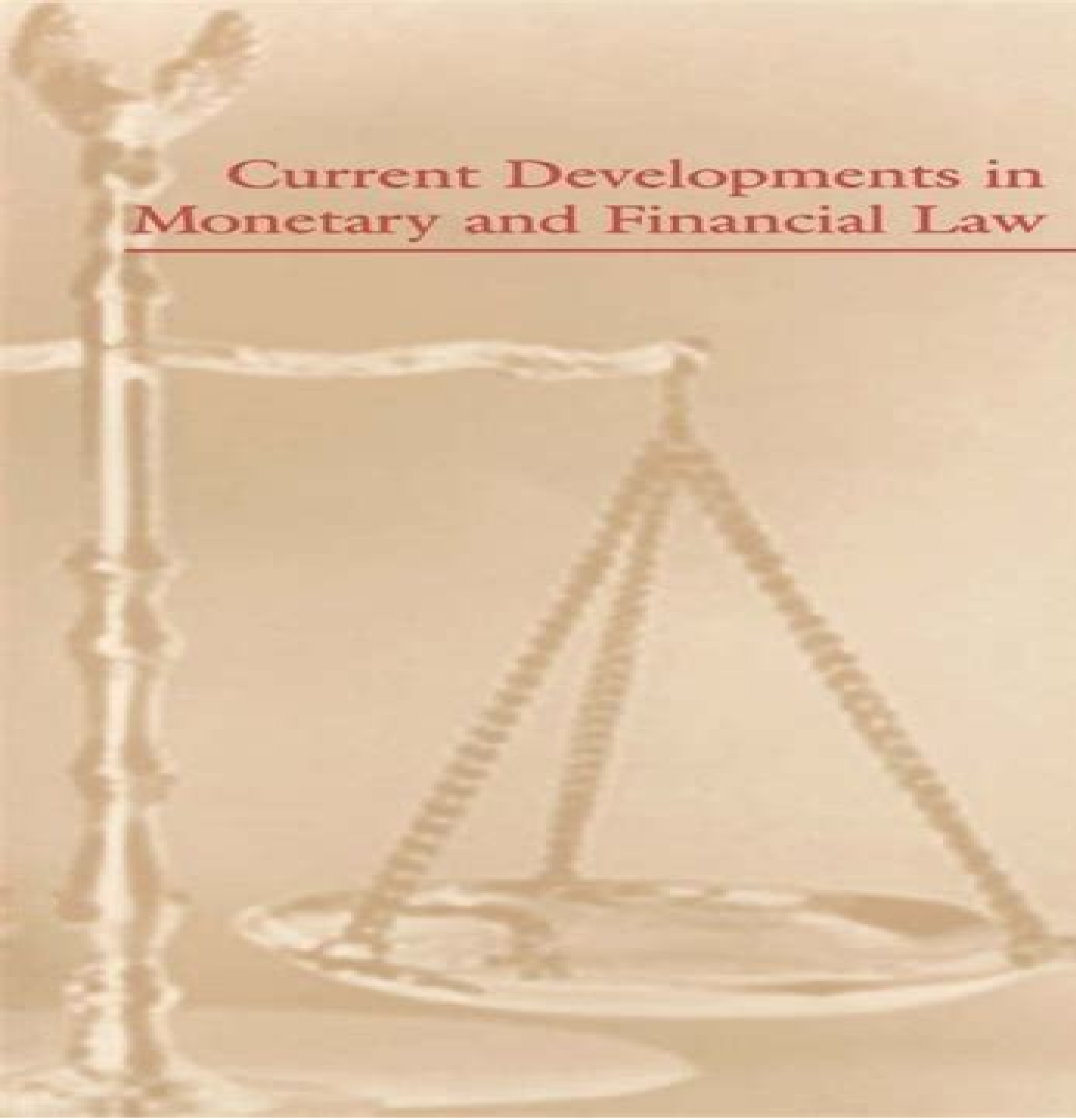


Volume

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Current Developments in Monetary and Financial Law

