

KEEPING FINANCIAL SYSTEM CLEAN: SUPPRESSING TERRORIST INFILTRATION OF MONEY OR VALUE TRANSFER SERVICES IN EAST AFRICA

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Abstract. *This article is about understanding the vulnerability of money or value transfer services (MVTs) to terrorist infiltration in East Africa. The author also analyzes the penetration of money transfer services (MVTs) by criminals and their concealment of income as a result of criminal acts. It also examines some of the causal factors of terrorism in the East African region (EA) and describes some effective and comprehensive law enforcement measures aimed at improving the effectiveness and efficiency of the fight against terrorism in the region. The article describes how civil conflicts in the EA region have led to a lack of banking services, which in turn has made EA vulnerable to terrorist financing, further amplified by conflicts in the region that have led to internal and external displacement of migrant communities, societies, and families that rely heavily on transferring funds to dependents. The author examines the consequences of the endless civil war in Somalia by Al-Shabab¹ and how it has led to spread of terrorism and related terrorist financing to neighboring countries. Most of those countries do not have strong anti-money laundering / terrorist financing (AML/CFT) systems. Financial services such as mobile money, Forex bureaus, and other are exposed to high levels of terrorist financing risk in the EA economy. The author goes on to explain how a weak AML / CFT system has led to difficulties or loss of access to International currency markets, and the pressure on relevant banking relationships has in turn undermined and affected the long-term growth prospects and financial accessibility of countries. This led to an increase in the cost of financial services, which negatively affected the banking ratings. Further the author considers the threat to internal and financial stability from criminal activity – in particular, the significant level of tax crimes (value-added fraud and tax evasion) that affect the flow of government revenue, thereby impeding institutional development. This article also highlights how EA member States, through the FATF regional anti-money laundering authority in Eastern and Southern Africa (ESAAMLG), should improve guidelines, strategies and capabilities, such as risk assessment, which is the basis of the MVTs provider's risk-based approach. They should help money transfer providers understand how and to what extent their services are vulnerable to ML / TF.*

Keywords: transfer, Anti-money laundering, Finance, terrorism, due diligence, economy, banking, funds, migrants, measures

DOI: 10.31132/2412-5717-2020-52-3-28-38

Terrorist financing is the process by which terrorists fund their operations for the purpose of committing terrorist acts. Terrorists require financial support to carry out their activities and achieve their goals. Like other criminals, terrorists abuse the financial system by exploiting the very same weaknesses in it. Terrorist organizations exist in many forms, from small underground networks to large regional structures. More recently, the Islamic state of Iraq and the Levant (ISIL, or sometimes called ISIS) and Al-Shabaab have attracted attention for their particularly ruthless attacks and distinctive funding streams. Creating capital by robbing banks, pirating oil fields, and robbing other economic assets, Al-Shabaab has access to about half a billion dollars' worth of financing. As with most terrorist organizations, actual acts of

¹ Organization, whose activities are banned within the territory of the Russian Federation.

terrorism are relatively inexpensive compared to the damage they cause; however, the operating costs of maintaining the organization are very significant [1].

Terrorist cells use several methods to collect and "clean up" their money, ranging from illegal activities such as organized fraud or narcotics, to legitimate sources of funding, including charities or legitimate businesses. As for Al-Shabab, and many other terrorist groups in East Africa, their income is diversified and has far-reaching consequences. Regardless of how they raise their capital, the ultimate goal is to eventually mask the funds with the help of national and global financial systems [2]. Terrorists have adjusted their sources of funding by developing more sophisticated harder to trace networks which easily infiltrate the money value transfer services as they consist of lower and simple techniques [3].

"Money or value transfer services (MVTs)" are those financial services that involve the receipt of monetary instruments such as cash, cheques, or any other tradeable assets, other stores of value and a payment of corresponding sums in cash or other form made to a beneficiary by means of a communication, message, transfer, or through a clearing network to which the MVTs provider belongs. Transactions performed by such services often involve one or more intermediaries with a final payment to a third party, and may include various payment methods [4]. Money transfer systems which include non-financial institutions such as the banking sector or the remittance sector have been infiltrated by illegal funds transfer in East Africa (EA) through various means. This is so because of the key features it possesses which are [5]:

- MVTs is an inexpensive option for people who need to quickly send money to the recipient. Funds can be received by the recipient in the shortest possible time, unlike domestic or international Bank transfers, which have longer waiting times;
- The financial service provided by MVTs providers are often cheaper than more regular banking services and is often used in regions with limited or no banking services;
- MVTs operate in several ways; for example, an MVTs provider or the sending agent can accept payment for a money transfer, collects the necessary identification information, and systematically enters the transaction and the corresponding identification information of the sender and intended recipient at the point of origination;
- In the case of money transfer, the MVTs providers transfer the various payment details to

the recipient agent that will provide the funds or their equivalent to the beneficiary of the transfer. The message is either sent directly to the agents or through a centralized clearing house that serves as a centralized hub for information that connects different agents of a provider.

