



GUYANA

National Policy and Strategy for Combating Money Laundering, Terrorism Financing, and the Financing of Proliferation 2021 - 2025

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1. ABBREVIATIONS

AG	Office of the Attorney General
AML	Anti-Money Laundering
AML/CFT	Anti-Money Laundering/Countering the Financing of Terrorism
BoG	Bank of Guyana
CA	Companies Act
CANU	Customs Anti -Narcotics Unit
CCDO	Chief Co-operative Development Officer
CFATF	Caribbean Financial Action Task Force
CFT	Counter Financing of Terrorism
DC&FS	Department of Co-operatives and Friendly Societies
DNFBPs	Designated Non-Financial Businesses and Professions
DPP	Director of Public Prosecutions
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FT	Financing of Terrorism
GA	Gaming Authority
GA	Gaming Authority
GGB	Guyana Gold Board
GGMC	Guyana Geology and Mines Commission
GoG	Government of Guyana
GPF	Guyana Police Force
GRA	Guyana Revenue Authority
GSC	Guyana Securities Council
IMF	International Monetary Fund
LEA	Law Enforcement Agency
ML	Money Laundering
MLA	Mutual legal assistance
MOF	Minister of Finance
MOHA	Ministry of Home Affairs
NCC	National Coordination Committee
NPOs	Non-profit organizations
PEPs	Politically Exposed Persons
PF	Proliferation Financing
Q1	January to March
Q2	April to June
Q3	July to September
Q4	October to December
RBAP	Risk Based Action Plan
SOCU	Special Organised Crime Unit
STRs	Suspicious Transaction Reports

2. FOREWORD

The Cooperative Republic of Guyana continues its commitment to combat money laundering, terrorist financing, the financing of proliferation and related crimes. In this regard, the Government of Guyana ensured that the country was successfully removed from the Financial Action Task Force (FATF) *Grey* List and exited the Caribbean Financial Action Task Force (CFATF) 3rd Round Follow-up process in 2016 after significantly addressing the Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) deficiencies identified by these bodies. Thereafter, Guyana immediately commenced the preparation process for its CFATF's 4th Round Mutual Evaluation, which is scheduled for the third quarter of 2023, by conducting two ML/TF National Risk Assessment (NRA) exercises between 2016 and 2021.

We recognize that we cannot operate in a vacuum, and cooperation is important domestically and internationally, particularly with our regional counterparts where effective and timely information sharing can make a vast difference in the detection and prevention of all crime, more specifically, financial and organised crime.

Additionally, we recognize that this National AML/CFT/PF Policy and Strategy can only be successful when linked to the strategic objectives of other important elements in the battle against money laundering (ML), terrorist financing (TF) and proliferation financing (PF). As a result, we have implemented measures to combat related and predicate criminal offences.

Significantly, these efforts have been recognized, resulting in Guyana enjoying improved rankings in international reports such as the United States' Department of State International Narcotics Control Strategy Report (INCSR) and the Transparency International Corruption Index. Similarly, Guyana has been removed from the European Union's Blacklist on Taxation.

Over the years, we have taken steps to equip our citizens with AML knowledge through outreach programmes, not only in the main cities but in the interior regions, which have been met with great interest and appreciation.

And by these measures and more to be conceived, designed and implemented, in the immediate and long-term future, the Government of Guyana demonstrably indicates

an intolerance to criminal activities, and assures that the country's systems and citizens will be protected from the ill effects of ML, TF and PF.

There will be continuous engagements with the private sector through various sensitisation programmes as only through education will reporting entities be fully aware of their obligations. Through private-public cooperation/partnership, the Government will continue to ensure that there will be strict adherence to the measures in place to combat ML, TF and PF.

This National Policy and Strategy, which is in line with Guyana's NRAs and Risk-Based Action Plans (RBAPs), is the country's second National Policy and Strategy for combating ML/TF (the first strategy covered the period 2014 – 2019). The current strategy provides a guide for the competent authorities, law enforcement authorities (LEAs), the judiciary, and supervisory authorities and the private sector, on the steps needed to further improve the country's AML/CFT/PF systems through coordinated efforts.

As we enter a period of renewed prosperity of Guyana, by the highly publicized discovery of offshore oil deposits, we commit further to becoming the new frontier of integrity, prudence, fortitude and commitment to the rule of law in the preservation of our resources, the protection of our citizens and the advancement of their welfare.

We graciously thank all of the stakeholders who would have been involved in both NRA exercises, as well as those who offered their valuable expertise in producing this National Policy and Strategy.

We anticipate that the implementation of this National Policy and Strategy will not only bring us in compliance with international obligations devolving upon Guyana, but will be the menu of organised strategic and targeted actions, that will create a robust and resilient protective network, that will insulate Guyana, and in particular, its financial system from being contaminated by the proceeds of crime.

Hon. Mohabir Anil Nandlall, SC, MP
Attorney General and Minister of Legal Affairs

