

FOLLOWING THE MONEY

Wildlife Crimes in Anti-Money Laundering Laws

A review of 110 jurisdictions



James Wingard and Maria Pascual

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Correction Notice: *The original version of this report contained an error, listing Malawi as having a ‘predicate offense’ approach in its anti-money laundering law, when it is an ‘all crimes’ approach country. This was based on an assessment of the 2006 version of the law, which was amended in 2017 to an all crimes approach. This reference has been corrected, including all affected maps and statistics, as well as the annex. This change does not significantly impact the aggregated results or general analyses.*

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Executive Summary

Anti-money laundering (AML) laws have the potential to play a crucial, game-changing role in transforming wildlife trafficking from a low-risk/high-reward to a high-risk environment. Yet despite the 2017 [UN General Assembly Resolution A/71/L.88](#), which calls on countries to leverage AML laws in the fight against wildlife trafficking, they remain under-utilised. Investigations and prosecutions in the case of wildlife-trafficking crimes still rely primarily on charges for poaching or trafficking, while money-laundering crimes are mostly overlooked.

There are several reasons for this, one of them being the degree to which wildlife crimes constitute a predicate offence. This paper reviews the AML laws from 110 jurisdictions from the [Legal Atlas online platform](#) to determine their applicability to illegal wildlife trade (IWT) crimes, showing positive results for 65 out of the 110 countries. The paper also flags some more general challenges that may hinder the application of such AML laws.

Anti-Money Laundering Approaches

Two main approaches characterise the way AML laws establish their scope: the ‘all crimes’ approach and the ‘predicate offence’ approach.

Under the **all crimes approach**, laws expressly state that any crime can serve as grounds for the application of AML requirements, fines and penalties. This is the widest possible approach, whereby any crime directly or indirectly related to wildlife trade may serve as a predicate for AML charges.

With the **predicate offence approach**, laws expressly limit the types of crimes that trigger the jurisdiction of their AML statute. This approach poses greater challenges in tackling IWT, as wildlife crime is often not expressly included in AML legislative schemes, or other threshold conditions preclude its application.

Results from this review indicate that IWT, taken as a whole, is not fully covered in countries that take the all crimes approach, and its status as a predicate offence is uncertain in all but a few. Overall, the direct and full inclusion of IWT in AML legislative schemes is a goal yet to be fully achieved.

Summary of Results

Opportunities to refine the approach:

- **Establishing a legal foundation** – A principal task for all countries is to ensure that wildlife trade in all its forms is adequately regulated. Both approaches will fail to ‘follow the money’ if the illicit trade activity involving certain species does not incur criminal sanctions.
- **Covering the trade chain** – Beyond poaching and foreign trade, elements to consider are illicit possession, transportation, sale and purchase (including offers to purchase), advertising (including online marketing), processing and use.
- **Listing of native and non-native species** – Listing endangered wildlife at a domestic level is a powerful tool that should be taken advantage of, and should cover native as well as non-native species.
- **Making IWT an explicit predicate** – For predicate offence countries, the primary task is to ensure that IWT is clearly recognised by or included in the listed predicates.
- **Defining environmental crime** – Several jurisdictions have the opportunity to immediately recognise wildlife-trade crimes by defining their environmental-crime predicate accordingly.
- **Confirming that IWT is a serious crime** – For those jurisdictions that use ‘serious crimes’ as their predicate approach, the task is to ensure that all appropriate forms of IWT meet their threshold.

Additional jurisdictional challenges:

- **Correcting weak links** – Money laundering is often built on multi-jurisdictional transactions forming a chain of criminal events. The potential to use AML laws in the fight against IWT is impacted by the weakest legal framework in that chain.
- **Recognition of crimes committed in a foreign country** – Recognition of crimes committed in a foreign country is critical in this regard. A constraining factor, however, is the requirement that predicates be defined as crimes in both countries.
- **Dual criminality poses a limitation** – The lack of consistency in the regulation of wildlife at a domestic level and the legal gaps when it comes to trade increase the likelihood that a crime in one country may not be recognised as a crime in another.

The wider context:

- **Priority areas** – Countries that are home to high levels of biodiversity should be prioritised for AML law enhancement efforts as key source countries.
- **AML laws generally need improvement** – Beyond the specific issues mentioned above, the overall structure and content of AML laws need attention. Assessments of compliance with the Financial Action Task Force's (FATF) recommendations indicate a need to strengthen laws in all countries reviewed.

Background

Financial flows associated with wildlife trafficking rely mostly on cash in source countries, where poachers at the beginning of the trade chain receive relatively small amounts of money. As one travels up the chain, however, these flows can multiply their value by 25 to 50 times,¹ becoming multimillion-dollar transactions that need the international banking system to receive and distribute money from consumer countries.²

Financial investigations connected to wildlife trafficking indicate that the methods and routes used in laundering the proceeds of wildlife crimes are a largely unknown universe to the enforcement community.³

The fact it is unknown territory, however, should not prevent countries from using AML legislation to improve the prosecution of wildlife crimes and as a deterrent.

The most obvious advantage of applying AML legislation in the context of wildlife crime is that it challenges the low-risk/high-reward opportunity for exploitation that such crimes offer. This is because AML laws typically: 1) incur penalties higher than those provided for the underlying crime (and therefore have a potentially greater deterrent value); 2) address a wider spectrum of activities directly linked to IWT; 3) provide the opportunity to hold legal entities as well as individuals liable; and 4) supplement field investigations, thereby increasing enforcement

opportunities. The more AML laws can be used in the fight against IWT, the better.

Despite these practical advantages of AML law, investigations and prosecutions still rely primarily on charges for the offences of poaching and trafficking; money-laundering crimes are mostly overlooked.⁴ A recent survey in the Asia-Pacific area reported that only 1% of wildlife crimes in the region triggered money-laundering investigations, charges or prosecutions.⁵

The key causes cited for this are weak legislative frameworks, lack of international coordination and failure to involve financial intelligence units when investigating wildlife crimes.

This paper reviews international AML legislation to ascertain whether (and how) wildlife crimes may act as a predicate, and examines some of the challenges that hinder its applicability. It also aims to provide information on what needs changing, so that this legal instrument can play a game-changing role in combating wildlife-trafficking networks.

Overview of AML Approaches

As mentioned, two broad approaches define the way AML laws establish their scope: the all crimes approach and the predicate offence approach. Countries tend to align themselves with one or the other (see the figure below), but this is not always the case and some interpretation is required.

All crimes approach – Under this approach, laws expressly state that *any crime* can serve as grounds for the application of the AML requirements, fines and penalties. The all crimes approach does not establish a limitation on the level of the crime (e.g. felony or misdemeanour), the severity (e.g. serious crimes only, or a threshold volume or value), or type of crime (e.g. organised crime). It is the widest possible approach and implies that any crimes directly or indirectly related to wildlife trade may serve as a base (i.e. predicate) for AML charges.

¹ Royal Institute for International Affairs, 2002. International Environmental Crime: The Nature and Control of Environmental Black Markets. Workshop Report.

² Environmental Investigations Agency, 2015. Targeting Wildlife Crime Bosses: It's All About the Money, <https://eia-international.org/targeting-wildlife-crime-bosses-its-all-about-the-money/>.

³ UNODC, 2017. Enhancing the Detection, Investigation and Disruption of Illicit Financial Flows from Wildlife Crime, https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/FINAL_-_UNODC_APG_Wildlife_Crime_report.pdf.

⁴ Eastern and Southern African Anti Money Laundering Group, 2016. A Special Typologies Project undertaken by the ESAAMLG Typologies Working Group, supported financially by the Government of the United States, <https://www.esaamlg.org/>.

⁵ UNODC, 2017. Enhancing the Detection, Investigation and Disruption of Illicit Financial Flows from Wildlife Crime, https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/FINAL_-_UNODC_APG_Wildlife_Crime_report.pdf.

Predicate offence approach – Under this alternative approach, laws expressly *limit the types of crimes* that trigger the jurisdiction of their AML statute. This limitation can take several forms, including using either a list of named crimes, or some other defining element (e.g. the level, severity or type of crime). This approach poses more significant challenges to the use of AML legislation in tackling IWT, as the crime type itself is often not expressly included, or other threshold conditions preclude certain potentially relevant crimes to be prosecuted using AML laws.

***NOTE:** Some countries use a formula that combines the two primary approaches. In these cases, the law lists predicates in the same way as a predicate offence approach, but also includes*

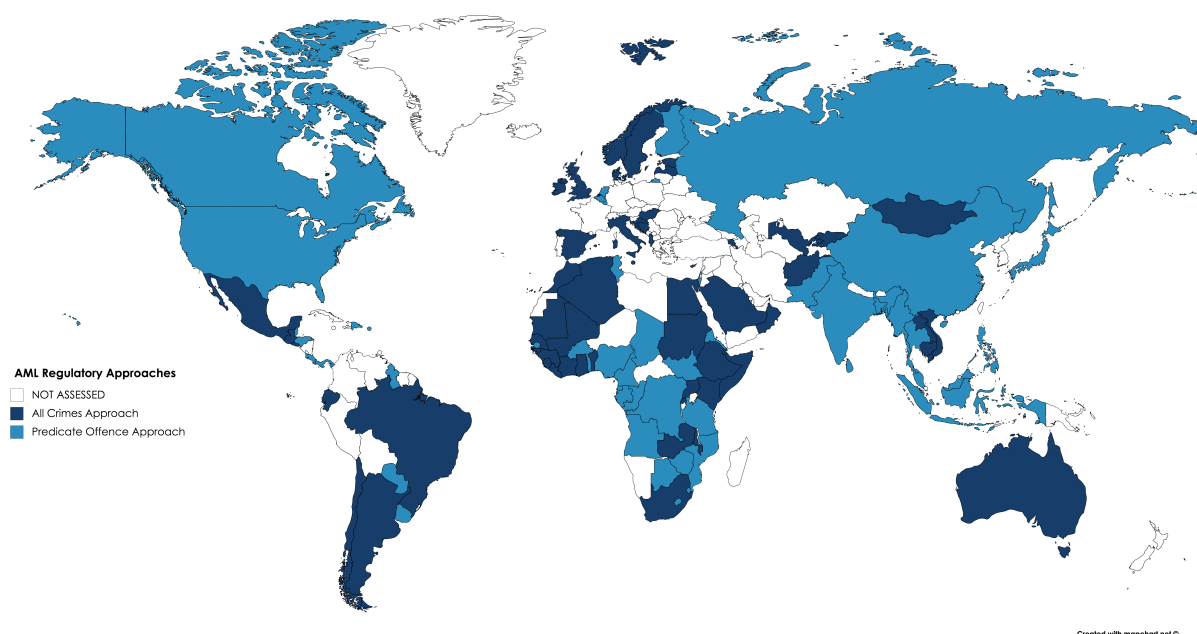
some terminology that extends this list to include other, and potentially all, crimes. Based on our interpretation of the extended scope of these predicates, countries have been classified as either all crimes or predicate offence. Those interpreted as all crimes have been identified in the all crimes text to highlight the need for interpretation and the potential for uncertainty.

