

MONETARY UNION  
OF CENTRAL AFRICA

on the model text for the creation, organisation and operation of the "Coordinating Committee", which is the committee for the coordination of national policies aimed at combating money laundering and the financing of terrorism and proliferation in each Member State of the GABAC.

The Ministerial Committee of the Monetary Union of Central Africa (UMAC), meeting in an extraordinary session on 28 September in Paris,

Having regard to the founding treaty of the Economic and Monetary Community of Central Africa of 16 March 1994 and its supplements dated 5 July 1996 and 25 April 2007;

Having regard to the Convention on the Monetary Union of Central Africa (UMAC) of 5 July 1996;

Having regard to Additional Act No. 09/00/CEMAC-086/CCE02 of 14 December 2000 creating the GABAC;

Having regard to Additional Act No. 26/CEMAC-CCE-11 of 6 November 2012 on the appointment of Mr MBOCK Désiré Geoffroy as the Permanent Secretary of the GABAC;

Having regard to Regulation No. 01/CEMAC/UMAC/CM of 2 October 2010 revising Regulation No. 02/CEMAC/UMAC/CM of 14 April 2002 on the organisation and operation of the Task Force on Money Laundering in Central Africa (GABAC);

Having regard to Regulation No. 01/CEMAC/UMAC/CM of 11 April 2016 on the prevention and suppression of money laundering and the financing of terrorism and proliferation in Central Africa;

Having regard to Resolution No. 12 adopted in a plenary session of Members of the GABAC, which decided on the draft Directive on the model text for the creation, organisation and operation of the "Coordinating Committee", which is the committee for the coordination of national policies aimed at combating money laundering and the financing of terrorism and proliferation in each Member State of the GABAC;

Having regard to the Internal Regulation of the GABAC, adopted by Resolution No. 10 in an ordinary plenary session of the GABAC Members on 5 September 2016;

Having regard to the FATF Standards which constitute the benchmark on combating money laundering and the financing of terrorism and proliferation;

Whereas the Task Force on Money Laundering in Central Africa (GABAC) has formally recognised the FATF standards and is committed to promoting their implementation by the Member States;

Whereas effectiveness in anti-money laundering and counter-terrorism financing efforts requires all States to identify, assess and understand the money laundering and terrorism financing risks to which they are exposed, and establish a risk-reduction policy;

Whereas the designation of a body or mechanism for the coordination of risk-assessment actions and the mobilisation of resources is necessary to ensure the enacted national anti-money laundering and counter-terrorism financing policies are effective in mitigating previously identified risks;

Eager to establish the legal framework for a system of national coordination in relation to the initiatives on combating money laundering and the financing of terrorism and proliferation within the States of the CEMAC;

Having regard to the opinion of the Board of Governors of the Bank of Central African States, submitted in Resolution No. 06 during its ordinary meeting of 14 September 2016;

And on the proposal of the Permanent Secretary of the GABAC; <sup>MS</sup>

**ADOPT THE DIRECTIVE WHICH READS AS FOLLOWS:**

**Article 1:** The purpose of this Directive is to define the measures to be taken by the Member States of the GABAC for the implementation of national coordination policies in relation to combating money laundering and the financing of terrorism and proliferation.

Accordingly, the Directive provides the Member States of the GABAC with the model text for the creation, organisation and operation of the "Coordinating Committee", which is a committee for the coordination of national policies aimed at combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction.

**CHAPTER I: GENERAL PROVISIONS**

**Section 1: Definitions**

**Article 2:** For the purpose of this Directive, the following terms shall have the respective meanings:

**CEMAC:** Economic and Monetary Community of Central Africa

**Coordinating Committee:** The committee for the coordination of national policies aimed at combating money laundering and the financing of terrorism and proliferation

**DNFBP:** Designated Non-Financial Businesses and Professions

**FATF:** Financial Action Task Force

**Financing of proliferation:** any act with the purpose of providing funds or financial services which are used, in whole or in part, for the manufacture, procurement, development, possession, export, transport, transfer, brokerage, stockpiling or usage of nuclear, chemical or biological weapons and their delivery systems and related elements in contravention of national laws or, where appropriate, international obligations.

**Financing of terrorism:** the act of any natural or legal person who, by any means whatsoever, directly or indirectly, illegally and deliberately, provides or collects funds with the intention of having them used, or knowing that they will be used, in whole or in part:

- i. in the commission of one or more terrorist acts, as defined by Article 1 §2-a) and b) of Regulation No. 01/CEMAC/UMAC/CM of 16 April 2016; or
- ii. in the commission of one or more terrorist acts by a terrorist organisation; or <sup>MS</sup>

- iii. in the commission of one or more terrorist acts by a terrorist or a group of terrorists; or
- iv. in providing support to a terrorist or a terrorist group.

**GABAC:** Task Force on Money Laundering in Central Africa

**Member States:** The Member States of the GABAC

**Money laundering:** any one of the actions listed hereafter, committed intentionally, constitutes money laundering:

- a) converting or transferring property, by any person who knows that the property originates from criminal activity or from participation in a criminal activity, with the aim of concealing or disguising the illegal origin of said property or of helping any person involved in this activity from escaping the legal consequences of these acts;
- b) concealing or disguising the nature, origin or location of the provision, movement or the ownership of the property or the rights related thereto, by any person who knows that this property originates from criminal activity or from participation in a criminal activity;
- c) acquiring, holding or using property when the person benefiting from it knows at the moment when s/he receives it that the property originates from criminal activity or from participation in a criminal activity;
- d) participating in any of the acts referred to in points a), b) and c), conspiring or attempting to commit such an act, aiding or abetting someone to commit it, or advising them to this end, or facilitating the performance of such an act.