As a result, it should not be surprising that the terrorists have corrupted the system. An example is South Sudan, where there have been widespread civil conflicts that have led to a lack of financial services, much less the banking sector, which has made it vulnerable to the financial operations of terrorist groups. The mass murder in Somalia also did not help, as its spillovers led to many incidents in neighboring countries.

Money transfer providers are financial institutions that help clients make cross-border money transfers [6], which as a result makes them a viable target for use in terrorist financing (TF), since they are not subject to significant AML/CFT supervision or where they can operate without proper mandatory controls (for example, without a license or adequate compliance standards). One of the biggest risks and threats to TF is agents, representatives or employees who intentionally facilitate the transfer of funds on behalf of terrorist groups.

There, activities may include fabricating transaction reports to obscure terrorist activities. Communities or societies, mainly migrants, rely heavily on money transfer systems (MVTs) to transfer funds home, abroad, or even within the state; this makes it easy to mix TF with various legal transfers. This, as a result, makes it difficult to identify TF from regular family and community money transfers. Money transfer providers such as mobile money services,

Forex bureaus, and foreign money transfer platforms appear to carry one of the highest levels of terrorist financing risk in the EA economy [7]. This is due to the fact that fairly small transactions are made on these platforms, but in large numbers, combined with inadequate controls such as weak recommendations for knowing their customers, customer due diligence, and negligence. All of these are considered high-risk factors for terrorism. Despite having detective controls such as transaction thresholds, they still pose a risk to terrorist financing and can be easily circumvented.

Foreign direct investment (FDI) from new partner countries for Africa is now becoming a real channel, making it more profitable. These include direct financing, attracting mainly foreign capital, modern technologies, patents, know-how and human resources. In modern realities, for example, Russian private business faces urgent tasks of development and effective implementation of long-term investments. All this is based on the intensification of mutual cooperation, production and trade relations with contractors in the host countries with the active introduction of modern methods of financing project investments [8]. In EA, foreigners, including refugees, as well as ethnic Somalis, residents of Ethiopia mostly use the hawala system to send and receive money transfers internationally. For example, in 2017, remittances from the Diaspora to Uganda contributed \$ 1.4 billion to the country's economy [9]. Between 2006 and 2016, the number of valid registered mobile money accounts in sub-Saharan Africa increased from 200,000 to 277 million. Similarly, from 2015 to 2016, the number of mobile money users in Uganda increased slightly from 21.1 million to 21.6 million, according to a 2017 report from the Uganda Bureau of statistics. According to a 2015 report by the Uganda communications Commission [10], Research shows that mobile money accounts are used for storing, sending and receiving money due to limited access to official banking institutions. In 2014, more than 19 million Ugandans, approximately 55 percent of the country's population, had mobile subscribers from local mobile operators.

Figure 1 showing a simulated hawala model of simple transfer of cash between neighboring countries Uganda and Kenya.

