

INTERNATIONAL **INSOLVENCY**
AND **RESTRUCTURING** REVIEW
2022 / 23



Guide To International Insolvency

J. M. Smits



Guide To International Insolvency:

International Insolvency Law Paul Omar, 2017-07-05 International insolvency is a newly established branch of the study of insolvency that owes much to the phenomenon of cross border incorporations and the conduct of business in more than one jurisdiction. It is largely the offspring of globalization and involves looking at both law and economic rules. This book is a compendium of essays by eminent academics and practitioners in the field who trace the development of the subject, give an account of the influences of economics, legal history and private international law and chart its relationship with finance and security issues as well as the importance of business rescue as a phenomenon. Furthermore, the essays examine how international instruments introduced in recent years function as well as how the subject itself is continually being innovated by being confronted by the challenges of other areas of law with which it becomes entangled.

A Guide to Global Private International Law Paul Beaumont, Jayne Holliday, 2022-05-05 This book provides a substantial overview of the discipline of private international law viewed from a global perspective. The guide is divided into 4 key sections: Theory, Institutional and Conceptual Framework, Issues, Civil and Commercial Law, apart from Family Law. Each chapter is written by a leading expert. The chapters address specific areas/aspects of private international law and consider the existing global solutions and the possibilities of improving/creating them. Where appropriate, the chapters are co-authored by experts from different legal perspectives in order to achieve as balanced a picture as possible. The range of contributions includes authors from Europe, North America, Latin America, Africa, Asia and Oceania. An essential resource for academics, practitioners and students alike.

International Insolvency Law Professor Paul Omar, 2013-12-28 International insolvencies are a common feature worldwide in business and finance sectors and the scale and frequency of such occurrences have caught the attention of many academics and commentators. Following on from the 2008 book *International Insolvency Law: Themes and Perspectives*, this book presents up-to-date accounts of themes in the field of insolvency law. It deals with reforms in and challenges to the subject in relation to its comparative and international aspect. The cutting-edge contributions include chapters from common law, civil and mixed traditions and have been conceived to increase awareness of the impact of insolvency law within domestic, regional and global contexts. Useful and thought-provoking, the chapters take an innovative approach and give new interpretations to hitherto available material. This book will be invaluable for those wishing to keep abreast of developments in jurisdictions representing all legal traditions and is a useful guide to the improvement and reform of insolvency laws and frameworks.

The Touche Ross Guide to International Insolvency Touche Ross International, 1989

International Insolvency Law Elina Moustaira, 2018-12-31 This book presents problems that often arise in the context of international cross-border insolvencies, analyzes and compares national legislations and jurisprudence, elucidates the solutions offered by international regional instruments and explores the differences in the implementation of these instruments by various countries and the consequences of these differences. It examines in detail a number of famous and

less famous cases tried by national courts in which it became readily apparent that insolvency law remains one of the bastions of national law. In addition the book discusses the notion of transplanting foreign international insolvency rules and especially the influence that US insolvency law has exerted on other countries insolvency and international insolvency law. Far from adopting an unrealistically optimistic stance it soberly examines the complications of cross border insolvencies while also presenting potential solutions.

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.

Essays on International Law Graeme Baber, 2017-01-06. This book contains ten writings on different aspects of international law, each of them cross referenced in instances in which information in one is relevant to points made in another. The first essay considers the character of the subject and its relation to other entities of relevance to it such as its compatibility with national law and its relation to maritime law. The second one considers different types of legal instruments in settings of international law and explains how to read a multilateral convention using the Convention for the International Sale of Goods as an example. The third part discusses the characteristics of a state and the concept of recognition. The fourth reviews the various roles that institutions take in international law, concentrating in particular on major regional organisations and the fifth explores the extent to which the World Trade Organisation and the General Agreement on Tariffs and Trade provide for developing countries. Essay Six summarises the framework for international labour law and investigates its contents and workings. Then the seventh considers which countries predominate in the running of international institutions. The eighth paper explores how regional entities might co-operate with international institutions in the harmonisation of the law and the ninth one investigates the place of negotiation as a method of international dispute resolution. Finally the tenth essay considers the past, present and future of international law and reviews especially the role of language.

Elgar Encyclopedia of Comparative Law, Second Edition J. M. Smits, 2012-01-01. Acclaim for the first edition. This is a very important and immense book. The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries. It is a reference book for dipping into time and time again. It is worth every penny and there is not another as comprehensive in its coverage as Elgar's. I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers. This is a very important book that should be sitting in every university law school library.