Just over half of the 110 countries reviewed (58 or 52%) use an all crimes approach, presenting the best possible scenario for investigating and prosecuting IWT criminals for their related money-laundering offences.

The remaining 52 jurisdictions (48%) use a predicate offence approach. Of these, only five specifically list wildlife crimes as a predicate offence. Four of them list the term ‘wildlife trade

Anti-Money Laundering

Regulatory Approaches



ALL CRIMES APPROACH				PREDICATE OFFENCE			
Afghanistan	Ecuador	Laos	Senegal	Angola	Comoros	Luxembourg	Tanzania
Albania	Egypt	Latvia	Seychelles	Bahamas	Dominican Rep.	Malaysia	Thailand
Algeria	El Salvador	Liberia	Sierra Leone	Bangladesh	DR Congo	Mozambique	Togo
Argentina	Estonia	Malawi	Somalia	Belgium	Eq. Guinea	Myanmar	Tunisia
Armenia	Ethiopia	Mali	South Africa	Belize	Eritrea	Netherlands	United States
Australia	Ghana	Malta	Spain	Bermuda	Finland	Nigeria	Uruguay
Benin	Guatemala	Mauritania	Sudan	Botswana	Gabon	Pakistan	Zimbabwe
Bosnia & H.	Guinea	Mauritius	Sweden	Burkina Faso	Gambia	Panama	
Brazil	Guinea-Bissau	Mexico	Uganda	Cameroon	Guyana	Paraguay	
Cambodia	Hungary	Mongolia	United Kingdom	Canada	Honduras	Philippines	
Chile	Ireland	Morocco	Uzbekistan	Cape Verde	India	Puerto Rico	
Croatia	Italy	Norway	Vietnam	Congo	Indonesia	Russia	
Cyprus	Ivory Coast	Oman	Zambia	Costa Rica	Israel	South Sudan	
Denmark	Kenya	Rwanda		Chad	Japan	Sri Lanka	
Djibouti	Kyrgyzstan	Saudi Arabia		China	Lesotho	Swaziland	

crimes' (United States, Angola, India and Uruguay), while the other (Tanzania) mentions only poaching. Among the remaining countries that do not list wildlife crimes specifically, 18 jurisdictions include environmental crimes as a predicate offence. The degree to which wildlife crimes would be included in 'environmental crimes' depends on the definition that each jurisdiction provides for this term

Key Challenges

Commitment and Progress

In 2017, the international community made a commitment to address IWT through AML legislation.⁶ The UN called upon member states to "review and amend national legislation, as necessary and appropriate, so that offences connected to the illegal trade in wildlife are treated as predicate offences, as defined in the United Nations Convention against Transnational Organized Crime".⁷ Given how recently this commitment was made, progress is considerable, in the sense that close to 60% of the jurisdictions reviewed have complied. There is, however, still a great deal to be done.

Overall, 60% of the 110 countries reviewed now include wildlife-trade crimes as part of their AML laws. These can be broken down as follows:

- 1) 58 countries use an all crimes approach and therefore automatically include any wildlife crime otherwise defined in their laws.
- 2) Five countries use a predicate offence approach and declare IWT as predicate.
- 3) Three countries list environmental crime as a predicate and define this as including wildlife-trade offences.

In total, therefore, 66 jurisdictions meet the commitment expressed in UN General Resolution A/71/L.88.

There are questions, however, not only for these jurisdictions, but also for the remaining 44, where IWT is not as clearly identified and in some instances may in fact be excluded. Even where the approach is all crimes, there are concerns that wildlife trade as a whole still lacks adequate and appropriate legislation. For example, there are only a handful of countries in the world that explicitly regulate online wildlife trade, three of which are among the 110 jurisdictions reviewed.

For the predicate offence countries, many make no reference to wildlife trade in their list of predicates; several identify environmental crimes, but only a few, under their definition of the term, include IWT. This raises concerns about the application of AML law to IWT. Others consider only crimes in national laws, potentially excluding important wildlife-related crimes contained in regulations; while others recognise serious crimes that do not necessarily cover all wildlife crimes.

Taken as a whole, IWT is not fully covered (due to trade chain and species coverage gaps), and its status as a predicate offence is uncertain in all but a few countries. Its direct and full inclusion as a predicate is a goal yet to be fully realised.

Correcting Weak Links

Wildlife trade and the financial flows that support it form an ecosystem of operations that are interrelated, interdependent and, in many cases, of a transnational nature. AML legislation – intended to control illicit trade in a variety of goods and services – is also designed to operate at that same integrated and international level.

Taken as a whole, IWT is not fully covered, and its inclusion as a predicate offence is uncertain in all but a few countries. Its direct and full inclusion as a predicate is a goal yet to be fully achieved.

In many instances, a case may call upon the laws of two or more jurisdictions – at least one where a predicate offence has occurred, the other being the location of the money-laundering offence. However, if either the predicate or money-laundering jurisdiction places limits on or fails to adequately regulate IWT, there may be no recognised predicate, and therefore no case.

This is critical for wildlife trade whenever the predicate offence is drawn from source and transit countries where the regulatory approach for these activities is more likely to have gaps. It

⁶ United Nations General Assembly Resolution A/71/L.88, September 2017, Points 7 and 8.

⁷ Ibid., Point 7.

does not matter at that point how good the laws of the AML prosecuting jurisdiction are.

In other words, the weak link in the jurisdictional chain sets the limits for the application of AML sanctions, no matter how well another country may identify wildlife crimes as a predicate.

Recognition of Crimes Committed in a Foreign Jurisdiction

In a trans-jurisdictional wildlife-trade environment, the recognition of a crime committed on foreign territory as a predicate takes on particular importance: it affords a court jurisdiction over a money-laundering case even if the underlying criminal act was committed outside its jurisdiction. Recognition of crimes committed in a foreign country is a common component in AML laws, but is not unlimited in its scope and application.

The majority of the countries analysed ($n=73$ of 110) expressly recognise foreign-committed crimes as predicates, including most of the countries that take an all crimes approach ($n=34$ of 58, or 59%); in the case of the predicate offence countries, the proportion is similar ($n=33$ of 52, or 63%). The AML laws of another 31 jurisdictions (28% of the total sample) appear to be silent on this issue. However, this should not be interpreted as a bar to the recognition of foreign-committed crimes, as this may be governed by separate laws (e.g. the criminal code), which were not reviewed in this study.

Of the 73 that mention foreign-committed crimes, only three of them appear to require prosecution or conviction of the underlying act before the AML law applies. These jurisdictions are Cape Verde, Gambia and Laos. For these three, the restriction poses an immediate hurdle whenever the jurisdiction responsible for the predicate offence has not or will not prosecute.

Money laundering is often built on multi-jurisdictional transactions forming a chain of criminal events. The potential to use AML laws in the fight against IWT is impacted by the weakest legal framework in that chain.

Cape Verde states its position in this regard, saying that the crime of money laundering “shall not be punishable where the criminal proceedings relating to the main offence depend on the complaint and the complaint has not been timely lodged.”⁸ In Gambia, pecuniary penalties appear to be applied only if a person has been convicted “for a criminal conduct ... [and] if [the court] is satisfied that the person has benefited from that criminal conduct ...”⁹ – effectively tying the money-laundering penalty to the prosecution of the underlying crime. The way in which Laos’s legislation is framed also raises questions, requiring “[a]n act or evidence ... to prove the funds or properties derived from the offence.”¹⁰ The requirement for evidence would suggest the need for formal proceedings on the underlying crime (although this is not conclusive). In each of these jurisdictions, there is some uncertainty over whether the underlying crime must be prosecuted, which can make it more difficult to initiate money-laundering proceedings.

Dual Criminality Poses a Limitation

Related to the question of prosecuting the underlying crime is the dual-criminality¹¹ requirement, whereby the foreign crime must also be a defined crime in the prosecuting state before jurisdiction will extend to the money-laundering case. Dual criminality is also applied in extradition treaties and statutes, where it is based, at least in part, on the generally accepted principal of criminal law – *Nulla poena sine lege* (meaning, literally, ‘no penalty without law’). In other words, it is against a primary tenet of criminal law to hold an individual liable for doing something if it is not also prohibited by law.

In the context of AML laws, this means that the prosecuting country may recognise a foreign crime as a predicate, but it can serve as a predicate only if the prosecuting country also recognises the same crime in its own legislation. As mentioned, most of the countries in this review recognise foreign-committed crimes, but they also largely apply the principle of dual criminality.

This may be problematic for prosecuting money-laundering cases involving IWT. None of the reviewed laws or cases explains how dual-criminality provisions will be applied (i.e. what degree of similarity would be required before a

⁸ Cape Verde, Lei n.º 38/VII/2009 de 20 de Abril, Art. 24(5).

