

A WORLD BANK STUDY



# Out-of-Court Debt Restructuring



THE WORLD BANK

# Out Of Court Debt Restructuring World Bank Studies

**Wai Yee Wan**



## **Out Of Court Debt Restructuring World Bank Studies:**

Out-of-Court Debt Restructuring The World Bank,2012-01-12 This study provides a conceptual framework for the analysis of the questions of out of court debt restructuring from a policy oriented perspective The starting point of the analysis is given by the World Bank Principles for Effective Insolvency and Creditor Rights Systems The study offers an overview of out of court restructuring which is not seen as fundamentally opposed to formal insolvency procedures Actually the study contemplates different restructuring techniques as forming a continuum to the treatment of financial difficulties Thus from the purely contractual or informal arrangements for debt rescheduling between the debtor and its creditors to the fully formal reorganization or liquidation procedures there are numerous intermediate solutions In the study these solutions are identified by the terms of enhanced procedures where the contractual arrangements are supported by norms or principles for workouts and hybrid procedures where the contractual arrangements are supported by the intervention of the courts or an administrative authority The study discusses the advantages and disadvantages of all the debt restructuring techniques and concludes in this regard that a legal system may contain a number of options a menu that can cover different sets of circumstances In the end the law may offer a toolbox with very different instruments that the parties may use depending on the specific facts of the case A substantial part of the study is devoted to the analysis of the enabling regulatory environment for out of court restructuring It is evident that debt restructuring does not operate in a vacuum in fact the general legal system influences and to a certain extent determines the possibilities for debt restructuring in any given jurisdiction The study provides a checklist that can be used to examine the features of a legal system that bear a direct influence on debt restructuring activities The different characteristics of informal restructurings and of enhanced and hybrid debt restructurings are covered by the study The different approaches to debt restructuring aim at combining the advantages of an informal approach with the advantages of formal procedures especially the existence of a moratorium on creditor actions and the binding effects of creditor agreements concluded within the insolvency process

**Reinventing Insolvency Law in Emerging Economies** Aurelio Gurrea-Martínez,2024-06-13 This book explains how and why insolvency law in emerging economies needs to be reinvented It starts by examining the importance of insolvency law for the promotion of economic growth as well as the similarities and divergences in the design of insolvency law around the world The central thesis of the book is that insolvency law in emerging economies fails to serve as a catalyst for growth It is argued that this failure is mainly due to the design of an insolvency legislation that is not tailored to the market and institutional environment generally existing in emerging economies The book also provides a critical analysis of the design of insolvency law in many advanced economies where the insolvency system has proven to be unattractive for debtors creditors or both Therefore in addition to suggesting a new insolvency framework for emerging economies this book ultimately invites readers to rethink insolvency law

Crises and Uncertainty in the Economy Hachmi BEN AMEUR,Zied FTITI,Wael LOUHICHI,Jean-Luc

PRIGENT,2023-01-13 This book explores how the economic sphere has experienced an ultimate shape after the occurrence of several crises since 2000s The subprime crisis has triggered the transition from conventional to unconventional frameworks in most industrialised and emerging economies This book highlights how the sovereign debt crisis has exacerbated the economic environment and raised economic uncertainty This book asserts that markets integration have boosted contagion and risk spillovers among financial markets Moreover the Brexit and US China trade tension has intensified uncertainty and the economic challenges This book examines in recent times how humanity has experienced the most dramatic health crisis and their economic effects This pandemic lockdowns several countries and caused an economic and financial collapse This book expands on these crises with different origins and mechanisms have shaped the economic systems in several ways monetary policy macroeconomic imbalance economic growth economic integration financial risk volatility and trade effects The main aims of this book cover the topical issues related to crises and uncertainty and the economic consequences This book is drawn from academics and practitioners presenting high quality original research papers presented in the Financial and Economic Meeting conference 2021 Euro Area Policies International Monetary Fund. European Dept.,2015-07-27 This Selected Issues paper discusses the risks of low growth and inflation over the medium term for the euro area It examines the consequences of longer term trends that predate the crisis and the progress made in addressing the crisis legacies of high unemployment and debt The paper illustrates in a downside scenario how low potential growth and crisis legacies leave the euro area vulnerable to the risks of stagnation The weak medium term prospect and limited policy space leave the euro area vulnerable to shocks that could lead to a prolonged period of low growth and inflation Model simulations suggest that a modest shock to investor confidence could push up risk premia and real interest rates as policy space is constrained at the zero lower bound and fiscal policy space to provide stimulus is limited Moreover the lingering crisis legacies of high debt and unemployment could amplify the original shocks creating a bad feedback loop and keeping the economy stuck in equilibrium of stagnation The World Bank Research Program, 1997 World Bank Staff,1997

