Mauro Megliani

# Sovereign Debt

Genesis - Restructuring - Litigation



# **Sovereign Debt Genesis Restructuring Litigation**

Ran Bi, Mr. Marcos
Chamon, Mr. Jeronimo Zettelmeyer

# **Sovereign Debt Genesis Restructuring Litigation:**

Sovereign Debt Mauro Megliani, 2014-11-21 This book provides a thorough legal analysis of sovereign indebtedness examining four typologies of sovereign debt bilateral debt multilateral debt syndicated debt and bonded debt in relation to three crucial contexts genesis restructuring and litigation Its treatise style approach makes it possible to capture in a systematic manner a phenomenon characterized by high complexity and unclear boundaries Though the analysis is mainly conducted on the basis of international law the breadth of this topical subject has made it necessary to include other sources such as private international law domestic law and financial practice moreover references are made to international financial relations and international financial history so as to provide a more complete understanding Although it follows the structure of a continental tractatus the work strikes a balance between consideration of doctrinal and jurisprudential sources making it a valuable reference work for scholars and practitioners alike The Doctrine of Odious Debt in International Law Jeff King, 2016-05-26 According to the doctrine of odious debt loans which are knowingly provided to subjugate or defraud the population of a debtor state are not legally binding against that state under international law Breaking with widespread scepticism this groundbreaking book reaffirms the original doctrine through a meticulous and definitive examination of state practice and legal history It restates the doctrine by introducing a new classification of odious debts and defines odiousness by reference to the current much more determinate and litigated framework of existing public international law Acknowledging that much of sovereign debt is now governed by the private law of New York and England Jeff King explores how odious debts in international law should also be regarded as contrary to public policy in private law This book is essential reading for practising lawyers scholars and development and human rights workers Contemporary Issues in Development Finance Joshua Yindenaba Abor, Charles Komla Delali Adjasi, Robert Lensink, 2020-12-29 Contemporary Issues in Development Finance provides comprehensive and up to date coverage of theoretical and policy issues in development finance from both the domestic and the external finance perspectives and emphasizes addressing the gaps in financial markets The chapters cover topical issues such as microfinance private sector financing aid FDI remittances sovereign wealth trade finance and the sectoral financing of agricultural and infrastructural projects Readers will acquire both breadth and depth of knowledge in critical and contemporary issues in development finance from a philosophical and yet pragmatic development impact approach The text ensures this by carefully integrating the relevant theoretical underpinnings empirical assessments and practical policy issues into its analysis The work is designed to be fully accessible to practitioners with only a limited theoretical economic background allowing them to deeply engage with the book as useful reference material Readers may find more advanced information and technical details provided in clear concise boxes throughout the text Finally each chapter is fully supported by a set of review questions and by cases and examples from developing countries particularly those in Africa This book is a valuable resource for both development finance researchers and students taking

courses in development finance development economics international finance financial development policy and economic policy management Practitioners will find the development impact policy and conceptual analysis dimensions insightful The Global Economic Order Elli Louka, 2020-04-24 Exploring in depth analysing and designing intervention strategies the institutions that underpin the global economy this study provides invaluable insights into why a minimum economic order has endured for so long and why states are unwilling to establish a maximum order a global safety net for all The author investigates how debt a critical component of states economic infrastructure leads to debilitating crises and how these crises undermine the economic autonomy and political independence of states Chambers USA Reita Ghosh, Paula IMF Survey International Monetary Fund, 2004 The Problem that Wasn't Ran Bi.Mr.Marcos Chamon, Mr. Jeronimo Zettelmeyer, 2011-11-01 Contrary to widespread expectation debt renegotiations in the era of bond finance have generally been guick and involved little litigation. We present a model that rationalizes the initial fears and offers interpretations for why they did not materialize When the exchange offer is sufficiently attractive vis vis holding out full participation can be an equilibrium Legal innovations such as minimum participation thresholds and defensive exit consents helped coordinate creditors and avoid litigation Unlike CACs exit consents can be exploited to force high haircuts on creditors but the ability of creditors to coordinate to block exit consents can limit overly aggressive use **Debt Restructuring** James A. Haley,2014 Ten years ago in the wake of the Asian financial crisis and subsequent Argentine default the international community debated how to best promote the timely effective restructuring of sovereign debt Today the issue of sovereign debt restructuring is again on the international policy agenda and the debate is once more framed in terms of statutory versus contractual approaches This paper is intended as a guide to the issues It first reviews the underlying problems that impede timely sovereign debt restructurings and the tools that have been developed to address them It then identifies the policy responses that were proposed and discussed a decade ago in response to the financial crises that were sweeping through the global economy Some elements of these old debates have declined in importance given developments over the past decade Other elements of those earlier discussions however remain relevant in the context of the new challenges that confront the international community which include concerns regarding the sustainability of Greece's debt in an environment of possible deflation and the potential effects that ongoing litigation against Argentina could have on the current framework for sovereign debt restructuring Sovereign Debt Restructuring and the Law Sebastian Grund, 2022-12-30 The book sheds light on the perhaps most important legal conundrum in the context of sovereign debt restructuring the holdout creditor problem Absent an international bankruptcy regime for sovereigns holdout creditors may delay or even thwart the efficient resolution of sovereign debt crises by leveraging contractual provisions and in an increasing number of cases by seeking to enforce a debt claim against the sovereign in courts or international tribunals Following an introduction to sovereign debt and its restructuring the book provides the first comprehensive analysis of the