⁹ The Gambia, Anti-Money Laundering and Combatting of Terrorism Financing Act, Art. 65. 2012.

¹⁰ Laos, Anti-Money Laundering and Countering of Financing Terrorism, Art. 6, paragraph 2(2), 2015.

¹¹ Also referred to as ‘double criminality’, ‘duality of offences’ and other similar terms.

court will deem that the criteria for dual criminality have been met). The 1991 Heilbronn case in the US is one example of how the concept of dual criminality is interpreted (although the case involves extradition and does not specifically concern wildlife-trade predicates).¹² In this case, the court ruled that “[t]he law does not require that the name by which the crime is described in the two countries shall be the same, nor that the scope of the liability shall be coextensive, or, in other respects, the same in the two countries. It is enough if the particular act charged is criminal in both jurisdictions. The fact that a particular act is classified differently or that different requirements of proof are applicable in the two countries does not defeat extradition.”¹³

Using this decision, or any other standard, to determine the impact of dual criminality on IWT in money laundering is beyond the scope of this report. It is possible, however, that the lack of consistency in how wildlife is regulated at a domestic level and the gaps in wildlife-trade regulations will increase the chances that a crime in one country will not be recognised as a crime in another. It may be, for example, that a particular species is not listed or protected in a country (e.g. Cambodia does not protect two of its three native gibbons, although they are endangered), or that an observed or suspected activity is not a crime (e.g. online trade or mere possession).

Whenever such a disparity occurs between two countries’ laws, the dual-criminality requirement will act as a bar to prosecution. A recent study into IWT crimes covering 17 jurisdictions found more than 100 crime types and substantial differences in the approaches taken.¹⁴ To understand how important this gap really is would require taking this type of study further.

Mutual Recognition vs. Dual Criminality

Dual criminality is not a universal requirement in AML laws. Some countries recognise foreign crimes as a category in their AML laws without explicitly requiring that it be a crime within their jurisdictions. It may be, however, that this requirement is embedded in other legislation, (e.g. the criminal code), which would make a final assessment premature. This would be true as well for the 31 jurisdictions for which no explicit reference to foreign crimes is mentioned in the AML law.

¹² *Heilbronn v. Kendall*, 775 F. Supp. 1020 (W.D. Mich. 1991).

¹³ *Ibid.*

¹⁴ J. Wingard, M. Pascual, M. Rodriguez, N. Bhatri, A. Rydannykh, A. Russo and J. Janicki, 2018. *Legal Protection of Great Apes and Gibbons: Compilation of Country Profiles for 17 Range States*. Arcus Foundation and Legal Atlas.

Regardless, dual criminality is not the only conceivable approach. Other major acts directed at controlling illicit trade (e.g. the US Lacey Act, the EU Timber Regulation and Australia’s Illegal Logging Prohibition Act) take a different approach. For example, there are cases where the criminality of the underlying act is determined according to the laws of the jurisdiction where the original illicit act occurred (the source country), without requiring dual criminality in the prosecuting state. There is no official term for this, but it might best be described as ‘mutuality’. The purpose of this legal approach is to prevent trade in illicitly harvested resources. And it is applicable to the use of AML laws to combat IWT – to prevent the laundering of funds derived from illicitly harvested and traded wildlife.

Critical in this context is that this type of mutual recognition would obviate the need for the harmonisation of laws between countries that the dual-criminality approach necessitates, which is certainly a difficult, and likely impossible, task. It also means that regulation of wildlife based on local context (e.g. registration requirements) or crime types (e.g. online trade) that is not recognised in the prosecuting state would still trigger the use of that jurisdiction’s AML laws.

Making IWT an Explicit Predicate

Several countries in this review use a list of predicates that excludes other crime types. In other words, crimes that are not listed cannot serve as a basis for AML charges. This is the case, for example, in Angola, the Bahamas and Belize.

The simplest approach in these jurisdictions, and consistent with the 2017 UN General Assembly Resolution, would be to amend their list to include IWT.

Including IWT in Definitions of Environmental Crime

Eighteen countries list environmental crime as a predicate, instead of wildlife crimes. Three jurisdictions include wildlife in their definition of the term ‘environmental crime’ (Brazil, Mozambique and Paraguay). Of these, only Paraguay’s version covers wildlife trade clearly and without limitation. Mongolia does not define the term per se, but has a chapter in its criminal code entitled ‘Environmental Crimes’. Like the others, it identifies crimes against wildlife; wildlife trade, however, is not specifically listed. For the remaining jurisdictions, no definition was found in their AML law, environmental-protection law or criminal code.

Like the previous point, defining the term ‘environmental crimes’ to expressly include IWT would be all that is required to ensure their viability as predicates. Making this legislative change would be consistent not only with the UN Resolution, but also with the Central African Economic and Monetary Community (CEMAC) Regulation on Anti-Money Laundering and Terrorism Financing.

Confirming that IWT is a Serious Crime

Serious crimes constitute the predicate approach in 20 jurisdictions, with thresholds generally ranging from minimum sentences of six months to four years. All of the countries that use this approach have wildlife laws and, for the most part, the thresholds capture certain crimes against domestic listed species and CITES violations.

A gap occurs, however, when a species is not listed, or is a non-native species, the act in question is not regulated, or it does not meet the defined threshold. Amending these approaches to ensure that all appropriate species and forms of trade meet the serious crimes threshold is a more complex, but necessary endeavour.

Covering the Trade Chain

For all countries, ensuring that all parts of the wildlife trade chain are adequately covered is paramount. As noted in the section discussing all crimes countries, there are consistent gaps in the laws directed at wildlife trade. Some of them are emerging issues for which there is almost no legislation in place (e.g. wildlife cybercrime).

Personal and Legal Entity Liability

Another critical area that can limit the application of AML laws to wildlife trade is the restrictions on personal and legal entity liability. Making something illegal is meaningless unless someone or some entity can be held liable. The nature of money-laundering activities makes it crucial that legal entities can be held accountable.

A full analysis of this area was not possible, as the issue of liability is not regulated solely by AML laws. Other laws may define the term ‘person’ to include a legally recognised entity for purposes of liability: ‘moral person’, ‘juridical person’ and ‘legal person’ are some of the terms used.

That said, personal liability was stated in all 110 jurisdictions reviewed. In these cases, any individual in the chain of transactions that

constitute money laundering may be held liable, assuming they meet the knowledge requirements discussed in the following section.

Less clear is the extent to which legal entities can be held liable. In 72 of the 110 jurisdictions, the law expressly allows for liability to extend to the legal entity, and applies special, often higher, penalties. A number of jurisdictions are silent on this issue in the AML law, although it may be regulated by the criminal code. In some instances, however, the law limits the application of penalties only to private entities – excluding public companies, as is the case in Afghanistan. In others, the liability of the entity runs to the individuals responsible, and not to the entity itself, which is the case in Honduras and Hungary, for example.

Knowledge Requirements (*mens rea*)

The term ‘*mens rea*’ refers to the intention or knowledge of wrongdoing that constitutes part of a crime, as opposed to the mere action or conduct of the accused. It is the basic recognition that not all crimes are done with the same intent and should not be punished in the same way. As such, it is used to bar, increase, or decrease the sanctions applied depending on the degree of knowledge and intent.

Of the 110 jurisdictions reviewed, 104 specify in their AML law the knowledge and intent requirement (*mens rea*) before a person can be held liable for the act of money laundering.¹⁵ These requirements can limit jurisdiction in ways that may be critical to the operation of AML laws, particularly in a trans-jurisdictional environment.

Countries in this review were classified according to whether they imposed liability based on three distinct knowledge requirement levels, identified as follows:

Negligence – Included in this category of intent are jurisdictions that expressly permit liability if the individual knows *or should have known* of the illicit origins. For purposes of convenience, this category includes three varying degrees of negligence – ordinary negligence, gross negligence and recklessness. Depending on the jurisdictions, each of these will present different levels of evidence, but none require actual knowledge.

General intent – In these jurisdictions, a person may be liable only if it is proven that

¹⁵ The remaining jurisdictions (10) that do not include knowledge and intent limitations in their AML laws may regulate them in their criminal codes. These countries are Brazil, Cape Verde, Chile, China, Ecuador, Eritrea, Russia, Sweden, United Kingdom and Uzbekistan.

he/she knew of or suspected the illicit origins. There is no mention of any further intent to conceal or disguise the funds.

Specific intent – With this, the highest form of knowledge requirement, an individual may be held liable only after it has been proven that he or she knew or suspected that funds or property were the proceeds of a crime, *and* that they intended to hide or conceal this. In other words, proof is required that they knew of the illicit origin and intended to violate the law.

Of these categories, **negligence** (in all its forms) represents the least stringent standard, as it does not require direct evidence that an individual actually knew of the illicit origin of the proceeds. Instead, an individual may be held liable because, given all of the circumstances, he or she should have known. Of the 110 jurisdictions reviewed, 35 permit liability based on some form of negligence, i.e. ordinary negligence, gross negligence or recklessness.