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Vol 1

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Current Developments in Monetary and Financial Law, Vol. 1 International Monetary Fund. Legal Department, IMF Institute, 1999-08-26 Papers based on a seminar held in 1998 organized by the Legal Department of the IMF International Monetary Fund and the IMF Institute Title page verso Current Developments in Monetary and Financial Law, Vol. 4 International Monetary Fund, 2008-11-06 The Legal Department and the Institute of the IMF held their ninth biennial seminar for legal advisors of IMF member countries central banks and the papers published in this volume are based on presentations made by officials attending this seminar The seminar covered a broad range of topics including sovereign debt restructuring money laundering and the financing of terrorism financial system and banking supervision conflicts of interest and market discipline in the financial sector insolvency and other issues related to central banking **Current Developments in Monetary and Financial Law, Volume 2** International Monetary Fund, 2003-10-20 The papers published in this volume are based on an IMF seminar held in 2000 that covered a broad range of topics on monetary and financial law such as the liberalization of capital movements data dissemination responsibilities of central banks and the IMF's goals in financial surveillance and architecture Participants addressed recent issues in the financial sector including those related to payment systems and supervision of financial institutions Updates dealt with Internet banking bank secrecy and currency arrangements including dollarization Participants discussed the recent activities of the other international financial institutions which included the European Central Bank and the International Finance Corporation Prevention of financial crises was also discussed with reference to the distinct roles of the IMF and the private sector Current Developments in Monetary and Financial Law, Vol. 3 International Monetary Fund, 2005-04-29 The Legal Department and the Institute of the IMF held their eighth biennial seminar for legal advisors of central banks of member countries on May 7 17 2000 The papers presented in this volume are based on presentations made by the seminar participants The seminar covered a broad range of topics including activities of the IMF and other international financial institutions sovereign debt restructuring the architecture of the international financial system and money laundering and the financing of terrorism In addition participants addressed the role of central banks payment systems securities technology in the financial sector and monetary arrangements Current Developments in Monetary and Financial Law, Volume 6 International Monetary Fund. Legal Dept., 2013-02-08 Restoring Financial Stability The Legal Response is the theme of the sixth volume of Current Developments in Monetary and Financial Law The book covers a range of issues frameworks and regulatory reforms in the United States European Union and Japan that address systemic risk the international dimension of financial stability the regulation of complex financial products cross border banking supervision capital adequacy and corporate and household debt restructuring The chapters are based on presentations from a seminar hosted by the IMF Legal Department the Ministry of Finance of Japan the Financial Services Agency of Japan and the Bank of Japan with the assistance of the IMF Institute The

contributors to the volume come from both the public and private sectors and include academics lawyers practicing in the fields of banking and financial law and officials from central banks supervisory and regulatory agencies and standard setting bodies

Current Developments in Monetary and Financial Law, 1999 Papers based on a seminar held in 1998 organized by the Legal Department of the IMF International Monetary Fund and the IMF Institute Title page verso

International Economic Law and Monetary Measures Annamaria Viterbo, 2012-01-01 The 2007/2010 global financial crisis re opened the debate on the reform of the international monetary and financial system This well argued book demonstrates the strategic role of international economic law IEL in ensuring international monetary stability and global financial stability After discussing the current allocation of powers among IEL institutions Annamaria Viterbo focuses on monetary measures exchange restrictions capital controls and exchange rate manipulations These three fundamental topics are then examined through the lens of a multi layered methodology adopting perspectives from international monetary law trade law and investment law The author evaluates how the horizontal sectors in which IEL is traditionally divided interact and how conflicts between norms are avoided or solved Particular attention is also devoted to the outcomes of trade and investment disputes that deal with monetary measures International Economic Law and Monetary Measures will appeal to international trade law and international financial law scholars as well as law and business students Legal practitioners and officials working in the field of international economic law will find it a useful reference as will legal counsel in banks and financial institutions international investors and multinational corporations

Connectedness and Contagion Hal S. Scott, 2022-11-01 An argument that contagion is the most significant risk facing the financial system and that Dodd Frank has reduced the government's ability to respond effectively The Dodd Frank Act of 2010 was intended to reform financial policies in order to prevent another massive crisis such as the financial meltdown of 2008 Dodd Frank is largely premised on the diagnosis that connectedness was the major problem in that crisis that is that financial institutions were overexposed to one another resulting in a possible chain reaction of failures In this book Hal Scott argues that it is not connectedness but contagion that is the most significant element of systemic risk facing the financial system Contagion is an indiscriminate run by short term creditors of financial institutions that can render otherwise solvent institutions insolvent It poses a serious risk because as Scott explains our financial system still depends on approximately 7.4 to 8.2 trillion of runnable and uninsured short term liabilities 60 percent of which are held by nonbanks Scott argues that efforts by the Federal Reserve the FDIC and the Treasury to stop the contagion that exploded after the bankruptcy of Lehman Brothers lessened the economic damage And yet Congress spurred by the public's aversion to bailouts has dramatically weakened the power of the government to respond to contagion including limitations on the Fed's powers as a lender of last resort Offering uniquely detailed forensic analyses of the Lehman Brothers and AIG failures and suggesting alternative regulatory approaches Scott makes the case that we need to restore and strengthen our weapons for fighting contagion

