

Index

- accessory 198–200
accounting standards 63–4
adverse selection 63, 143, 147, 149
 collateral 9, 85, 87
 two views on credit institutions 3, 4, 6
Africa 53, 59, 60, 73, 162
 Botswana 60
 Cameroon 60
 Congo 53, 159
 Uganda 60, 71, 163
agency problems 3–4, 6–7, 9, 62
Aghion, P. 7
agreements *see* contracts
agriculture/farms 74, 89, 106, 192
 secured interest in future crop 234, 244
Akerlof, G.A. 143
Albania 3, 13, 58, 60, 119, 137
anti-money laundering regulations 73
Argentina 3, 164, 241, 243, 244, 253
Asian Development Bank (ADB) 100
assets as ‘dead capital’, movable
 118–19
 see also movable property
auctions, public 39, 40, 130, 189, 190, 219, 270
auditing standards 63–4
Austria 13, 58, 216
Azerbaijan 142, 152, 158
 asymmetrical information 148–50
 collateral 145–6, 148, 154–5
 Micro Finance Bank of Azerbaijan (MFBA) 141, 148, 154, 156, 158
 transaction costs 145, 146, 148, 150–151, 154
 notarisation 146, 148, 151, 154
 unreformed environment 143
 absence of adequate collateral regulations 145–6
 high transaction costs 146
 informality of business 146–7
 vulnerability of possession 144–5
Banerjee, A.V. 54
Bangladesh 60
bank accounts, documents to open 60
Bank for International Settlements (BIS) 103, 104–5
bankruptcy *see* insolvency
banks
 government ownership 35, 69–70, 72
 multilateral development 82, 99–100, 105–6, 107
 EBRD *see* European Bank for Reconstruction and Development
 Inter-American Development Bank (IADB) 100, 237, 256
 opposition to reform 94–5, 126–7, 245–6, 247–8, 254
 Central Banks 97
 private credit, share of 245–6
 Romania 225, 228, 229, 233, 234–5
 Slovakia 221
 supervision and regulation of 71–3, 103–5
Barth, J. 69
Beck, T. 54, 58, 59, 60, 62, 66, 70, 71, 72, 73
Benavente, J.M. 74
Bolivia 240, 241, 243, 246, 254
Bonaccorsi di Patti, E. 71
Botero, J. 35
Botswana 60
Boyd, J.H. 63
Brazil 53, 60, 67–8, 73, 243
Brown, M. 64
Bulgaria
 mortgages 186, 187, 190, 191, 192, 193
 enforcement 186, 187, 189
 pledge law/registry 128, 166, 192
business plans 150, 151

- cadastre *see* registration *under* land
- Cameroon 60
- Canada 263
- Caribbean 103
- cash flows
microfinance 149, 161, 162, 165, 167
- Center for the Economic Analysis of Law (CEAL) 93, 95, 237
- Central Asia 160
see also individual countries;
mortgages in transition countries
- Central and Eastern Europe 122–3, 160, 201
banking sector 127
movable property
functional approach to security interests over 137
technical assistance to 128
see also individual countries;
mortgages in transition countries
- certainty 135, 190–191, 193, 218–19, 245
- Cetorelli, N. 71
- chambers of commerce and of industry 96, 246, 254
- children
eviction 190–191
- Chile 60, 74, 243
- Christen, R.P. 59
- civil law 17–18, 137, 200, 244, 260
legal families 12, 14–15, 20
French 12–13, 16, 17–18, 20, 24, 26, 35, 224, 238, 259–61, 263, 271–2
German 13, 16, 17
Scandinavian 13, 16
socialist 13, 16, 17
trusts 128
see also individual countries
- Claessens, S. 71, 73
- claims *see also* debt
- Coase, R. 5
- Cole, S. 69
- collateral 9–11, 17, 18, 24, 28, 42, 65, 81, 85, 87–90, 94–7, 101–4, 110–11, 113–21, 145–8, 153–5, 162–8, 217, 219, 220–221, 227, 232, 234, 236–8, 247–8, 250, 260, 262
- Colombia 61, 240, 241, 244, 250
- commerce and of industry, chambers of 96, 246, 254
- common law 12, 16, 17, 26
- competition policies 71
- Congo 53, 159
- conservatism, legal 125, 126, 244
- construction work 145
mortgages and subsequent 192–3, 201–2
