

# CBFL SEMINAR SERIES

## The Use of ADR in the Enforcement of Security Interests and Insolvency

**Dr Orkun Akseli**  
Associate Professor, Durham Law School



Dr Orkun Akseli is an Associate Professor of Commercial Law at Durham University Law School. He has published extensively on the modernisation and harmonisation of secured transactions law. His research has focused on the laws relating to secured credit, and the social and economic impact of these laws with reference to the financing of SMEs. An especially distinctive aspect of his research has been its exploration of the international context to these phenomena, especially in respect of the work of the World Bank and the UN. Some of his publications include "Secured Transactions in Global Law-making" (under contract with Hart, co-authored with S.V. Bazinas); "The Future of Commercial Law: Ways forward for Change and Reform" (Hart 2019 forthcoming, with J. Linarelli); "International and Comparative Secured Transactions Law" (Hart 2017, with S.V. Bazinas); "Secured Transactions Law Reform: Principles, Policies and Practice" (Hart 2016, with L. Gullifer). He studied law in Turkey, USA and the UK. He is an Associate Member of the International Academy of Comparative Law, a member and President-Elect of the International Academy of Commercial and Consumer Law, and a member of the Chartered Institute of Arbitrators.

**Tuesday, 25 February 2020 • 4.00pm to 5.00pm**  
**(Registration starts at 3.30pm)**  
**Lee Sheridan Conference Room**  
**Eu Tong Sen Building, NUS Law (Bukit Timah Campus)**

### ABOUT THE SEMINAR

An enforcement regime that results in delays or excessive costs is likely to affect the availability and the cost of credit. A secured creditor must have a choice to exercise post-default rights either judicially or extra-judicially. Extra-judicial enforcement mechanisms provide speedy recovery of assets and satisfaction of secured creditor's claims. The use of alternative dispute resolution mechanisms (e.g. mediation and arbitration) in jurisdictions where the rule of law is weak and enforcement processes before the courts tend to be long and burdensome is recommended by the international financial institutions and provided in international secured transactions texts (e.g. UNCITRAL Model Law on Secured Transactions, OAS Inter-American Model Law on Secured Transactions). On the other hand, in jurisdictions with well-functioning enforcement systems alternative dispute resolution mechanisms may provide a more cost-effective route than litigation. Mediation and arbitration are recognised methods for resolving commercial disputes and used increasingly over the last decades at both national and international level. However, their use in the enforcement of security interest and insolvency is disputed. This creates a number of conceptual problems including the rights of third parties and the use of arbitration in insolvency disputes. This seminar considers the use of mediation and arbitration in the enforcement of security interests and insolvency, and provides a number of recommendations.

### WHO SHOULD ATTEND

Academics, lawyers, arbitrators, mediators, policymakers

### PROGRAMME

- 3.30pm : Registration & Light Refreshments
- 4.00pm : Seminar
- 5.00pm : End of Seminar

### REGISTRATION



Registration Fee:  
S\$96.30 (including 7% GST)  
Complimentary for full-time  
academic staff and students

Register at:  
<https://nus.edu/2OdiXPR>  
OR scan the QR code

Closing Date:  
Thursday, 20 February 2020

For enquiries, please contact  
Ms Nur Fazirah  
Email: [rescle@nus.edu.sg](mailto:rescle@nus.edu.sg)



Public CPD Points: 1 (tbc)  
Training Level: Foundation  
Practice Area: Banking and Finance

*Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes arriving punctually, not leaving the activity before it has ended, and signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information*

### ABOUT THE CENTRE FOR BANKING & FINANCE LAW

The Centre for Banking & Finance Law (CBFL) at the Faculty of Law, National University of Singapore, seeks to generate scholarship and promote thinking about the vibrancy, robustness and soundness of the banking sector, capital markets and other financial services. Through the research our scholars undertake and the events we organise, we seek to create and share knowledge, to engage stakeholders in an exchange of ideas, and to enhance the appreciation of legal and regulatory issues. We aim to bring greater theoretical and analytical clarity to these issues, to examine their policy impact, and to be a catalyst for ideas on how to improve banking and financial systems at the national, regional and global levels. Visit our website at <https://law.nus.edu.sg/cbfl/>.