

AET STUDIES ON FINANCIAL MARKET DEREGULATION

# REGULATING FINANCIAL MARKETS

A CRITIQUE AND SOME PROPOSALS



*George J. Benston*



# Regulating Financial Markets A Critique And Some Proposals

**CL Gary**



## **Regulating Financial Markets A Critique And Some Proposals:**

**Regulating Financial Markets** George J. Benston, 1999 This study explains why financial services have for centuries been regulated to a greater extent than are most products that do not directly affect people's health or safety *Financial Regulation at the Crossroads* Panagiotis Delimatsis, Nils Herger, 2011-01-01 This book brings outstanding expertise and provides insightful perspectives from nineteen authors with diverse backgrounds including officials from international organizations national regulators and commercial banking as well as academics in law economics political economy and finance The authors not only shed light on the causes of the financial turmoil but also present thoughtful proposals that contribute to the future policy debate and discuss opportunities that financial services can offer in funding activities which raise standards of living through initiatives in microfinance renewable energy and food distribution The contributions to this volume tackle several of the thorniest issues of financial regulation in a post crisis environment such as the mechanics of contagion within the financial system and the role of liquidity moral hazard when large financial institutions are no longer subject to the disciplinary effects of bankruptcy bank capital requirements management compensation design of bank resolution schemes a function centric versus institution centric regulatory approach subsidization and compatibility of stimulus packages with EU rules on state aid trade finance and the role of the GATS prudential carve out and the role of financial services in promoting human rights or combating climate change The Financial Crisis and the Regulation of Finance Christopher J. Green, Eric J. Pentecost, Thomas G. Weyman-Jones, 2011-01-01 The Financial Crisis and the Regulation of Finance includes a comprehensive overview of the crisis and reviews the theory and practice of regulation in the UK and worldwide The contributors all international experts on financial markets and regulation provide perspectives and analysis on macro prudential regulation the regulation of financial firms and the role of shareholders and disclosure This rigorous book will be of great interest to all those with an interest in banking and finance including academics professionals bankers regulators advisors and civil servants Students on banking and finance courses will also find this clear and compact resource invaluable *The New Financial Architecture* Benton E. Gup, 2000-09-30 Bank failures crises global banking megamergers changes in technology the effect of these world events is to weaken existing methods of regulating bank safety and soundness and even to make some methods ineffective Federal regulators are evaluating new ways to solve them Dr Gup and his panel of academics and regulatory professionals explore these problems and the difficulties in implementing solutions They point out that global banking megamergers and changes in technology are drastically altering the way financial services are delivered They also argue that existing methods of bank regulation formulated in the United States and elsewhere as early as the 19th century are not able to cope with these changes The search now underway for new methods that are global in scope Inevitably they will involve cross border supervision and international cooperation Covering a wide range of topics from the rationale of banking regulation to optimal banking regulation in the new world environments this book examines the