3. OVERVIEW OF THE AML/CFT/PF NATIONAL POLICY AND STRATEGY

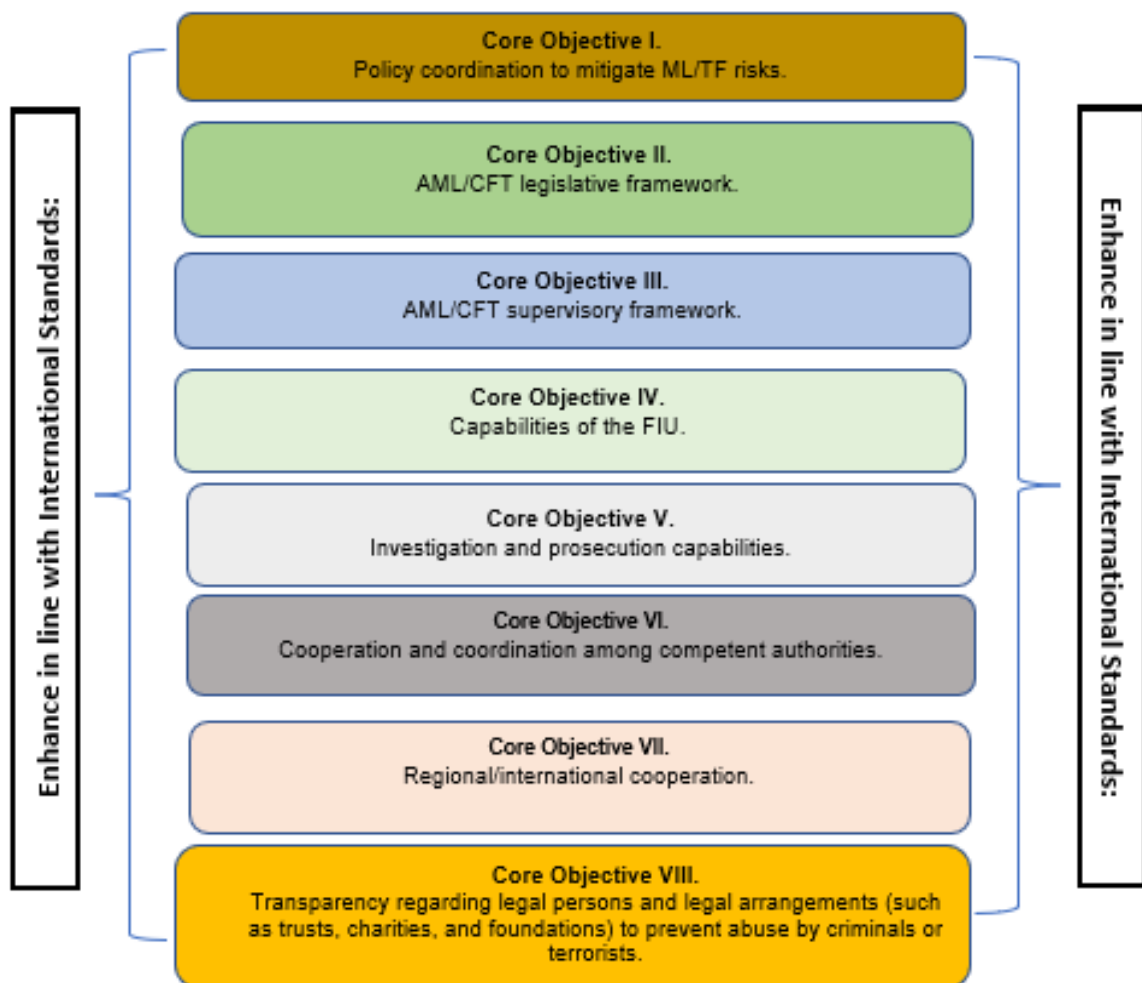
The Vision Statement:

Protect Guyana, its people, its institutions, its economy, and the global community from criminals and efficiently prevent, detect, and suppress money laundering, and serious/predicate offences including terrorism, terrorism financing and the financing of proliferation in line with international standards.

The Mission Statement:

Combatting money laundering, and serious/predicate offences to money laundering including terrorism, terrorism financing and the financing of proliferation by carrying out effective preventative measures, intelligence sharing, enforcement efforts and sanctioning in line with international standards through: ensuring national cooperation and coordination; strengthening AML/CFT legislative framework; enhancing the capacity of AML/CFT supervisory authorities, the FIU, LEAs, prosecutors and judicial authorities; enhancing international cooperation measures; and ensuring adequate transparency regarding legal persons and legal arrangements.

STRATEGIC OBJECTIVES



4. INTRODUCTION

The Government of Guyana (GoG) continues to monitor the threats of money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction which impede a country's economic stability. As such, the GoG assessed these risks by conducting two NRAs over the last six years and continues to implement mechanisms, including a comprehensive and consistent framework of measures to combat ML, TF, and PF.

This National Policy and Strategy is a five- year plan that aims to further enhance and improve Guyana's AML/CFT/PF regime by addressing the risks identified in Guyana's Second NRA Report and implement the strategy in conjunction with Guyana's Risk Based Action Plan (see Appendix II).

The fundamental objectives of the Strategy are to ensure that Guyana achieves a high level of compliance with the FATF Standards on combating ML, TF and PF; and to effectively meet the key objectives of Guyana's AML/CFT system in practice.

The National Policy and Strategy provides a guide of the actions required to be undertaken to improve Guyana's effectiveness in mitigating ML, TF, and PF. The objectives set out in this Strategy embody the actions recommended during Guyana's NRA exercise.

Guyana's National Policy and Strategy for Combating Money Laundering, Terrorism Financing and the Financing of Proliferation 2021-2025 includes the following:

- Background of the National Policy and Strategy;
- Anti-Money Laundering (AML) and Combating the Financing of Terrorism (CFT) and Proliferation Financing (PF) Vision and Mission Statements of Guyana;
- Strategic objectives; and
- The process to review and monitor the progress for achieving the goals of the National Policy and Strategy and its objectives and outputs.

This National Policy and Strategy is a dynamic document reflecting Guyana's efforts to combat ML, TF and PF risks and the progress in those endeavours. It will be reviewed every three (3) years to determine whether any amendments may be required to properly satisfy each objective.