It is classed as money laundering, even if the activities at the origin of the goods to be laundered are carried out on the territory of another Member State or that of a third State, or have not resulted in prosecution or conviction in that State.

The knowledge or intention of the elements of the activities referred to above may be inferred from objective factual circumstances. Proving the legality of the source of the property in question falls on the person being prosecuted.

**NAFI:** National Agency for Financial Investigation

## CHAPTER II: ON THE COORDINATING COMMITTEE

### Section 1: Remit

**Article 3:** By means of a Presidential Decree, the GABAC Member States should create, under the aegis of the Ministry of Finance, a committee for the coordination of national policies aimed at combating money laundering, the financing of terrorism and the financing of proliferation of weapons of mass destruction, which will be known as the "Coordinating Committee".

**Article 4:** The Coordinating Committee should be responsible for:

- assisting public authorities, in addition to the economic, social, financial, non-financial, monetary actors and the population, in combating money laundering, the

- financing of terrorism and proliferation of weapons of mass destruction, and raising awareness on the necessity of such actions;
- proposing measures likely to allow (name of country) to apply the decisions taken by regional and international bodies in relation to combating money laundering, the financing of terrorism and proliferation of weapons of mass destruction;
  - supporting the National Agency for Financial Investigation (NAFI) in the coordination and monitoring of self-evaluations and mutual evaluations in relation to the system for combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction;
  - drafting proposals with the aim of creating rules adapted to combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction, which are in accordance with international recommendations and rules;
  - ensuring better coordination of State services involved in combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction;
  - encouraging cooperation among the professions, public or private bodies or entities subject to the laws and regulations on combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction;
  - preparing all records deemed necessary for informing the authorities and/or persons representing (name of country) in the meetings of those institutions tasked with combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction;
  - conducting risk assessments and preparing national strategies designed for combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction;
  - promoting the development of infrastructures that are necessary in combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction;
  - contributing to the dialogue between public authorities and partners for the purposes of providing technical and financial support to them in the establishment of policies aimed at combating money laundering and the financing of terrorism and proliferation of weapons of mass destruction.

## **Section 2: Organisation**

**Article 5:** The Coordinating Committee should comprise the following:

- Two representatives of the Ministry of Finance and the Economy;
- One representative of the Ministry of the Budget;
- Two representatives of the Ministry of Justice;
- Two representatives of the Ministry of Security;
- One representative of the Ministry of Foreign Affairs;
- One representative of the Ministry of Defence;
- One representative of the Ministry of Construction, Housing, Sanitation and Public Works;
- One representative of the Ministry of Mineral Resources;
- One representative of the Ministry of Tourism;
- One representative of the Ministry of Technology, Information and Communications;
- One representative of the anti-corruption and illicit enrichment agency;
- One representative of the NAFI;

- One representative of the National Directorate of the Bank of Central African States;
- One representative of the Professional Association of Banks and Financial Institutions;
- One representative of the Insurance Sector Association;
- One representative of the Bar Council;
- One representative of the Notary Chamber;
- One representative of the Chartered Accountants Association;
- One representative of civil society;
- (Any other entity with a demonstrable involvement in AML/CFT).

The Coordinating Committee should be chaired by the Minister for Finance or his/her representative.

The members of the Coordinating Committee should be proposed by their relevant Ministries and entities and then appointed by means of an order from the Ministry of Finance.

### **Section 3: Operation**

**Article 6:** The Coordinating Committee should be able to call upon people who have the expertise or who are engaged in the suppression of money laundering and the financing of terrorism and proliferation of weapons of mass destruction.

**Article 7:** The Coordinating Committee should be assisted by a Permanent Secretariat that is provided by the NAFI.

**Article 8:** Under the authority of the Chairperson of the Coordinating Committee, the Permanent Secretariat should organise, coordinate and monitor the effective application of the measures and recommendations that are issued from the meetings.

**Article 9:** Upon the call by its Chairperson, the Coordinating Committee should hold ordinary meetings once every quarter and extraordinary meetings whenever needed.

The reports on the work of the Coordinating Committee should be sent to the Office of the President of the Republic as well as to the Ministers for Finance, Security, Justice, Foreign Affairs and Defence, and to the GABAC.

### **CHAPTER III: FUNDING**

**Article 10:** The activities of the Coordinating Committee should be funded by the State budget.

The Coordinating Committee should be able to benefit from additional resources originating from specialised institutions, development partners and the body responsible for the recovery and management of illicit proceeds.

For each financial year, the schedule of activities and the operational budget of the Coordinating Committee should be submitted for approval to the Ministers for Finance.

The Chairperson of the Coordinating Committee should be authorising officer of the budget.

**Article 11:** The Minister for Finance, the Minister for Public Security and the Minister for Justice should ensure, insofar as it concerns each one, the fulfilment of the text that is enacted by the competent authority of each State.

#### CHAPTER IV: FINAL PROVISIONS

**Article 12:** This Directive is drawn up in a single original in the French, English and Spanish languages. In the event any discrepancy between the different versions, the French text shall prevail.

**Article 13:** The Member States shall adopt and publish all administrative and regulatory provisions necessary for complying with this Directive no later than 30 June 2017. The texts of such provisions shall be communicated to the GABAC.

**Article 14:** This Directive shall come into force on the date of its signature. It shall be recorded and published in the official gazette of the Community.

Done at Bangui, on 12 DEC 2016



Chairperson of the Ministerial Committee

HENRI MARIE DONDRA