innovative tools needed to cope with these problems Greater reliance on market discipline the use of internal controls based on statistical models such as Value at Risk and subordinated debt are discussed This timely probing analysis of one of the hottest topics in bank regulation today is an important resource for professionals and their academic colleagues in the fields of banking finance investment and world trade     Achieving Market Integration Scott McCleskey,2004-01-02 Providing an overview of the infrastructure of European Securities markets this text offers topical analysis of developments and trends in market integration The author provides industry professionals with a concise exposition of how the post Euro market works as well as offering laymen an entry point into the subject Topics include wholesale electronic execution central counterpart clearing and consolidation of the securities depositories     The Consumer, Credit and Neoliberalism Christopher Payne,2012-07-26 This book is an investigation into the economic policy formulation and practice of neoliberalism in Britain from the 1950s through to the financial crisis and economic downturn that began in 2007 8 It demonstrates that influential economists such as F A Hayek and Milton Friedman authors at key British think tanks such as the Institute of Economic Affairs and the Centre for Policy Studies and important political figures of the Thatcher and New Labour governments shared a similar conception of the consumer For neoliberals the idea that consumers were weak in the face of businesses and large corporations was almost offensive Instead consumers were imagined to be sovereign agents in the economy whose consumption decisions played a central role in the construction of their human capital and in the enabling of their aspirations Consumption just like production came to be viewed as an enterprising and entrepreneurial activity Consequently from the early 1980s until the present day it was felt necessary that banks should have the freedom to meet the borrowing needs of consumers Credit rationing would be a thing of the past Just like businesses consumers and households could use debt to expand their stock of personal assets By utilizing the method of French philosopher Michel Foucault this book provides an original analysis of the policy ideas and political speeches of key figures in the New Right in government and at the Bank of England And it addresses the key question as to why policy makers both in Britain and the United States did little or nothing to stem rising consumer and household indebtedness instead always choosing to see increasing house prices and homeownership as a positive to be encouraged     Corporate Governance E. Banks,2003-11-25 Corporate Governance is a text which considers the problems surrounding governance and proposes solutions to help restore investor confidence in the corporate world The book is intended for board members corporate executives regulators auditors creditors and analysts seeking a concise analysis of the governance issues facing financial and non financial corporations round the world The book is fully international in context and includes real life examples and cases to emphasize the practical nature of governance problems and solutions     **The Economics of Derivatives** T. V. Somanathan,V. Anantha Nageswaran,2015-03-02 This book examines the beneficial and adverse effects of derivatives trading from economic theory and the recent economic history     Corporation Nation Robert E. Wright,2014 Drawing on legal and economic history Robert E Wright traces the

development of corporate institutions in America connecting today's financial failures to weakened internal corporate regulation

**The Routledge Companion to Fair Value and Financial Reporting** Peter Walton, 2012-08-21 Comprising contributions from a unique mixture of academics, standard setters and practitioners and edited by an internationally recognized expert, this book on a controversial and intensely debated topic is the only definitive reference source available on the topics of fair value and financial reporting. Drawing chapters from a diverse range of contributors on different aspects of the subject together into one volume, it examines the use of fair value in international financial reporting standards and the US standard SFAS 157 Fair Value Measurement, setting out the case for and against, looks at fair value from a number of different theoretical perspectives including possible future uses, alternative measurement paradigms and how it compares with other valuation models. It explores fair value accounting in practice including audit, financial instruments, impairments, an investment banking perspective, approaches to fair value in Japan and the USA and Enron's use of fair value. An outstanding resource, this volume is an indispensable reference that is deserving of a place on the bookshelves of both libraries and all those working in, studying or researching the areas of international accounting, financial accounting and reporting.

*Mobile Payments, Consumer Policy, and the Law* Nwanneka Ezechukwu, 2023-03-17 Mobile technology offers an innovative and cost-effective channel for delivering a range of financial services including mobile payments. In some jurisdictions, mobile payments simply provide a convenient option for facilitating payment transactions. In other jurisdictions, mobile payments are viewed as potentially transformative because they present an opportunity to expand access to financial services. However, as with other innovations, mobile payments raise consumer protection concerns and require robust regulatory mechanisms to address such concerns. Against this backdrop, the book adopts a typology of consumer policy tools which can be used to address the identified consumer concerns. This typology guides the enquiry into the existing consumer protection frameworks applying to mobile payments in selected jurisdictions: Canada, Kenya and the United Kingdom. The main objective of this endeavour is to identify best practices that national authorities seeking to leverage mobile payments and similar innovations can emulate. This book will be of interest to policymakers, regulators, industry stakeholders, students and scholars interested in the regulation of innovative financial services, particularly from a consumer protection perspective.

**International Trade in Services and Domestic Regulations** Panagiotis Delimatsis, 2007-12-27 This book examines the regulation of services within the WTO. It examines the problem of reconciling a liberal system of trade in services with national governments' ability to protect social values through service regulation. The book analyses the existing legal framework and assesses the potential of ongoing trade negotiations.