The AML/CFT stakeholders involved in conducting Guyana's NRAs and RBAPs which are the basis for this Strategy includes the following:

Government agencies represented:

- The Attorney General's Chambers
- The DPP Chambers
- The FIU
- The Guyana Police Force
- CANU
- Department of Energy
- Guyana Revenue Authority
- Ministry of Natural Resources
- Ministry of Finance
- AML/CFT Supervisory Authorities (BoG, GSC, GA, GRA, GGB, GGMC, DC&FS)
- Deeds & Commercial Registries Authority
- Guyana Wildlife Conservation and Management Commission

Private sector agencies represented:

- Banks
- Insurance Companies & Insurance Brokers
- Money Transfer Agencies
- Cambios
- Credit Unions
- Guyana Association of Securities Companies & Intermediaries Inc.
- Securities Companies

- Mobile Money Guyana (MMG)

The National Policy and Strategy has been endorsed by the above key agencies, with guidance from the AML/CFT/PF National Coordination Committee, which is chaired by the Hon. Attorney General & Minister of Legal Affairs.

5. COMMITMENT

Money laundering, terrorism financing and the financing of proliferation of weapons of mass destruction has a negative effect on the economy. These reprehensible crimes directly and indirectly contribute to the erosion of the rule of law, threatens political instability, encourages corruption and weakens the financial sector.

An increase in these crimes could result in a loss of confidence in a country's financial system and the institutions that are necessary for good governance. Further, according to an IMF Article published July 14, 2021, "Money laundering and terrorism financing activity in one country can have serious cross-border and even global adverse effects. Jurisdictions with weak or ineffective controls are especially attractive for money launderers and financiers of terrorism.

These criminals exploit the complexity of the global financial system, the speed at which money can traverse borders, as well as differences between national laws to carry out their concealment objectives."¹

The international linkages between countries, including, criminal and terrorism linkages mean that no one country can effectively combat money laundering, its predicate crimes, terrorist financing and the resulting terrorism in isolation. Criminals and terrorists will exploit vulnerabilities in one jurisdiction if it helps them to achieve their illicit objectives in another.

For this reason, the international response to money laundering, terrorist financing and proliferation financing has been built on the basis of "united we stand, divided

¹ IMF and the Fight Against Money Laundering and the Financing of Terrorism - July 14, 2021

we fall” – with jurisdictions recognising that they need to protect one another in order to protect themselves.

For these reasons, Guyana continues to be committed to improving its AML/CFT regime to protect its citizens, institutions, economy, and the global community from all elements of money laundering, terrorism, and criminal abuse.

It is, therefore, imperative to have a strong legal regime countering ML, TF and PF to:

- Provide law enforcement agencies (LEAs) and prosecutors with sufficient legal powers and tools to detect and disrupt criminals and terrorists’ activities and to make certain that those who commit such acts against Guyana, its citizens, institutions, economy, or the global community are detained, delivered to the courts and brought to justice, including through proportionate and dissuasive punishments such as imprisonment, and depriving them of their assets through fines, confiscation and asset recovery;
- Ensure preventative measures are taken by financial institutions and Designated Non-Financial Businesses and Professions to prevent ML/TF/PF activities from occurring in those sectors, to detect such activity when they occur, disclose suspicions to the authorities, and to provide LEAs with information and evidence relating to such activities; and
- Ensure that international cooperation and assistance are provided and can be received to support global efforts in fighting ML/TF/PF threats. International cooperation would not only allow Guyana to combat national threats in case emanating locally, but also further stages of ML which are, for example, being committed in a foreign jurisdiction.

In that regard, Guyana has a clear vision to safeguard the country, its citizens, institutions, economy and the global community.

The Vision Statement:

Protect Guyana, its people, its institutions, its economy, and the global community from criminals and efficiently prevent, detect, and suppress money laundering, and serious/predicate offences including terrorism, terrorism financing and the financing of proliferation in line with international standards.

Guyana recognises the need to undertake strategic and robust programmes to improve its AML/CFT/PF regime, and build effective partnerships and programmes to:

- Strengthen the powers of the LEAs through criminal legislative provisions relating to offences of ML and TF to increase prosecutions and obtain convictions, and demonstrate their effective implementation through increasing the number of criminal convictions against those committing ML or TF offences;
- Broaden the scope of and effectively apply freezing and forfeiture measures with respect to assets derived directly or indirectly from or used in the activities of terrorist financing and ML and its predicate offences;
- Improve preventative measures and practices of financial institutions and other businesses to deter, detect, disclose, and document transactions related to ML TF, and PF;
- Enhance awareness of AML/CFT trends and typologies with the public, government agencies, law enforcement, regulatory supervisors, and other stakeholders to protect Guyana, its citizens, institutions, economy, and the global community as well as encourage all stakeholders to take effective action when required.

To achieve the vision, Guyana is undertaking a clearly defined mission to achieve its objectives:

The Mission Statement:

Combatting money laundering, and serious/predicate offences to money laundering including terrorism, terrorism financing and the financing of proliferation by carrying out effective preventative measures, intelligence sharing, enforcement efforts and sanctioning in line with international standards through: ensuring national cooperation and coordination; strengthening AML/CFT legislative framework; enhancing the capacity of AML/CFT supervisory authorities, the FIU, LEAs, prosecutors, judicial authorities and other AML/CFT stakeholders including the private sector; enhancing international cooperation measures; and ensuring adequate transparency regarding legal persons and legal arrangements.

The Government of Guyana will utilise this National Policy and Strategy as the platform for development of an expanded robust strategic direction which has been developed in consultation with, and supported by, Guyana's key AML/CFT agencies including supervisory authorities and the private sector. The Government's commitment includes four broad streams as follows:

- i. Development of laws and regulations in-line with international standards;
- ii. Strengthening of AML/CFT/PF supervisory and regulatory regimes;
- iii. Establishment of effective combating measures for LEAs, prosecution authorities, and the Financial Intelligence Unit; and
- iv. Capacity building for international and domestic co-operation on ML and TF matters.