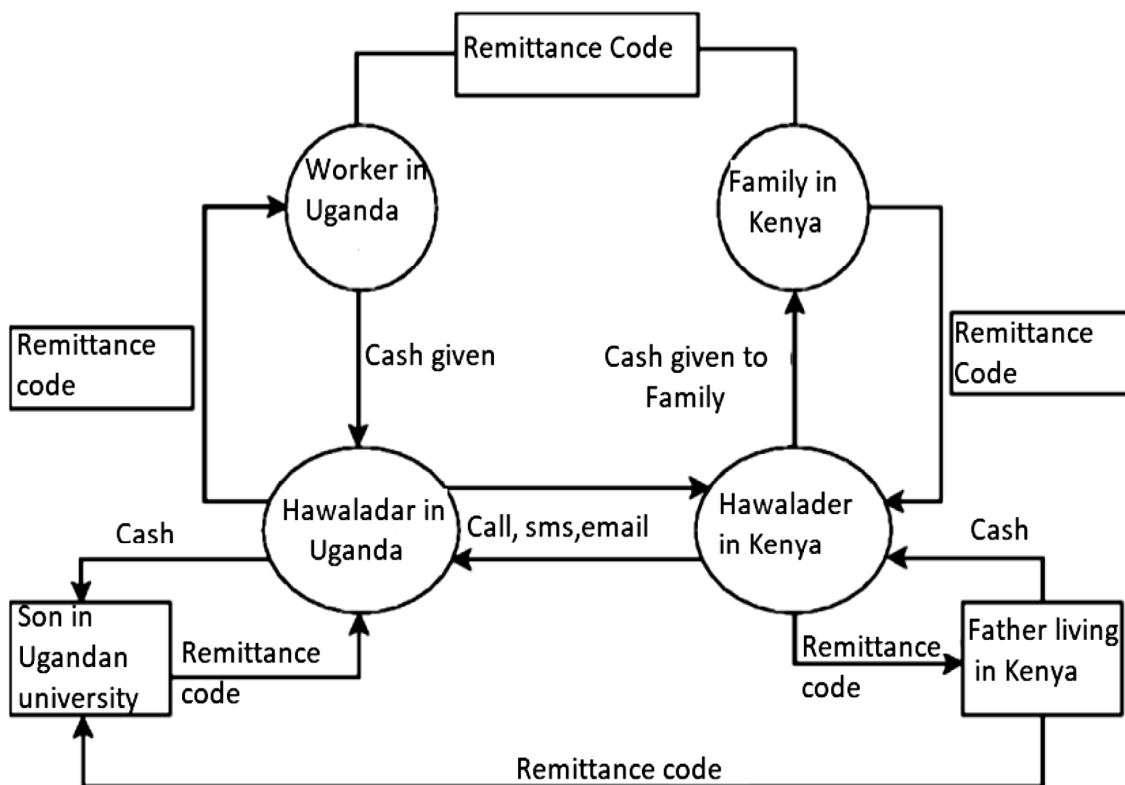


Figure 1. Simulated hawala model of simple transfer.

Source: Compiled by Author.

Model of simple Hawala transfer.

The model transaction will consist of the following steps:

- Customer (CU) in Uganda wishes to send money to customer in Kenya (CK)
- CU visits Hawaladar in Uganda. (HU)
- HU receives money to be remitted to CK plus a service fee from CU
- CU receives code of authentication and passes it on to CK
- HU then instructs Hawaladar in Kenya (HK) to remit to CK
- CK discloses the code to HK, who then presents CK with the funds

The US government, in its report on the Global terrorism index, warned that mobile money services in East Africa are vulnerable to exploitation and that criminals and terrorists would use this loop hole to finance illegal activities in the country and beyond. In addition, the US state Department in its 2017 country report on terrorism indicated that while the Uganda anti-money laundering (amendment) law requires financial institutions to conduct comprehensive customer verification, it does not impose the same requirements for mobile money transfers. “Banking institutions do not effectively control mobile money payments and transfers in Uganda, as well as in the EA” [11]. The report also says that mobile money transactions are instead managed by a separate telecommunications company that facilitates a specific transaction.”

Table 1 shows the amount of money transactions each year in EA for respective countries.

Table 1

The number of monetary transactions each year in EA for the respective countries

Country	Amount, \$ billion
Kenya	28.7
Tanzania	24.7
Uganda	9.2
Rwanda	1.5
TOTAL	64.1

Source: State of the Industry Report on Mobile Money, 2018 [10].

Figure 2 shows the number of transactions using mobile money in 2018.

