

**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 Kawaley
(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



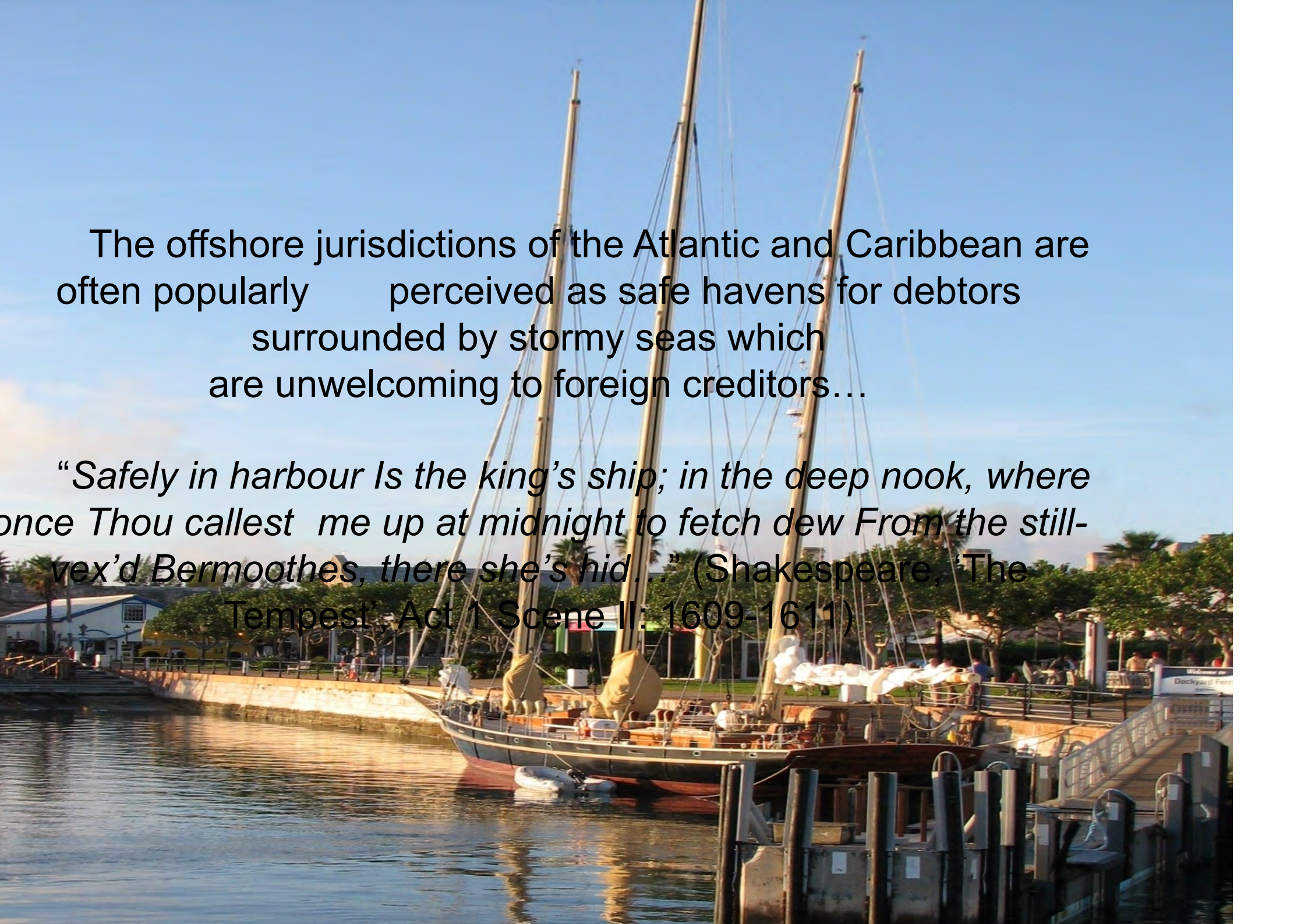
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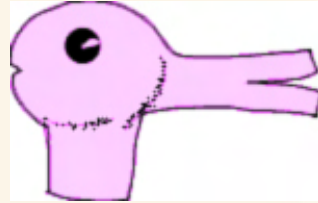
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A large, multi-masted wooden sailing ship is docked at a pier in a harbor. The ship has three masts and is surrounded by rigging. The water is calm, and the sky is clear. In the background, there are buildings and trees along the waterfront. The scene is brightly lit, suggesting a sunny day.

