CONTENTS

PREFACE

ACKNOWLEDGEMENTS

PART I

INTRODUCTION

Chapter I

THE CONCEPT OF CONVERTIBILITY IN CUSTOMARY INTERNATIONAL LAW

I Convertibility: A Conceptual Analysis

II The Gold Standard

A. Mechanism of Convertibility under the Gold Standard

B. The Legal Basis of the Gold Standard in the United Kingdom

III Impact of the Gold Standard on the Sovereign Prerogative of Coinage

A. Coinage as a Sovereign Prerogative

B. Emergence of the Paper Money Standard

C. Realization...

IV International Economic Integration

A. The Gold Standard Model

B. The Keynesian Revolution

C. The Ideal of Post-war International Economic Integration

D. A Dynamic Reinterpretation

E. Towards an International Development Policy

Page

1 - v

vi - vii

1 - 4

5 - 50

6

7

7

9

15

16

19

25

28

28

31

37

39

43
## Chapter II
THE INTERNATIONAL MONETARY FUND AND THE
GOLD EXCHANGE STANDARD

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>The &quot;Sterling Dollar Diplomacy&quot;</td>
<td>61</td>
</tr>
<tr>
<td>A</td>
<td>Origin of the Bretton Woods System</td>
<td>51</td>
</tr>
<tr>
<td>B</td>
<td>The Keynes Plan and the White Plan: A Comparative Study</td>
<td>53</td>
</tr>
<tr>
<td>C</td>
<td>Institutional Mechanism of the International Monetary Fund</td>
<td>56</td>
</tr>
<tr>
<td>II</td>
<td>The International Monetary Fund and Long-Term Disequilibrium</td>
<td>61</td>
</tr>
<tr>
<td>A</td>
<td>The Postulates of the Fund Agreement</td>
<td>61</td>
</tr>
<tr>
<td>B</td>
<td>Post-war Transitional Period</td>
<td>65</td>
</tr>
<tr>
<td>III</td>
<td>The Gold Exchange Standard</td>
<td>71</td>
</tr>
<tr>
<td>A</td>
<td>Emergence of the Gold Exchange Standard</td>
<td>71</td>
</tr>
<tr>
<td>B</td>
<td>The Gold-out-Dollar Exchange Standard</td>
<td>73</td>
</tr>
<tr>
<td>C</td>
<td>Reaction of the European Central Banks</td>
<td>77</td>
</tr>
<tr>
<td>D</td>
<td>France Versus the United States</td>
<td>82</td>
</tr>
<tr>
<td>IV</td>
<td>The Composition of A Member's Reserves under the Fund Agreement</td>
<td>90</td>
</tr>
<tr>
<td>V</td>
<td>The Fund Agreement Versus the Gold Standard</td>
<td>97</td>
</tr>
</tbody>
</table>

## PART II
EXCHANGE STABILITY

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
</tr>
<tr>
<td>101</td>
</tr>
</tbody>
</table>

## Chapter III
PAR VALUE REGIMES

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>The Concept of Exchange Stability</td>
<td>102</td>
</tr>
</tbody>
</table>
II Establishing the Par Value Regime 106
   A. Global Monetary Standard 106
   B. Legal Obligations with regard to establishing Par Values 110
   C. Role of the Fund in evolving the International Pattern of Exchange Rates 116
   D. Par Value Regime in Practice 121

III Making the Par Value Regime Effective 122
   A. Historical Perspective 122
   B. The Role of Gold in ensuring Exchange Stability 124
      (a) Introduction 124
      (b) Ensuring a Uniform Price in Gold Transactions 129
      (c) The Fund and the Premium Gold Transactions 133
      (d) The South African Gold Sale 136
      (e) The International Gold Pool 143
      (f) Two-Tier Gold Market System 151
      (g) The South African Gold Agreement 155
      (h) Termination of the Two-Tier Gold System 159
      (i) Denationalization of Gold 161
   C. Exchange Stability through Market Intervention 163
      (a) Introduction 165
      (b) Resurgence of the Intervention Currency 170
      (c) Interpretation of Article IV, Section 4(b) 173
      (d) The Gold Policy of the United States 178
IV Breakdown of the Bretton Woods System
   A. Suspension of Convertibility of the Dollar: Legal Implications 181
   B. The Smithsonian Agreement: Legal Implications 185
   C. Central Rates and Wider Moving: A Temporary Regime 186
   D. Duty to Collaborate with the Fund 189
   E. Subsequent Developments: A Note 193

