SECURED TRANSACTIONS REFORMS IN EAP AND LESSONS LEARNED

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Topics to be Covered

- Status of reforms in EAP
- Prime cases of success and failure
- Functional approach difficulties
- Simple vs. comprehensive models for ST Law
- Loss of control in legislative or decree process
- The runaway client
- Maintenance and ongoing funding and support
- Education and training of users

Status of Reforms in EAP

- Pacific
  - NZ and Australia
  - Small Pacific island nations
- East and SE Asia
  - China
  - Completed in SE Asia
  - In process in east and SE Asia
  - Stalled
  - Unsuccessful
  - Japan

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Success and Failure

- China – success in terms of impact, but limited in scope
- Indonesia – multiple efforts

Functional Approach Issues

- In Civil Code tradition countries – VN, Cambodia and Mongolia

- In British tradition countries, with Companies charges and Bill of Sale Act – Solomons and Vanuatu

Simple vs. Comprehensive Models

- Comprehensive models – UNCITRAL, PPSA and Article 9

- Simple original models – two similar models with bare bones requirements, used as starting point for drafting localized law

- Simplified versions of PPSA – Vanuatu, Samoa, Tonga and Brunei

- Hybrid – Philippines

Loss of Control – Legislative and Decree Process

- Lao – on Law and decree
- Cambodia – inter-ministry conflict and JICA
- RMI – best case – testify before legislative committee

The Runaway Client -- VN

- History of prior reform set up problem
- After design of registry was complete and agreed, client demanded numerous changes contrary to best practice
- Donor and vendor failed to push back
- Result is registry that does not conform to BP's

Maintenance and Ongoing Support

- FSM – failure to pay cloud provider
- Cambodia – failure to pay provider of data services; lack of oversight of application upgrade, resulting in loss of functionality; loss of adequate staffing

Education and Training of Users

- Good cases – China and VN
- Bad case – Lao PDR, resulting in little use of law and registry

THANK YOU

If you have questions, you may send to me at ewohlers@worldbank.org

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