The Government of Guyana further commits to keeping the country's risk assessment up to date by assessing its ML/TF/PF risks, at least every three years.

6. BACKGROUND

Guyana like so many other countries throughout the world, faces ML/TF/PF risks. To determine/assess its level of risk Guyana conducted two National ML/TF National Risk Assessment exercises between 2016 and 2021. Both NRA exercises were conducted with technical assistance and guidance from the World Bank. The Risk Based Action Plans developed based on recommendations in both NRAs will form the basis of this Strategy.

During the most recent NRA exercise completed in July 2021, the working group in addition to assessing the country's ML/TF risk, also examined the country's ability to effectively combat proliferation financing, and illegal wildlife trade in Guyana. The working group also assessed the ML threats associated with the oil and gas sector, and financial inclusion products vulnerability.

According to the findings in the most recent NRA Report, Guyana's money laundering risk is Medium High as its threats and vulnerability levels are also medium high. In the same report, the country's TF Risk was rated as **MEDIUM** as its TF Threats, TF vulnerability as well as its terrorism risk were also rated Medium.

In relation to proliferation financing, the report concluded that much needs to be done at a country level to effectively combat proliferation financing as the legal framework in place for PF is inadequate and the relevant agencies lack the knowledge and skill to effectively combat PF.

The ML risk associated with the illegal wildlife trade in Guyana was assessed as **MEDIUM**, while the ML threat associated with the oil and gas sector was considered as **MEDIUM**.

In relation to financial products vulnerability, the report concluded that most of the financial inclusion services/products available in Guyana are offered by reporting entities which are regulated for AML/CFT compliance.

It was also noted in Guyana's Second NRA Report that Guyana is a transit country for

cocaine destined to North America, Europe, West Africa and the Caribbean because of its unique geographical location. Guyana shares borders with Venezuela, Brazil and Suriname and most of these borders are situated in the hinterland region which is heavily forested. Particularly, Venezuela is known to be politically unstable and a transshipment point for illicit drugs. Cocaine originating in Colombia is smuggled to Venezuela and then to Guyana by sea or air.

Guyana is attractive to drug traffickers due to its porous borders and remote airstrips and ports which are poorly monitored due to the lack of resources and inaccessibility to those remote areas. Additionally, the country's unpopulated forest and savannahs provide a safe haven for drug traffickers and smugglers. Also, Guyana's close proximity to Trinidad and Tobago increases its vulnerability to being misused given the history of Trinidad and Tobago nationals being linked or suspected of being linked to terrorism, terrorist organizations and the financing of terrorism.”

Guyana's primary efforts to combat ML and TF depend on the work of LEAs to combat criminals and terrorists. The work of the LEA is supported by the efforts of the FIU as the main analysis centre, regulators, supervisory authorities, prosecutors, and the judiciary. In turn, the efforts of the authorities encourage vigilance and co-operation from the financial sector and DNFBP sector to implement preventative AML/CFT measures including reporting suspicious transactions to the FIU. Combating ML and TF is thus a collaborative effort with many stakeholders who have all been involved in developing this national AML/CFT strategy.

The national AML/CFT strategy is all encompassing. It addresses the need to undertake legislative reform, to revise regulations, to undertake an ongoing assessment of Guyana's ML and FT risks, as well as to increase the capacity of Guyana's private and public institutions to implement measures to combat ML and TF.

This Strategy is relevant for the present day and will be regularly updated, to deal with changed and evolving circumstances such as new risks as they emerge, and any revisions made to the international AML/CFT standards and best practices.

7. NATIONAL POLICY AND STRATEGY 2021-2025

The National Policy and Strategy comprises the following eight key initiatives which will contribute to the strengthening of Guyana's AML/CFT system:

In line with international standards:

1. **Ensuring** policy coordination to mitigate ML/TF/PF risks, through the national coordination mechanism responsible for defining the overall AML/CFT strategy and overseeing implementation.
2. **Strengthening** the capacity of the AML/CFT/PF legislative framework by amending and enacting laws and regulations.
3. **Strengthening** and clarifying the AML/CFT/PF supervision framework to effectively monitor and ensure compliance of reporting entities (particularly the vulnerable DNFBP and NPO sectors) with AML/CFT/PF requirements.
4. **Enhancing** the capabilities of the FIU to effectively carry out its mandate.
5. **Enhancing** investigation and prosecution capabilities with increased resources, specialization and tools, in order to improve the number of investigations and their translation into legal enforcement.
6. **Developing** greater cooperation and coordination among domestic competent authorities including supervisory authorities for, financial intelligence/investigation, prosecution and asset recovery.
7. **Enhancing** regional and international cooperation to effectively combat international threats.
8. **Ensuring** adequate, accurate and up-to-date information on beneficial ownership and control of legal persons and legal arrangements to prevent abuse by criminals or terrorists.

STRATEGIC OBJECTIVE 1 - ENSURING POLICY COORDINATION TO MITIGATE ML/TF/PF RISKS.

The AML/CFT/PF National Coordination Committee (NCC) will be in charge of defining, overseeing and coordinating the implementation of the national AML/CFT/PF strategy in addition to its other functions which includes, coordinating Guyana’s participation in the international effort against ML, TF and PF; ensuring effective mechanisms are in place to facilitate cooperation and coordination among policy makers and key AML/CFT stakeholders; engaging with SAs, Res and competent authorities on key AML/CFT/CPF issues and provide advice and guidance where necessary; reviewing compliance by SAs, REs and competent authorities with the AML/CFT Act, and related policies and measures.

The NCC is supported administratively by the Attorney General Chambers Secretariat.