holdout creditor problem in the context of the two largest sovereign debt restructuring operations in history the Argentine restructurings of 2005 and 2010 and the 2012 Greek private sector involvement By reviewing numerous lawsuits and arbitral proceedings initiated against Argentina and Greece across a dozen different jurisdictions it distils the organizing principles for ongoing and future cases of sovereign debt restructuring and litigation It highlights the different approaches judges and arbitrators have adopted when dealing with holdout creditors ranging from the denial of their contractual right to repayment on human rights grounds to leveraging the international financial infrastructure to coerce governments into meeting holdouts demands To this end it zooms in on the role the governing law plays in sovereign debt restructurings revisits the contemporary view on sovereign immunity from suit and enforcement in the international debt context and examines how creditor rights are balanced with the sovereign's interest in achieving debt sustainability Finally it advances a new genealogy of holdouts distinguishing between official and private sector holdouts and discussing how the proliferation of new types of uncooperative creditors may affect the sovereign debt architecture going forward While the book is aimed at practitioners and scholars dealing with sovereign debt and its restructuring it should also provide the general reader with the understanding of the key legal issues facing countries in debt distress Moreover by weaving economic financial and political considerations into its analysis of holdout creditor litigation and arbitration the book also speaks to policymakers without a legal background engaged in the field of international finance and economics Pre-emptive Sovereign Debt Restructuring and Holdout Litigation Kartik Anand, Prasanna Gai, 2018 We offer an analytical framework for studying pre emptive debt exchanges Countries can tailor a sovereign bankruptcy framework by choosing provisions or haircuts ex ante but must contend with the market discipline of holdout litigation ex post Secondary markets play a role in shaping the holdout costs facing the sovereign and our results suggest that it is optimal to prioritise the rights of holdout creditors during litigation so that they are always paid in full We clarify how macroeconomic and legal factors influence the choice of haircut Our model contributes to the debate on sovereign debt restructuring by formalizing Bolton and Skeel's 2004 notion of a Designer SDRM

Sovereign Debt Restructuring Laura Alfaro, 2014 Recent rulings in the ongoing litigation over the pari passu clause in Argentinian sovereign debt instruments have generated considerable controversy Some official sector participants and academic articles have suggested that the rulings will disrupt or impede future sovereign debt restructurings by encouraging holdout creditors to litigate for full payment instead of participating in negotiated exchange offers This paper critically examines this claim and argues that the incentives for holdout litigation are limited because of 1 significant constraints on creditor litigation 2 substantial economic and reputational costs associated with such litigation and 3 the availability of contractual provisions and negotiating strategies that mitigate the debtor's collective action problems It also argues that the fact specific equitable remedy in the Argentina case was narrowly tailored to Argentina's unprecedented disregard for court opinions and for international norms of negotiating sovereign debt restructurings and is therefore unlikely to be used in

future debt restructurings **Sovereign Defaults Before Domestic Courts** Hayk Kupelyants, 2018 In this new book Hayk Kupelyants examines sovereign debt litigation before the English and New York courts The book sets out parties litigation choices at various stages of proceedings and provides the legal background against which parties to a sovereign bond may wish to negotiate The book offers an exhaustive account of litigation tactics available to bondholders and sovereign debtors alike The book is unique in the breadth of its coverage It examines issues of jurisdiction and choice of law at the preliminary stages of litigation substantive challenges of various sorts to sovereign debt restructurings and to the repayment of bonds on merits and enforcement of final judgments against the state and its assets in the post judgment phase This is a systematic explanation and critical evaluation of a difficult area of law with regard to the current state of the law and key provisions of sovereign bond documents A Model-Law Approach to Sovereign Debt Restructuring Steven L. Schwarcz, 2017 Unresolved sovereign debt problems and disruptive litigation are hurting debtor nations and their citizens as well as their creditors A default can also pose a serious systemic threat to the international financial system Yet the existing contractual approach to sovereign debt restructuring including the use of so called collective action clauses is insufficient to solve the holdout problem recent empirical research indeed shows a drastic rise in sovereign debt litigation by holdout creditors And the political economy of treaty making makes a multilateral statutory approach highly unlikely to succeed in the near future This article prepared at the invitation of the United Nations Commission on International Trade Law UNCITRAL for presentation at its 50th Anniversary Congress shows why a model law approach to sovereign debt restructuring should be realistic and effective Nations and even subnational jurisdictions could individually enact a model law as their internal law and contracts governed by that law would thereby become governed by the model law Choice of law thus gives a model law approach a powerful multiplier effect A model law approach could also solve the problem of pari passu clauses and address the critical need for a financially troubled nation to obtain liquidity during its restructuring process The article proposes a form of Sovereign Debt Restructuring Model Law which has been vetted in discussions with leading experts worldwide and also embraces the Basic Principles on Sovereign Debt Restructuring Processes adopted by the United Nations General Assembly in 2015 At the very least pursuing the Model Law in parallel to other approaches would help to develop norms for a sovereign debt restructuring legal framework that goes beyond mere contracting **Sovereign Debt and Debt Restructuring** Eugenio A Bruno, 2013-04-01 This title provides in depth analysis of aspects of the intersection between the recent financial crisis in Europe and the law litigation and practice of selected key international jurisdictions mainly the United States Europe and certain international arbitration tribunals Sovereign Debt Restructuring and Growth Lorenzo Forni, Mr. Geremia Palomba, Ms. Joana Pereira, Christine J. Richmond, 2016-08-16 This paper studies the effect of sovereign debt restructurings with external private creditors on growth during the period 1970 2010 We find that there are bad and good or not so bad debt restructurings for growth While growth generally declines in the aftermath of a sovereign debt restructuring