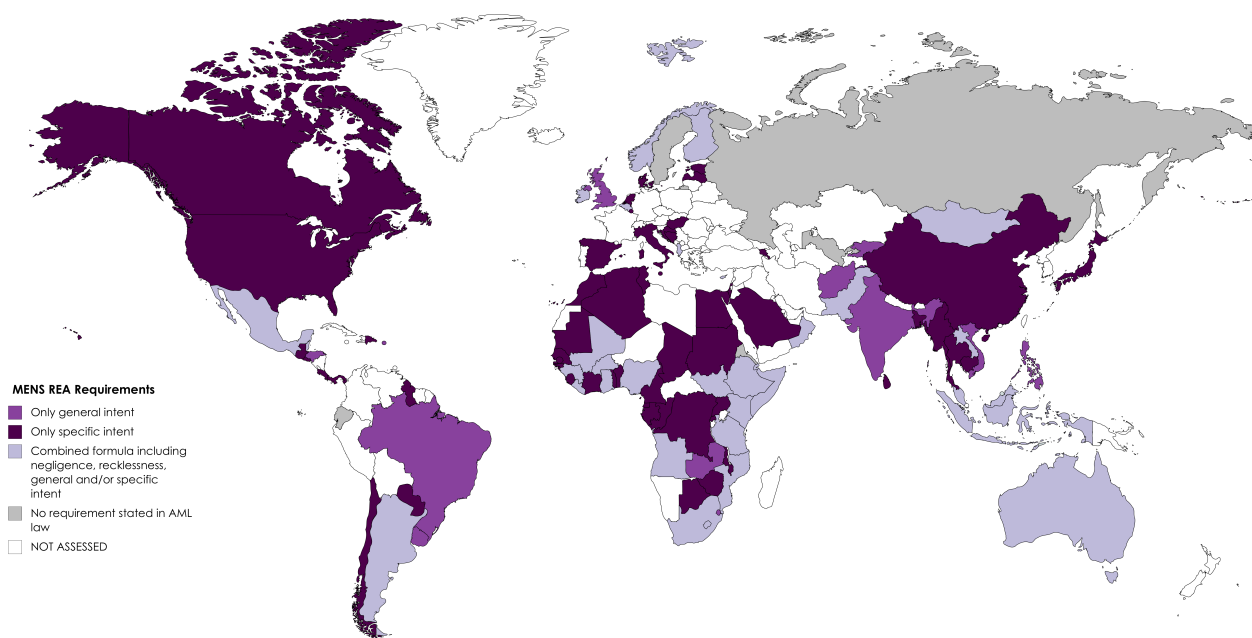
General intent, the next most stringent standard, requires proof that a person knew of or suspected the illicit origins. In 20 jurisdictions, the law attributes liability if an individual had this knowledge and made an identified transaction that involved illicit funds or property. In 13 out of the 20, this is the only listed requirement (see figure below). The law does not require that the person intended to disguise or hide the illicit origin of the assets to escape liability.

Most often, however, the laws require both actual knowledge (or suspicion) of the illicit origins, *as well as* the further intent to hide the proceeds to escape liability. The **specific intent** requirement was found in 86 jurisdictions of the 110, including 43 of the 57 all crimes countries. While many jurisdictions allow for this to be proven on the basis of objective evidence (consistent with the requirements of the international treaties), it is still an additional element of proof.

Specific intent is also a hard element to prove and can provide an exculpatory argument for offenders. In a recent US District Court case, *United States v. Millender*, involving an investment fraud scheme, the court held that none of the transactions “was sufficiently structured such that a jury could infer the required *mens rea*. The court found that the transactions themselves did not conceal the source of the money, nor indicate that this was the purpose. Without this element of proof, the money-laundering charges were dismissed.

Anti-Money Laundering Laws

Mens Rea Requirements



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ONLY SPECIFIC INTENT

Algeria	Chile	Estonia	Latvia	Saudi Arabia
Armenia	China	Gabon	Luxembourg	Senegal
Bangladesh	Congo	Gambia	Malawi	Sierra Leone
Benin	Costa Rica	Guatemala	Malta	Spain
Bermuda	Croatia	Guinea-Bissau	Mauritania	Sri Lanka
Bosnia and H.	Denmark	Guyana	Morocco	Sudan
Botswana	Dominican Rep.	Hungary	Myanmar	Thailand
Cambodia	DR Congo	Israel	Netherlands	Togo
Cameroon	Egypt	Italy	Panama	Tunisia
Canada	El Salvador	Ivory Coast	Paraguay	Uganda
Chad	Equatorial Guinea	Japan	Rwanda	United States
				Zimbabwe

ONLY GENERAL INTENT

Afghanistan
Brazil
Honduras
India
Kyrgyzstan
Mauritius
Philippines
Puerto Rico
Swaziland
United Kingdom
Uruguay
Vietnam
Zambia

Combined formula including negligence, recklessness, general and/or specific Intent

Albania	Ethiopia	Mexico
Angola	Finland	Mongolia
Argentina	Ghana	Mozambique
Australia	Guinea	Nigeria
Bahamas	Indonesia	Norway
Belgium	Ireland	Oman
Belize	Kenya	Pakistan
Burkina F.	Laos	Seychelles
Cape Verde	Lesotho	Somalia
Comoros	Liberia	South Africa
Cyprus	Malaysia	South Sudan
Djibouti	Mali	Tanzania

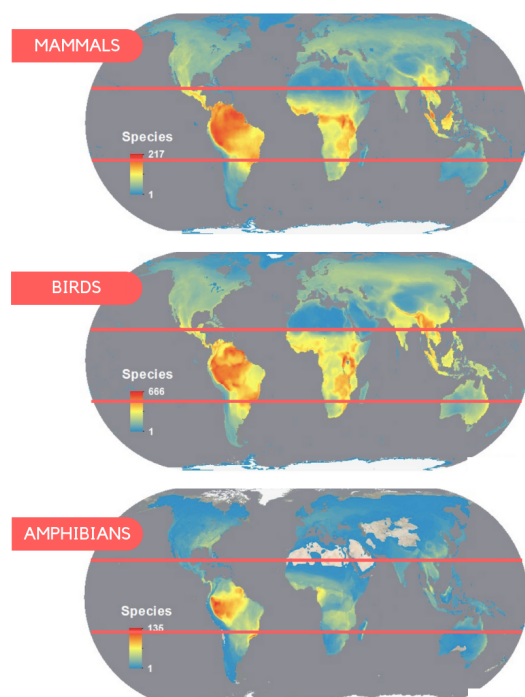
Establishing Priorities

Between the tropics of Cancer and Capricorn, 23.5 degrees north and south of the equator, are found the most biodiverse regions on the planet (see figure below). These regions contain the greatest variety and concentrations of mammals, birds and amphibians; they are also the primary sources for illicit wildlife trade.

Overlaying the AML approaches map with these biodiversity maps reveals that most of these regions have jurisdictions that use the predicate offence approach in their AML legal frameworks.

The fact that there are a greater number of challenges facing these predicate offence jurisdictions (e.g. no mention of wildlife trade; environmental crime not defined; recognition of only national laws, and not regulations, etc.) underscores the need to prioritise countries in these regions. To the extent other countries represent AML prosecuting jurisdictions, the dual criminality requirement combines with these underlying limitations to create a substantial barrier to the use of AML laws in the fight against IWT.

BIODIVERSITY DISTRIBUTION



SOURCE: Maps produced by BiodiversityMapping.org using species range map data from BirdLife International, IUCN, NatureServe, and USGS

AML Laws Need to be Strengthened

All of the preceding arguments around the need to include IWT in AML laws reside within an overall legal context that also needs improvement. In 2018, an assessment of 52 jurisdictions was completed that examined their compliance with the FATF recommendations.¹⁶ The figure on the next page shows the existing gaps that need to be filled.

Notably, the figure shows that no country appears to be in full compliance, and moderate and major shortcomings were found across the entire sample (indicated by the pink and red boxes). In other words, even in the best-case scenario (where an AML law fully recognises all forms of IWT), enforcement and prosecution can still face many challenges that stem from gaps that may exist in other critical areas of AML laws, such as the transparency of beneficial owners in bank accounts or international cooperation in transnational financial investigations.

¹⁶ FATF (2012-2018), *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation*, FATF, Paris France, www.fatf-gafi.org/recommendations.html.

Moderate shortcomings **Major shortcomings**

[illegible]

All Crimes Jurisdictions

AML International Standards

A total of 190 jurisdictions that are members of the FATF or an associate regional member have committed to implement what is accepted today as “the international standard for combating of money laundering and the financing of terrorism and proliferation of weapons of mass destruction”.¹⁷

The standard, which was developed by the FATF in 2012, is composed of 40 recommendations covering policymaking, prevention, enforcement, confiscation and international cooperation.¹⁸

Recommendation #3 focuses on the offence of money laundering and calls for countries to apply the crime of money laundering to all serious offences, leaving it to jurisdictions to determine what offences are considered serious.

“Countries should criminalise money laundering on the basis of the Vienna Convention and the Palermo Convention. Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences.”

Recommendation #3 on the Anti-Money Laundering Offence

INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM AND PROLIFERATION

Financial Action Task Force

The all crimes approach clearly exceeds the recommendation, as it seeks to include any crime connected to money laundering, not only serious crimes. To this extent, it provides the best possible basis for AML laws to support the fight against IWT.

The all crimes approach is called for in the Palermo Convention (the UN Convention Against Transnational Organized Crime, or UNTOC)¹⁹ and in two conventions from the Council of

Europe – the Warsaw Convention²⁰ and the Strasbourg Convention.²¹ These three instruments go beyond the serious crime FATF key requirement and use almost identical wording to define the scope of the all crimes approach. Taken from UNTOC, predicates are defined as “... any offence as a result of which proceeds have been generated that may become the subject of [a money laundering] offence.”

The operative language in this and the other definitions is the reference to ‘any offence’ without limitation or further qualification.

The extent to which the all crimes approach is capable of capturing wildlife-related laundering offences depends on how the other laws in the legal framework identify illicit wildlife trade and other factors.

This review classified all countries that used this or equivalent language as all crimes jurisdictions (see the figure). This includes any country that uses a list of predicates, but also includes at least one predicate that could reasonably be interpreted to apply to all crimes (e.g. “... and any other crime not listed”; “... and any other additional activity that is considered a crime”, etc.).

The review reveals a roughly even distribution of countries between the two approaches – all crimes and predicate offence. A total of 58 countries (52%) have been included in the all crimes group, including 50 countries with an unambiguous statement, and eight additional countries based on an interpretation of their predicate offences.²² It is worth noting that the need for interpretation has the potential for uncertainty and may present unforeseen

¹⁷ See <http://www.fatf-gafi.org>.