V Fluctuating Exchange Rates
   A. Legality of Fluctuating Rate Regime 197
   B. The Fund's Arguments against Fluctuating Rates 201
   C. Legalizing the Fluctuating Rate Regime 203
   D. Towards a Legal Regime for Fluctuating Rates 204

Chapter IV THE ROLE OF EXCHANGE RATES IN THE ADJUSTMENT
   OF INTERNATIONAL PAYMENTS 210 - 302

I Changes in Par Values 210
   A. The View of Keynes and White 210
   B. Legal Analysis of Article IV, Sections 5 and 6 212
   C. Scope of the Fund's Jurisdiction 222

II Fundamental Disequilibrium 229
   A. Philosophy of the Bretton Woods System 229
   B. Policy Implications 233

III Competitive Fixity 240
   A. Managed Flexibility in Action 240
   B. Inflation and Managed Flexibility 247
   C. The "Crawling Peg" 250
   D. Widening of Exchange Rate Movements 263
IV Towards an International Code of Conduct for the Adjustment Process
   A. Historical Perspective
   B. Taking Cognizance of the Problem
   C. Report of Working Part 3
   D. Legal Obligation to Consult and the Influence of Multilateral Surveillance
   E. Adjustment as a Matter of International Concern
   F. Welfare Criterion for the Adjustment Process
V Reforming the International Monetary System
   A. Stable but Adjustable Par Values
   B. Objective Indicators
   C. The "Committee of Twenty" on Reserve Indicators
   D. Multicurrency Intervention
VI Prospect

PART III
EXCHANGE FREEDOM

Chapter V CONVERTIBILITY REGIME

I The Concept of Exchange Freedom

II Legal Analysis of Articles VIII & XIV

III Establishing A Multilateral System of Payments
   A. Historical Perspective
   B. Settlement of Payments under the Fund Agreement
   C. The Decision on Currencies to be Drawn and to be Used in Repurchases
IV Determining the Fund's Jurisdiction