_ Sally Ramage. The Criminal Lawyer. Containing newly

updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners Cross-Border Insolvency Law Bob Wessels, Gert-Jan Boon, 2015-09-24

Recent insolvency cases highlight the growing importance of cross border insolvency matters in international transactions In order to obtain relevant information essential for conduct in such transactions an insolvency lawyer needs to have access to the many relevant instruments that have been introduced and implemented in recent years but that until now have not been available in any single place This very useful volume collects for the second time in one source all important international and regional legal instruments relating to insolvency of companies and consumers as well as to corporate rescue law The book includes international and regional conventions model laws EU regulations and directives and guiding principles produced by various international bodies such as the World Bank the United Nations Committee on International Trade Law UNCITRAL the American Law Institute INSOL International and INSOL Europe and international and European restatements of insolvency law by scholars In addition to reproducing the complete texts of these instruments the editors provide insightful commentary covering such important matters as the following key issues of each text expected amendments and revisions and comparative analysis of instruments A unique resource bringing together core material in the field of cross border insolvency law and legislation this book will be welcomed by international insolvency practitioners worldwide Principles of International Insolvency Philip R. Wood, 2007 This title covers the essentials of international insolvency with a very practical slant providing the reader with a comparative overview of insolvency law and practice in the key jurisdictions of the world The intention is to illustrate how the concepts and analyses raised throughout The Law and Practice of International Finance series may be applied in a real world setting International Asset Tracing in Insolvency Felicity Toube, 2025-06-13

This is the only book to provide comprehensive coverage of the legal issues involved in asset tracing in insolvencies Both corporate and personal insolvencies are covered in domestic and international cases The second edition incorporates recent developments in case law and statutory frameworks in six key jurisdictions the United States England and Wales the British Virgin Islands the Cayman Islands Jersey and Guernsey It analyses the latest legal developments in cross border insolvency and general asset tracing initiatives as well as jurisdiction specific developments Developments include the treatment of cryptocurrency insolvencies legislative shifts in the UK post Brexit Black Swan injunctions and the effect of the 2024

amendments to the Companies Act the latest on the restructuring officer regime and the positions on insolvent trusts Featuring analysis from experienced specialists in key offshore and onshore financial centres each chapter deals with a different national framework setting out statute and case law and identifying the international tools available to trace assets These experts identify the specific tools available for tracing and recovering assets for asset tracing inside or outside of bankruptcy or insolvency processes and those available for cross border international cooperation

International Bankruptcy Jodie Adams Kirshner, 2018-05-10 With the growth of international business and the rise of companies with subsidiaries around the world the question of where a company should file bankruptcy proceedings has become increasingly complicated Today most businesses are likely to have international trading partners or to operate and hold assets in more than one country To execute a corporate restructuring or liquidation under several different insolvency regimes at once is an enormous and expensive challenge With *International Bankruptcy* Jodie Adams Kirshner explores the issues involved in determining which courts should have jurisdiction and which laws should apply in addressing problems within Kirshner brings together theory with the discussion of specific cases and legal developments to explore this developing area of law Looking at the key issues that arise in cross border proceedings *International Bankruptcy* offers a guide to this legal environment In addition she explores how globalization has encouraged the creation of new legal practices that bypass national legal systems such as the European Insolvency Framework and the Model Law on Cross Border Insolvency of the United Nations Commission on International Trade Law The traditional comparative law framework misses the nuances of these dynamics Ultimately Kirshner draws both positive and negative lessons about regulatory coordination in the hope of finding cleaner and more productive paths to wind down or rehabilitate failing international companies

Efficiency in Private International Law Toshiyuki Kono, 2015-01-08 Private international law PIL problems have existed for centuries when people from various territories and religious and social groups engaged in mutual contacts Some of the core issues of this discipline have been critically reviewed during the so called conflicts revolution which took place during the twentieth century in the American academic literature and court practice However it seems that not much discussion on methodologies of PIL has developed since then This book inspired by the Law and Economics approach introduces the concept of efficiency into PIL aiming to show new dimensions of traditionally important issues First this author challenges the traditional understanding that uniform law is always more desirable than PIL and raises questions on the rationale and possibility of the unification of PIL Second territoriality has been understood to exclude PIL This book clarifies why such understanding does not hold in the twenty first century especially in the field of intellectual property and argues that a one size fits all model would not be appropriate in the context of cross border insolvency