¹⁸ FATF, 2012. International Standards On Combating Money Laundering And The Financing Of Terrorism And Proliferation. The FATF Recommendations. Updated February 2018.

¹⁹ United Nations Convention Against Transnational Organized Crime, Art. 2(h).

²⁰ Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, Art. 1(e).

²¹ Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Art. 1(e).

²² These are Cambodia, Ghana, Laos, Liberia, Mali, Norway and Vietnam.

limitations. Results for these countries should therefore be considered with caution.

All of the countries in this review, with the exception of three – Somalia, South Sudan and the United States – are members of UNTOC. For the other two conventions, this review includes 28 of the member states, or about 25% of the 110 jurisdictions reviewed.

Compliance with UNTOC's all crimes approach is

low, with just 54 compliant countries,²³ or 49% of jurisdictions reviewed. For these two conventions, there is only one country that does not follow the recommended approach (the Netherlands), which uses a predicate offence approach and targets only serious crimes.

Of the 58 all crimes countries, the following 22 are considered significant areas for biodiversity, and in some instances are recognised source countries for IWT:²⁴ Benin, Cambodia, Ecuador,

Anti-Money Laundering

All Crimes Approach Jurisdictions



Created with mapchart.net ©

Afghanistan	Chile	Ghana	Laos	Morocco	Spain
Albania	Croatia	Guatemala	Latvia	Norway	Sudan
Algeria	Cyprus	Guinea	Liberia	Oman	Sweden
Argentina	Denmark	Guinea-Bissau	Malawi	Rwanda	Uganda
Armenia	Djibouti	Hungary	Mali	Saudi Arabia	United Kingdom
Australia	Ecuador	Ireland	Malta	Senegal	Uzbekistan
Benin	Egypt	Italy	Mauritania	Seychelles	Vietnam
Bosnia & H.	El Salvador	Ivory Coast	Mauritius	Sierra Leone	Zambia
Brazil	Estonia	Kenya	Mexico	Somalia	
Cambodia	Ethiopia	Kyrgyzstan	Mongolia	South Africa	

²³ This figure excludes the non-member states.

²⁴ Based in part on maps of major biodiversity areas and WWF's Wildlife Crime Scorecard documenting countries that are particularly important to ivory, rhino and tiger trade.

Ethiopia, Guinea, Guinea-Bissau, Ivory Coast, Laos, Liberia, Kenya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Mongolia, Rwanda, Senegal, Seychelles, Sierra Leone, Uganda and Zambia.

The All Crimes Challenge

The fact that any crime may serve as a predicate does not mean that there are neither limitations nor concerns. The extent to which the approach is capable of encompassing wildlife-related laundering offences depends on other factors, among the more important being whether and how the other laws in the legal framework identify IWT.²⁵

Multiple IWT studies amply demonstrate that failing to criminalise all points along the illicit trade chain – from the source to the final consumer – leaves gaps and vulnerabilities that can be exploited by criminals. These same legal gaps that challenge the prosecution of criminals under wildlife laws also hinder the application of AML legislation in all crimes countries.²⁶

The global position on the criminalisation of IWT is still being reviewed. However, what is already known is that while some types of trade and some species are well represented in legal systems across the globe, not all aspects of trade, or species, find equal footing in the law, nor is there consistency between jurisdictions in the regulation of wildlife trade.

The following sections outline what is known and not known concerning the criminalisation of wildlife trade and the representation of species.

Crimes Along the Wildlife Trade Chain

The wildlife trade chain includes numerous activities and actors from the field to the end consumer. Hunters, taxidermists, hunting guides, cargo companies, processors, traders, fashion designers, advertisers, veterinarians, financial entities, internet providers, restaurants and consumers are some of them. Because of the number of laws that potentially regulate the entire chain – more than 50 pieces of legislation for many countries – there is no easy way at present to say how much of the world's IWT is

addressed by law and therefore has a chance of being covered by the AML all crimes approach in the countries reviewed.

Generally speaking, there are some commonly identified crime types (poaching and smuggling being a shared baseline) and protection mechanisms (protected species lists, hunting regulations and CITES import/export permits) found across all jurisdictions. However, when it comes to the domestic regulation of wildlife trade, there are wide differences between countries and numerous gaps – some of which are activities critical to the wildlife trade chain.

In 2018, Legal Atlas conducted an assessment of 17 countries in Africa and Asia to document wildlife crimes in detail.²⁷ The pattern observed is so far clear and consistent: the closer to the wild or an international border, the more regulated the activity. Hunting and import and export concentrate the regulatory and enforcement efforts. The activities in between – advertising, purchase, offer to sell, use etc. – are largely, and in some instances completely, absent.

Online advertising is a prime example of this legal gap. Despite the online ads detected by INTERPOL and other organisations, assessed to be in the thousands in short-term investigation campaigns,²⁸ two recent analyses document only seven jurisdictions in the world that expressly criminalise the advertising of illegally traded wildlife online.²⁹ Mongolia, Russia and the UK are the only three countries in this review that are among them. Malaysia, also in this review, prohibits advertising and sale, but does not mention online sales and limits the prohibition to illegally imported CITES species. For the remaining 107 jurisdictions, online advertising of wildlife does not automatically trigger application of wildlife-related criminal provisions, nor, consequently, does it trigger the application of AML laws. In these jurisdictions, observing an online sale would, in a best-case scenario, lead to further (and complex) secondary investigations to link the advertiser to a poaching, smuggling or some other wildlife-crime-related event.

²⁵ A number of studies and assessments review the overall functioning of AML laws regardless of their application to IWT. They document significant issues that would be likely to have an impact, but these have not been further reviewed in this assessment. The only concern here is whether IWT is recognised, and who may be held liable.

²⁶ J. Wingard and M. Pascual, 2018. *Catch Me If You Can: Legal Challenges to Illicit Wildlife Trade Over the Internet*. Global Initiative Against Transnational Organized Crime.

²⁷ J. Wingard, M. Pascual, M. Rodriguez, N. Bhatri, A. Rydannykh, A. Russo and J. Janicki, 2018. *Legal Protection of Great Apes and Gibbons: Compilation of Country Profiles for 17 Range States*. Arcus Foundation and Legal Atlas.

²⁸ See, for example, J. Hastie and T. McCrea-Steele, 2014. *Wanted – Dead or Alive: Exposing Online Wildlife Trade*. IFAW.

²⁹ These are China, Czech Republic, France, Mongolia, Portugal, Russia and the UK. See J. Wingard and M. Pascual, 2018. *Catch Me If You Can: Legal Challenges to Illicit Wildlife Trade Over the Internet*. Global Initiative Against Transnational Organized Crime, p.10. See also Great Apes Trade: Country Profiles, report produced by Legal Atlas.

Species Along the Trade Chain

Just as trade types are not universally identified and regulated, nor are the lists of species protected by domestic legislation in any way uniform across jurisdictions. The consequence is that, even though a particular trade type may be covered, a particular species may not be – again resulting in a potential, but less visible gap.

Native Endangered Species

All countries in this review (and likely all others as well) afford protection for their native endangered species and criminalise their hunting and capture, as well as their domestic and foreign trade. Although this is a strong basis, a gap is created by the fact that not all jurisdictions cover all of their native endangered species. With respect to great apes and gibbons (all of which are either endangered or critically endangered species), Cambodia, Laos and Vietnam, for example, all omit one or more native species from their lists. An unlisted species captured in Laos, for example, might not form the basis of an AML charge either in Laos or other consumer countries (e.g. China), unless covered by some other law.

There is at present no full and final accounting of how well endangered species are protected by domestic legislation.³⁰ Research is urgently needed to provide more detailed assessments and as a basis for understanding where this critical gap arises. This is also another shortcoming affecting the all crimes approach: when a species recognized internationally as endangered does not also enjoy domestic protection, the application of the AML law can be limited.

Unlisted Native Species

Native species that are not specifically listed by law and protected domestically may still enjoy various other forms of protection, among them restrictions by area, season, gender, size, method and more. However, these types of regulatory tools, to the extent they exist, focus principally on ‘source’ control – the acts associated with the taking of a species from the wild. To a lesser degree, they also deal with captive breeding, sanctuaries, zoos and the like.

What they do not regulate as often, or as consistently, are the other parts of the trade chain (as noted in the preceding section). Again, this becomes another gap for all crimes countries and

the ability of any country to use AML legislation involving unlisted native species.

In some instances, species that have not been historically targeted by hunters and not yet recognised for trade can be entirely missing from the legal system. Mongolia, for example, failed to regulate wolves for a number of years and has seen a dramatic decrease in their populations owing to trade with China.³¹

Non-Native Endangered Species

A bigger and more extensive gap affects non-native species – a growing and particularly important concern in today’s transnational criminal environment, where IWT crosses multiple borders and affects more than just internationally protected species. To take advantage of enforcement opportunities means prosecuting in transit and consumer countries as well, where a species may not be regulated.

When a species recognized internationally as endangered does not also enjoy domestic protection, the application of the AML law can be limited.

Species listing is one of the primary legal instruments that prompts the application of provisions that go beyond wildlife smuggling to cover a wider range of domestic trade-chain activities. It may be too early to call it a trend, but listing of non-native species is being increasingly used in recent years in recognition of the need to amplify the legal tools available independently of international trade. China, for example, lists all 16 gibbon species (classified as endangered and listed in CITES Appendix I) despite the fact that only five of them are native to the country.

For the most part, however, non-native species are not listed or recognised in domestic law, outside of customs, quarantine and CITES implementing legislation – all of which focus largely on the foreign trade element. These types of laws consistently criminalise smuggling and other forms of illegal import, but to a lesser degree, if at all, cover trade acts that occur once the border has been successfully crossed. In other words, the possession, transportation processing,

³⁰ Legal Atlas has compiled endangered-species lists for roughly 80 countries and conducted detailed analyses specific to great apes in 17 of them.

