

AEI STUDIES ON FINANCIAL MARKET DEREGULATION

REGULATING FINANCIAL MARKETS

A CRITIQUE AND SOME PROPOSALS



George J. Benston



Regulating Financial Markets A Critique And Some Proposals

George J. Benston



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 *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 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 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 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 *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 *Hobart Paper* ,1998 **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 **International Regulatory Rivalry in Open Economies: The Impact of Deregulation on the US and UK Financial Markets** Doha M. Abdelhamid,2024-11-01 This title was first published in 2003 This text aims to fill a gap in the literature for a text on the theory and practice of international regulatory competition in the open financial markets of the US and UK [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 **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

Conflicts of Interest in the Financial Services Industry

Andrew Crockett, 2003 The fifth report in this series focuses on conflicts of interest that arise when a firm combines multiple lines of business creating multiple interests Conflicts between research and underwriting in investment banking and between auditing and consulting in accounting firms are investigated as are the problems that arise from rating agencies providing consulting services and from universal banks combining commercial and investment banking In the recent stock market collapse confidence in the financial industry was shaken by numerous scandals Beginning with Enron in 2001 scandals brought about the demise of prominent financial figures damaged the reputation of premiere firms and destroyed the global accounting giant Arthur Andersen Central to this crisis was the exploitation of conflicts of interest Research analysts at investment banks were found to be distorting information at the behest of underwriting departments eager to promote new issues Auditors appeared to sanction misleading accounting in order to gain business for the consulting side of their firms Policy response in the United States was quick Large fines were levied and regulators compelled the separation of financial security function constraining financial conglomerates But are these new regulations and safeguards adequate protection What costs do they impose on the industry This fifth title in the ICMP CEPR series of Geneva Reports on the World Economy examines the problem of conflicts of interest in the financial system Conflicts of interest lead to a decrease in information that makes it harder for the system to provide savers with the accurate essential information that induces them to provide credit to borrowers This study focuses on conflicts of interest that arise when a firm combines multiple lines of business creating multiple interests Conflicts between research and underwriting in investment banking and between auditing and consulting in accounting firms are investigated as are the problems that arise from rating agencies providing consulting services and from universal banks combining commercial and investment banking Determining the appropriate remedy for a

conflict is a challenge because the elimination of conflicts may also eliminate benefits from economies of scope This study examines five generic remedies market discipline regulation for increased transparency supervisory oversight separation of financial activities by function and socialization of the collection and distribution of information The authors apply this framework to assess critically the Sarbanes Oxley Act and the Global Settlement between American regulators and investment banks

EU Private Law and the CISG Zvonimir Slakoper, Ivan Tot, 2021-09-30 EU Private Law and the CISG examines selected EU directives in the field of private law and their effects on the national private law systems of several EU Member States and discusses certain specific concepts of the United Nations Convention on Contracts for the International Sale of Goods CISG in light of the CISG's recent fortieth anniversary The most prominent influence of EU law on national private law systems is in the area of the law of obligations thus the book focuses on several EU private law directives that cover the issues belonging to contract and tort law as interpreted in the case law of the Court of Justice of the EU EU private law concepts need to be interpreted autonomously and uniformly rather than through the lens of national private law systems The same is true for the CISG which has not only been one of the most successful instruments of the international trade law unification but had also influenced both the EU private law and domestic laws In Part I focused on the EU private law and its effects for national laws chapters examine the recent Digital Content and Services Directive and its likely impact on the contract law of the UK and Ireland the role aggressive commercial practices play in EU banking and credit legislation the applicability of the EU private international law rules to collective redress the unfair contract terms regime of the Late Payment Directive and its transposition into Croatian law the implementation of the Commercial Agency Directive in Denmark Estonia and Germany and disgorgement of profits as remedy provided in the Trade Secrets Directive In Part II dealing with selected CISG issues chapters discuss the autonomous interpretation of CISG's concept of sale by auction and its notion of intellectual property as well as the CISG's principle of freedom of form and the possibility for reservations with the effect of its exclusion The book will be of interest to legal scholars in the field of EU private law and international trade law as well as to the students practitioners members of law reform bodies and civil servants in Europe and beyond

