

Edwin Coe Prize Winners (Travel/Research/Books)

***Guest Speaker: Marc Udink
(INSOL Europe
General Secretary)***



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Edwin Coe Lecture: Cross-border Insolvency in the British Atlantic & Caribbean World: Challenges and Opportunities

***Speaker: Mr Justice Ian Kewley
(Supreme Court of Bermuda)***



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Cross-border Insolvency in the British Atlantic & Caribbean World: Challenges and Opportunities

Ian Kawaley



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Territory	Statutory International Cooperation Powers	Statutory Corporate Rescue provisions	Modern Insolvency law statute
1. ANGUILLA	No	No	No
1. ANTIGUA & BARBUDA	Yes	Yes	Yes
1. BAHAMAS	No	No	No
1. BARBADOS	Yes	Yes	Yes
1. BELIZE	No	No	No
1. BERMUDA	No	No	No
1. BVI	Yes- but not in force	Yes	Yes
1. CAYMAN	Yes	Yes	Yes
1. DOMINICA (Civil Code)	No	No	No
1. GRENADA	No	No	No
1. GUYANA	No	No	No
1. JAMAICA	No	No	No
1. MONTSERRAT	No	No	No
1. ST. KITTS- NEVIS	No	No	No
1. ST. LUCIA (Civil Code)	No	No	No
1. ST. VINCENT & GRENADINES	No	No	No
1. TRINIDAD & TOBAGO	Yes	No	No
18. TURKS & CAICOS	No	No	No



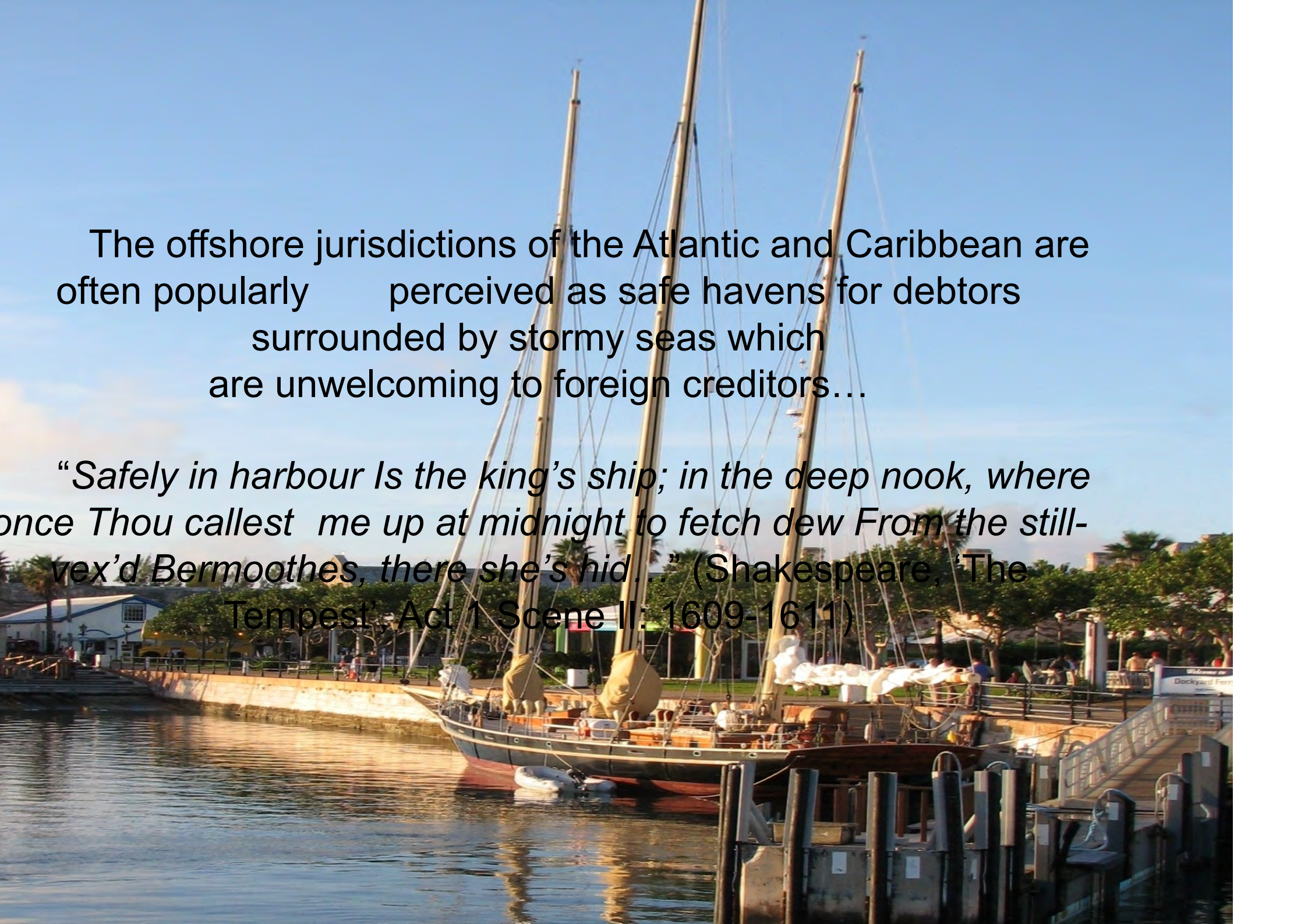
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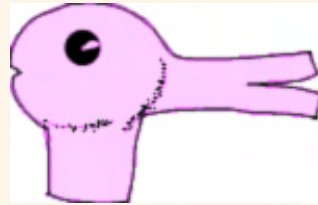
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A large three-masted sailing ship, possibly a galleon or a similar historical vessel, is docked at a harbor. The ship has three tall masts and is surrounded by people on board. The harbor is calm, and the ship's reflection is visible in the water. In the background, there is a waterfront town with buildings and trees. The sky is clear and blue.

The offshore jurisdictions of the Atlantic and Caribbean are often popularly perceived as safe havens for debtors surrounded by stormy seas which are unwelcoming to foreign creditors...

“Safely in harbour Is the king’s ship; in the deep nook, where once Thou callest me up at midnight to fetch dew From the still-vex’d Bermoothes, there she’s hid...” (Shakespeare, ‘The Tempest’, Act 1 Scene II: 1609-1611)



(The duck-rabbit, made famous
by Wittgenstein)

-does the absence of express
statutory international
cooperation rules create
problems or opportunities?



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Corporate rescue, applying fluid common law rules, requires judges to adopt a psychoanalytical approach , regarding the insolvent entity as a patient on a Viennese Freudian couch



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Judicial cooperation in those parts of the British Atlantic and Caribbean which lack mandatory cooperation rules requires judges to adopt an internationalist approach...perhaps on a less grand scale than the Vienna model...



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Where modern legislative tools are lacking, in the Atlantic and Caribbean the common law can usually provide focussed solutions to sharp-edged



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And the region is not a bad place to
wait and see if the sun will ever
actually set on the British Empire....

