of reforms on practice. The panelists will discuss the need for modernization and harmonization of rules from the practice standpoint.

PANELISTS:

RICHARD KOHN, *Goldberg Kohn Ltd.; Commercial Finance Association*

DIANA TALERO, *INSOL; Consultant, IFC*

RICARDO GARZA, *IFC*

5:00 p.m. – 6:00 p.m.

PANEL 7

Fitts Auditorium

PROBLEMS IN COORDINATION, IMPLEMENTATION, AND QUALITY OF REFORMS

This panel will offer case studies, examples of problems, etc., involved in coordinating secured transactions reforms with insolvency, leasing, investment securities and related reform initiatives.

PANELISTS:

JEFFREY WOOL, *Freshfields, Bruckhaus Deringer; University of Washington School of Law; Aviation Working Group* (by video)

MAREK DUBOVEC, *NATLAW*

IGNACIO TIRADO, *Universidad Autónoma de Madrid; World Bank Group; III*

6:00 p.m. – 6:45 p.m.

COCKTAILS

6:45 p.m. – 9:00 p.m.

DINNER

Levy Conference Center

INTRODUCTION: WILLIAM W. BURKE-WHITE, *Richard Perry Professor and Inaugural Director, Perry World House; Professor of Law*

KEYNOTE ADDRESS: PROFESSOR SIR ROY GOODE, *St. John's College, Faculty of Law, University of Oxford*

DAY 2: FEBRUARY 10, 2017

8:15 a.m. - 9:00 a.m.

CONTINENTAL BREAKFAST

Davis Student Union

9:00a – 12:45p

FINAL SESSION

Fitts Auditorium

MODERATORS: MAREK DUBOVEC, *NATLAW*, and **CHARLES W. MOONEY JR.**, *PENN LAW, III*

9:00 a.m. – 10:00 a.m.

PANEL 8

**IMPROVING COORDINATION AND IMPLEMENTATION:
LESSONS LEARNED, NEXT STEPS AND THE PATH FORWARD**

This panel will reflect on the entire conference, drawing lessons from the previous presentations. The panelists will attempt to identify the paths to more efficient coordination in the adoption and implementation of instruments.

PANELISTS:

LOUISE GULLIFER, *Harris Manchester College, University of Oxford Faculty of Law; III*

JOHN M. WILSON, *IFC*

ALEJANDRO M. GARRO, *Parker School of Foreign and Comparative Law, Columbia University*

NADIA RENDAK, *IMF*

10:00 a.m. – 11:15 a.m.

FINAL SESSION

OPEN MIKES FOR ALL PARTICIPANTS

The moderators will be “active” in order to focus discussion.

11:15 a.m. – 11:30 a.m.

COFFEE BREAK

11:30 a.m. – 12:30 p.m.

FINAL SESSION (CONTINUED)

OPEN MIKES FOR ALL PARTICIPANTS

12:30 p.m. – 12:45 p.m.

CLOSING REMARKS BY REPRESENTATIVES OF SPONSORS

BORIS KOZOLCHYK, *NATLAW*

IGNACIO, TIRADO, *Universidad Autónoma de Madrid; Consultant, World Bank Group; III*

BOUBACAR SIDIKI DIARRAH, *OHADA*



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

The Secretary General - Le Secrétaire Général

[TO ALL CONFERENCE INVITEES]

Rome, January 2017

Dear Invitee,

**Re: INVITATIONAL CONFERENCE ON INTERNATIONAL COORDINATION OF SECURED
TRANSACTIONS LAW REFORMS (PHILADELPHIA, FEBRUARY 9-10, 2017)**

I have the pleasure of writing to you in connection with the forthcoming Invitational Conference on International Coordination of Secured Transactions Law Reforms, to be held in Philadelphia next 9-10 February by the International Insolvency Institute, the National Law Center for Inter-American Free Trade, and the Organization for the Harmonization of Business Law in Africa

The International Institute for the Unification of Private Law (UNIDROIT) is happy to participate in this important conference, which will focus on global efforts to modernise secured transactions. Those of you familiar with the work of UNIDROIT know that the topic is very close to its heart, and is at the core of several instruments that it has developed in its lifetime, and continues to develop for the future.