**The Governance of Macroprudential Policy** Tracy C Maguza, 2024-01-11 This book critically examines the theoretical foundations and legal framework for macroprudential policy, its tools and governance in the UK, the US and the EU. It goes deeper into a normative discussion of the legitimacy of macroprudential policy in these jurisdictions where the mandate for maintaining financial stability has been delegated to independent authorities. The Global

Financial Crisis of 2007 2008 reopened debates regarding legitimacy of the independent regulatory state given its democratic deficit The response to a perceived legitimacy gap has been to increase political oversight in financial policymaking and regulation The book posits that the real problem is not a lack of democracy but rather a lack of social justice Across the globe there is growing dissatisfaction with a financial system and regulatory process that appear depersonalised and perpetuate inequalities Citizens are calling for more socially just systems of governance and the future success of financial policymakers and regulators will hinge on this Given the marked distributional effects that have been noted in some macroprudential policy tools the book questions whether macroprudential policy should be solely based on highly rationalised and strongly quantitative reasons By proposing that macroprudential policymakers should have a social justice mandate alongside their financial stability mandate as well as legal mechanisms for operationalising the added authority the book contributes to the growing discourse on the role of social justice in public policy

**Banking Regulation in Israel** Ruth Plato-Shinar, 2016-09-15 In the aftermath of the 2008 global financial crisis many governments are seeking ways to improve their banking regulation systems in the interests of both economic health and consumer protection Among the globally competitive countries that withstood the crisis with no significant disruption Israel stands out suggesting that other countries might benefit from an in depth analysis of its banking system This is the first book in English to provide such an analysis emphasizing the crucial balance between prudential regulation and conduct of business regulation which in Israel are both regulated by the same agency unlike the Twin Peaks model that prevails in other market based economies With recommendations that are highly applicable to many countries the book examines a broad range of issues that are of current concern to the banking community worldwide Among these issues are the following the architecture of financial regulation nationalization and privatization of banks conflicts of interest in the banking system resulting from universal banking problems of concentration and lack of competitiveness in the banking system the growing power of institutional investors and their entry into traditional banking activities mechanisms for recovery and resolution in the event of a bank failure new models of banking regulation such as self regulation and contractual regulation and bank consumer protection complaint handling and redress Even though the book focuses on Israeli banking regulation its detailed attention to the development of a suitable supervisory model is of immeasurable international value for regulators lawyers bankers academics and business people who are in any way connected to the banking world particularly following the 2008 crisis and its devastating effects It is sure to be of service as many jurisdictions continue to search for optimal tools designed to prevent another such crisis

**The Power of Money** Debarati Roy, 2012-11-15 Na **Financial Sector Governance** Robert E. Litan, Michael Pomerleano, Vasudevan Sundararajan, 2004-05-13 A financial system is only as strong as the governing practices and institutions of its participants The challenge to build efficient and accountable financial institutions that promote confidence is a problem that private financial sector executives and policymakers confront together In this context Financial Sector

Governance takes a clinical approach to addressing the challenges in emerging and developed markets in each industry capital markets private banks state owned banks asset management companies public pension funds and mutual funds It also explores the linkages between public and private sector governance and the policy implications for strengthening both sides Financial Sector Governance emerges from the fourth annual Financial Markets and Development conference organized by the World Bank the International Monetary Fund and the Brookings Institution during which participants from the public and private financial sectors of emerging and developed markets contribute to an expanding dialogue addressing key policy concerns

Global Bank Regulation Heidi Mandanis Schooner, Michael W. Taylor, 2009-11-24 Global Bank Regulation Principles and Policies covers the global regulation of financial institutions It integrates theories history and policy debates thereby providing a strategic approach to understanding global policy principles and banking The book features definitions of the policy principles of capital regularization the main justifications for prudent regulation of banks the characteristics of tools used regulate firms that operate across all time zones and a discussion regarding the 2007 2009 financial crises and the generation of international standards of financial institution regulation The first four chapters of the book offer justification for the strict regulation of banks and discuss the importance of financial safety The next chapters describe in greater detail the main policy networks and standard setting bodies responsible for policy development They also provide information about bank licensing requirements leading jurisdictions and bank ownership and affiliations The last three chapters of the book present a thorough examination of bank capital regulation which is one of the most important areas in international banking The text aims to provide information to all economics students as well as non experts and experts interested in the history policy development and theory of international banking regulation Defines the over arching policy principles of capital regulation Explores main justifications for the prudent regulation of banks Discusses the 2007 2009 financial crisis and the next generation of international standards of financial institution regulation Examines tools for ensuring the adequate supervision of a firm that operates across all time zones