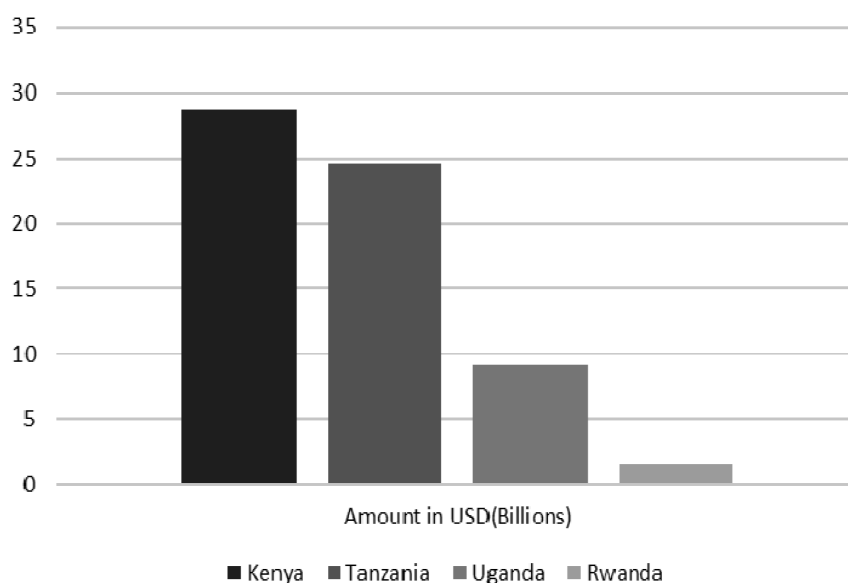


Figure 2. Number of transactions using mobile money in 2018.

Source: State of the Industry Report on Mobile Money, 2018 [10].

In (figure 2) Kenya has the highest number of transactions through mobile money services at a value 28.7 \$ billion, Tanzania is second with 24.7 \$ billion, Uganda and Rwanda having \$ billion 9.2, 1.5 respectively.

With the increase in the number of mobile money transactions every year, there is a search for easy operations and, as a result, an increasing need for (MVTs) in this case through "Hawala". The term "Black hawala" (BH) is often used to describe illegal activities. Criminals, like any other profit-oriented people, try to act more effectively and efficiently, and try to avoid detection when making their illegal transactions. Hawala offers more anonymity than the formal system, as it is not that closely monitored. Transactions, operations and businesses as a result, can be quickly and easily conducted [13]. Hawala is used in a number of illegal activities, ranging from kidnapping to fraud, but the main use of BH was related to international money laundering. After the events of 11 September, the international community realized the full power of the hawala system. Many articles and studies have been published on the role of Black hawala in international crime. BH took centre stage in MVTS, and the media generated a negative bias against the entire Hawala network [14]. BH is only a small part of the hawala enterprise. Further research is needed to assess the size of the BH and the hawala as a whole, in order to make a comparison in the future. Reasonable measures should be taken to combat BH, as the situation may escalate if those who suggest it decide to go further underground [15].

Figure 3 is an overview of the mobile money ecosystem for the period of December 2018.

