



Confidentiality in Offshore Financial Law

By Rose-Marie Antoine

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Confidentiality in Offshore Financial Law By Rose-Marie Antoine

The only book to focus specifically on confidentiality and by extension, disclosure obligations, in offshore financial law, this new edition examines the issues surrounding confidentiality providing thorough analysis of the current legal position and discussing the extent to which it should be protected given the conflicting interests at stake.

The book also addresses the wider issues of confidentiality in offshore financial law to consider the implications of confidentiality and disclosure for other subjects of interest in finance. It therefore examines the appropriate parameters of bank regulation, the modern regulatory framework for other financial institutions and actors, particularly within the context of the prevention and detection of certain undesirable or criminal activities such as money laundering and even civil matters such as trademark violations. Important constitutional issues such as the right to privacy, the privilege against self-incrimination and arbitrary search and seizure as they relate to finance are included in the legal analysis. The controversial balance between disclosure and confidentiality also entails a discussion of issues of comity.

Taking into account the several new treaties specifically targeted at confidentiality in offshore financial law, this new edition includes comparative coverage of key legislation in offshore jurisdictions and a new chapter on Tax Information Exchange Agreements. It also provides detailed coverage of modern anti-Money Laundering regimes, the EU Savings Directive, the G20 Initiatives and United States countermeasures to confidentiality.. For ease of reference an introductory chapter is also included which gives a summary of the legislative infrastructure in the various jurisdictions and a description of the fundamental characteristics of offshore jurisdictions.

Assessing the impact of the recent G20 -OECD discussions on confidentiality, disclosure, and tax issues and the emerging FATCA regime, this new edition brings the reader up to date with the changing regulatory landscape concerning the offshore sector. All practitioners and scholars interested in offshore financial law will find this text to be an essential reference source.

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Review

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About the Author

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Professor Rose-Marie Antoine is the Dean of the Faculty of Law and Professor of Labour Law and Offshore Financial Law at the University of the West Indies, St Augustine Campus. A Cambridge and Oxford scholar, Professor Antoine has lectured at universities in the USA, Cayman Islands and consults for governments and international organizations. She has drafted several statutes on diverse subject areas in the Commonwealth Caribbean, including the Confidential Relationships Amendment and Trust Amendment Bills of the TCI, the Labour Code of Saint Lucia and the CARICOM Harmonization of Labor Law Report, the blueprint for CARICOM labour reform. In 2012, Professor Antoine was elected by the OAS General Assembly as a Commissioner on the Inter-American Commission on Human Rights, Washington, where she is also the Rapporteur against Discrimination, the Rapporteur for Indigenous Peoples and headed the Unit on Economic, Social and Cultural Rights.

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