- consumer claims 248
- contracts
Azerbaijan
contractual framework, importance of 66–8, 71, 74
developers 201–2
enforcement *see* enforcement, contract
mortgages *see* mortgages
pledges *see* pledges
- corporations
opposition to reform 38
- Corrigan, Gerald 103
- Costa, A.C. 68
- Costa Rica 243
- costs 111–13, 134–5
notice filing systems 234, 250
registries 248–50, 251
security interests 179
creation 189, 239, 244–5
enforcement 189–90, 251–2
transaction
microfinance 147–8, 150–151, 154
- courts 39, 251–2, 260–261
Argentina 243
cross-country data analysis 11–12, 17–18
financial development 66
poor/rich countries 28, 32, 35
France 261, 266, 270
mortgages 185, 187, 202–3, 219
reforms 41–2, 43, 254
failure 39–40
opposition to 98–9, 251, 252, 254
training programmes 130, 211
- covered bonds 178, 204
- credit bureaus 7, 8–9, 42
- consumer rights
access to information 65
cross-country data analysis 28

- poor/rich countries 20–24, 31, 34
 - public/private 16, 18, 20, 24, 28, 31, 34–5, 42
- depth/breadth of financial systems 64–5, 71
- Croatia
 - mortgages 185, 186, 189, 190, 192, 193
- Cuba 13
- Cull, R. 72
- Czech Republic 3, 13, 60, 222
 - land and buildings, registration of 201
 - mortgages 185, 186, 187, 188, 189, 191
 - priority 196
 - subsequent construction 192–3
- Dahan, F. 215
- Damaska, M.R. 17
- de la Peña, N. 246
- De la Torre, A. 74
- De Soto, H. 164
- debt instruments 89
- Demirgüç-Kunt, A. 54, 66, 71, 72
- Denmark 13
- deposit insurance 72
- developers, property 201–2
- development banks, multilateral (MDBs) 82, 99–100, 105–6, 107
 - ADB *see* Asian Development Bank
 - EBRD *see* European Bank for Reconstruction and Development
 - Inter-American Development Bank (IADB) 100, 237, 256
 - World Bank 99–100
- Diamond, D. 63, 72
- Dinc, S. 69
- Djankov, S. 3, 4, 7, 9, 11, 12, 16, 17, 18, 26, 35, 64, 66
- domestic credit to private sector 158
- Dotsey, M. 6
- Dutch disease 144
- East Africa 162
- East Asia
 - judicial-based bankruptcy reforms 39–40
- Easterbrook, F. 4
- EBRD *see* European Bank for Reconstruction and Development
 - economics of collateral and of reform 81
 - immovable property 85, 88, 96
 - investment in developing countries 81–3
 - movable property 85, 88–90, 96
 - regional survey 183–4
 - reform: outlook 107
 - reform: support and opposition 92, 105–7
 - international peer guidance: inner circle 99–102
 - international peer guidance: outer circle 103–5
 - lawyers vs economists 92–3, 94
 - within countries 94–9
 - solution to problems 90–91
 - unsecured vs secured lending 84–8
- economists 92–3, 94, 256
- Ecuador 102
- education 92, 130, 211
- El Salvador 243, 244
- enforcement, contract 10, 11, 42–3
 - cross-country data analysis 17–18, 26, 28, 66
 - French legal origin countries 24
 - poor/rich countries 24, 28, 31–2
- financial development and 66–8
- France 266, 268, 270
- Latin America 251–2, 253
- legal efficiency 134–5
- mortgages 165, 181–2, 185, 187, 202–3, 219
 - purchaser protection 191, 193
 - realisation 182, 185–6, 187, 193, 202, 203, 219
 - speed 188–9
- personal property: Romania 234
- reforms 41–2
 - Mexico 243
- unreformed environment 143–7
 - ‘state of nature’ 142–3
- England 137
- equipment/machinery 89, 118–19, 166
 - dealers 95, 238, 247
 - microfinance banks 153, 155
- equity finance 83–4

- Estonia
 mortgages 187, 188–9, 191, 192, 194, 196
- Ethiopia 60
- European Bank for Reconstruction and Development (EBRD) 59, 99, 100, 122–3, 127, 158, 166, 255
