



**AGREEMENT ON THE ADMISSION  
OF THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC)  
AS ASSOCIATE MEMBER OF  
THE TASK FORCE ON MONEY LAUNDERING  
IN CENTRAL AFRICA (GABAC)**

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The Economic and Monetary Union of Central Africa, hereinafter referred to as "**the CEMAC**" or "**the Community**", which is represented by the President of the CEMAC Commission;

**And**

The Democratic Republic of the Congo, hereinafter referred to as "**the DRC**", which is represented by the Minister for Finance;

#### **HAVING REGARD TO THE FOLLOWING:**

The Task Force on Money Laundering in Central Africa (GABAC) is a specialist institution of the Economic and Monetary Union of Central Africa, and is responsible for, among other things, the promotion of regulations on combating money laundering, the financing of terrorism and proliferation, and the assessment of the actions undertaken by States within its jurisdiction.

Article 56 of the revised CEMAC Treaty allows any African State to join one or more policies of the Community. The conditions for such association must be the subject of an agreement between the applicant State and the Community. The Agreement is entered into on behalf of the Community by the President of the Commission upon the recommendation of the Council of Ministers which has received an opinion from the Community Court of Justice.

The Minister for Finance of the DRC, acting in the name and on behalf of its Government, applied to the current President of the GABAC to admit his country to the GABAC by means of application CAB/MINFINANCES/JUR/MBK/2016/1671 of 7 March 2016, in which he expressed the wish of his country's authorities to join the anti-money laundering and counter terrorism financing and proliferation policy implemented by the GABAC and inspired by international standards.

Following the referral to the Community Court of Justice by the GABAC Permanent Secretariat on whether the applicant State, which is a non-member of the CEMAC, complied with the principles of CEMAC and could thus be permitted membership, the Court stated in Opinion no. 02/2016-17 of 5th December 2016 that the DRC's membership of the GABAC was in compliance with the Community's legal provisions on combating money laundering and the financing of terrorism.

At its 31st ordinary session held on 14 and 15 February 2017, the Council of Ministers of the Economic Union of Central Africa (UEAC) authorised the President of the Commission to conclude an agreement with the DRC whereby the latter would become an Associate member of the anti-money laundering and counter terrorism-financing policy directed by the GABAC.

#### **BOTH PARTIES ARE:**

**Concerned** by criminal organisations' growing use of economic and financial systems to launder money and finance terrorism and proliferation;

**Aware** of the serious social, economic and security consequences entailed in the infiltration of transnational organisations into the economy and financial services for the purposes of money laundering and the financing of terrorism and proliferation;



**Aware** that the FATF encourages all jurisdictions and countries to become members of the FATF or of a FATF-Style Regional Body (FSRB), in particular those that could be a major risk for money laundering, terrorism financing and proliferation financing for the global system;

**Aware** that the FATF encourages the FATF-Style Regional Bodies (FSRBs) to provide membership or observer status to any applicant State or Institution in order to consolidate actions in the fight against money laundering and the financing of terrorism and proliferation;

**Convinced** of the need to strengthen their cooperation in the area of combating money laundering and the financing of terrorism and proliferation.

**THEREFORE, BOTH PARTIES AGREE TO THE FOLLOWING:**

**Article 1:**

The DRC is hereby recognised as an Associate member of the Task Force on Money Laundering in Central Africa (GABAC) for the implementation of regional policies for combating money laundering and the financing of terrorism and proliferation (AML/CFT)

**Article 2:**

As an Associated member and notwithstanding any contradictory national legislation prior or subsequent to the effective date of this Agreement, the DRC shall apply the Acts adopted by the competent GABAC bodies for executing the missions of the GABAC in accordance with the recommendations of the FATF and other relevant international Treaties or Acts.

**Article 3:**

The CEMAC and the DRC agree to jointly carry out the following tasks:

- 1) combating the laundering of money and proceeds of crime, as well as the financing of terrorism and proliferation;
- 2) introducing in a harmonised fashion measures appropriate to combat the above;
- 3) evaluating the results and effectiveness of the measures and actions adopted;
- 4) assisting States in the implementation of their policies on anti-money laundering and counter financing of terrorism and proliferation;
- 5) collaborating with similar organisations existing in Africa and at international level.