Law and Regulation of Mobile Payment

Systems Joy Malala, 2017-11-28 Over the last ten years mobile payment systems have revolutionised banking in some countries in Africa In Kenya the introduction of M Pesa a new financial services model has transformed the banking and financial services industry Giving the unbanked majority access to the financial services market it has attracted over 18 million subscribers which is remarkable given that fewer than 4 million people in Kenya have bank accounts This book addresses the legal and regulatory issues arising out of the introduction of M Pesa in Kenya and its drive towards financial inclusion It considers the interaction between regulation and technological innovation with a particular focus on the regulatory tools institutional arrangements and government decisional processes through the examination as a whole of its regulatory capacity This is done with a view to understanding the regulatory capacity of Kenya in addressing the vulnerabilities presented by technological innovation in the financial industry for consumers after financial inclusion It also examines the way that mobile payments have been regulated by criticising the piecemeal approach that the Central Bank of Kenya has taken in addressing the legal and regulatory issues presented by mobile payments The book argues there are significant gaps in the regulatory regime of mobile banking in Kenya

Moral Hazard Juan Flores Zendejas, Norbert Gaillard, Rick Michalek, 2021-12-30 Moral Hazard is a core concept in economics In a nutshell moral hazard reflects the reduced incentive to protect against risk where an entity is or believes it will be protected from its consequences whether through an insurance arrangement or an implicit or explicit guarantee system It is fundamentally driven by information asymmetry arises in all sectors of the economy including banking medical insurance financial insurance and governmental support undermines the stability of our economic systems and has burdened taxpayers in all developed countries resulting in significant costs to the community Despite the seriousness and pervasiveness of moral hazard policymakers and scholars have failed to address this issue This book fills this gap It covers 200 years of moral hazard from its origins in the 19th century to the bailouts announced in the aftermath of the COVID 19 outbreak The book is divided into three parts Part I deals with the ethics and other fundamental issues connected to moral hazard Part II provides historical and empirical evidence on moral hazard in international finance It examines in turn the role of the export credit industry the international lender of last resort and the IMF Finally Part III examines specific sectors such as automobile banking and the US industry at large This is the first book to provide an interdisciplinary analysis of moral hazard and explain why addressing this issue has become crucial today As such it will attract interest from scholars across different fields including economists political scientists and lawyers

Corporate Structure and Banking Resolution Marcelo J. Sheppard Gelsi, 2024-06-06 This book provides a legal analysis of the regulation of bank based financial conglomerates from a structural commercial and regulatory perspective It includes a comparative analysis of the regulation of bank based financial conglomerates from the standpoint of the three jurisdictions that established a distinct regulatory model i e Germany the UK and the US At the same time it analyses which banking resolution strategy is most appropriate for different models taking into account four factors applicable to bank

insolvency The book further examines the types of capital structure associated with each model and in particular how BBFCs have influenced industry developments in Germany the United Kingdom the United States and the EU While there are several books that focus on the regulation of banks insurance companies and securities firms this book will include the first analysis of BBFC from a structural commercial and resolution standpoint analysing not only the three major jurisdictions but three different BBFC models and will be of particular interest to students researchers and professors of banking and financial institutions

Review Of The Fund's Policy On Multiple Currency Practices International Monetary Fund. Legal Dept.,International Monetary Fund. Monetary and Capital Markets Department,International Monetary Fund. Strategy, Policy, & Review Department,International Monetary Fund. Research Dept.,2019-06-10 This paper reviews the Fund s policy on multiple currency practices MCPs There remain strong economic and legal reasons to retain a policy on MCPs The overarching aim of the review is to make the policy and its application more effective Based on this review the paper proposes initial considerations for reforming features of the policy that have created challenges Clarifying the concept of official action to focus on measures that segment FX markets Eliminating potentiality Updating the threshold for permissible FX spreads Adjusting approval policies Reviewing links with capital transactions Considering merits of a remedial framework