 common law and civil law 129
 microfinance 160
 mortgages 138, 173, 177, 178, 179, 183
 Romania 225, 234–5
 Russia Small Business Fund 165
 Slovakia 209, 210, 211, 214, 215, 216
- European Union 158, 214–15
- fiduciary transfer of title 216, 221, 262, 263, 269
- filing *see* notice filing; registries
- financial systems
 conclusions 74–5
 depth vs breadth 56–8
 access to financial services 59–62
 use of financial services 58–9
 efficient and inclusive 62–3
 contractual framework 66–8, 71, 74
 informational framework 63–5, 71, 74
 macroeconomic stability 63
 government, role of 68, 75
 competition policies 71
 laissez-faire vs activist approach 68–71
 market-friendly activist policies 73–4
 supervision and regulation 71–3
 pro-growth and pro-poor 53–6
- Finland 13
- fit-to-context criterion 135–6, 191–3
- floating charges 137, 238–9, 244
- foreclosure 167, 260, 266, 268, 270
- foreign aid 82
- France
 background 259
 need for change 261–2
 original coherence 259–61
 politics 262–3
 balance of interests 270–271
 changes (to security rights) to legal framework 264
 creation of 264–5
 enforcement of 266
 perfection of 265–6
 conclusion 271–2
 effects of changes 267
 fiduciary transfers 269–70
 reform not revolution 267–8
 stock-in-trade 268–9
 financial instruments 263, 267
 French legal family 12–13, 16, 17–18, 20, 24, 26, 35, 224, 238, 263, 271–2
 freedom of contract 137
 Fry, M.J. 70
 functional approach
 Uniform Commercial Code Art 9 136–7
 future crops 234, 244
- G-10 101
 G-22 101
 GDP growth per capita and private credit 54, 55
- Georgia 158, 165
 mortgages 185, 187, 189, 191, 192, 193
 realisation 186, 187, 189
- Germany 13, 175, 198, 216
- Goldsmith, R.W. 57
- government
 financial systems 68, 75
 bank ownership 35, 69–70, 72
 competition policies 71
 laissez-faire vs activist approach 68–71
 market-friendly activist policies 73–4
 supervision and regulation 71–3
 opposition to reform 96–9
- Greece 58
- Grossman, S. 6
- guarantees 155, 165, 262
- Guyana 91
- Hart, O. 4, 7, 9, 39, 40
- Haselmann, R. 67
- health and safety claims 185
- Hirschman, A.O. 39

- Hobbes, T. 141, 142
Honduras 253
Honohan, P. 53, 59, 61, 68
housing certificates 201
Hungary 3
 mortgages 185, 186, 188–9, 191, 192, 194
 priority 185, 196
Huybens, E. 63
- India 66, 73, 91
industry, chambers of commerce and
 of 96, 246, 254
inequality, income 54
inflation 63
information
 asymmetric 3, 6, 7, 62, 148–50, 156, 166
 consumer rights to access 65
 framework 63–5, 71, 74
insolvency 10, 67, 167, 272
 cross-country data analysis 17, 26, 31–2
France 262, 267–8, 269, 272
opt-in to new rules 41
priority order 182, 185, 268
realisation procedures
 administrative receiver 40
 court-based 39–40
 public auctions 39, 40, 130, 189, 190, 219, 270
 structured private bargaining 39
Slovakia 210–211
- institutions, credit
 conceptual framework 5
 control rights institutions 9–12
 information sharing institutions 7–9
 two views on credit institutions 3–4, 6–7
conclusions and policy implications 42–3
data analysis
 control rights institutions 15, 16–18, 24, 27, 28
 information sharing institutions 13–16, 18, 20–24, 27–31, 32–4
 legal families 12–18, 20, 24, 26, 35
 three sets of variables 18–24
importance of 24–8
introduction 3–5
measurement 4, 8, 9, 10–12
 summary statistics 52
 variable definition and sources 46–51
microfinance 160
reforms and policy implications
 feasible reforms in emerging markets 35
 forces of legal reform 38–42