**Article 4:**

As part of the implementation of Article 3 above, the CEMAC shall involve the DRC in:

- 1) the organisation, coordination and advancement of actions undertaken in Member States for combating the laundering of money and proceeds of crime, together with countering the financing of terrorism and proliferation;
- 2) the actions aimed at fostering cooperation between the National Agencies for Financial Investigation (NAFIs) of the CEMAC and the DRC's Financial



Intelligence Unit (CENAREF) in relation to the prevention and detection of money laundering, and terrorism and proliferation financing;

- 3) the knowledge-sharing of the specificities of money laundering and the financing of terrorism and proliferation in Central Africa, including the operation of typology exercises;
- 4) the initiation and coordination of self-evaluations and mutual evaluations, using FATF methodology and the GABAC evaluation procedures manual, to assess compliance of the tools of Member States with international standards, together with the progress achieved and the effectiveness of measures taken within Member States;
- 5) the initiation of all actions, with respect to identified risks, aimed at protecting the banking and financial systems from violations relating to money laundering and the financing of terrorism and proliferation;
- 6) implementation of the Principles, Recommendations and Norms prescribed under international cooperation, in particular the Action Plan against money laundering adopted by the United Nations General Assembly on 10 June 1998, the Recommendations drawn up by the FATF and other Conventions and Treaties pertaining thereto.
- 7) any action initiated by the GABAC Permanent Secretariat for reviewing community instruments for combating money laundering and the financing of terrorism and proliferation.
- 8) the implementation of the high-level principles and objectives of the FATF applicable to FSRBs.

#### **Article 5:**

In being associated with the actions described in Article 4 above, the DRC shall:

- 1) undertake all actions aimed at protecting the banking and financial systems from violations relating to money laundering and the financing of terrorism and proliferation, and implement the Principles, Recommendations and Norms prescribed as part of international cooperation, in particular the Action Plan against money laundering adopted by the United Nations General Assembly on 10 June 1998, the Recommendations drawn up by the FATF and other Conventions and Treaties pertaining thereto;
- 2) be subject to the prior mutual evaluation of the GABAC and the follow-up process;
- 3) participate in sharing knowledge of the specificities of money laundering and the financing of terrorism and proliferation, including the operation of typology exercises;
- 4) contribute to the financing of the GABAC;
- 5) comply with the Internal Regulations and the mutual evaluations procedural manual as well as the GABAC's manual on administrative, financial and accountability procedures;
- 6) subject its legal instruments and institutional framework on anti-money laundering and counter terrorism and proliferation financing to compliance checks against those of the CEMAC and international norms and standards, in accor-



dance with the FATF's recommendations and universal methodology as well as the evaluations procedural manual applicable to each evaluation cycle.

**Article 6:**

The DRC shall participate in the funding of the GABAC on an equal basis with other Member States.

The DRC shall, no later than 1st January of the particular year, pay its contribution by means of wire transfer to the GABAC's account held at the Bank of Central African States (BEAC).

The fees collected by the BEAC for such transactions shall be borne by the DRC.

**Article 7:**

The DRC shall participate as of right in the plenary sessions of the GABAC. It will be represented by its Ministers for Finance, for Justice and for Security, as well as the Governor of the Central Bank of the DRC.

**Article 8:**

The DRC's Financial Intelligence Unit (CENAREF) shall be the point of contact for the GABAC Permanent Secretariat within the DRC.

Its members shall, as of right, participate in the plenary sessions organised by the Permanent Secretariat and addressed to the Financial Intelligence Units (FIUs) of the CEMAC, as well as in the meetings of the GABAC Technical Committee.

Besides its Chair, the aforementioned members of the CENAREF are those responsible for administrative and financial investigations, judiciary police investigations and relations with the judicial authorities.

**Article 9:**

The DRC's experts, appointed for this purpose by the Ministers for Finance, for Justice and for Security and the Central Bank of the Congo (BCC), shall participate in the meetings of the GABAC Technical Committee.

The DRC's experts shall be appointed to ad-hoc committees created by the GABAC.

**Article 10:**

The representatives of the Ministers for Finance and for Security of the DRC, as well as the CENAREF members responsible for administrative and financial investigations and judiciary police investigations, shall be involved in the works of the Risks, Trends and Methods Working Group (GRTM).

The representative of the Minister for Justice of the DRC and the judiciary member of the CENAREF shall be involved in the works of the Evaluations and Compliance Working Group (GEC).

According to the issues to be discussed in the plenary session of the GABAC Technical Committee, the DRC representative shall be associated with the works of the GRTM or GEC.



**Article 11:**

The Permanent Secretariat of the GABAC shall ensure that the DRC's experts are integrated into the working groups appearing on the list submitted for the approval of the President of the GABAC.

