

Cross-Border Insolvency



A Commentary on the UNCITRAL Model Law,
Fourth Edition, Volume I

General Editor **Look Chan Ho**

Cross Border Insolvency A Commentary On The Uncitral Model Law On Insolvency

Clemens Wendtner



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Cross-Border Insolvency, 2008 Cross Border Insolvency Chan Ho Look, 2012 *The UNCITRAL Model Laws on Cross-Border Insolvency and on the Recognition and Enforcement of Insolvency-Related Judgments* Reinhard Bork, Michael Veder, 2025-03-12 This authoritative Commentary presents a comprehensive analysis of two essential Model Laws the UNCITRAL Model Law on Cross Border Insolvency MLCBI and the UNCITRAL Model Law on Recognition and Enforcement of Insolvency Related Judgments MLIJ which aim to harmonize cross border insolvency law **Cross-border Insolvency** Look Chan Ho, 2017 Cross border insolvency is an increasingly topical issue and cross border insolvency practice continues to develop rapidly Cross Border Insolvency A Commentary on the UNCITRAL Model Law 4th Ed is an updated enhanced edition covering the national implementation of the United Nations Commission on International Trade Law Model Law on Cross Border Insolvency Written by specialists from each jurisdiction this new edition provides an in depth article by article analysis of the local enactment and application of the model law in each of the jurisdictions concerned alongside consideration of the relationship between the model law and any existing cross border insolvency jurisprudence Each chapter adopts essentially the same format for ease of reference addressing key concepts such as the centre of main interests court to court communication enforcement of security interests and the protection of debtors and creditors New to the fourth edition are chapters on Chile and the Philippines with an expanded South African chapter to include the OHADA countries This major new edition is an invaluable guide to the local application and comparative analysis of the model law for anyone dealing with cross border insolvency issues Lawyers in private practice or in house insolvency practitioners government authorities academics and students will find this expanded edition an essential addition to their library **Cross-Border Insolvency** Neil Hannan, 2017-08-21 This book examines the effect of the adoption of the United Nations Committee on International Trade Law UNCITRAL Model Law on Cross Border Insolvency in five common law jurisdictions namely Australia Canada New Zealand the United Kingdom and the United States of America It examines how each of those states has adopted interpreted and applied the provisions of the Model Law and highlights the effects of inconsistencies by examining jurisprudence in each of these countries specifically how the Model Law affects existing principles of recognition of insolvency proceedings The book examines how the UNCITRAL Guide to enactment of the Model Law has affected the interpretation of each of its articles and in turn the courts ability to interpret and hence give effect to the purposes of the Model Law It also considers the ability of courts to refer to amendments made to the Guide after enactment of the Model Law in a state thereby questioning whether the current inconsistencies in interpretation can be overcome by UNCITRAL amending the Guide Maritime Cross-Border Insolvency under the UNCITRAL Model Law Regime Jingchen Xu, 2020-12-10 This book covers the pressing issues of cross border cases involving admiralty and bankruptcy law For example what should happen when a shipowner files an insolvency proceeding in one country while at the same time facing an in rem action

against its vessel in another country Should the in rem action arising in one country be stayed or dismissed because of the existence of insolvency proceedings in another country The book discusses the relevant issues regarding the treatment of maritime creditors throughout insolvency proceedings the determination of the centre of main interest of an offshore shipping company and the scope of a debtor's assets The author uses a comparative law analysis selecting four leading shipping countries Australia the UK the US and Singapore and examines their approaches to the above three problems when applying the UNCITRAL Model Law regime The book also proposes a solution to help eliminate the ambiguity arising from maritime cross border insolvency cases under the UNCITRAL Model Law regime with a view to enhancing the development of the shipping industry

The Future of Cross-border Insolvency Irit Mevorach, 2018 A fresh and insightful guide to post financial crisis cross border insolvency this book interrogates the current regime and sets out a framework for improving its future In recent decades and especially since the global financial crisis a number of important initiatives have focused on developing the mechanisms for managing the insolvency of multinational enterprises and financial institutions The book considers the effectiveness of the current system and identifies the gaps that could be bridged by adopting certain strategies and tools to improve the system further The book first discusses the theoretical debate regarding cross border insolvency and surveys the strengths and weaknesses of the prevailing method modified universalism in its application to both commercial entities and financial institutions consequently identifying a single set of emerging norms The book argues that adhering to these norms more robustly would enhance global welfare and produce the best outcomes for businesses and institutions By drawing upon sources from international law as well as behavioural and economic theory the book offers a blueprint for meeting the demands of future cross border insolvencies It considers how to translate modified universalism into binding international law and how to choose the right instrument for cross border insolvency as well as the impact that instrument design has on decisions and choices It explores how to encourage compliance and proposes mechanisms that could potentially overcome or at least take into account behavioural biases in decision making

Cross-Border Protocols in Insolvencies of Multinational Enterprise Groups Ilya Kokorin, Bob Wessels, 2021-04-30 Cross border insolvency protocols play a critical role in facilitating the efficient resolution of complex international corporate insolvencies This book constitutes the first in depth study of the use of insolvency protocols enriching existing knowledge about them and serving as a comprehensive introduction to their application in the context of multinational enterprise group insolvency It traces the rise of insolvency protocols and discusses their legal basis contents effects major characteristics and limitations

Bank Insolvency Law in Developing Economies Kayode Akintola, Folashade Adeyemo, 2022-12-30 The subject of bank stability has been under a great amount of political and legislative scrutiny since the mid 2007 to late 2009 global financial crisis However these efforts have centred on developed economies Little coverage is given to strategies adopted by many developing economies While there is a global discourse on the subject of insolvency generally there is ample scope to contribute to the

growing body of work on the narrow subject of bank insolvencies This book provides a unique perspective on an emerging theme in at least two respects First is the focus on selected developing economies and selected developed economies in the EMEA region alongside cross border developments with the objective of deciphering the regulatory approach to bank insolvencies The second is the analytical consideration of methods that may be implemented to preclude or resolve bank insolvencies in developing economies This book explores the nexus between developing economies and their banking institutions Developing economies are acutely dependent on their banks for the functioning of their cash based economies Recent events however suggest a weakness in the long term viability of some of their banks and a mixed bag regulatory approach to redress this weakness This book evaluates the effectiveness of regulatory frameworks in selected developing economies that are designed to prevent or resolve the insolvency of banks At a time of global economic uncertainty this book will prove to be a valuable resource to the discourse on the viability of banks businesses and economies in developing States

International Cooperation in Bankruptcy and Insolvency Matters Bob Wessels, Bruce A. Markell, Jason J.

Kilborn, 2009 International Cooperation in Bankruptcy and Insolvency is published in cooperation with the International Insolvency Institute and the American College of Bankruptcy The Honorable Bruce A Markell Dr Bob Wessels and Prof Jason Kilborn provide readers with invaluable insights into the origin development and future of communication and cooperation in cross border insolvency cases between insolvency practitioners and the courts The globalization of the world s economy has led to highly complex international aspects of financial reorganization and restructuring This publication analyzes the structures systems and practices that have developed and are quickly emerging to coordinate and enhance international administrations

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