 rich/poor countries 28–35
views on
 control rights 3–4, 6–7
 information 3, 4, 6
 no impact 4, 5
 see also financial systems
- insurance 151, 188
 deposit 72
intellectual property rights 89
Inter-American Development Bank (IADB) 100, 237, 256
international financial institutions (IFIs) 82, 99–102, 130
IMF 82, 85, 101–2, 214
MDBs (multilateral development banks) 82, 99–100, 105–6, 107
 ADB *see* Asian Development Bank
 EBRD *see* European Bank for Reconstruction and Development
 IADB 100, 237, 256
 World Bank 99–100
International Labor Organization 101
International Monetary Fund (IMF) 82, 101–2, 214
 employee credit union 85
Internet 90–91, 191, 217, 248, 250, 265–6
inventory *see* stock, trading
Investment Climate Assessment (ICA) 59
Israel 12
Italy 13
- Jaffee, D.M. 6
Japan 13
Jappelli, T. 3, 6, 64
Johnson, S. 5
judiciary *see* courts

- Kazakhstan 158, 201
 mortgages 183, 186, 188–9, 190, 191, 192–3
- Khwaja, A.I. 69
- Klapper, L. 74
- Kosovo 137, 159
- Kronman, A.T. 142, 152–3, 154, 155
- Kyrgyz Republic 201
 mortgages 186, 189, 191, 192, 193, 194
- La Porta, R. 4, 5, 6, 7, 10, 11, 12, 16, 18, 20, 26, 35, 38, 64, 66, 69
- labour
 claims 185, 248
 groups
 opposition to reform 38
- Laeven, L. 53, 66
- land 118–19
 collateral reform and 167
 Latin America 236–7, 238, 240
 registration 7–8, 18, 27, 42, 135
 construction work 145, 201
 land and buildings separate 201
 legal families 13, 26
 proof of ownership 179–80, 194–5
 rich/poor countries 20
 transition countries 145, 165, 172–3, 190, 201, 217
 third party rights 165, 180
 mortgages, registration of 146, 180–181, 186–8, 191, 194–6, 215, 217, 225
 mortgages and subsequent construction 192–3, 201–2
 titling in developing countries 164
 ‘traditional’ titles 163
- land charges *see* mortgages in developing countries; mortgages in transition countries
- Landis, J. 7
- Latin America 102, 103–4, 105, 162
 bankruptcy reforms, judicial-based 39–40
 case for reform 237–8
 accounts receivable 238–41
 higher interest rates 241, 242
 political opposition 241–3
 cross-country data analysis 16, 20, 24
 main legal restrictions 243
 creation of security interests 243–5
 enforcement 251–2
 priority 245–8
 publicity 248–51
 status of reforms and future 252–3
 key obstacles 253–5
 project design 255–7
- Latvia 13
 mortgages 187, 188–9, 191, 192
- lawyers
 conservatism 125, 126, 244
 economists versus 92–3, 94
 opposition to reform 241, 251, 252, 254
- leases 89, 121, 137, 231, 262
- legal conservatism 125, 126, 244
- legal efficiency
 concept of 131–3
 conclusion 138
 criteria 133–6
 functional approach and 136–7
 introduction 122–4
 measurement of 137–9
 mortgages in transition countries 138, 179, 183–4
 basic legal function 184–6
 certainty 190–191
 cost 189–90
 fit-to-context 191–3
 legal efficiency indicators 193–4
 simplicity 186–7
 speed 187–9
 process of law reform 124–31
- legal families 12, 14–15, 20
- civil law 12, 17–18, 128, 137, 200, 244, 260
 French 12–13, 16, 17–18, 20, 24, 26, 35, 224, 238, 259–61, 263, 271–2
 German 13, 16, 17
 Scandinavian 13, 16
 common law 12, 16, 17, 26
 protection of tradition 125, 126
 technical assistance providers 128–9
 socialist law 13, 16, 17
- Levine, R. 53, 54, 64, 66

- Lithuania 61
 mortgages 186, 189, 190, 191, 192
- Lopez-de-Silanes, F. 35
- lower-income consumers
 collateral 10
 financial services 60–61
- McIntosh, C. 71
- macroeconomic stability 63
- Madagascar 58
- Manove, M. 6