*The Advantage of Competitive Federalism for Securities Regulation* Roberta Romano, 2002 In this analysis of securities regulation the author demonstrates that the current approach toward U S regulation exclusive jurisdiction of the Securities and Exchange Commission is misguided and should be revamped by implementing a regime of competitive federalism Under such a system firms would select their regulator from among the states the SEC or other nations The author asserts that competitive federalism harnesses the high powered incentives of markets to the regulatory state to produce regulatory arrangements most compatible with investors preferences The author contends that the empirical evidence does not indicate that the SEC is effective in achieving its stated objectives The commission s expansions of disclosure requirements over the years have not significantly enhanced investors wealth In addition she asserts evidence from institutional equity and debt markets and cross country listing practices demonstrates that firms voluntarily disclose substantial information beyond mandatory requirements to provide the information investors

demand The author concludes that under competitive federalism the aspects of the SEC's regime that are valuable to investors will be retained those that are not will be discarded and the resulting securities regime will better meet investors' needs than the present one Regulating Financial Markets George J. Benston, 1998 Financial services financial firms and financial markets are regulated to a greater extent than most other products and services In this radical book Professor George Benston provides a comprehensive critique of the justifications for financial services regulation and provides an innovative proposal for reform Executive Summary Financial services financial firms and financial markets are regulated to a greater extent than most other products and services Financial service regulation goes back centuries It provides benefits to governments for example from direct and indirect taxation of banks and to regulated financial institutions which gain where entry is restricted Consumer protection is a common reason given for financial regulation But consumers in financial markets are probably less subject to fraud misrepresentation discrimination and information asymmetry than consumers of other products Concern about negative externalities costs born by others is another argument for regulation However on examination it is clear there are few genuine externalities Regulations on externality grounds is justified only for financial institutions which hold government insured deposits for insurance companies which provide government mandated non contracting third party insurance for instance for cars and for companies which underwrite long term life insurance and annuities Financial regulation incurs costs borne by consumers and taxpayers which probably exceed the benefits they receive There are substantial unintended costs such as reduced diversification of financial institutions and the absence of less costly and more innovative products because of restrictions on entry to financial markets An optimal regulatory system for banks would involve substantial capital requirements periodic reporting of assets liabilities and capital and a structured early intervention system for the authorities For government mandated third party liability insurance life insurance and annuities insurance companies should be subject to capital requirements similar to those for banks If governments wish to protect consumers of financial products the best procedure is to establish an Ombudsman to which consumers who feel they have been mistreated can go The proposed regulatory system would be almost costless to taxpayers the regulated companies and consumers of their products and services Compared with existing regimes it has the great advantage of not restricting entry to financial markets nor the introduction of new products **Dalhuisen on Transnational and Comparative**

**Commercial, Financial and Trade Law Volume 6** Jan H Dalhuisen, 2022-06-16 a wide ranging historically and comparatively very deep and comprehensive commentary but which is also very contemporary and forward looking on many or most of the issues relevant in modern transnational commercial contract and financial transactions International and Comparative Law Quarterly Volume 6 of this new edition deals with financial regulation of banks and banking activities and products It critically reviews micro prudential regulation the need for macro prudential supervision and an independent macro prudential supervisor the role of resolution authorities the operation of the shadow banking system and the



extraterritorial reach and international recognition of financial regulation The volume considers in particular the fallout from the 2008 financial crisis and the subsequent regulatory responses in the US and Europe The complete set in this magisterial work is made up of 6 volumes Used independently each volume allows the reader to delve into a particular topic Alternatively all volumes can be read together for a comprehensive overview of transnational comparative commercial financial and trade law

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