agreements that allow countries to exit a default spell final restructurings are associated with improving growth The impact can be significant In general three years after restructuring growth is about 5 percent lower compared to countries that did not face restructuring over the same period The exception is for final restructurings which result in positive growth in the years immediately after the restructuring Final restructurings tend to be better for growth because they reduce countries debt with the strongest effect for countries that exit restructurings with relatively low debt levels Sovereign Debt Restructuring Mechanism - Further Considerations International Monetary Fund. Legal Dept., International Monetary Fund. Policy Development and Review Dept., International Monetary Fund. Research Dept., International Monetary Fund. Strategy, Policy, & Review Department, 2002-11-27 NULL Sovereign Debt Restructuring Zeenat Munir Masoodi, 2014 The history of sovereign debt lending and borrowing goes back to ancient times Sovereigns borrow money for reasons similar to individuals The vital difference between the two however is one of recovery Unlike individuals a sovereign s assets may not be seized and liquidated for recovery of debts In the absence of an international consensus on how to restructure debt several techniques and methods have been created and suggested by diverse groups Many Important changes have ensued and a trend of litigation has also evolved in the past couple of decades While sovereign debt restructuring has almost always stirred a debate in the realm of economics certain important legal issues and aspects also deserve to be highlighted Sovereign Debt Restructurings 1950-2010 Mr. Udaibir S. Das, Mr. Michael G Papaioannou, Christoph Trebesch, 2012-08-01 This paper provides a comprehensive survey of pertinent issues on sovereign debt restructurings based on a newly constructed database This is the first complete dataset of sovereign restructuring cases covering the six decades from 1950 2010 it includes 186 debt exchanges with foreign banks and bondholders and 447 bilateral debt agreements with the Paris Club We present new stylized facts on the outcome and process of debt restructurings including on the size of haircuts creditor participation and legal aspects In addition the paper summarizes the relevant empirical literature analyzes recent restructuring episodes and discusses ongoing debates on crisis resolution mechanisms credit default swaps and the role of collective action clauses Restructuring Sovereign Debt After NML V. **Argentina** Lee C. Buchheit, 2017 The decade and a half of litigation that followed Argentina's sovereign bond default in 2001 ended with a great disturbance in the Force A new creditor weapon had been uncloaked The prospect of a court injunction requiring the sovereign borrower to pay those creditors that decline to participate in a debt restructuring ratably with any payments made to those creditors that do provide the country with debt relief For the first time holdouts succeeded in fashioning a weapon that could be used to injure their erstwhile fellow bondholders not just the sovereign issuer Is the availability of this new weapon limited to the aggravated facts of the Argentine default or has it now moved permanently into the creditors arsenal Only time and future judicial decisions will tell In the meantime however sovereigns will occasionally find themselves in financial distress and their debts will occasionally need to be restructured Venezuela already casts this

chilly shadow over the sovereign debt market If in a galaxy not too far away sovereign debt workouts are to have any chance of an orderly completion a method must be found to neutralize this new weapon Judging by the secondary market prices of different series of Venezuelan sovereign bonds large amounts of money are being wagered that it cannot be done

Reviewing the Process for Sovereign Debt Restructuring Within the Existing Legal Framework International Monetary Fund. Policy Development and Review Dept., International Monetary Fund. Monetary and Capital Markets Department, International Monetary Fund. Legal Dept., 2003-01-08 NULL

# Sovereign Debt Genesis Restructuring Litigation Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the power of words has be much more evident than ever. They have the capacity to inspire, provoke, and ignite change. Such may be the essence of the book **Sovereign Debt Genesis Restructuring Litigation**, a literary masterpiece that delves deep into the significance of words and their affect our lives. Written by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall affect readers.

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