- MDBs (multilateral development banks) 82, 99–100, 105–6, 107
 ADB *see* Asian Development Bank
 EBRD *see* European Bank for Reconstruction and Development
 Inter-American Development Bank (IADB) 100, 237, 256
 World Bank 99–100
- Merryman, J.H. 17
- Mexico 74, 91, 243, 251, 253
- microenterprises
 bank credit 111, 113
 microfinance banks *see* microfinance
 collateral 115, 119, 148, 236–7
 debt capital 84
 defining characteristic 147
 movable/immovable property 88–9, 236–7
 unreformed environment 147, 148
- microfinance 106, 141–2, 159–60, 167, 252
 background
 ‘state of nature’ 142–3
 unreformed environment 143–7
- Bolivia 240, 246, 254
- client group 147
 characteristics 147–8
- conclusion 157–8
- enforcement 152–3, 162–6
 collateral 154–5, 162, 163
 encouraging union 155–6
 hands-tying 155
 monitoring 157
 taking hostages 153–4
- factors in success of 161–2
- institutional innovations in 160
- key areas
 asymmetrical information 148–50
 demonstration effects 151–2
 transaction costs 147–8, 150–151, 154
- Micro Finance Bank of Azerbaijan (MFBA) 141, 158
 follow up loans 156
 loan size 148
 notarisation 154
 reform and 166–7
- Millennium Challenge Corporation (MCC) 101, 256
- Miller, M. 64
- Modigliani, F. 6
- money laundering 73
- Montenegro 137
- moral hazard 3, 6, 9, 63
 collateral 85–7
 deposit insurance 72
 unreformed environment and microfinance 143, 146, 147, 149–50, 152, 155, 156, 157
- mortgages in developing countries
 Kibanja-mortgages 163
 maturity 60–61
- mortgages in transition countries 67, 172–3
 Azerbaijan 145, 155
 conclusion 204
 legal basics 176–9
 creation of mortgage 179–81
 economic context 173–6
 enforcement 181–2
 legal efficiency 138
 basic legal function 184–6
 certainty 190–191
 cost 189–90
 fit-to-context 191–3
 legal efficiency indicators 138, 179, 183, 193–4
 simplicity 186–7
 speed 187–9
- specific issues 194
 constructions 201–2
 enforcement process 202–3
 mortgage registration 194–6
 secured debt, definition of 196–200

- motor vehicles 89, 148, 166
 - Azerbaijan 148, 151, 154
 - France 261, 267
 - insurance 151
 - Latin America 236, 241
 - Russia 165
- movable property 85, 90, 236–7
 - accounts receivable *see* receivables
 - Albania 119, 121
 - Azerbaijan
 - notarisation of pledges 151
 - chambers of commerce 96
 - ‘dead capital’ 110, 118–19
 - equipment *see* equipment
 - France 261, 264–5, 267
 - importance for production and
 - growth 88–9
 - microenterprises 88–9, 236–7
 - pledge law 177–9
 - reform, importance of 119–21
 - Romania 121, 225–6, 230–231
 - Slovakia 213, 216–17, 219
 - SMEs 88–9, 111, 236–7
 - stock *see* stock, trading
 - Uniform Commercial Code Art 9
 - 136–7
 - vehicles *see* motor vehicles
 - see also* pledges
- Mozambique 60
- multilateral development banks
 - (MDBs) 82, 99–100, 105–6, 107
 - ADB *see* Asian Development Bank
 - EBRD *see* European Bank for Reconstruction and Development
 - Inter-American Development Bank (IADB) 100, 237, 256
 - World Bank 99–100
- Nepal 60
- Netherlands 13
- New Zealand 3
- Nicaragua 241, 244, 250
- non-bank lending 95, 238, 244, 245–6, 247–8, 252
- Norway 13
- notaries/notarisation 189, 195
 - Azerbaijan 146, 148, 151, 154
 - Estonia 188
 - Hungary 189
 - Latin America 239, 244–5, 251, 253
 - Romania 225, 228, 232
 - Russia 165, 189
 - Slovakia 215–16, 217–18, 221–2
 - Ukraine 187, 189
- notice filing 90–91
 - registries vs 248–51, 265
 - Romania 90, 98, 100, 121
- obstacles to and support for reform 38, 105–7, 125