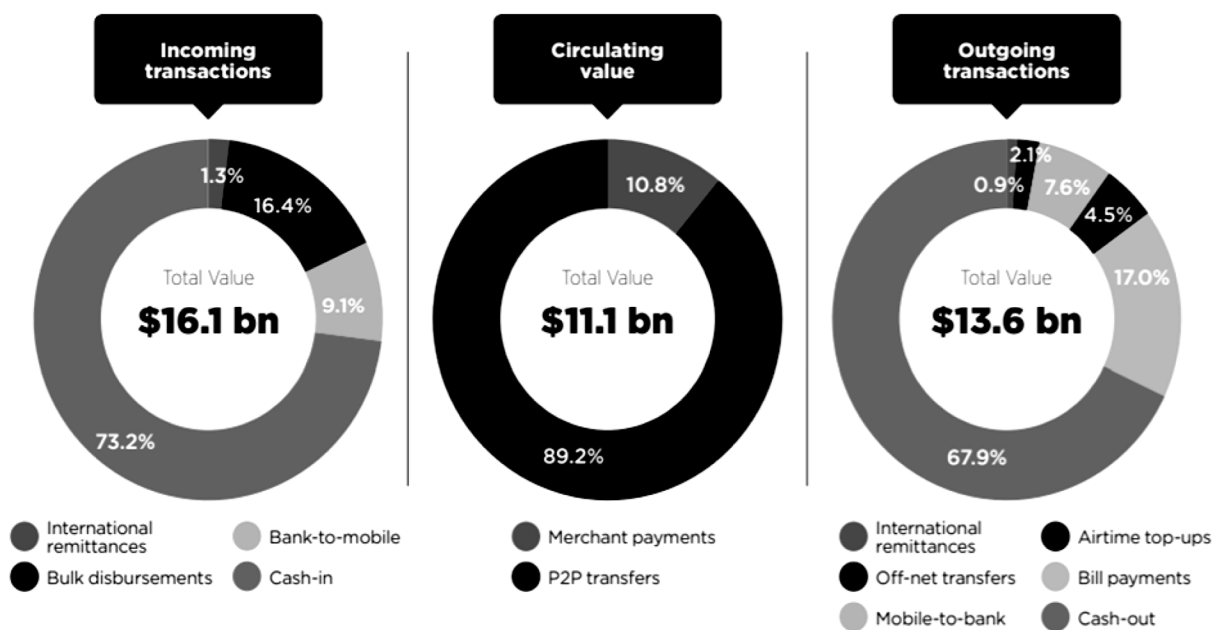


Figure 3. An overview of the mobile money ecosystem for the period of December 2018.

Source: State of the Industry Report on Mobile Money 2018, URL: <https://www.gsma.com> [10].

The mobile money ecosystem includes mobile money providers and all the various third-party organizations that can benefit from mobile money, either by using it as a payment mechanism or by using mobile money accounts. The mobile money ecosystem facilitates transactions from various sectors, which include: utilities, retail, education, healthcare, agriculture, transportation, credit, insurance, and savings.

As seen in figure 2, the amount of money involved in transactions is large, and from here we can testify that the more penetrable EA's financial systems are, the more difficult it will be to rein in criminals who finance terrorism or exploit MVTS. Money launderers and terrorist financiers use loopholes to their advantage, creating a real threat. This poses a serious threat not only

to security, but also to development. Both the financial action task force (FATF) and the Eastern and southern Africa anti-money laundering group (ESAAMLG) have identified a number of vulnerabilities in this sub-region, indicating weak implementation of adequate international anti-money laundering (AML) and anti-terrorist financing (CFT) standards [16]. Thus, regional growth, like development, is considered to be at high risk. Many reasons for the vulnerability of subregions to money laundering and terrorist financing include the following:

- the prevalence of informal, patronage, and cash-based economies and high levels of corruption;
- correspondingly limited financial regulatory mechanisms and political opposition to AML/CFT reforms;
- political instability and armed conflict;
- the growing presence of transnational criminal networks in the region.

These shortcomings make it easier to commit serious crimes which crimes too often precede the financing of terrorism. AML / CFT activities should be aimed at preventing, suppressing and combating major crime and terrorism. This requires a concerted and coordinated effort on the part of national, regional and international institutions. ML / TF or related predicate offences against monetary systems in EA occur due to a weak AML / CFT system, which has led to difficulty or loss of access to International currency markets. The correspondent banking sector (CBRs) indicates that global banks do need to seriously consider the strengthening of AML/CFT structures at the country level and financial institutions when deciding whether to maintain or terminate relationships [17]. Pressure on the CBRs, in turn, may undermine the long-term prospects for growth and expanding access to financial services in the affected countries by increasing the cost of financial services, which will negatively affect the ratings of banks. Financial stability has also been threatened by criminal activity. For example, cases where there are significant levels of tax crimes (value-added tax fraud and tax evasion) that affect the flow of government revenue, hindering development. In addition, the injection of huge amounts of criminal proceeds from corruption, tax evasion or drug trafficking could expose a country's banking system to unstable inflows and outflows that could threaten its stability.

Terrorist acts undermine the stability of a country's financial system, either because of a history of terrorist acts or because of the adverse consequences of a single but significant terrorist event. In cases where illegal transactions are carried out outside the formal sector (for example, cash and virtual currencies), this also hinders the development of the country's banking system, which in turn can affect economic growth. ML/TF and related predicate crimes can also have adverse side effects on the stability of other countries. For example, extensive criminal activity in one country can lead to illegal transfers from another country and large short-term capital flows to another country with potentially destabilizing consequences for that country's economy.

The counter-terrorism assistance programs and projects currently being implemented in the EA, if continued, can help lay the Foundation for a stronger and more ruthless regime of counter-terrorism cooperation in the region. An example is “a workshop in Entebbe, Uganda, 10–13 October 2017” [18]. The workshop was attended by 28 participants from Botswana, Burundi, Ghana, Kenya, Lebanon, Morocco, Palestine, South Sudan, Tanzania, Uganda and Zimbabwe. Participants represented a wide range of AML/CFT stakeholders, namely law enforcement agencies involved in AML, counter-terrorism operations (CT), financial intelligence units (FIUs), national security agencies, prosecutors and judicial officials or customs officers involved in preventing cross-border currency smuggling. The workshop provided guidance on basic methods of investigation in the area of CFT, encouraged the exchange of experience in combating the financing of terrorism among participants, and enhanced cooperation for a more coordinated approach to international efforts in the area of CFT.”