International and Comparative Secured Transactions Law Spyridon V Bazinas, Orkun Akseli, 2017-10-19 The law of secured transactions has seen dramatic changes in the last decade International organisations particularly the United Nations Commission on International Trade Law UNCITRAL have

been working towards the creation of international legal standards aimed at the modernisation and harmonisation of secured financing laws eg the United Nations Convention on the Assignment of Receivables in International Trade the UNCITRAL Legislative Guide on Secured Transactions and its Intellectual Property Supplement the UNCITRAL Guide on the Implementation of a Security Rights Registry and the UNCITRAL Model Law on Secured Transactions The overall theme of this book is international or cross border secured transactions law It assembles contributions from some of the most authoritative academic voices on secured financing law This publication will be of interest to those involved in secured transactions around the world including policy makers practitioners judges arbitrators and academics

International Financial Instability: Global Banking And National Regulation Douglas D Evanoff, George G Kaufman, John Raymond Labrosse, 2007-10-15 This book explores the potential and problems of bank safety and efficiency arising from the rapidly growing area of cross border banking in the form of branches or subsidiaries with primarily only national prudential regulation There are likely to be differences in the treatment of the same bank operating in different countries or of different banks from different home countries operating in the same country with respect to deposit insurance provisions declaration of insolvency resolution of insolvencies and lender of last resort protection The book identifies these protection problems and discusses possible solutions such as greater cross border cooperation harmonization and organizations The contributors to this book include experts from different countries and from a wide range of affiliations including academia regulators practitioners and international organizations

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

Global Insolvency and Bankruptcy Practice for Sustainable Economic Development Dubai Economic Council, Adrian Cohen, 2016-04-29 How an economy handles financial and business distress has a major impact on confidence in business the availability of investment the cost of credit and economic growth The financial crisis of 2007 2008 and its aftermath was a catalyst to legal reform in the field of bankruptcy and restructuring law and brought an added focus to the systemic threat of bank failure to the financial system This book explores the general

principles and practice of legal reform within bankruptcy From a variety of specialists including practitioners lawyers bankers accountants and judges from the United Arab Emirates the UK and Singapore it provides a variety of perspectives on the topic Chapters include topics such as the Four Pillars of Regulatory Framework the history and application of the UNCITRAL Model Law on Cross Border Insolvency the challenges for financial institutions and the treatment of the insolvency of natural persons The book also offers a comparative study of Islamic Shari ah principles with modern bankruptcy regimes an analysis of bankruptcy in the UAE and an evaluation of the legal infrastructure of the DIFC Courts The authors explore core questions surrounding bankruptcy law including its ability to facilitate the turnaround of business to enable efficient reallocation of capital to provide coherent rules for entrepreneurs investors employees and creditors and to provide for both appropriate sanctions and for rehabilitation

Research Handbook on Corporate Restructuring

Omar, Paul J., Gant, Jennifer L.L., 2021-08-27 This timely Research Handbook examines the increasingly economically vital topic of corporate restructuring Reflecting a shift in the global approach to insolvency towards a focus on rescuing viable businesses rather than liquidation chapters consider all areas of the law closely connected to corporate insolvency rehabilitation and rescue as well as the introduction of the EU Preventive Restructuring Directive and other reforms from around the world

2009 Andrea Bonomi, Paul Volken, 2010-12-23 The current rich volume of the Yearbook attempts to strike a balance in the multifaceted expressions of the increasing importance of private international law at national and supranational levels The vitality of private international law within the European Union is evidenced by both legislative projects and the rich case law of the European Court of Justice While the European Commission's draft for a Regulation on succession which probably constitutes the most detailed and ambitious attempt ever to codify PIL in this area begins its legislative process a new initiative on the application of foreign law is being considered by the European institutions Both of these developments are discussed in the Doctrine section But the newest Yearbook of PIL also examines interesting developments taking place on other continents For example the present volume includes a special section focusing on Chinese PIL and reports on the renewed interest with conflict of laws in the U S doctrine

International Trade with the Middle East and North Africa

Hossein Esmaeili, Vivienne Brand, Susan L. Karamanian, 2024-06-28 This book provides an interdisciplinary analysis of trade relations with the Middle East and Arab countries from the perspectives of law business policy and culture in the Middle East and the Arab world and their interaction with the wider world particularly Western countries The rapidly evolving economy of the Middle East and the Arab region is undergoing significant change and establishing modern foreign ownership law robust company business and investment regulations modern legal professions while keeping its basic traditional and Islamic principles This book covers a number of important theoretical and practical aspects of commercial and trade relationships and law It examines case studies of trade and investment relations between Arab and Middle Eastern countries and Western Countries such as Australia UK and US touching on such topics as

corporation law arbitration and foreign judgments future mobility and disruptive technology law financial services law charity law trusts and cultural law Exploring emerging trade and investment ties between Arab and Middle Eastern countries and Western countries it will be of interest to students academics and practitioners with an interest in international trade and investment law

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