- obstruction, debtor 191, 193
- Organization of American States (OAS) 105, 254, 255
- Pagano, M. 3, 6, 9
- Panama 243
- Paraguay 243
- path dependency 167
- Peachey, S. 59
- Peru 91, 102, 238, 243, 246–8, 251, 253
- Petersen, M. 71
- pledges 177–9, 192, 197, 200
 - Albania 119
 - Bulgaria 128, 166, 192
 - France 262, 264–6, 267, 268–9, 271
 - housing certificates 201
 - Latin America 253
 - Argentina 243
 - Bolivia 241, 254
 - Nicaragua 244
 - microfinance banks 153
 - Poland 131, 192
 - Romania 121, 225
 - Slovakia 215–16, 217, 218, 219
- Poland 13, 131
 - mortgages 185, 186, 190, 191, 192, 193
 - early disbursement 188
 - policy choices *see* financial systems
- Portugal 13
- post office networks 73
- poverty reduction 54, 56, 252
- priority order
 - insolvency 182, 185, 268
 - Latin America 245–8, 251
 - accounts receivable 240
 - Mexico 243, 253
 - mortgages 181, 182, 185, 193, 196, 218–19

- pledges 218–19
 - France 266, 268
- security interests in personal property: Romania 226–7, 234
- private credit to GDP 53, 54, 245–6
- process of law reform 122–4
 - bringing law into force 130–131
 - decision to reform 124–5
 - designing/passing legislation 125–9
 - establishing necessary institutions 129–30
- France 259–63
 - changes and effects 264–71
 - conclusion 271–2
- Latin America 236–7
 - case for reform 237–43
 - main legal restrictions 243–51
 - status of reforms and future 252–7
- microfinance 166–7
- results, assessment of *see* legal efficiency
- Slovakia 207–8
 - conclusion 222–3
 - key features of reform 216–19
 - positive influences on process 208–16
 - reform after four years 220–222
- property developers 201–2
- publicity *see* registries
- real estate *see* land
- receivables 89, 118–19
 - France 262, 264, 265, 266
 - Latin America 238–41, 253
 - Romania 230
 - Slovakia 217
 - UNCITRAL convention on accounts receivable financing 105
- reciprocity
 - credit bureaux 8
- Regional Program on Enterprise Development (RPED) 59
- registries 180, 190, 241, 243, 248–51, 253
 - credit *see* credit bureaux
 - France 261, 262, 265–6, 268, 270, 271
- mortgages 146, 180–181, 186–8, 191, 215, 217
 - desired effects of registration 194–6
 - Romania 187, 225
 - subsequent construction 192–3, 201–2
- notice filing vs registration 248–51, 265
- opposition to reform 98, 243, 251
- pledge
 - Albania 119
 - Bolivia 241
 - Bulgaria 166
 - France 262, 265–6, 268, 271
 - Romania 121, 225
 - Slovakia 215–16, 217, 218, 219
- property 7–8, 18, 27, 42, 135
 - construction work 145, 201
 - land and buildings separate 201
 - legal families 13, 26
 - proof of ownership 179–80, 194–5
 - rich/poor countries 20
 - transition countries 145, 165, 172–3, 190, 201, 217
- regulation of banks 71–3, 103–5
- retention of title 136–7
 - France 262, 263, 267, 268, 270
- risk 107
 - premium 119
 - uninsurable 87
- role of collateral 113–18
- Romania 13, 238
 - bank credit 119–21
 - lending parameters 166, 170–171
 - mortgages 186, 189, 190, 192, 193, 194
 - renewal of registration 187
 - notice filing system 90, 92, 98, 100, 121
 - conclusions 234–5
 - functions of 226–7
 - historical considerations 224–6
 - organisational structure 227–30
 - priority 226–7, 234
 - processes 230–233
- Russia 3, 13, 160, 165
 - lending parameters 166, 170–171
 - mortgages 165
 - construction not complete 202

- enforcement 165, 185, 186, 187, 189, 193
- priority 185, 193
- subsequent 193
- unregistered land 190
