increasing government participation in commercial activities (Wright, 2012: 156). Another main reason that countries face significant problems while restructuring their external commercial debt is due to a shift from "bank to bond financing", creditor coordination is complicated to achieve because of the dispersed bondholder group (Krueger, 2002).

The decline in the strength of sovereign immunity protection over time, both through statutory changes and through case laws has opened a window for legal enforcement of contractual claims against sovereign States through litigation and arbitration (Panizza, Sturzenegger, & Zettelmeyer, 2009: 653). Unfortunately, recent times have witnessed a phenomenal increase in arbitration and litigations that evades negotiations with the sovereign and target assets of defaulting countries, not only within the State but across jurisdictions. With the sovereign space eroding overtime, the sovereign acts and assets which do not fall within the strict definition of

All too often non- economic considerations are underplayed in the analysis of sovereign debt restructuring. The disputes between a sovereign and its commercial creditors are dealt without due consideration to the larger macroeconomic and socio-political context of the crisis. This dissertation is a corrective step to this neglect. An exploratory research at the interface of public policy and law, the primary motivation of the present thesis is to review the inadequacies that impede timely, efficient and orderly sovereign debt restructuring deteriorating the process thereby. In particular, the dissertation problematizes the dominance of market-based contractual approach over a statutory approach for restructuring sovereign debt and analyzes the inadequate role of international institutions which simultaneously supports and undermines such dominance. With this dichotomy as a backdrop, at a more concrete level, it is used to understand proliferating arbitration claims and litigations against sovereign States. A particular conjuncture- vulture fund- that uses litigation as a tool to impede restructuring process is deliberated upon. Beyond analyzing the legal and regulatory inadequacies around sovereign debt restructuring, the dissertation stresses that both statutory and contractual regimes ought to be employed complimentarily as the nature of intervention necessary for dealing with the multifaceted problems of sovereign debt restructuring does not lend itself to the precise rationality and logic of economics. This dissertation analyzes a corpus of benchmark lawsuits against defaulting sovereigns. The normative contribution of this dissertation lies in reviewing the need to consider fundamental human rights in all forms of international engagements to resolve sovereign debt restructuring problems. The thesis concludes by rethinking the fundamental requisites of any statutory mechanism that may be ordained to alleviate these tensions.

References

Calitz, J. (2012). An overview of certain aspects regarding the regulation of sovereign insolvency law, *De Jure*, *45*(2), 329–347.

Dodd, R. (2002). Sovereign debt restructuring. *The Financier*, *9*, 1–6.

Hatchondo, J. C., Martinez, L., & Sapriza, H. (2007). The Economics of Sovereign Defaults. *Economic Quarterly (10697225)*, *93*(2), 163–187.

Krueger, A. O. (2002). *A New Approach to Sovereign Debt Restructuring*.

https://doi.org/10.5089/9781589061217.054

Panizza, U., Sturzenegger, F., & Zettelmeyer, J. (2009). The Economics and Law of Sovereign Debt and Default. *Journal of Economic Literature*, *47*(3), 651–698. https://doi.org/10.1257/jel.47.3.651

Stichelmans, B. T. (2015). Why a United Nations sovereign debt restructuring framework is key to implementing the post-2015 sustainable development agenda By Tiago Stichelmans, (May), 16.

Waibel, M. (2007). OPENING PANDORA ' S BOX : SOVEREIGN BONDS IN INTERNATIONAL ARBITRATION. *American Journal of International Law*, *2000*(2001), 711–759.

Wright, M. L. J. (2012). Sovereign Debt Restructuring : Problems and Prospects. *Harvard Business Law Review*, *2*, 153–197.