Considering the foregoing, the NCC will have five primary roles: policy, leadership, strategic, implementation oversight, and administration. These are outlined in further detail below:

1. Policy Role

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Cooperate and coordinate the development and implementation of policies and activities to combat ML/TF, and where appropriate, the financing/proliferation of weapons of mass destruction (PF).	<i>Q2 2021 – Q2 2025</i>
2.	Ensure the overall comprehensiveness (inclusive of updates and revisions) of the AML/CFT Legal Framework	<i>Q2 2021 – Q 4 2025</i>
3.	Update the Strategic Plan/Policy based on the results of strategic analysis risk assessments and changes in the international standards and best practices.	<i>Q4 2022– Q4 2024; updates will be done on an annual basis if new risks are identified</i>

2. Leadership role

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Develop and adopt methodology for updating the NRA.	Q1 2024 – Q4 2025
2.	Conduct outreach and training to competent authorities, LEAs and stakeholders (including private sector entities) in Guyana on the importance of AML/CFT/PF, their obligations, best practices, and any changes to the international standards	Q2 2021 – Q4 2025

3. Strategic role

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Coordinate AML/CFT analyses, and monitor the evolution of ML/TF threats and vulnerabilities in Guyana, by updating the NRA every three years.	Q2 2021 – Q4 2025
2.	Ensure Cabinet approval of the National AML/CFT Strategic Plan of Guyana and dissemination of information to key AML/CFT stakeholders	Q4 2022

4. Implementation oversight role

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Coordinate and monitor the implementation of the RAP and the Strategic Plan's Action Plan against the agreed timelines.	Q2 2021 – Q4 2024
2.	Expedite the consolidation of the AML/CFT Act and its subsequent amendments for effective utilization	Q1 2023

5. Administrative and operational role

Prepare and support the NCC meetings and Create NCC subcommittees where required.

Additional roles

The NCC will also take a leading role on a number of key projects, such as supporting the preparation for the upcoming CFATF Mutual Evaluation in 2023 and coordinating any future NRAs or National Sectoral risk assessments.

STRATEGIC OBJECTIVE 2 - STRENGTHENING AML/CFT/PF LEGISLATIVE FRAMEWORK.

To strengthen the AML/CFT legislative framework, the country will carry out the following actions within set timeframe.

<i>No.</i>	<i>Action</i>	<i>Timeframe</i>
1.	Review and amend the AML/CFT Act to ensure compliance with all international standards requirements.	Q4 2022 – Q2 2025
2.	Draft asset sharing legislation to govern the management of seized, confiscated and forfeited assets in compliance with international standards.	Q2 -Q4 2023
3.	Draft legislation for the regulation and supervision of Virtual Assets and Virtual Assets Service Providers (VASPs) will be developed to ensure the proper framework is in place to manage and mitigate the ML/TF/PF risks associated with these new technologies in keeping with FATF standards	Q2 – Q4 2023
4.	In support of asset recovery provisions in the AML/CFT Act, develop/strengthen legislation which also provide for civil confiscation and civil forfeiture as an additional measure within Guyana’s existing sanctions regime.	Q2 – Q4 2023
5.	Amend the AML/CFT Act replacing the term "Used Car Dealers" with the term "auto dealers" and define "auto dealers" so that it catches all categories of persons involved in the sale of motor vehicles.	Q2 – Q4 2023
6.	Amend the AML/CFT Act include Commissioner of Oaths to Affidavits in 1 st & 4 th Schedules.	Q2 – Q4 2023

7.	Amend the AML/CFT Act to provide a clear definition for Dealers in Precious Metals.	Q2 – Q4 2023
8.	Amend the AML/CFT Act by defining ‘financial inclusion products’, and including ‘Providers of Financial Inclusion Products/Services (who are not regulated for AML/CFT purpose), as reporting entities subject to the AML/CFT legislation.	Q2 – Q4 2023
9.	Amend the AML/CFT legislation to include the Guyana Gold Board which is required to buy all gold produced in Guyana as a Reporting Entity.	Q2 – Q4 2023
10.	Revise the Tax Act and mining laws and regulations to bring greater clarity and practicality to the licensing procedures and regulation of gold and diamond dealers.	Q2 – Q4 2023
11.	Amend the Gold Board Act to provide for first time offenders to be penalized.	Q2 – Q4 2023
12.	Amend the Integrity Commission Act to provide for annual lifestyle audits of Special Prosecutors	Q2 – 2023
13.	Amend the Second Schedule of the AML/CFT Act to include proliferation financing as a predicate offence.	Q2 – Q4 2023
14.	Enact Legislation/Regulation establishing a national counter-terrorism department with explicit counter-terrorism portfolio, adequate human, financial and other resources and ongoing specialized training for employees.	Q2 – Q4 2023
15.	Criminalize migrant smuggling under any other legislation	Q2 – Q4 2023

STRATEGIC OBJECTIVE 3 - STRENGTHENING AND CLARIFYING THE AML/CFT/PF SUPERVISORY FRAMEWORK

To further ensure that there is an effective system of AML/CFT supervision in Guyana, it is necessary that this be clearly defined, in addition to the strengthening of the supervisory framework. This is critical considering the NRA’s findings

regarding Guyana’s overall money laundering risk which was reported as Medium High.