- searches
 - France 262, 265–6
 - notice filing systems 250–251
 - Romania 232–3
 - paper-based 251
- secured debt, definition of
 - mortgages 180, 186, 192, 193–4, 196–200, 217
 - pledges 192, 197, 200, 217
- securitisation
 - mortgage loans 175, 178, 204, 253
 - portfolios of unsecured loans 88, 136
- Serbia 166
 - mortgages 185, 188, 190, 193
- Sierra Leone 60
- simplicity 134, 186–7, 217–18
- Simpson, J. 215
- Slovakia
 - introduction 207–8
 - land and buildings, registration of 201
 - mortgages 185, 186, 187, 189, 192–3
 - positive influences on reform process 208–9
 - consensus building/team work 211–13
 - holistic approach 209–11
 - international support 213–16
 - reform: key features 216–17
 - enforcement 219
 - priority 218–19
 - simple formalities 217–18
 - reform after four years 220–222
 - reform, conclusion on 222–3
- Slovenia
 - mortgages 189, 191, 192, 194, 196
- small and medium sized enterprises (SMEs) 67, 119, 168, 245
- Azerbaijan 148, 154–5
- competitive financial markets 71
- credit bureaus 65, 71
- debt capital 84
- Eastern Europe 166
- government intervention 74
- movable/immovable property 88–9, 111, 236–7
- small businesses
 - bank credit 111, 113, 114, 115
 - defining characteristic 147
 - secured/unsecured loans 10
 - unreformed environment 146, 147
- South Africa 73
- South Korea 13
- Spain 13, 60, 271
- speed 134, 187–9, 217–18
- Sri Lanka 91
- stability, macroeconomic 63
- Stigler, G. 5
- Stiglitz, J. 3, 6, 63
- stock, trading 89, 216, 217, 238, 244
 - France 262, 264, 268–9
 - microfinance banks 153
- supervision of banks 71–3, 103–5
- Sweden 13, 60
- Switzerland 13
- syndicated loans 127
- Taiwan 13
- tax claims/liens 185, 191, 194, 218–19, 228, 231, 248
- Thailand 12
- title (property right)
 - developing countries 164
 - fiduciary transfer of 216, 221, 262, 263, 269
 - land *see* registration *under* land retention of 136–7
 - France 262, 263, 267, 268, 270
- Townsend, R. 7
- traditions *see* legal families
- Trinidad and Tobago 60, 91
- Uganda 60, 71, 163
- Ukraine 91
 - lending parameters 166, 170–171
 - mortgages 185, 186, 187, 189, 190–191, 192
 - subsequent 193
- uncertainty 135, 190–191, 193, 218–19, 245

- UNCITRAL (United Nations Commission on International Trade Law) 93, 105, 254, 255
- UNIDROIT (International Institute for the Unification of Private Law) 93, 105, 255
- Uniform Commercial Code
 - Art 9 136–7, 177, 270
- uninsurable risk 87
- United Kingdom 73, 137
- United States 53, 60
 - bank credit 95
 - California 98
 - Comptroller of the Currency 103–4
 - equity/debt finance 83–4
 - Federal Reserve Bank 103–4
 - Millennium Challenge Corporation 101, 256
 - mortgage loans, funding of 175
 - secured/unsecured credit 10, 88
 - Uniform Commercial Code Art 9 136–7, 177, 270
 - USAID 100, 101, 211, 214, 237, 243, 254, 256
- unreformed environment, lending in
 - see* microfinance
- unsecured lending 84–8, 113–14
 - microfinance 148, 154, 165
 - terms and conditions 117–18
- Uruguay 253
- Venezuela 243
- Vietnam 91
- Visaria, S. 66
- Vives, X. 8
- working capital
 - financing of 111–13, 114
- World Bank 59, 99, 100, 101, 166, 256
 - Doing Business Reports* 4, 8, 11, 17, 99, 119, 220
 - employee credit union 85
 - Enterprise Surveys 111
 - Investment Climate Assessment (ICA) 59
 - Latin America 237, 241
 - Romania 225
 - Slovakia 214, 215
- World Bank–EBRD Business Environment and Enterprise Performance Survey (WBES) 59
- Zambia 60
- Zia, B. 70

