



# UNCITRAL-World Bank Group Judicial Capacity-Building Initiative on International Best Practices in Insolvency Law

**Second session  
(commencement standards)**

**Programme and Reference materials**

1 November 2023, 12 pm to 3 pm (CET)	2 November 2023, 3 pm to 6 pm (CET)
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Online, Zoom



## Programme

Session 1 - Wednesday, 1 November 2023, 12pm-3pm (CET)	Programme	Session 2 - Thursday 2 November, 3pm- 6pm (CET)
12pm-12.20pm (20 minutes)	<p><b>Welcome and introductory statements</b></p> <ul style="list-style-type: none"> <li>- Opening remarks by Mr. José Angelo Estrella-Faria, the Principal Legal Officer, United Nations Office of Legal Affairs/International Trade Law Division, the UNCITRAL secretariat</li> <li>- Opening remarks by Mr. Harish Natarajan, Practice Manager, Finance, Competitiveness &amp; Innovation Global Practice, World Bank Group</li> </ul> <p><b>Introduction to the Unified ICR Standard Related to Commencement</b></p> <ul style="list-style-type: none"> <li>- The UNCITRAL Legislative Guide and related texts, Samira Musayeva (UNCITRAL)</li> <li>- The World Bank Principles for Effective Insolvency and Creditor/Debtor Regimes, Nina Mocheva (World Bank)</li> </ul> <p><i>Moderator: Antonia Menezes, World Bank</i></p>	3pm-3.20pm (20 minutes)
12.20pm-12.35pm (15 minutes)	<p><b>Understanding the fundamentals: a moderated discussion between Judge Norris, Judge Jaskulska and Judge Martinez</b></p> <p>Indicative topics focused on judicial application and interpretation of the commencement standards, reflecting on the balance of two competing considerations: (a) ease of access to insolvency proceedings; and (b) prevention of improper use of insolvency proceedings:</p> <ul style="list-style-type: none"> <li>• What is the purpose of insolvency law?</li> <li>• What are “insolvency proceedings”?</li> <li>• What is the effect of insolvency proceedings?</li> <li>• What does “insolvency” mean?</li> <li>• How is insolvency proved?</li> </ul>	3.20pm-3.35pm (15 minutes)
12.35pm-1.05pm (30 minutes)	<p><b>Commencing liquidation proceedings – three short presentations by Judge Norris, Judge Jaskulska and Judge Martinez</b></p> <p>Indicative topics:</p> <ul style="list-style-type: none"> <li>• What is their purpose?</li> <li>• Who commences?</li> <li>• What are the timescales?</li> <li>• What usually happens? Procedurally? Evidence?</li> <li>• What is the potential for abuse?</li> <li>• What can be done to avoid it?</li> <li>• Can they be changed to reorganization proceedings?</li> </ul>	3.35pm-4.05pm (30 minutes)
1.05pm-1.40pm (35 minutes)	<p><b>Commencing reorganization proceedings - three short presentations by Judge Norris, Judge Jaskulska and Judge Martinez</b></p>	4.05pm-4.40pm (35 minutes)

Session 1 - Wednesday, 1 November 2023, 12pm-3pm (CET)	Programme	Session 2 - Thursday 2 November, 3pm- 6pm (CET)
	<p>Indicative topics:</p> <ul style="list-style-type: none"> <li>• What is their purpose?</li> <li>• Is insolvency necessary?</li> <li>• What procedures are available?</li> <li>• Who commences?</li> <li>• What is the judicial involvement?</li> <li>• What usually happens?</li> <li>• Are there special rules for MSEs?</li> <li>• What is the potential for abuse?</li> <li>• What can be done to avoid it?</li> </ul> <p><b>Q&amp;A (appx 5 mins)</b></p>	
1.40pm-1.50pm (10 minutes)	<b>Break</b>	4.40pm-4.50pm (10 minutes)
1.50pm-1.55pm (5 minutes)	<b>Overview of case study</b> presented by Judge Alastair Norris	4.50pm-4.55pm (5 minutes)
1.55pm-2.25pm (30 minutes)	<b>Moderated break-out room discussion</b> among participating judges on the basis of case study	4.55pm-5.25pm (30 minutes)
2.25pm-2.55pm (30 minutes)	<b>Plenary discussion</b> of case study	5.25pm-5.55pm (30 minutes)
2.55pm – 3.00pm (5 minutes)	<b>Concluding remarks by the co-organizers</b>	5.55pm-6.00pm (5 minutes)

## Speakers



**José Angelo Estrella Faria,  
UNCITRAL**

José Angelo Estrella Faria is Principal Legal Officer and Head, Legislative Branch, at the UNCITRAL secretariat. From 1 October 2008 to 31 July 2017, he was the Secretary-General of Unidroit. Until his appointment to Unidroit, Mr. Faria had worked at the UNCITRAL secretariat from 1996 to 2008. As secretary to the relevant intergovernmental working groups, he was responsible for UNCITRAL work on privately financed infrastructure projects and electronic commerce. He also supervised the work of Working Group III (Transport Law) between 2005 and 2008. Before joining the United Nations in 1992, he had worked as an attorney in Brazil, specialising in commercial and trade law. He has published articles and books, and taught various courses on legal harmonisation, commercial law and international law.