**Court-Supervised Restructuring of Large Distressed Companies in Asia** Wai Yee Wan,2022-07-28 This book provides an in depth analysis of 4 economically significant Asian jurisdictions Mainland China India Hong Kong and Singapore These jurisdictions have recently either reformed or are considering reforming their corporate restructuring laws to promote regimes conducive to restructuring financially distressed but otherwise economically viable companies Mainland China India Hong Kong and Singapore continue to adhere to a framework that requires the court's final approval but draw references from Chapter 11 of the Bankruptcy Code 1978 in the United States and or the schemes of arrangement in the United Kingdom However the institutional and market structures are very different in Asia in particular Asia has a far higher concentration in shareholdings among listed firms including holdings by families and the state and a different composition of creditors The book explains how notwithstanding the legal transplantation corporate restructuring laws in these Asian

jurisdictions have adapted and evolved due to the frictions in shareholder creditor and creditor creditor relationships and the role of the state in resolving non performing loans and financial distress of state owned enterprises which are listed or which issue public debt The study argues that any reforms must go beyond professionalising the insolvency professionals and the judiciary but must be designed to address fundamental issues of corporate governance bank regulation and enforcing non bankruptcy rules It offers invaluable insights for academics and policy makers alike *Turkey, ... Article IV Consultation and ... Review Under the Stand-by Arrangement--staff Report, Staff Statement, Public Information Notice and News Brief on the Executive Board Discussion* ,2002 *Rescue of Business in Europe* Gert-Jan Boon,2020-01-30 This edited volume is based on the European Law Institute s ELI project Rescue of Business in Insolvency Law The project ran from 2013 to 2017 under the auspices of the ELI and was conducted by Bob Wessels and Stephan Madaus who were assisted by Gert Jan Boon The study sought to design elements of a legal framework that will enable the further development of coherent and functional rules for business rescue in Europe This includes certain statutory procedures that could better enable parties to negotiate solutions where a business becomes financially distressed Such a framework also includes rules to determine in which procedures and under which conditions an enforceable solution can be imposed upon creditors and other stakeholders despite their lack of consent The project had a broad scope and extended to consider frameworks that can be used by non financial businesses out of court and in a pre insolvency context Part I of this book the ELI Instrument as approved by the ELI Council and General Assembly features 115 recommendations on a wide variety of themes affected by the rescue of financially distressed businesses such as the legal rules for professions and courts treatment and ranking of creditors claims contract corporate and labour law as well as laws relating to transaction avoidance Part II consists of national reports that sketch the legal landscape in 13 States and of an Inventory Report on International Recommendations from Standard Setting Organisations both of which provided insight for the drafting of the Instrument This volume is designed to assist those involved in a process of law reform and those setting standards for soft law in the business rescue context *The World Bank Research Observer* ,2001 *Development Strategies Toward the 21st Century* □□□□,□□□□,2002-03 Scott copy 1 From the John Holmes Library collection [Annual World Bank Conference on Development Economics--Europe](#) ,2003 **The Contingent Claims Approach to Corporate Vulnerability Analysis** ,2004 [The Emerging of a Multilateral Forum for Debt Restructuring](#) Enrique Cosio-Pascal,2008 This paper describes the evolution of intergovernmental relationships on debt rescheduling It starts describing some experiences that aroused in the 18th Century and which negotiations were carried out in many occasions with the help of gunboat diplomacy The settlement of liabilities that were created at the aftermath of the two 20th Century World Wars which were at least for some countries not exactly debt but war reparations gave some insights in how to deal with these problems allowing the debtor country to find its own path to get out of the debt overhang The settlement of these foreign liabilities may give some guidelines for dealing with debt restructuring in more general cases

The creation of the Paris Club which is a very civilized way to settle debt defaults compared to gunboat diplomacy is analyzed and described here first its emergency as an ad hoc transitory institution and later its evolution toward its definitive establishment in the international financial system landscape It is also suggested that for a combination of events which included the launch in Evian of the G 8 s so called Evian Approach for the Paris Club as well as the lack of support of some major industrialized countries to the implementation of a Sovereign Debt Restructuring Mechanism SDRM the Paris Club has become the only feasible international intergovernmental debt restructuring mechanism in spite of numerous shortcomings embodied in it On this basis some improvements of the actual mechanism are proposed without precluding the possibility of the implementation of a more equilibrated SDRM in the future Page 1

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World Bank,1995      Problems of Post-communism ,2002      **RFE/RL Research Report** ,1994-07      **IMF Survey**  
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