Sector Ratings – ML Risk

Sector with <u>medium high</u> ML risk: Accountants/Auditors	
Sectors with <u>medium</u> ML risk:	The sectors with <u>medium low</u> ML risk:
<ul style="list-style-type: none"> - Attorneys-at-law - Non-Financial Trust and Company Service Providers - Real Estate Agents/Brokers/Housing Developers - Used Car Dealers/Car Parts Dealers - Dealers in Precious Metals - Dealers in Precious Minerals/Licensed Traders - Banking and Building Societies - Money Transfer Agencies, - Cambio Dealers - Lotteries 	<ul style="list-style-type: none"> - Betting Shops - Casinos - Cooperatives - Dealers In Precious & Semi Precious Stones - Insurance - Notary Public/Commissioner of Oaths to Affidavits - Pawnbrokers - Securities
Sector with <u>low</u> ML risk: Credit Unions	

There has been ongoing outreach and sensitization within the DNFBP sector on the need for Supervisory Authority, particularly in relation to the AML/CFT regime, and why it is important to have rules and reporting mechanism to combat financial crimes.

It is the Government of Guyana’s priority therefore, to establish Supervisory Authorities for the targeted vulnerable areas of the DNFBPs regime in the following manner:

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Establish appropriate AML/CFT supervisory oversight for Attorneys-at-Law, Commissioner of Oaths to Affidavits, Notary Public.	Q2 2023

2.	Establish appropriate AML/CFT supervisory oversight for Accountants/Auditors.	Q2 2023
3.	Establish appropriate AML/CFT supervisory oversight for Real Estate Brokers and Housing Developers	Q2 2023
4.	Establish appropriate AML/CFT supervisory oversight for Non-Financial Trust and Company Service Providers Identify appropriate body	Q2 2023

The above will be done in consultation with the relevant entities and proposed SAs or SRBs, and all necessary amendments/enactments of laws confirming the approved Supervisory Body/SRBG for these reporting entities will be done. **(Q2 2021 – Q4 2023).**

The AML/CFT supervisors will further intensify their efforts to supervise high- risk sectors, and sanction non-compliant reporting entities. **(Q2 2021 – Q4 2023).**

The BoG will review supervision policies procedures and manuals to ensure that supervisory activities carried out are in keeping with international standards and the changing realities of the financial sector. **(Q2 2021 – Q4 2023).**

The AML/CFT supervisors will increase resources (human and financial) and ensure adequate training of relevant staff. **(Q2 2021 – Q4 2023).**

The BoG has already put in place a dedicated team of AML/CFT supervisors and conducts regular AML/CFT examinations of its REs. AML/CFT supervision training for all staff responsible for AML/CFT supervision to be ongoing. **(Q2 2021 – Q4 2025).**

To improve supervisory functions and compliance of REs, the SAs will enhance their monitoring and supervision capabilities using a risk-based approach to ensure criminals or their associates are prevented from accessing and abusing the products and services offered within their sectors. SAs will ensure that all regulatory breaches are detected, and that dissuasive and proportionate sanctions are applied accordingly. **(Q2 2021 – Q4 2025).**

STRATEGIC OBJECTIVE 4 - ENHANCING THE FIU'S CAPABILITIES

The FIU will continue to improve the necessary internal capabilities to optimally perform its role in receiving, analysing, and disseminating financial intelligence in terms of both staff and IT capabilities, towards expanding its capacity to enable effective functioning.

The FIU will enhance its internal capabilities by continuing to increase and train its staff; it will request access (both legally and operationally) to any additional databases it needs to gather sufficient intelligence to support its analyses; it will also develop and implement IT tools that would enable it to facilitate and enhance its analytical capabilities.

This is all towards the FIU ensuring its improvement of the quality of its Intelligence Gathering and Processing. **(Q2 2021 – Q4 2025).**

The other actions to be taken by the FIU are as follows –

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Continue to develop additional capabilities in the longer term, such as increased focus on strategic analyses to identify trends and patterns and support the establishment of policies and goals to further strengthen AML/CFT supervision.	Q2 2021 – Q4 2023
2.	Providing updated guidelines to reporting entities on dealing with foreign and local PEPs	Q2 2021 – Q4 2023
3.	Securing Membership to the Egmont Group, having already secured sponsors and having its application in progress	Q3 2023
4.	Providing REs with information to assist them in managing their ML/TF risk, including risk associated with high-risk customers.	Q2 2021 -Q4 2023

STRATEGIC OBJECTIVE 5 - ENHANCING INVESTIGATION AND PROSECUTION CAPABILITIES

The FATF states that ‘if global AML/CFT efforts are to be effective, countries must have strong operational authorities to bring prosecutions and obtain convictions, as well as to seize and confiscate the proceeds and instrumentalities of crime for the benefit of states and victims.’

It is clear, based on Guyana’s risk profile that money laundering investigations need to result in tangible number of prosecutions and convictions. In that regard SOCU will take the following actions to achieve its mandate, through

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Enhancing its capacity by hiring additional financial investigators and attorneys	Q2 2021 – Q4 2023
2.	Ensuring that specialized ML/TF training as well as asset forfeiture training is provided for its staff to effectively carry out its mandate	Q2 2021 – Q4 2023
3.	Increased use of external experts, such as forensic accountants when there is no such ‘in-house’ expertise available	Q2 2021 – Q4 2023
4.	Enhancing its access to relevant information and its use of analytical and workflow tools, by the establishment of specialized Standard Operating Procedures (SOPs) for investigators dealing with ML/TF and PF cases	Q2 2021 -Q4 2023

To further ensure that there is integrity and independence of Financial Crime Prosecutors, the Government of Guyana will review remuneration and conditions to attract persons who are competent and experienced, and to ensure the best are hired and undergo continuous training. **(Q2 2021 – Q4 2023).**

A needs assessment and legal analysis will be conducted to determine (i) whether a financial court should be established, and (ii) the constitutionality of the establishment of such; this is in addition to specialized training for Judges and

Magistrates conducting ML/TF and AF matters to ensure justice is effectively served. This will also serve to assist with the current backlog of cases in the court system and delays in bringing matters to trial. **(Q2 2021 – Q4 2024).**