³¹ J. Wingard, and P. Zahler, 2006. Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia. World Bank.

etc. of non-native species (without evidence of or a presumption of illegal import) may escape liability.

Leading the way here, Malaysia, Tanzania and Guinea have all closed the gap by updating their national lists in the last five years, linking them to CITES Appendix I species. With the inclusion of non-natives in their protected species lists, those aspects of the trade chain that occur in the space between initial take, the international border and final consumption become recognised, thereby increasing the opportunity to use AML laws in the fight against IWT.

All Crimes Jurisdictions Key Conclusions

Although the all crimes approach offers the best opportunity to address IWT, even this approach will fail to 'follow the money' if the activity or species in trade is not recognised by criminal sanctions.

A principal task for all crimes countries is to ensure that wildlife trade in all its forms is adequately regulated.

Beyond poaching and foreign trade, elements to consider include illicit possession, transportation, sale and purchase (including offers to purchase), advertising (including online trade), processing and use.

Listing of wildlife at a domestic level is a powerful tool that should be maximised as appropriate to cover native as well as non-native endangered species.

Predicate Offence Jurisdictions

The FATF Standard

The FATF-recommended predicate offence type includes ‘all serious crimes.’³² This is also the definition used by the CEMAC Regulation on Anti-Money Laundering and Terrorism Financing, which contains a suggested list of 22 predicate crime types, among them arms trafficking, drugs trafficking, human trafficking, smuggling, organised crime and environmental crime.

Of the countries in this review, 26 are either

Compliance with this standard, however, is not universal, with some exceeding its parameters and several using a distinct approach that in some instances may be insufficient.

Of the 110 jurisdictions, 52 use the predicate offence approach, as shown in the map below.

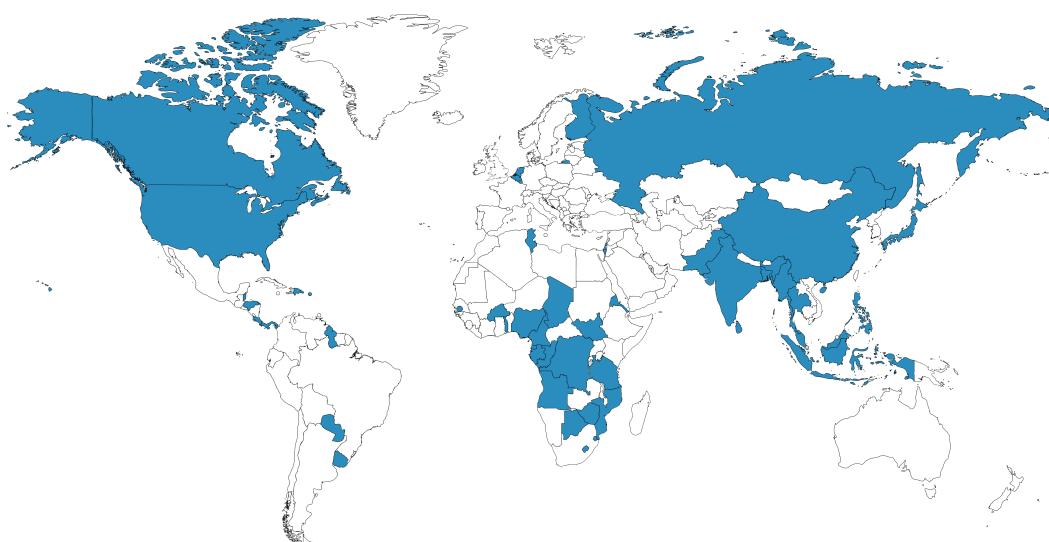
Predicate Approaches

In the context of this review, researchers identified a total of five predicate offence approaches being used by countries, categorised for purposes of this research as follows:³³

- **Exclusive list** – i.e. crime types that may serve as predicates are enumerated in a list, exclusive of all other non-listed crimes.

Anti-Money Laundering

Predicate Offence Approach Jurisdictions



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Angola	Canada	Eq. Guinea	Israel	Pakistan	Tanzania
Bahamas	Cape Verde	Eritrea	Japan	Panama	Thailand
Bangladesh	Congo	Finland	Lesotho	Paraguay	Togo
Belgium	Costa Rica	Gabon	Luxembourg	Philippines	Tunisia
Belize	Chad	Gambia	Malaysia	Puerto Rico	United States
Bermuda	China	Guyana	Mozambique	Russia	Uruguay
Botswana	Comoros	Honduras	Myanmar	South Sudan	Zimbabwe
Burkina Faso	Dominican Rep.	India	Netherlands	Sri Lanka	
Cameroon	DR Congo	Indonesia	Nigeria	Swaziland	

members of this convention or the FATF.

³² FATF Recommendation #3.

³³ If a country uses more than one of these predicate approaches, it appears in all applicable categories.

- **Non-exclusive list** – crime types are enumerated in a list, but at least one or more predicates are broad categories, referencing crimes listed in other laws.
- **Serious crimes** – predicates include only crimes that meet a minimum or maximum sentencing threshold, e.g. a minimum prison term of six months or a year.
- **Regulatory level** – predicate crimes can only be those listed in national legislation, as opposed to a lower-level regulation.
- **Except for** – predicates include all crimes, except for ones that have been specifically excluded.

Before discussing the results of this part of the review, it should be noted that none of the serious crime types listed by the FATF or the CEMAC Anti-Money Laundering Regulation are directly related to IWT.

Anti-Money Laundering					
Predicate Offences Types					
	Wildlife Crimes	Environmental Crimes	Organised Crime	Contraband and Smuggling	Fraud and Forgery
United States	■	■	■	■	■
Angola	■	■	■	■	■
Uruguay	■	■	■	■	■
Tanzania	■	■	■	■	■
India	■	■	■	■	■
Bangladesh	■	■	■	■	■
Burkina Faso	■	■	■	■	■
Cameroon	■	■	■	■	■
Congo	■	■	■	■	■
DR Congo	■	■	■	■	■
Chad	■	■	■	■	■
Equatorial Guinea	■	■	■	■	■
Gabon	■	■	■	■	■
Gambia	■	■	■	■	■
Nigeria	■	■	■	■	■
Mozambique	■	■	■	■	■
Belgium	■	■	■	■	■
Honduras	■	■	■	■	■
Myanmar	■	■	■	■	■
Sri Lanka	■	■	■	■	■
Pakistan	■	■	■	■	■
Indonesia	■	■	■	■	■
Togo	■	■	■	■	■
Panama	■	■	■	■	■
Japan	■	■	■	■	■
Israel	■	■	■	■	■
China	■	■	■	■	■
South Sudan	■	■	■	■	■
Costa Rica	■	■	■	■	■
Comoros	■	■	■	■	■
Dominican Republic	■	■	■	■	■
Paraguay	■	■	■	■	■
Puerto Rico	■	■	■	■	■
Thailand	■	■	■	■	■
Belize	■	■	■	■	■
Luxembourg	■	■	■	■	■
Swaziland	■	■	■	■	■
Tunisia	■	■	■	■	■
Philippines	■	■	■	■	■

Not surprisingly, this review found that only a handful of the 53 countries that use a predicate offence approach also explicitly reference wildlife crimes. These are:

- Angola
- India
- Tanzania
- United States
- Uruguay

Of these, four mention wildlife trade (Angola, India, United States and Uruguay) and two mention poaching (Angola and Tanzania).

Lists – Exclusive and Non-exclusive

Using a list is the most common approach among predicate offence countries. Of the 52 countries in this review that use a predicate approach, 39 have created either an exclusive or non-exclusive list. Exclusive lists recognise only those crime types listed. Non-exclusive lists include at least one predicate or statement that references other laws (e.g. serious crimes). The difference in the use of one or the other is the degree of clarity concerning which crime types serve as predicates. Neither approach is necessarily better than the other.

As previously mentioned, wildlife crimes are listed by only five jurisdictions – Angola, India, Tanzania, United States³⁴ and Uruguay. There are, however, indirectly related crimes that many of the predicate lists contain. In order of probable importance, these are:

- environmental crime;
- smuggling or contraband;
- organised crime activities; and
- fraud and forgery.

Environmental Crime

The most closely related with wildlife trafficking is the environmental-crime predicate. Neither the FATF nor the CEMAC Regulation defines the term or suggests what it should cover. This is left up to the individual jurisdictions. None of the countries reviewed that follow this approach, however, include a definition of environmental crime within their AML statute.

Only a few of the countries define the term in another law. These are Brazil, Mozambique and Paraguay, which have dedicated laws for environmental crimes, and include definitions that capture wildlife crimes to differing degrees.³⁵

Brazil's definition includes acts "[t]o kill, persecute, hunt, catch, use wildlife specimens ...

³⁴ Only recently has the United States amended its list of 250 AML predicate offences to include wildlife trafficking violations (through the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016, Section 502).

³⁵ There are a few others with dedicated environmental-crime laws not covered by this review; among them Venezuela, Nicaragua and Cuba.

without proper permission, license or authorization ...”³⁶ Trade is directly mentioned in a separate article, but limited to the export of hides and skins from reptiles and amphibians.³⁷ The degree to which the first provision covers other forms of trade is not obvious from the text.

Mozambique’s law does not make reference to wildlife trade directly, but instead considers “danger of damage to animals” an environmental crime.³⁸ Whether this includes trade would require an interpretation.

Paraguay is the only one of the three whose law specifically mentions illicit trade in wildlife.³⁹

Mongolia does not have an environmental-crime law and does not define environmental crime, *per se*, but includes a brief chapter in its criminal code on the topic. Wildlife offences are included, but only referred to as the “illegal destruction of animals”.⁴⁰ Again, it is not clear whether this could be interpreted beyond poaching to include purely trade-related activity. This review did not investigate court cases to ascertain whether Mongolian courts had clarified the scope of the provision.