I am pleased to note that the participation of key organisations and individuals involved in law reform efforts has been confirmed in the latest programme. Among others, I cannot fail to mention that the conference will be able to benefit from a keynote speech by Professor Sir Roy Goode, a former member of the UNIDROIT Governing Council and a long-standing supporter of our work. I wholeheartedly encourage all of you who have not yet signed in for the conference not to miss this promising event.

I look forward to seeing you at the conference and remain,

Yours sincerely,

José Angelo Estrella Faria



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REFERENCE: LA/TL 133 (1-5) SVB/akb

17 January 2017

Dear Sir/Madame,

On 9 and 10 February 2017, a conference is to take place at the University of Pennsylvania Law School.

The conference is to discuss coordination in the field of secured transactions between international and regional organizations, as well as between those organizations and international and regional development banks.

The importance of such coordination for providing assistance to States in a time- and cost-efficient manner without creating overlaps and conflicts cannot be overemphasized.

As you can see from the conference programme, key organizations and individuals involved in law reform assistance efforts will be participating.

In view of the above, I should like to encourage to participate in this extremely important conference.

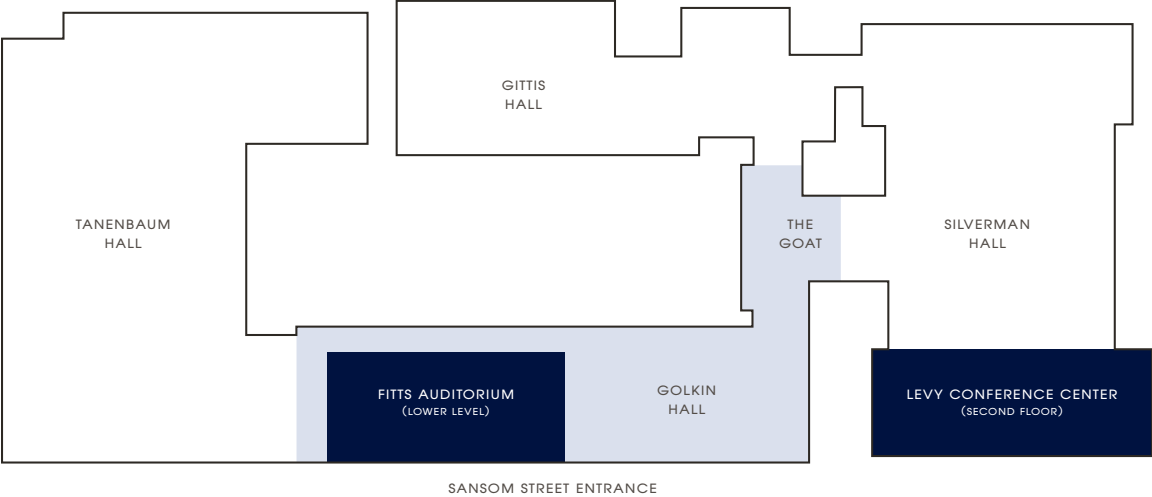
With kindest regards,

J. V. Bazinas

for Renaud Sorieul
The Secretary

United Nations Commission on
International Trade Law

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL MAP



WI-FI INFORMATION

WIFI NETWORK: AirPennNet-Guest

Conference Passcode: C-LRSGFRFF

AirPennNet-Guest is a wireless network with limited bandwidth and no encryption, which is set up for use by visitors to Penn. Penn affiliates with PennKeys may also use AirPennNet-Guest with devices that are not capable of connecting to AirPennNet. Registration of devices on AirPennNet-Guest lasts for up to one week. Upon successful registration, users will be notified via email when their lease expires and must renew registration in order to continue to use the service.

CONFERENCE ACCESS

1. When on campus, open a web browser. Attempt to visit the *www.upenn.edu* homepage if you are not automatically redirected to the “Welcome to the AirPennNet-Guest Wireless Service” page.
2. Follow the “I have a Group Code”; link.
3. Enter the Group Code given by your host.
4. Enter your name, phone number, and e-mail address and submit the form.
5. In order to complete the process, please wait a few moments and toggle your wireless adapter off and on and then reconnect to the AirPennNet-Guest wireless network. If the connection fails, or if you are redirected to the welcome page again, please reboot your device.

For further assistance connecting to AirPennNet-Guest, please email *itshelp@law.upenn.edu* or call (215) 898-9570.

NOTES



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