The quality of border control will be enhanced through increased resources including improved technology to monitor real time movements at the borders, as well as adequate training, equipment, and human resources at ports of entry. **(Q2 2021 – Q4 2023).**

Finally, additional, and more detailed statistics will be collected to ensure adequate monitoring of the progress achieved in terms of the outcome of Guyana's efforts with regards to investigating and prosecuting ML/TF. **(Q2 2021 – Q4 2023).**

STRATEGIC OBJECTIVE 6 - DEVELOPING GREATER COOPERATION AND COORDINATION AMONG DOMESTIC COMPETENT AUTHORITIES

It is critical to ensure that there is increase coordination and cooperation among the competent authorities. To enforce the seriousness of the issue, there will be sanctions attached for failure to produce information in a timely manner, through enforceable means. **(Q2 2021 – Q4 2023).**

The Government of Guyana, through the Ministry of Finance and the Ministry of Legal Affairs, will ensure that this domestic information sharing will be a benefit to the AML/CFT regime by ensuring the effectiveness of tax enforcement by increased training of persons in the area of tax audits, using the MOU and amending legislation to allow the GRA to share information with financial crime investigators. **(Q1 2023 – Q4 2024).**

Additional MOUs for information sharing of information to facilitate analysis and investigation of ML/TF/PF and predicate crimes will be signed among competent authorities and SAs. **(Q2 2021 – Q2 2024).**

Enabling of enforceable means to facilitate information sharing between the competent authorities will also promulgated to effectively achieve cooperation. **(Q2 2021 – Q2 2023).**

STRATEGIC OBJECTIVE 7 - ENHANCING REGIONAL AND INTERNATIONAL COOPERATION

Whilst Guyana is already active in international cooperation and responsive to the requests it receives, the country will review the process to implement targeted financial sanctions and update lists of designated persons to ensure the immediate applicability in Guyana of international sanctions and lists. **(Q2 2021 – Q4 2023).**

The ability to provide information spontaneously if required by the Competent Authorities will continue to be facilitated.

Further actions to be taken with regarding to enhancing regional and international cooperation are as follows -

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Records will be kept and updated in terms of requests made by the competent authorities in Guyana, as well as feedback given to the countries who respond to requests made, to ensure there is an efficient case management system with regard to cooperation	Q2 2021 – Q4 2025
2.	Review of the current processes applied to respond to MLA requests to ensure it is highly effective, well-coordinated and timely across the Competent Authorities, as well as SAs in Guyana	Q3 2023
3.	Development of SOPs for Mutual Legal Assistance (MLA) and Extraditions to enable timely and efficient execution of MLA and extradition requests by other countries	Q1 2023
4.	Enhancement of mechanisms with neighbouring territories for more effective border control	Q2 2021 -Q4 2023

STRATEGIC OBJECTIVE 8 - ENSURING ADEQUATE, ACCURATE AND UP-TO-DATE INFORMATION ON BENEFICIAL OWNERSHIP AND CONTROL OF LEGAL PERSONS AND LEGAL ARRANGEMENTS.

Given the increased focus on beneficial ownership by the FATF and the Government of Guyana's desire to improve the systems in place to actively collect and track beneficial ownership information of legal persons and arrangements, the following actions will be taken –

<u>No.</u>	<u>Action</u>	<u>Timeframe</u>
1.	Upgrade of the records of the Commercial Registry through digitization. This will enable reporting entities, competent authorities and the general public to have timely access to adequate, accurate and up to date BO information on legal persons	Q3 2023
2.	Further amendments to the Companies Act to capture all forms of businesses that are required to provide BO information, as it currently only refers to registered companies but should also address trust arrangements	Q3 2023
3.	Enforcement of the relevant provisions of relevant legislation by the Commercial Registrar, the Deeds Registrar and the DC&FS to ensure compliance, such as by making reports to LEAs for delinquent companies including Friendly Societies, Cooperative Societies, and NPOs in general	<i>Q1 2021 and continue as part of the obligations of the Deeds and Commercial Registry and the DC&FS</i>
4.	Provision of resources for the training of staff at the Deeds and Commercial Registries to enable them to examine legal documents to detect possible links to concealment of BO information	<i>Q1 2021 and continue as part of the obligations of the Deeds and Commercial Registry</i>

8. IMPLEMENTATION

The effective implementation of this National Policy and Strategy is critical to prevent, deter and detect ML and its predicate, as well as terrorism, and the financing of terrorism and proliferation of weapons of mass destruction.

Responsibility:

Guyana's key AML/CFT agencies responsible for the implementation of this National Policy and Strategy are as follows:

❖ **Law Enforcement Agencies**

- *SOCU* is the LEA with mandate for investigating and prosecuting ML/TF and other financial crimes.
- *The Special Branch Unit* has responsibility for investigating and prosecuting terrorism.
- *GRA Customs*
- *CANU*

❖ **The Financial Intelligence Unit:**

The FIU is Guyana's national centre for the receipt and analysis of suspicious transaction reports and other information relevant to money laundering, terrorist financing, and associated predicate offences; and disseminating results of its analysis to the competent authorities with responsibility for investigating those offences.

❖ **Director of Public Prosecutions Office**

The DPP by virtue of Article 187 (1) of the Constitution of the Co-operative Republic of Guyana the DPP has the power to:

- Institute and undertake criminal proceedings against any person before any court in respect of any offence (including money laundering, terrorism financing or any other financial crimes) against law.
 - To take over and continue any criminal proceedings instituted by any person or authority.
 - To discontinue at any stage before judgement any criminal proceedings instituted by himself or any other person or authority.

These powers of the DPP may be exercised by him/her in person or through other persons acting under and in accordance with his/her general or special instructions. Article 187 (2).