In addition, FATF-style regional bodies have been established, such as the Eastern and Southern Africa anti-money laundering group (ESAAMLG), which was established in 1999 and currently has 18 members. The ESAAMLG group has a mandate to support and facilitate the implementation of FATF recommendations in individual countries and at the regional level. ESAAMLG aims to combat "money laundering and those who help Finance terrorism", as well as the need to ensure social, economic and political stability. It focuses on corruption, good governance and improved development, rather than widespread crime. ESAAMLG requires its member States to apply effective, adequate anti-AML measures to all serious crimes and to implement AML/CFT in domestic legislation.

The ESAAMLG is composed of a four-level structure consisting of the ESAAMLG Council of Ministers, a task force, the ESAAMLG Secretariat at the regional level, and national multidisciplinary committees in member States composed of experts in the fields of law, Finance and law enforcement. ESAAMLG strategies are focused on creating national AML/CFT frameworks in member States, setting regional AML/CFT priorities, and expanding ESAAMLG membership across Eastern and southern Africa. ESAAMLG documents typically present its role as a facilitator of AML/CFT reform in its member States, using its analytical abilities to help explain to States why AML/CFT reforms are needed, and then work with them to implement these reforms.

It aims to connect more-advanced members to less-advanced members in what the ESAAMLG references as mutually supportive action. East Africa is faced with many challenges rooted in the socioeconomic and political conditions of many countries in the region, and the lack of capacity within to effectively respond and counter terrorism. Understanding the vulnerabilities as well as the root causes of terrorism in the EA region is imperative for ensuring a more proactive and apprehensive approach to enhancing the effectiveness and efficiency of combating terrorist activities in the region. Non-state actors have a major role to help in raising the capacities of countries and organisations in the region. Strategic Plans set therefore should seek to consolidate and sustain efforts that implement the revised FATF 40 Recommendations in all member countries in a combined effort to combat money laundering and terrorist and proliferation financing in the Eastern and Southern Africa Region. The Strategic Plans should also seek to develop systems and processes that would enable ESAAMLG to be an effective member of the FATF Global Network [19].

Thus, under the strict mandate established by ESAAMLG, the promotion of institutions that are effective for the EA region is possible because institutions form the enabling structure of society, that is, these institutions constitute the fabric in which citizens, businesses, political parties, and economies operate, and provide a framework of rules, social norms, and certain processes that are both explicit and implicit. A tainted financial system will not only affect financial services, but can also further pollute the various institutions that truly play a redistributive role in the economy, meaning they make sure that resources are distributed properly and protect the poor or those with fewer economic resources. Institutional constraints exist both in formal public administration and public service organizations with strictly defined laws and regulations, and in informal customs and social norms that define behaviours and patterns that are important to society. For example, institutions that are human constraints that control and direct social order and cooperation in the behaviour of a group of individuals exist in various forms; these may be legal systems, political systems, cultural or educational systems, all of which have been identified with a social purpose and permanence that transcends individual human lives and intentions, and with the creation and enforcement of rules governing cooperative human behaviour.

From now on, in order to prevent MVTs penetrability, EA member States must improve guidelines such as risk assessment, which is the basis of the MVTs provider's risk-based approach. They should provide assistance to money transfer providers so that they can understand how and to what extent their services are vulnerable to ML/TF. Various risks can be

classified in such a way as to help them determine the nature and scope of the various AML/CFT resources that can be assigned to mitigate and manage this risk. Guidelines or rules should always be properly documented, updated frequently, and updated by the appropriate MVTS provider personnel. The article describes that the fight against TF/ML is not only an EA priority, but also a global one. Therefore, when preparing risk assessments, MVTS suppliers should consider both these aspects, i.e. quantitative and qualitative information obtained from relevant but also reliable internal and external sources. This information can be obtained from managers of various enterprises, national and industry risk and threat assessments, various crime statistics, reports issued by intergovernmental international organizations and national governments, and reports on mutual AML/CFT assessment and follow-up by the FATF or related assessment bodies, as well as typologies.