Systemic Financial Crises Douglas Darrell Evanoff,George G. Kaufman,2005 Bank failures like illness and taxes are almost a certainty at some time in the future What is less certain is their cost to and adverse implications for macroeconomies Past failures have frequently been resolved at very high cost to society However the cost could be reduced through having a well developed credible and widely publicized plan ready to put into action by policymakers If no such plan is ready when a large bank approaches insolvency political pressures are likely to influence the response of regulators Minimizing immediate short run costs are likely to outweigh minimizing further out longer run and longer lasting costs even if these delayed costs promise to be substantially greater Stated differently today will win out over tomorrow and politics will trump economics How best to prevent such unfavorable outcomes is the major theme of this volume The articles presented review past insolvency resolutions draw lessons from these resolutions discuss impediments to efficient resolutions including cross country cross regulator and institutional challenges and recommend how to move forward

Financial Contagion Rob Quail,2011-02-09 Financial Contagion The Viral Threat to the Wealth of Nations covers a lot of territory It is of course terribly important to analyze case histories to discover potential triggers mechanisms of transmission and viable ways to contain the damage of financial contagion The problem is as these articles amply demonstrate that there s always a new virus or a mutation of a former one lurking in some corner of the financial world We don t know what it is or where it is And even if we had some inkling there s almost never enough time to develop a financial flu shot SeekingAlpha com The latest insights on financial contagion and how both nations and investors can effectively deal with it The domino style structure in which the financial system exists is a perilous one Although historically the financial system has been able to deal with major shocks the

fact remains that our financial system is not as secure as it should be Recent years have brought about too many examples of contagion and systemic risk That is why Financial Contagion is such an important read In it the serious concerns that revolve around our fragile economic system are investigated researched and explained Throughout the book Kolb offers valuable insights on this dilemma as he compiles the history of financial contagion highlights the latest research on systemic failure and interrelated markets and analyzes the risks and consequences we face moving forward Examines the importance of careful regulation and what must be done to stabilize the global financial system Includes contributed chapters from both academics and experienced professionals offering a variety of perspectives and a rich interplay of ideas Details how close we are to witnessing a financial contagion that could devastate the world economy We have been harshly reminded of how fragile our economic ecosystem is With Financial Contagion you ll hold a better understanding of what needs to be done to strengthen our system and safeguard our financial future

A Contemporary Concept of Monetary Sovereignty Claus D. Zimmermann, 2013-11-07 Monetary sovereignty is a crucial legal concept dictating that states have sovereignty over their own monetary financial and fiscal affairs However it does not feature as part of any key instruments of international law including the Articles of Agreement of the International Monetary Fund Rather it has remained a somewhat separate notion developed under contemporary international law from an assertion of the former Permanent Court of International Justice in 1929 As a consequence of globalization and increasing financial integration and a worldwide trend towards the creation of economic and monetary unions the principle of monetary sovereignty has undergone significant change This book examines this evolution in detail and provides a conceptual framework to demonstrate what this means for the legal and economic challenges faced by the international community The book examines the historic origins and evolution of the concept of monetary sovereignty putting it into the context of broader concepts of sovereignty It argues that monetary sovereignty remains relevant as a dynamic legal concept with both positive and normative components It investigates the continuing hybridization of international monetary law resulting from changes to its formal and material sources It then examines the complex phenomenon of exchange rate misalignment under international monetary and trade law and the increasing regionalization of monetary sovereignty notably in light of the European sovereign debt crisis Finally it assesses the role the concept of monetary sovereignty can play in the reorganization of international finance following the recent global financial crisis

Transnational Securities Regulation Antonio Marcacci, 2022-11-25 The book provides an analysis of the emergence evolution and transformation of transnational securities regulation and of the influences from and the interactions between global regulatory powers in the field Combining insights from law and political science the work employs a two tier complementary on the books and in action approach The more classical on the books approach draws on scholarship in United States and European Union securities regulation transnational regulation and global administrative law regime complexity global governance studies and the regulatory production of the International Organisation of Securities

Commissions IOSCO The law in action approach leverages the author's experience as Compliance senior professional in a multinational financial institution as well as research interviews with senior IOSCO staff The author's findings enable the reader to develop an original understanding of IOSCO its standards and its unique place in the transnational regulatory arena They also challenge the doxa that the US are the only driving regulatory power in the securities area when in fact other regulatory powers are emerging for the time being the EU The balance has shifted and regulatory compromises are achieved at different points in the rule making process

