



General Assembly

Distr.: General
13 January 2012

Sixty-sixth session
Agenda item 79

Resolution adopted by the General Assembly on 9 December 2011

[on the report of the Sixth Committee (A/66/471)]

66/96. United Nations Commission on International Trade Law Model Law on Cross-Border Insolvency: The Judicial Perspective

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with the purpose of furthering the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries,

Noting that, where individuals and enterprises conduct their businesses on a global basis and have assets and interests in more than one State, the efficient conduct of the insolvency of those individuals and enterprises requires cross-border cooperation in, and coordination of, the supervision and administration of those assets and affairs,

Considering that the United Nations Commission on International Trade Law Model Law on Cross-Border Insolvency¹ contributes significantly to the establishment of a harmonized legal framework for effectively administering cross-border insolvency and facilitating cooperation and coordination,

Acknowledging that familiarity with cooperation and coordination in cross-border insolvency cases and how the Model Law may be implemented in practice is not widespread,

Convinced that providing readily accessible information on the interpretation of and current practice with respect to the Model Law for reference and use by judges in insolvency proceedings has the potential to promote wider use and understanding of the Model Law and facilitate cross-border judicial cooperation and coordination, avoiding unnecessary delay and costs,

¹ *UNCITRAL Model Law on Cross-Border Insolvency with Guide to Enactment* (United Nations publication, Sales No. E.99.V.3), part one.



Noting with satisfaction the completion and adoption on 1 July 2011 of the United Nations Commission on International Trade Law Model Law on Cross-Border Insolvency: The Judicial Perspective by the Commission at its forty-fourth session,²

Noting that the preparation of the Model Law on Cross-Border Insolvency: The Judicial Perspective was the subject of consultation with Governments, judges and other insolvency professionals,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the completion and adoption of the United Nations Commission on International Trade Law Model Law on Cross-Border Insolvency: The Judicial Perspective;²

2. *Requests* the establishment by the Secretariat of the United Nations of a mechanism for updating the Model Law on Cross-Border Insolvency: The Judicial Perspective on an ongoing basis in the same flexible manner as that in which it was developed, ensuring that it maintains a neutral tone and continues to meet its stated purpose;

3. *Requests* the Secretary-General to publish, including electronically, the text of the Model Law on Cross-Border Insolvency: The Judicial Perspective, as updated or amended from time to time in accordance with paragraph 2 of the present resolution, and to transmit it to Governments with the request that the text be made available to relevant authorities so that it becomes widely known and available;

4. *Recommends* that the Model Law on Cross-Border Insolvency: The Judicial Perspective be given due consideration, as appropriate, by judges, insolvency practitioners and other stakeholders involved in cross-border insolvency proceedings;

5. *Also recommends* that all States consider the implementation of the United Nations Commission on International Trade Law Model Law on Cross-Border Insolvency.¹

*82nd plenary meeting
9 December 2011*

² *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17), para. 198.*