For most jurisdictions, without a legal definition or governing case law, it remains an open question and there is reason for concern. Few jurisdictions identify environmental crime as a particular concept in their criminal code.⁴¹ Crimes that involve environmental elements are of course regulated, but this is not the same as a clear definition that links specific crimes to the category. As the examples of jurisdictions that do define environmental crime show, there is likely to be a variety of opinions and approaches, and not all of them will specifically regulate trade, or regulate it in its entirety.

Furthermore, many of the primary environmental protection laws do not cover wildlife trade. A relatively modern invention, environmental protection laws are often directed principally at more recent environmental concerns of conservation and pollution control, and designed to establish regulatory tools, such as environmental quality standards for air and water, and environmental impact assessments for investments or protected areas to restrict human activities in ecosystems with special value. As a general pattern, environmental crimes listed by these overarching environmental protection laws

are directed at violations of what the law contains, and not other issues.

Given this history, the question is whether IWT is currently understood as an environmental crime, even though it may logically seem to belong in this category. Weighing against its inclusion is that, in many countries, wildlife has a much longer regulatory history than environmental protection generally. As a consequence, it is almost universally the subject of separate legislation, similar to forestry and marine fisheries legislation, and not always regulated by the overarching environmental protection laws. Wildlife is sometimes only briefly mentioned, with a primary focus being the standards for the management of wildlife. Wildlife trade specifically is addressed in only a few.

As an example, of the 19 predicate offence countries that list ‘environmental crime’, only three also prohibit wildlife trade in their environmental-protection law.⁴² One other country that regulates wildlife trade in its environmental protection laws is Egypt (an all crimes country).

The predicate lists for Indonesia and Angola hint at the separateness of wildlife trade from the concept of environmental crime. Like many other jurisdictions, they too list environmental crime as one of the predicates. But Indonesia also lists illegal timber trade and marine fisheries crimes as independent predicates. Angola lists environmental crime *and* wildlife trade as separate predicates. In both jurisdictions, these resources – marine fisheries, timber and wildlife – are separately regulated outside of the environmental-protection law. Listing them separately suggests that ‘environmental crime’ as a concept is not necessarily an umbrella for wildlife trade. It is likely that this is the case for other jurisdictions as well, raising serious questions about whether IWT is in fact covered by the lists merely with the mention of ‘environmental crime’.

Other Indirect Crimes

The other indirectly related crime types – smuggling, organised crime, fraud and forgery – are less problematic for this analysis. To the extent any of these crimes involve trade in wildlife, then IWT is theoretically covered by the approach.

By the same token, however, any IWT crimes that do not involve these would of course not be included, unless they fit some other category, e.g. environmental crime. Relying on indirect crimes is, therefore, only a partial solution.

³⁶ Brazil, Lei Nº 9.605, De 12 De Fevereiro De 1998, Art. 29.

³⁷ *Ibid.*, Art. 30.

³⁸ Mozambique, *Lei Dos Crimes Contra O Ambiente*, Art. 1(1)(b), 1997.

³⁹ Paraguay, *Ley 716-96 Que Sanciona Delitos Contra el Medio Ambiente*, Art. 5(a) and Art. 6, 1996, as amended 2005.

⁴⁰ Mongolia, Criminal Code, Art. 24.9, 2015.

⁴¹ Mongolia is an example of a country that does this.

⁴² These include Equatorial Guinea, Honduras and Mozambique.

Serious-Crimes Approach

At least 20 countries use a serious-crimes approach, some in combination with an exclusive or non-exclusive list. There is, however, no consensus on what constitutes a serious crime across jurisdictions, with sentence thresholds ranging from six months to four years.

Examples are Angola, Guyana, and Mozambique (all use a six-month minimum sentence); Ethiopia, Myanmar requires a 12-month minimum sentence; Costa Rica excludes anything under a four-year minimum; and Cape Verde, in a departure from the observed pattern, uses a three-year maximum penalty.

Not only will the differing thresholds have an impact on which crimes serve as predicates, but there is also no consensus on which wildlife-related crimes meet similar thresholds. Two countries that have the same threshold (Angola and Guyana – six months) will not necessarily have the same wildlife crimes that meet that threshold. The number of laws and criminal provisions spread across the framework prevent a full assessment of the impact of this approach in the context of this review.

Regulatory Level Approach

A variant of the serious-crimes approach, this format considers only crimes that have also been defined in a national law. Five countries use this approach: Canada, Chad, Congo, Democratic Republic of Congo and Gabon, always in combination with a listing approach.

The primary risk with this approach is that it precludes any wildlife crimes embedded at the regulatory level. This is particularly relevant to IWT, as there are several countries that use regulations to manage their endangered species listing.

A good example of the dangers of this approach is illustrated by the Democratic Republic of Congo's CITES Implementing Regulation.⁴³ In this case, the legal instrument that transposes the text of the convention into the national system is at the regulatory level. The regulation includes the list of species covered by the Regulation (Arts. 4–5) and 18 different offences related to trade, use, possession and documentation (Arts. 40–44). The failure to recognise regulations as a predicate therefore excludes IWT in significant part.

Except for Approach

In two countries (Bermuda and Russia), the predicate approach is defined by what is excluded, as opposed to what is included. This approach seeks to avoid conflict with other existing legislation specific to that subject. For Bermuda, only drug-trafficking crimes are excluded. In Russia, the list of excluded crime types includes 1) non-return of foreign currencies; 2) evasion of customs payments (which may have implications for wildlife trade); and 3) tax evasion.

This particular approach does not present any of the issues discussed for the other formats, and would pose an issue only if wildlife-related laws were part of the excluded set. In the two examples found, this is not the case.

Predicate Offence Jurisdictions Key Conclusions

Predicate offence jurisdictions will also fail to 'follow the money' if the predicate list does not directly or indirectly recognise IWT.

Several jurisdictions have the opportunity to immediately recognise wildlife trade crimes by defining their environmental-crime predicate accordingly. For those that use serious crimes as their predicate approach, the task is to ensure that all appropriate forms of IWT meet their threshold.

⁴³ DRC's CITES Implementing Regulation 56/2000.

Glossary of Terms and Acronyms

All crimes approach – A statutory scheme whereby all conduct that constitutes an offence in the jurisdiction may serve as a component of a more serious criminal offence. *See* **Predicate offence**.

AML – Anti-money laundering

CEMAC – Communauté Économique et Monétaire de l'Afrique Centrale (Central African Economic and Monetary Community)

Dual criminality – A crime punished in both the country where a suspect is being held and a country asking for the suspect to be handed over or transferred to stand trial. Also known as double criminality.

FATF – Financial Action Task Force, an inter-governmental body whose purpose is the development and promotion of policies, both at national and international levels, to combat money laundering and terrorist financing.

Felony – A category of crimes that are often classified as the most serious types of offences, and may be either violent or non-violent. They also typically carry a potential prison sentence of one year or more.

IWT – Illegal/illicit wildlife trade

Mens rea – Latin term referring to criminal intent. The literal translation is 'guilty mind'. Establishing the *mens rea* of an offender is usually necessary to prove guilt in a criminal trial. The prosecution typically must prove beyond a reasonable doubt that the defendant committed the offence with a culpable state of mind.

Misdemeanour – A crime punishable by less than 12 months in jail. Community service, probation, fines and imprisonment for less than a year are commonly issued punishments for misdemeanours.

Predicate offence – A crime that is a component of a more serious criminal offence. For example, producing unlawful funds is the main offence and money laundering is the predicate offence. Generally, the term is used in reference to underlying money laundering and/or terrorist finance activity.

Serious crime – Any crime, a necessary element of which – as determined by the statutory or common-law definition of such crime in the jurisdiction where the crime occurred – is that it incurs incarceration of at least four years.