Reforming Britain's Economic and Financial Policy H. Treasury, 2001-12-02 In recent years the UK's macroeconomic policy framework has undergone a period of radical reform so as to deliver the economic stability necessary to achieve high levels of growth and employment This book provides a comprehensive account of these reforms which constitute a new and innovative approach to policy making Radical changes to the monetary policy framework the fiscal policy framework the regime for public spending and financial regulation are presented Together they represent a coherent strategy to deliver economic stability and benefits to the wider economy As well as providing an unprecedented insight into UK Government economic policy the book takes the reader through the intellectual foundations of policy reform and the translation of these to applied policy making *Reforming Britain's Economic and Financial Policy* contains a foreword by the Chancellor Gordon

Brown **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

Hedge Fund Regulation in the European Union Phoebus Athanassiou, 2009-04-14 While hedge funds have been part and parcel of the global asset management landscape for well over fifty years it is only relatively recently that they came to prominence as one of the fastest growing and most vigorous sub sectors of the financial services industry Despite their growing significance for global and European financial markets hedge funds continue enjoying a sui generis regulatory status The ongoing credit crisis and its lessons for the wisdom of unregulated or loosely regulated pockets of financial activity raise with renewed urgency the issue of deciding how long for the relative regulatory immunity of hedge funds is to be tolerated in the name of financial innovation This well thought out book the first of its kind in this particular field examines the case for the European onshore hedge fund industry s regulation making concrete proposals for its normative future Following a detailed account of the established regulatory systems in Ireland and Luxembourg as well as of the emerging hedge fund jurisdictions in Italy France Spain and Germany and of the regulatory treatment of hedge funds in the UK this book examines to what extent the continuing exclusion of hedge funds from harmonized European regulation is defensible whether their differences to traditional asset management products justify their distinct regulatory treatment and ultimately if their EU wide regulation is possible and if so what form this should take This book offers enormously valuable insights into all facets of the subject of the regulation of hedge funds including the legitimacy of the public policy interest in their activities the conceptual underpinnings and systemic stability emphasis of a realistic hedge fund regulatory scheme the main parameters of a workable onshore hedge fund regulatory framework the role of investor protection and market integrity as part of a holistic hedge fund regulatory scheme the possible use of the UCITS framework as a foundation for the EU wide regulation of hedge funds the MiFID s impact on the regulatory future of the European hedge fund industry existing cross jurisdictional differences and similarities in the normative treatment of hedge funds within the EU hitherto initiatives and recommendations of the Community institutions and bodies and the need for more efficient co operation and information sharing arrangements amongst national supervisors for the monitoring of the cross border risks inherent in the activities of hedge funds As the first ever comprehensive account of the profile main features and normative future of the contemporary global and European hedge fund markets including a systematic inquiry into the conceptual underpinnings of hedge fund regulation and a detailed examination of the European hedge fund industry s treatment under Community and domestic law this book represents a major contribution to the literature on hedge funds and their regulation which through its concrete proposals for the onshore industry s regulation and its clear analysis of the conditions necessary for their implementation