EA also as a region should pay more attention to customer due diligence (CDD), where this process should be fully used to combat ML/TF in all ways. This process should be developed taking into account not only FATF standards, but also regional and national legal requirements. This process must deal with the ML/TF risk associated with the proposed business relationship or the stated transaction threshold. Therefore, the CDD must be adequately able to: (1) identify the customer, (2) identify the customer's beneficial owner, and (3) verify the customer's identity. All of this should be based on risk, which should be based on reliable, credible and independent information, if applicable. The CDD should also provide additional assistance in understanding the objective and intended nature of the business relationship (where appropriate). EA should analyse CDD based on a holistic view when the relevant and reliable information obtained can allow service providers to have sufficient resources to prepare a client risk profile, where appropriate, that will determine the level and type of ongoing monitoring, reviews, and support their decision to enter, continue, or terminate a business relationship. Risk profiles can be applied at the level of individual clients or, if a cluster of clients has similar characteristics (for example, clients performing similar types of operations or having the same economic activities), at the cluster level. MVTS providers should periodically update customer risk profiles in business relationships that help MVTS providers apply the appropriate CDD level (simplified or extended).

Therefore, it is of dire need to stress how important adequate internal control is. This should be a prerequisite for effective and efficient implementation of policies and processes aimed at reducing the risk of ML/TF. These internal controls may include appropriate management mechanisms that clearly and accurately allocate various AML/CFT responsibilities, as well as measures to monitor the integrity of staff and agents, all of which are implemented in accordance with applicable local laws. MVTS should also take into account national, regional or sectoral risk assessments and controls to confirm that their policies and processes are effective tools for identifying, assessing and monitoring ML/TF risk in the EA region. If these suppliers need to change their internal controls, this should be done in accordance with the corresponding changes in their size, operational complexity, or risk exposure. MVTS providers must adopt a characteristic of maintaining systems that are adequate to manage and reduce their risks, regardless of the specific case.

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ОБЕСПЕЧЕНИЕ ЧИСТОТЫ ФИНАНСОВОЙ СИСТЕМЫ: ВОСТОЧНАЯ АФРИКА В БОРЬБЕ С ИСПОЛЬЗОВАНИЕМ ДЕНЕЖНЫХ ПЕРЕВОДОВ ДЛЯ ФИНАНСИРОВАНИЯ ТЕРРОРИЗМА

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***Аннотация.** Статья посвящена анализу существующих уязвимостей в субрегиональной и национальных финансовых системах стран Восточной Африки (ВА) с точки зрения использования услуг по переводу денег или других ценностей (MVTС¹) для финансирования терроризма (ФТ) в ВА. Автор также анализирует способы использования системы денежных переводов для движения средств преступного происхождения, придания им видимости законных активов и сокрытия нелегальных доходов. Рассмотрены некоторые причинно-следственные связи экономического характера, способствующие распространению терроризма в ВА, предложены некоторые регуляторные меры, направленные на повышение эффективности и действенности борьбы с терроризмом в регионе. В статье доказывается, что конфликты приводят к снижению уровня проникновения банковских услуг в регион ВА, что, в свою очередь, приводит к росту неформальных и теневых квазibanковских посредников, создающих широкие возможности для ФТ. С этой точки зрения особое внимание уделено анализу примера гражданской войны в Сомали и практикам ФТ "Аш-Шабаб"². В ВА большинство стран не имеют сильных систем борьбы с отмыванием денег / финансированием терроризма (ПОД/ФТ). При этом быстро развивающиеся финансовые сектора и технологии, такие как мобильные деньги, Форекс-бюро и другие, в условиях, существующих в ВА, повышают уровни рисков ФТ в субрегионе. Показано, как слабость национальных систем ПОД/ФТ ведет к трудностям, а в крайних случаях потере доступа к международным валютным рынкам, а давление на банковскую систему и систему денежного обращения негативно влияет на долгосрочные перспективы роста. Даны рекомендации, как государства-члены ВА через региональный орган по борьбе с отмыванием денег в Восточной и Южной Африке могли бы совершенствовать свои стратегии ПОД/ФТ, более конкретно рассмотрен вопрос риск-ориентированного подхода к поставщикам MVTS.*

***Ключевые слова:** перевод, борьба с отмыванием денег, финансы, терроризм, надлежащий контроль, экономика, банк, мигранты, меры*

DOI: 10.31132/2412-5717-2020-52-3-28-38

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