**Harish Natarajan, Practice  
Manager, World Bank Group**

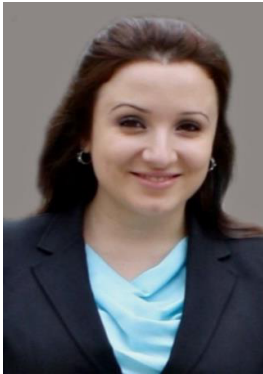
Harish leads a global team working on financial inclusion; payments and market infrastructures; digital finance; and credit infrastructure topics. He represents the World Bank in several international working groups on these topics. He was a lead contributor to the IMF-World Bank Bali Fintech Agenda, co-led the Future of Finance flagship paper, and co-chaired the CPMI-World Bank taskforce on Payment Aspects of Financial Inclusion.

Prior to joining the World Bank, Harish worked in senior level positions at Visa in business development, operations, and risk management. He holds an under-graduate degree in Electrical and Electronics Engineering from Indian Institute of Technology -Madras, India and a Post Graduate Diploma, from Indian Institute of Management- Calcutta, India specializing in Finance and Systems.



**Samira Musayeva,  
Senior Legal Officer,  
UNCITRAL**

The Secretary of UNCITRAL Working Group V (Insolvency Law), also oversees the work in the area of public procurement and projects of technical cooperation and assistance, capacity-building and judicial training. Previously worked in the areas of security interests, electronic commerce, public-private partnerships and negotiable multimodal transport documents, on UNCITRAL procedural matters and on positioning of UNCITRAL in the United Nations broader agenda. Before joining the UNCITRAL secretariat, she worked as an associate legal officer in the Codification Division of the UN Office of Legal Affairs and before that, as an associate lawyer in an international law firm, dealing with privatization and concession projects in energy, telecommunication and construction sectors.



**Nina P. Mocheva, World Bank Group**

Nina is a Senior Financial Sector Specialist with the Debt Resolution & Insolvency team of the WBG and is based in Washington DC. Nina is a dual-trained lawyer in civil and common law jurisdictions and focuses on assisting World Bank member countries in improving their insolvency and debt resolution regimes, as well as with implementing alternative dispute resolution (ADR) mechanisms, such as commercial arbitration and commercial mediation (private and court-connected). She is particularly interested in the use of alternative dispute resolution in insolvency and debt enforcement processes and has published extensively on these topics.



**Sir Alastair Norris, Former Judge of the High Court of England & Wales**

After reading law at St John's College, Cambridge Sir Alastair was called to the Bar by Lincoln's Inn and practised in London in the Chancery Division (dealing with corporate and business disputes) as a barrister and as Queen's Counsel until 2001. He was then appointed as the Chancery Judge at Birmingham, where he sat for 6 years, presiding over many insolvency and business cases, and developing innovative cross-border techniques which have entered mainstream practice. On appointment to the High Court (Chancery Division) in 2007 Mr Justice Norris returned to London where he continued to sit on major insolvency and business cases. His last major case was the 5-month trial of the shareholder group claim arising out of a bank takeover during the global financial crisis. He chaired the Insolvency Rules Committee that was responsible for the English 2016 Insolvency Rules. He retired in 2019 but continues to sit in retirement. He now focuses on his INSOL/World Bank/UNCITRAL global judicial capacity building work and upon consultancy work with INSOL and the World Bank.



**Malgorzata Jaskulska, Judge of the District Court, Warsaw, Poland**

Małgorzata adjudicates in the insolvency department at the Warsaw district court. In addition to bankruptcy law, her area of interest covers EU law, especially issues related to preliminary ruling proceedings. She is a PhD candidate at the Faculty of Law at the Polish Academy of Sciences, preparing a dissertation on the relationship between national courts and European Union's Court of Justice. She develops her knowledge and experience by writing articles concerning insolvency matters and actively participating in conferences. She holds a master's in law degree from Warsaw University, Poland. She also completed American law course at the American Law Center by Levin College of Law. She has a postgraduate degree in both civil liability and white collar crimes. She speaks English, French and Polish.



**Verónica Francisca Martínez,  
Appellate Judge, Córdoba,  
Argentina**

Verónica is a Lawyer and Notary, holding a degree from the Catholic University of Córdoba, República Argentina. Upon graduating, she received the University Prize Gold Medal Award for the best graduate, and in 1991, she was honored with the Young Jurist Award by the National Academy of Law and Social Sciences of Córdoba. Since 2010 she serves as an Appellate Judge, Member of the 9th Court of Appeals in Civil and Commercial matters of the 1st Judicial District of the Province of Córdoba, República Argentina, holding special jurisdiction in corporate governance and bankruptcy matters. Before her current position, Verónica served for ten years as a First Instance Judge, in the 39th Nomination Court (Bankruptcy and Corporate governance No. 7), Córdoba. Prior to joining the Judiciary, she worked as a practicing attorney, specializing in commercial law, bank, corporate matters, and bankruptcies, also having served as Legal Manager of the 'Banco de Córdoba'.

## **Moderator**



**Antonia Menezes, World  
Bank Group**

Antonia Menezes is a Senior Financial Sector Specialist with the Insolvency & Debt Resolution Team of the World Bank Group based in Washington D.C. The focus of her work is providing technical assistance and advice to governments on insolvency and debt resolution reforms, including legal aspects of NPL management, with a particular emphasis on work in South Asia, Sub-Saharan Africa and the Caribbean.

Antonia has published widely in the field of insolvency and represents the World Bank Group at Working Group V (Insolvency) of the United Nations Commission on International Trade Law (UNCITRAL). She is also a Co-Chair of the World Bank Group Insolvency & Creditor/Debtor Regimes (ICR) Task Force, which is responsible for testing and evaluating the effectiveness of the World Bank Group ICR Principles. She is one of the founders of the World Bank-INSOL International Judicial Insolvency Program.