European Yearbook of International Economic Law 2013
 Christoph Herrmann, Markus Krajewski, Jörg Philipp Terhechte, 2013-04-02 Part one of Volume 4 2013 of the European Yearbook of International Economic Law offers a special focus on recent developments in international competition policy and law International competition law has only begun to emerge as a distinct subfield of international economic law in recent years even though international agreements on competition co operation date back to the 1970s Competition law became a prominent subject of political and academic debates in the late 1990s when competition and trade were discussed as one of the Singapore issues in the WTO Today international competition law is a complex and multi layered system of rules and principles encompassing not only the external application of domestic competition law and traditional bilateral co operation agreements but also competition provisions in regional trade agreements and non binding guidelines and standards Furthermore the relevance of competition law for developing countries and the relationship between competition law and public services are the subject of heated debates The contributions to this volume reflect the growing diversity of the issues and elements of international competition law Part two presents analytical reports on the developments of the regional integration processes in North America Central Africa and Southeast Asia as well as on the treaty practice of the European Union Part three covers the legal and political developments in major international organizations that deal with international economic law namely the IMF WCO WTO WIPO ICSID and UNCTAD Lastly part four offers book reviews of recent works in the field of international economic law

Macprudential Banking Supervision & Monetary Policy Luca Amorello, 2018-08-27 The European experience suggests that the efforts made to achieve an efficient trade off between monetary policy and prudential supervision ultimately failed The severity of the global crisis have pushed central banks to explore innovative tools within or beyond their statutory constraints capable of restoring the smooth functioning of the financial cycle including setting macroprudential policy instruments in the regulatory toolkit But macroprudential and monetary policies by sharing multiple transmission channels may interact and conflict with each other Such conflicts may represent not only an economic challenge in the pursuit of price and financial stability but also a legal uncertainty characterizing the regulatory developments of the EU macroprudential and monetary frameworks In analyzing the legal interaction between the two frameworks in the EU this book seeks to provide evidence of the inconsistencies associated with the structural separation of macroprudential and monetary frameworks shedding light upon the legal instruments that could

reconcile any potential policy inconsistency **Bank Recovery and Resolution** Sven Schelo, 2020-10-14 Bank Recovery and Resolution Second Edition Sven Schelo Since 2008 enormous efforts have been made worldwide to draft rules to prevent a reoccurrence of the devastating financial events of that year In the process bank business has been laid open to intense public and government scrutiny and regulation of banking has grown to spectacular proportions Prominent among the measures taken is the EU Bank Recovery and Resolution Directive BRRD which together with the Single Resolution Mechanism SRM and the Single Resolution Fund constitutes a crucial new pillar in the European Banking Union Practitioners searching for orientation in what can readily be perceived as a jungle have an urgent need for a clear and systematic description and analysis of these new rules which are sure to have a massive impact on bank business from this time on not only in Europe but also wherever European business is to be found The solidly grounded analysis in this important book sets the new rules under BRRD into their full context as cross border phenomena With its crystal clear explanation of key provisions procedures and triggers the book organises a highly complex legal system into patterns and action plans that can be applied in virtually any eventuality likely to arise in cases where bank business is of central significance Among the topics covered are the following entities covered by BRRD exceptions under BRRD objective and scope of BRRD tools bail in bridge bank sale of business asset separation asset quality reviews curing or mitigating the continuing problem of non performing loans new rules as response to lack of private solutions banks requirement to provide a minimum amount of eligible liabilities safety buffers to protect resolution need to be resolvable in a worst case leverage and liquidity ratios forced mergers market spillover effects of recovery planning group recovery planning effects of foreign law contracts and assets write down of capital instruments and special problems of cross border restructuring The presentation is enhanced by a comparative dimension which includes reference to United States and other national developments and a full scale analysis of Switzerland s regulatory response to the crisis Given that a full seamless global system of bank recovery and resolution has not yet been found and that major banks are global players headquartered in different jurisdictions and even different continents this book will greatly assist in the work of practitioners who must deal with cases involving international banking under the prevailing status quo Its usefulness to officials and academics in international banking and finance law and policy who are working towards a global solution is of incalculable value

Global Developments in Central Bank Digital Currency Ozili, Peterson K., 2024-07-24 In an era defined by rapid technological advancement the nature of money finds itself at a crossroads presenting both opportunities and challenges for global financial systems The rise of Central Bank Digital Currencies CBDCs stands as a testament to this paradigm shift offering the promise of efficiency transparency and financial inclusion However amidst the burgeoning interest in CBDCs a pressing problem emerges the lack of comprehensive understanding and insight into their development on a global scale Recognizing this critical gap Global Developments in Central Bank Digital Currency emerges as a guide for clarity in the

complex landscape of monetary evolution By synthesizing insights from diverse regions and jurisdictions this book offers a holistic view of CBDC initiatives unraveling the intricate web of motivations challenges and implications From Africa to Asia from Europe to Oceania the book delves into country specific developments shedding light on the role of politics culture and informal institutions in shaping CBDC adoption

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