**Article 12:**

DRC nationals who can demonstrate training on FATF's global mutual evaluation methodology may be placed in the pool of GABAC evaluators.

**Article 13:**

The GABAC shall assist the DRC in the identification of its technical assistance needs among the following areas:

- 1) the operations of its financial intelligence unit;
- 2) the enactment, dissemination and upgrading of instruments to combat money laundering and the financing of terrorism and proliferation;
- 3) the creation and strengthening of national committees to combat money laundering and the financing of terrorism and drawing up national evaluation strategies of the related risks;
- 4) the promotion of strategic partnerships with the private sector, civil society and other stakeholders;
- 5) national, sub-regional and international cooperation.

**Article 14:**

Under a process of enhanced follow-up, the GABAC shall take the scaled measures detailed below when, following an accelerated follow-up process of the DRC lasting eighteen (18) months, sufficient progress has not been observed in bringing its laws and institutions into compliance with FATF Recommendations:

- 1) dispatch of a letter to the relevant DRC Ministers, drawing their attention to the non-compliance of the country with FATF Recommendations and the failure to meet its commitments as a member of the GABAC;
- 2) organisation of a high-level mission to the DRC to reinforce this warning. The mission will meet the Ministers and Senior representatives of the country;
- 3) referral of the issues to the FATF International Cooperation Review Group and publication of a formal GABAC declaration stating the lack of cooperation from the DRC and recommending that the international community take all appropriate measures in compliance with FATF Recommendation 21;
- 4) application of the sanctions referred to in the GABAC's Internal Regulations.

**Article 15:**

The following violations are liable to the sanctions provided for in the GABAC's Internal Regulations:



- 1) failure by the DRC to pay its financial contribution to the GABAC for two (2) consecutive years;
- 2) failure by the DRC to attend GABAC plenary sessions for two (2) consecutive years;
- 3) refusal by the DRC to undergo the mutual evaluation process;
- 4) failure by the DRC to abide by its commitments under Article 5 of this Agreement;
- 5) refusal by the DRC to take the measures enabling it to bring its anti-money laundering and counter financing of terrorism and proliferation mechanism into compliance with international standards following a mutual evaluation.
- 6) refusal by the DRC to undertake any action to minimise the identified risks exposing its banking and financial system and security to possible acts of money laundering and the financing of terrorism and proliferation;
- 7) any act by the DRC that exposes banking and financial systems and the security of other members to possible acts of money laundering and the financing of terrorism and proliferation.

**Article 16:**

Where the breaches listed in Article 15 above are identified against the DRC, the GABAC may, in addition to the scaled measures stipulated in Article 14 of this Agreement and without prejudice to measures provided for under Community laws as part of membership agreements with other countries, request the plenary session to enact one of the following sanctions:

- 1) issuance of a warning;
- 2) withdrawal of voting rights;
- 3) suspension from GABAC meetings.

A decision to suspend the DRC falls within the exclusive competence of the GABAC plenary session. Such a decision will be forwarded to the FATE, the World Bank, the IMF and other international financial institutions.

**Article 17:**

In the event of continued breaches observed by the DRC, and after exhausting the sanctions provided for by Article 16 above, the GABAC may propose the withdrawal from this Agreement to the Council of Ministers of the UEAC.

This withdrawal, which will take effect three months after its notification to the DRC, will be communicated to the FATE, the World Bank, the IMF and other international financial institutions.

**Article 18:**

Any dispute as to the interpretation of a provision of this Agreement shall be referred to the Community Court of Justice. The interpretation given by the Court shall be binding on all Parties.



**Article 19:**

For the purpose of this Agreement, the Parties hereby elect the following addresses for receiving notifications:

- the CEMAC: at the CEMAC Commission's headquarters;
- the DRC: at the Ministry of Finance.

**Article 20:**

This Agreement is drawn up three original in the French, English and Spanish languages. In the case of contradiction between the texts, the French version shall take precedence.

**Article 21:**

This Agreement shall enter into force following the notification by each Party that they have completed their internal ratification procedures.

05 SEP. 2017

Done at Brazzaville on \_\_\_\_\_ / \_\_\_\_\_

On behalf of the CEMAC

  
**Pierre MOUSSA**

President of the Commission  
of the Economic and Monetary Union  
of Central Africa (CEMAC)

On behalf of the DRC

  
**Henri YAV MULANG**

Minister for Finance of the  
Democratic Republic of the Congo  
(DRC)