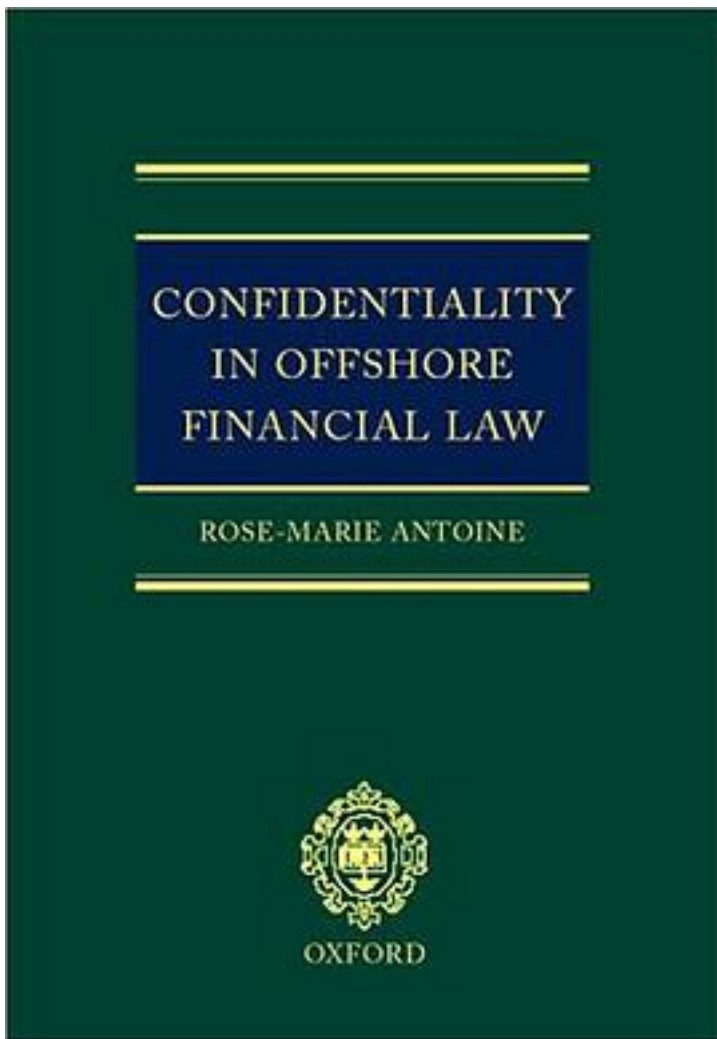


Confidentiality in Offshore Financial Law



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Confidentiality in Offshore Financial Law is a comprehensive legal analysis of an essential, but virtually unexplored and often controversial topic. It is a holistic and complex subject which brings together several orthodox areas of law in innovative and constantly evolving ways. It embraces the law on trusts, taxation and tax planning, banking, international crime, mutual funds and company law. Offshore confidentiality impacts on all of these and is uniquely different from onshore models. In this book its intricate parameters and limits are assessed by reviewing case law, legislation, treaties and public policy. Dr Antoine also highlights the tensions between onshore and offshore legal philosophies. The challenges to confidentiality reflect the transnational nature of offshore finance. Accordingly, this book explores mutual legal assistance, world-wide restraint orders and the tensions posed by conflicting national interests. These often involve questions of comity and sovereignty which are addressed in private international law. They also raise topical issues such as the FATF's concerns on money laundering and terrorism and the OECD's allegation of unfair tax competition. Dr Antoine discusses those areas important to confidentiality which are often not considered in commercial law, such as human rights, privacy, and the privilege against self-incrimination. International initiatives and public policy are forcing reassessments and erosions of confidentiality, yet an important theme in the book is the legitimacy and viability of offshore confidentiality itself. The argument that crime is protected or even dominant in offshore centres, is debunked as myth. Not only will the book be an essential point of reference to legal practitioners, it should also be of interest to financial regulators, human rights activists, academics, students, and law enforcers.

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