❖ **AML/CFT Supervisory Authorities**

Guyana has seven appointed supervisory authorities with responsibility for supervising the various categories of reporting entities listed under the AML/CFT Act. These include -

- (i) The **Bank of Guyana (BOG)** which is the prudential and AML/CFT supervisor for:
 - Banks
 - Non-Bank Financial Institutions
 - Money Transfer Agents
 - Cambios
 - Insurance Companies and Brokers

- (ii) The **Guyana Securities Council (GSC)** is the regulator and AML/CFT supervisor for:
 - Reporting entities referred to as “Market Participants” which include Brokers, Dealers, Traders, Underwriters, Investment Advisers, Securities Companies and Securities Intermediaries;² and
 - **Reporting entities** carrying on the business of exchange, financial futures and options, exchange and interest rate instruments, and transferable

² See Section 47 of the Securities Industry Act 1998

security; underwriting share issues and participation in such issue; advice on undertakings on capital structure, industrial strategy and related questions, and advice and services relating to mergers and the purchase of undertakings; Money Broking; Portfolio Management and advice; safekeeping and administration of securities; Venture Risk Capital; and Unit Trusts.

(iii) The **Guyana Revenue Authority (GRA)** which is the licensing authority and AML/CFT supervisor for the following categories of reporting entities:

- Used Car Dealers
- Real Estate Agents
- Pawnbrokers

(iv) The **Gaming Authority (GA)** is the regulator and AML/CFT supervisor for the following DNFBP:

- Casinos
- Betting Shops
- Lottery

(v) The **Guyana Gold Board (GGB)** is the regulator and AML/CFT supervisor for Dealers in Precious Metals (Gold Dealers);

(vi) The **Guyana Geology and Mines Commission (GGMC)** which is the regulator and AML/CFT supervisor for Dealers in Precious Stones (Diamond Dealers) and semi-precious stones;

(vii) The **Departments of Cooperative and Friendly Societies (DCFS)** – which regulates and supervises cooperatives including Credit Unions and Friendly Societies including NPOs respectively.

Supervisory Authorities or Self-Regulatory Bodies are to be appointed for Accountants/Auditors, Attorneys-at-law, Notary Public, Commissioner of Oaths to Affidavits and Trust or Company Service Providers which are also included as reporting entities under the AML/CFT Act.

Key policy makers -

- The Office of the President
- The Office of the Prime Minister
- The Ministry of Natural Resources
- The Ministry of Finance
- The Ministry of Home Affairs
- The Ministry of Foreign Affairs

Other agencies/commission

Deeds and Commercial Registries

Office of the Integrity Commission

The Judiciary

❖ High Court/Magistrate Courts

In addition, coordination and cooperation will be underpinned by separate memoranda of understanding between some of the participating agencies in the NCC.

Managing/Monitoring implementation:

The AML/CFT/PF National Coordinating Committee ³ is the primary body for coordinating national AML/CFT actions. The progress of implementing this National Policy and Strategy's objectives will therefore be monitored by the AML/CFT/PF NCC until all actions are satisfied. Responsible authorities are required to report on a semi-annual basis (every six months) on the implementation of the strategy.

³ The National Coordination Committee is composed of the Attorney General & Minister of Legal Affairs (Chair); Director of Public Prosecutions (DPP); Governor, Bank of Guyana Commissioner-General, Guyana Revenue Authority; Director, FIU; Head, SOCU; General Manager, GGB; Commissioner, GGMC; Chairperson, GSC; Chairperson, GA; and CCDO.

According to the international AML/CFT standards, an effective and efficient regime will see an increase in convictions and the seizing and forfeiture of proceeds of crime. Therefore, the success of this National Policy and Strategy, which is to increase the effectiveness of Guyana's AML/CFT regime, will also be measured by the following measurable outcomes:

- (i) Specific examination by SAs which allow them to assess the policies, procedures, systems and controls for reporting entities in identifying and managing ML/TF risk, and take remedial action where appropriate;
- (ii) Development of policies and guidance for reporting entities by SAs;
- (iii) Commensurate increases in the number of charges and criminal convictions for money laundering based on Guyana's risk profile;
- (iv) Increases in the number of persons sentenced to imprisonment for money laundering; and
- (v) Increases in the frequency of the use of civil forfeiture, as well as the amounts forfeited as proceeds of crime relating to money laundering and its predicate offences;

The NCC will also work in collaboration with the Law Revision Department to review legislation based on the NRA, and make relevant recommendations based on risk and context. As a result, it is expected that the AML/CFT Act and other relevant legislation will be reviewed and amended to ensure compliance with all international standards requirements.

In addition, the high-level measure of whether this National Policy and Strategy has been successful in ensuring that Guyana's AML/CFT regime is in line with international standards will be that Guyana achieves a high level of compliance with the FATF Standards on combating ML, TF and PF, and effectiveness of its AML/CFT systems.

APPENDIX 1 - AGENCIES/STAKEHOLDERS

1. ATTORNEY GENERAL CHAMBERS
2. BANK OF GUYANA
3. CHANCELLOR OF THE JUDICIARY
4. CUSTOMS ANTI NARCOTIC UNIT
5. DIRECTOR OF PUBLIC PROSECUTIONS
6. DEPARTMENTS OF COOPERATIVE AND FRIENDLY SOCIETIES
7. FINANCIAL INTELLIGENCE UNIT
8. GAMING AUTHORITY
9. GUYANA POLICE FORCE/SOCU
10. GUYANA REVENUE AUTHORITY
11. GUYANA SECURITIES COUNCIL
12. GUYANA GOLD BOARD
13. GUYANA GEOLOGY AND MINES COMMISSION

APPENDIX II – GUYANA’S RISK BASED ACTION PLAN



RISK BASED ACTION
PLAN.pdf