A. Exchange Restrictions Versus the Quantitative Restrictions

B. The Fund and the GATT: An Integrated Approach Towards Trade Liberalization

C. Declaration on Trade Measures

V Discriminatory Currency Arrangements

A. Conceptual Analysis

B. The Fund's Policy towards Discriminatory Currency Arrangements

VI Multiple Currency Practices

A. The Fund's Policy towards Multiple Currency Practices

B. Implementation of the Policy

Chapter VI

MARCH FROM ARTICLE XIV TO ARTICLE VIII:
RETROSPECT AND PROSPECTS

I Convertibility as an Evolutionary Concept

A. Conditions Precedent for the Establishment of Convertibility

B. Undertaking Article VIII Obligations

C. Convertibility and the Planned Economy

II Capital Transactions

A. Historical Perspective

B. The Fund's Interpretation

C. Short-Term Capital Movements

D. Countering Short-Term Capital Movements: Financing Versus Controlling

E. Freedom for Capital Transactions: A Reappraisal
PART IV
INTERNATIONAL LIQUIDITY

Chapter VII CONDITIONAL LIQUIDITY

I The Concept of International Liquidity  407

II The Conditionality Debate  411

A. The Views of Keynes and White  411

B. Interpretation of Article V, Section 3(a)(1)  416

III Short-Term Use of the Fund's Resources  421

A. Legal Analysis of Article V, Section 7  421

B. A Critical Appraisal of the Element of "Automaticity" in the Repurchase Provisions  429

C. Making Short-Term Use as a Condition for Drawing  431

D. The Decision on "Use of Fund's Resources and Repurchases  436

E. Amendments of 1969  441

IV Evolution of the Fund's Policy on Drawings  445

A. Gold Tranche Drawings  445

B. Credit Tranche Drawings  449

C. Stand-By Arrangements as an Instrument of Conditional Liquidity  451

D. Stabilisation Programme: Concept and Philosophy  459
<table>
<thead>
<tr>
<th>V Compensatory Financing of Export Fluctuations</th>
<th>466</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The IMF and the Problem of Export Fluctuation</td>
<td>465</td>
</tr>
<tr>
<td>B. First Decision on Compensatory Financing of Export Fluctuations</td>
<td>469</td>
</tr>
<tr>
<td>C. Second Decision on Compensatory Financing of Export Fluctuations</td>
<td>473</td>
</tr>
<tr>
<td>VI Recycling the Petro-Dollars</td>
<td>476</td>
</tr>
<tr>
<td>A. Problem of the Petro-Dollars</td>
<td>476</td>
</tr>
<tr>
<td>B. The Decision of 13 June 1974</td>
<td>477</td>
</tr>
<tr>
<td>VII Summing up</td>
<td>480</td>
</tr>
<tr>
<td>A. Amendments of 1963</td>
<td>480</td>
</tr>
<tr>
<td>B. Prospects</td>
<td>481</td>
</tr>
</tbody>
</table>

Chapter VIII TOWARDS A WORLD CENTRAL BANK | 493 - 617 |
| I The Problem in Historical Perspective | 494 |
| A. The Fund Agreement and International Reserves | 494 |
| B. Taking Cognizance of the Problem | 491 |
| II The Credit Element in the Proposals for Reserve Creation | 497 |
| A. Can Credit Facilities be Substitute for Reserves? | 497 |
| B. The Concept of Unconditional Liquidity | 499 |
| C. New Reserves and the Transfer of Real Resources | 503 |
| D. The Schemes Proposed by the Cassola and the Esminger Reports | 507 |
| E. Credit Related Reserve System | 514 |
| A. Critique | 514 |
III Special Drawing Rights

A. Incorporation of the Special Drawing Account into the Fund Agreement 520
B. Estimating the "global need" for Reserves 521
C. Condition Precedent for the First Allocation 527
D. Form of SDRs 529
E. Use of SDRs 530
   (a) Use through Designation by the Fund 530
   (b) Obtaining the Equivalent Amount of its own Currency from another Participant 534
   (c) Transactions through the General Account 535
F. Balanced Distribution 536
G. Reconstitution 538

IV Nature of Special Drawing Rights: Money Versus Credit Controversy 539

V Special Drawing Rights: A Critical Assessment 547
   (a) Compatibility with the Evolution of the Existing System 549
   (b) Contribution to a Greater Stability of the International Monetary System 560
   (c) Ability to direct Liquidity to the Point of Greatest Legitimate Need at any Given Time 563
   (d) Ability to adapt the Volume of Reserves to Global Needs as opposed to Individual Shortages 556
   (e) Acceptability and Soundness of the Claims they offer as a Reserve Asset 568
   (f) Machinery required for Controlling the Volume and Distribution of Reserves Created 559
(g) Effect on Relations of the Group with the rest of the World
560

(h) Desirability of a Group Approach as opposed to World-wide Approach
560

VI Linking Special Drawing Rights with Development Finance
564

A. Concept of the Link
564
B. Problem of Seigniorage
567
C. Traditional Methods of Reserve Creation in International Spheres
574
D. Harmonization of Basic Balance of Payments Objectives
577
E. Distribution in proportion to the Adjustment Costs
580
F. Removal of the Institutional Obstacles
581
G. Are International Reserve and Development Assistance two separate Issues?
583
H. Would the Link induce Inflexibility?
587
I. Would the Link be Inflationary?
590
J. Would the Link be Deflationary?
593
K. Incorporation of the Organic Link into the Fund Agreement
594

VII From the Internationalism to Supranationalism?
597

A. Implications of a World Central Bank
597
B. A Pecuniary Review
605

VIII Special Drawing Rights in a Fluctuating Exchange Rate Regime
610

IX Prospect
612

Chapter IX CONCLUSIONS
618 - 628

SELECT BIBLIOGRAPHY
629 - 642