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



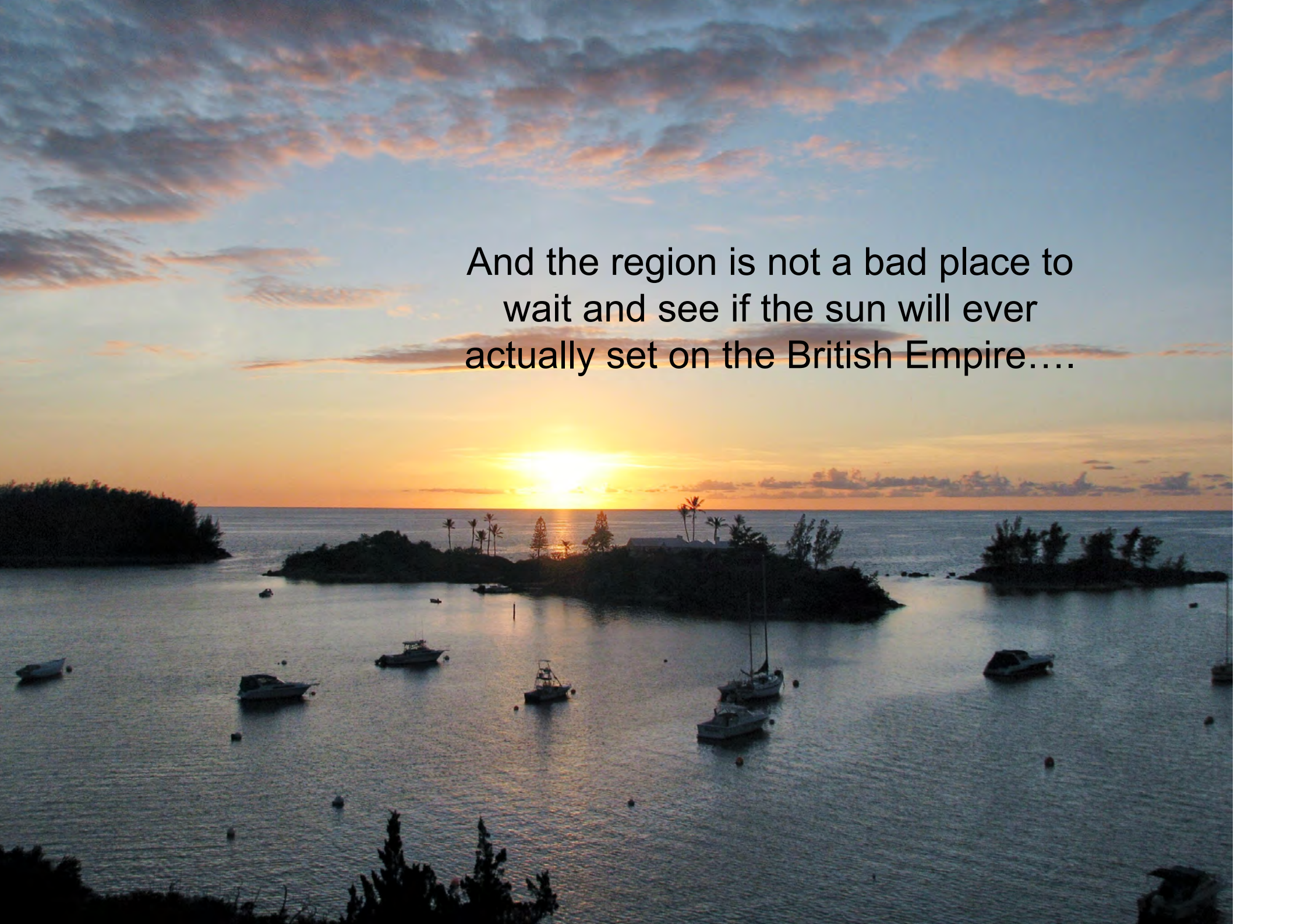
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A tropical sunset over a bay with boats and palm trees. The sun is low on the horizon, casting a golden glow over the water and sky. Several sailboats and motorboats are anchored in the bay. The sky is filled with soft, colorful clouds. The foreground shows the silhouettes of trees and a building.

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