should be of extraordinary value to policymakers supervisors and academics alike The Changing Landscape of Global Financial Governance and the Role of Soft Law Friedl Weiss, Armin Kammel, 2015-05-26 The Changing Landscape of Global Financial Governance and the Role of Soft Law provides interdisciplinary perspectives on the changing landscape of global financial governance by exploring the impact and role of soft law directly or as a precursor of hard law pertaining to financial governance Since the shaping of financial governance impacts national regional and global levels of regulation different views and arguments contribute to the ongoing discussions about financial regulation Against this background this book brings together perspectives of economists and lawyers who have not rallied to one or the other popular call for more regulation as a panacea for the prevention of future global financial crises calls which have all but drowned out more nuanced scientific debates Instead their analysis of aspects of remedial regulatory policy prescriptions already made or proposed demonstrates that carefully designed soft law can be deployed as a valuable method or tool of mediation between the unrestrained autonomy of dysfunctional markets and overzealously crafted hard law Routledge Handbook of Major Events in Economic History Randall Parker, Robert Whaples, 2013-02-11 The Handbook of Major Events in Economic History aims to introduce readers to the important macroeconomic events of the past two hundred years The chapters endeavour to explain what went on and why during the most significant economic epochs of the nineteenth twentieth and early twenty first centuries and how where we are today fits in this historical timeline Its short chapters reflect the most up to date research and are written by well known economists who are authorities on their subjects The Handbook of Major Events in Economic History was written with the intent of presenting the professional consensus in explaining the economics driving these historical events **Reforming Corporate Retail Investor Protection** Diane Bugeja, 2019-12-12 The spate of mis selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors Notwithstanding numerous regulatory interventions curtailing the incidence of poor investment advice remains a challenge for regulators particularly because these measures are taken in a fire fighting fashion without adequate consideration being given to the root causes of mis selling Against this backdrop this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis selling of interest rate hedging products IRHP in the UK and beyond It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors as opposed to corporate retail investors by taking stock of past regulatory reforms and forthcoming regulatory initiatives as well as more importantly the conclusions reached by the judiciary in IRHP mis selling claims The conclusions are particularly interesting corporate retail investors are in a vulnerable position when compared to individual retail investors The former are exposed to a heightened risk of mis selling meaning that regulatory intervention should be targeted accordingly The recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories This book is aimed at researchers lawyers and

students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis selling and restore a level playing field amongst all retail investors

Raising Capital on Arab Equity Markets Lu'ayy Minwer Al-Rimawi, 2012-02-01 This first book of its kind discusses in particular the role of investor protection as regards disclosure when issuers are offering securities to the public with full descriptions of the securities markets and stock exchanges in seventeen Arab jurisdictions In two interrelated parts it examines both the regional macroeconomic matrix and a detailed case study that of Jordan in order to analyse the development and characteristics of an Arab regulatory model Among the important issues and topics arising in the course of the analysis are the following relevance of international regulatory standards to Arab securities markets mandatory versus voluntary securities disclosure the fundamentals of the Islamic financial system role of riba and gharar nature and impact of Shari'a unquantifiable juridical risks on the modus operandi of Arab securities markets macroeconomic adjustment policies and structural adjustment programmes in several Arab countries recent economic and Arab capital markets impact in the wake of the Arab Spring extent of different countries reliance on Shari'a as a constitutional source constitutional challenges to the imposition of interest the need for the positive law to compel securities disclosure under Shari'a shareholders remedies when suing for fraud or negligent misstatements liability for misleading or inaccurate disclosure under the general law of the UK and a selected Arab jurisdiction prospectus liability under the statutory regime of the UK and an Arab regulatory regime bars to rescission of contract Comparative UK and Shari'a aspects and Arab UK regulatory agencies enforcement prosecutorial administrative and civil remedies The author closely examines various instruments deployed for conveying securities disclosure and dissemination of information and looks extensively at relevant rulings as enunciated by an Arab court of cassation He then constructs a model of an effective securities disclosure regime in order to provide better investor protection for shareholders under Shari'a Among the strengths of Dr Lu'ayy Minwer Al-Rimawi's book is the fact that at all times he adopts a comparative approach not only as between different Arab systems but also with an appreciation of the legal position in the UK and the European Union and elsewhere The Hon Mr Justice Sir William Blair Q.C. High Court Judge in the UK and Chairman of the Qatar Financial Centre Regulatory Tribunal As the first in depth discussion of the regulation of Arab capital markets in English with an eye to international standards and the policy issues involved and with attention focused on the central question of how the law can properly protect investors this book will commend itself to all those with an interest in securities markets in the Arab world

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

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