

**FOREIGN DEBTS  
IN THE PRESENT  
AND A  
NEW INTERNATIONAL  
ECONOMIC ORDER**

Edited by  
**DETLEV CHR. DICKE**  
University of Fribourg Switzerland

in cooperation with the  
**INTERNATIONAL LAW ASSOCIATION'S  
COMMITTEE ON LEGAL ASPECTS  
OF A NEW INTERNATIONAL  
ECONOMIC ORDER**

# CONTENTS

<b>Preface and Acknowledgments</b>	<b>XI</b>
<b>Allocution of Federal Councillor Elisabeth Kopp, Head of the Department of Justice and Police</b>	<b>1</b>
<b>Introduction to the Symposium</b>	<b>5</b>
<b>Kamal Hossain</b>	
<b>Dramatic Action or Muddling through Strategy in the Debt Problem</b>	<b>10</b>
<b>Antonio Belaunde-Moreyra</b>	
<b>Le Problème de l'Endettement International: Rupture ou Concertation</b>	<b>26</b>
<b>Summary</b>	<b>39</b>
<b>Gaston Gaudard</b>	
<b>Indebtedness of the Developing Countries and the New International Economic Order</b>	<b>43</b>
<b>Milan Bulajic</b>	

<b>The International Monetary System and Development:</b>	
<b>General Outlook on the Legal Issues</b>	<b>74</b>
René J.H. Smits	
<b>The Restructuring of International Debt:</b>	
<b>Recent Developments</b>	<b>97</b>
Hugo J. Hahn	
<b>Discussion</b>	<b>107</b>
<b>IMF Conditionality and State Sovereignty</b>	<b>117</b>
Karl M. Meessen	
<b>Two Approaches to the Debt Problem:</b>	
<b>A) Adjustment of Loan Agreements (De Lege Lata)</b>	
<b>b) Strengthening of International Monetary Soft Law</b>	
<b>(De Lege Ferenda)</b>	<b>130</b>
Petar Sarcevic	
<b>Discussion</b>	<b>157</b>
<b>The Present Strategy to deal with the Debt Problem</b>	<b>164</b>
Carlos E. Sanson	

<b>The Relationship between the International Monetary Fund and the Commercial Banks</b>	<b>170</b>
<b>Rudolf Bosshard</b>	
<b>Discussion</b>	<b>175</b>
<b>Trade Restrictions for Balance-of-Payments purposes and the GATT</b>	
<b>Strengthening the Soft International Law of Balance-of- Payments Adjustment Measures</b>	<b>181</b>
<b>Ernst-U. Petersmann</b>	
<b>Control of Transborder Movements of Capital</b>	<b>214</b>
<b>Rudolf von Graffenried</b>	
<b>Comecon as a Debtor of the Western Financial System</b>	<b>231</b>
<b>Thomas E. Krayenbühl</b>	
<b>Discussion</b>	<b>248</b>
<b>Economic Coercion on Heavily Indebted Countries</b>	<b>256</b>
<b>Detlev Ch. Dicke</b>	

<b>Renegotiation and Rescheduling</b>	<b>264</b>
David Flint	
<b>The Baker Plan</b>	<b>291</b>
<b>General Discussion</b>	<b>302</b>
<b>The Indian Point of View</b>	<b>311</b>
Subrata Roy Chowdhury	
<b>Third World Sovereign Debt Renegotiation 1980-85 and after: Reflections on Procedures and Paradigms</b>	<b>316</b>
Reginald Herbold Green	
<b>The Public Debt, Democratic Principles and the Rule of Law</b>	<b>339</b>
Paul Kirchhof	
<b>List of Participants</b>	<b>361</b>