Annex

Country Legal Review

ALL CRIMES Approach PREDICATE OFFENCE Approach	A	Legal Reference		General Conditions							Predicate Offenses							
	P			Liability			Mens Rea			Extra-territorial	Direct			Indirect				
				Individuals	Legal Persons	Accomplices	Specific Intent	General Intent	Recklessness		Negligence	Serious Crimes	Wildlife Trade	Poaching	Env. Crime	Fraud & Forgery	Contraband	Organised Crime
Afghanistan	A	Anti-Money Laundering and Proceeds of Crime Law, 2004	Art. 1; Art. 3; Art. 4; Art. 47	■	■	■		■		■							Afghanistan	
Albania	A	Law the Prevention of Money Laundering, 2000	Art. 2	■	■	■	■	■		■							Albania	
Algeria	A	Law on the Prevention and the Fight against Money Laundering and the Financing of Terrorism, 2005	Art. 2	■	■	■	■										Algeria	
Angola	P	Law on Combatting Money Laundering and Terrorism Financing, 2011; Law Criminalizing Infractions related to Money Laundering, 2014	Art. 2; Art. 44; Art. 60 (AML law) and Art. 3; Art. 5; Art. 8; Art. 33 (Infractions Law)	■	■	■	■			■		■	■	■	■	■	Angola	
Argentina	A	Criminal Code Amendment (Money Laundering and others), 2000	Art. 2 - amending Art. 277; Art. 3 - amending Art. 278; Art. 23;	■	■	■		■	■	■						■	Argentina	
Armenia	A	Criminal Code (CC); Anti Money-Laundering Law, 2008	Art. 190 (Criminal Code);	■			■										Armenia	
Australia	A	Criminal Code; Anti-Money Laundering and Counter-Terrorism Financing Act, 2006	CC Division 400; AML Sect. 5; Sect. 62	■	■	■	■		■	■	■						Australia	
Bahamas	P	Proceeds of Crime Act, 2018	Art. 2; Art. 8-10; Schedule I	■	■	■	■			■	■		■				Bahamas	
Bangladesh	P	Anti Money Laundering Law, 2012 (and 2015 Amendment)	Art. 2; Art. 4;	■	■	■	■				■		■	■	■	■	Bangladesh	
Belgium	P	Anti-Money Laundering Act, 2017	Art. 2; Art. 4(23);	■	■	■	■			■	■			■		■	Belgium	
Belize	P	Money Laundry (Prevention) Act, 2003	Art. 2; Art. 3; Art. 4; Art. 5; First Schedule ; Second Schedule	■	■	■	■			■	■			■			Belize	
Benin	A	Law on the Fight Against Money Laundering, 2006	Art. 1(2); Art. 1(10); Art. 1(15); Art. 2; Art. 3; Art. 5	■	■	■	■				■						Benin	
Bermuda	P	Proceeds of Crime Act 1997; Proceeds of Crime (Anti-Money Laundering and Anti-Terrorism Financing Supervision and Enforcement) Act 2008	PC 1997 - Art. 3; PC AML 2008 - Art. 2; Art. 43;	■			■	■			■						Bermuda	
Bosnia and Herzegovina	A	Law on the Prevention of Money Laundry, 2004	Art. 2; Art. 3; Art. 39; Art. 40;	■	■	■	■				■						Bosnia and Herzegovina	
Botswana	P	Proceeds of Serious Crime Act, 1990	Art. 2; Art. 14	■	■	■	■				■	■					Botswana	
Brazil	A	Anti Money Laundering Law, 2012	Art. 1;	■				■			■						Brazil	
Burkina Faso	P	Law on Money Laundering and Anti Terrorism Financing, 2006	Art. 1(4); Art. 1(15); Art. 1(32);(33); Art. 3; Art. 7	■	■	■		■		■	■			■	■	■	Burkina Faso	
Cambodia	A	Law on Anti-Money Laundering and Combating the Financing of Terrorism, 2017	Art. 3(a), (b); Art. 4;	■			■				■						Cambodia	
Cameroon	P	Regulation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, 2016	Art. 1(19); Art. 3; Art. 4; Art. 6-8	■	■	■	■				■			■	■	■	Cameroon	
Canada	P	Proceeds of Crime (Money Laundering) and Terrorist Financing Act, 2000 and amendments; and the Criminal Code	CC Art. 462.31(1); AML Art. 1;	■	■	■	■				■						Canada	
Cape Verde	P	Anti Money Laundering Law, 2009	Art. 2(b), (f), Art. 24; Art. 25-27	■	■	■				■	■	■					Cape Verde	
Chad	P	Regulation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, 2016	Art. 1(19); Art. 3; Art. 4; Art. 6-8	■	■	■	■				■			■	■	■	Chad	
Chile	A	Establishing the Financial Analysis Unit and Amendment of Several Provisions of Money Laundering, 2015; Criminal Code	AML - Art. 3; Art. 4; Art. 24; Art. 27; Art. 38;	■	■	■	■				■					■	Chile	

ALL CRIMES Approach PREDICATE OFFENCE Approach	A			General Conditions							Predicate Offenses							
	P			Liability		Mens Rea			Extra-territorial	Direct			Indirect					
			Individuals	Legal Persons	Accomplices	Specific Intent	General Intent	Recklessness		Negligence	Serious Crimes	Wildlife Trade	Poaching	Env. Crime	Fraud & Forgery	Contraband Organised Crime		
	Legal Reference																	
		Law	Article(s)															
China	P	Anti-Money Laundering Law, 2006	Art. 1; Art. 2; Arts. 30-33	■	■		■								■	■	China	
Comoros	P	Anti-Money Laundering and Terrorism Financing Law, 2012	Art. 1(1), (7); Art 2(1); Art 3; Art. 43; Art. 50; Art. 53;	■	■	■	■			■	■						■	Comoros
Congo	P	Regulation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, 2016	Art. 1(19); Art. 3; Art. 4; Art. 6-8	■	■	■	■				■				■	■	■	Congo
Costa Rica	P	Law on Narcotics, Psychotropic Substances, Drugs of Unauthorized Use, Related Activities, Money Laundering and Terrorist Financing, 1998	Art. 15; Art. 15 bis; Art 68; Art. 69; Art. 77(g); CC Art. 279(1)-(7); AML Law Art. 9 a;	■	■	■	■				■	■						Costa Rica
Croatia	A	The Law on Prevention of Money Laundering, 2017; and Criminal Code	CC Art. 279(1)-(7); AML Law Art. 9 a;	■	■	■	■				■							Croatia
Cyprus	A	Prevention and Suppression of Terrorism and Money Laundering Law, 2007	Art. 2; Art. 4; Art. 5;	■	■	■	■			■	■							Cyprus
Denmark	A	Act on Measures to Prevent Money Laundering and Financing of Terrorism, 2017		■		■	■											Denmark
Djibouti	A	Law on Money Laundering, Confiscation and International Cooperation in the Prosecution of Crime, 2002	Art. 1-1-1; Art. 1-1-2; Art. 4-2-1; Art. 4-2-2; Art. 4-2-3	■	■	■	■			■	■							Djibouti
Dominican Republic	P	Law against Money Laundering, 2017	Art. 3; Art. F10	■		■	■					■					■	Dominican Republic
DR Congo	P	Regulation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, 2016	Art. 1(19); Art. 3; Art. 4; Art. 6-8	■	■	■	■				■				■	■	■	DR Congo
Ecuador	A	Law to Repress Money Laundering, 2016	Art. 1; Art. 2; Art. 3; Art. 5;	■	■	■												Ecuador
Egypt	A	Anti-Money Laundering Law, 2012	Art. 1(b){d); Art. 2	■			■				■				■	■	■	Egypt
El Salvador	A	Law against Money Laundering	Art. 2; Art. 4; Art. 5; Art. 6; Art. 9a	■	■	■	■				■					■	■	El Salvador
Equatorial Guinea	P	Regulation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, 2016	Art. 1(19); Art. 3; Art. 4; Art. 6-8	■	■	■	■				■				■	■	■	Equatorial Guinea
Eritrea	P	The Anti-Money Laundering and Combating Financing of Terrorism Proclamation, 2014	Art. 2(14), (24); Art. 4; Art. 31;	■	■	■						■						Eritrea
Estonia	A	Money Laundering and Terrorism Financing Prevention Act, 2007	Art. 3; Art. 4;	■		■	■				■							Estonia
Ethiopia	A	Proclamation on Prevention and Supression of Money Laundering an Financing of Terrorism, 2013	Art. 2(1), (3), (4), (10), (31); Art. 29; Art. 33.	■	■	■	■			■	■							Ethiopia
Finland	P	Act on Preventing and Clearing Money Laundering and Terrorist Financing, 2017; Criminal Code	AML Art. 2; Art. 3 CC Chapter 32, Sect. 1-14	■	■	■	■			■	■	■						Finland
Gabon	P	Regulation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, 2016	Art. 1(19); Art. 3; Art. 4; Art. 6-8	■	■	■	■				■				■	■	■	Gabon
Gambia	P	Anti-Money Laundering and Combating of Terrorism Financing Act, 2012	Art. 2; Art. 22; Art. 65; Schedule 1; Schedule 2	■	■	■	■				■				■	■	■	Gambia
Ghana	A	Anti-Money Laundering Act, 2008	Sect. 1; Sect 2; Sect. 51;	■		■		■		■	■	■						Ghana
Guatemala	A	Law against Money Laundering and other Assets, 2001	Art. 2; Art. 4, Art. 5;	■	■	■	■											Guatemala
Guinea	A	Law relating to the Fight against Money Laundering, 2006	Art. 1; Art. 2; Art. 3; Art. 4.	■	■	■	■			■	■							Guinea
Guinea-Bissau	A	Uniform UEMOA Law No. Combatting Money Laundering, 2003	Art. 1; Art. 2; Art. 3; Art. 4.	■		■	■				■				■	■	■	Guinea Bissau
Guyana	P	The Anti-money Laundering and Countering the Financing of Terrorism Act 2009; 2015 and 2017 amendments	Sect 2; Sect 3;	■	■	■	■				■	■						Guyana
Honduras	P	Anti-Money Laundering Law, 2014	Art. 36; Art. 37; Art. 38	■	■	■		■			■				■		■	Honduras
Hungary	A	Anti-Money Laundering and Anti-Terrorism Financing Law, 2007; Criminal Code	AML Sect 1 CC Sect 399	■	■	■	■					■						Hungary
India	P	The Prevention of Money Laundering Act, 2003	Art. 2; Art. 3;	■	■	■		■					■					India
Indonesia	P	Law on Prevention and Eradication of Criminal Money Laundering, 2010	Art. 1(1), (9); Art. 2; Art. 3; Art. 4; Art. 5; Art. 6; Art. 7; Art. 17	■	■	■	■			■	■	■			■	■		Indonesia
Ireland	A	Criminal Justice (Money Laundering and Terrorist Financing) Act 2018	Art. 7; Art. 8; Art. 11;	■		■	■		■		■							Ireland
Israel	P	Prohibition on Money Laundering Law, 2000	Art. 2; Art. 3	■		■	■				■					■	■	Israel
Italy	A	Anti Money Laundering Law, 2017	Art. 2	■		■	■				■							Italy

ALL CRIMES Approach PREDICATE OFFENCE Approach		A	P	General Conditions										Predicate Offenses					
				Liability			Mens Rea			Extra-territorial	Direct			Indirect					
				Individuals	Legal Persons	Accomplices	Specific Intent	General Intent	Recklessness		Negligence	Serious Crimes	Wildlife Trade	Poaching	Env. Crime	Fraud & Forgery	Contraband	Organised Crime	
																			Law
Ivory Coast	A	Law on the Fight Against Money Laundering, 2005	Art. 2; Art. 3; Art. 4; Art. 5;	■	■	■			■									Ivory Coast	
Japan	P	Act on Punishment of Organized Crimes and Control of Crime Proceeds; Anti-Money Laundering Law, 1999	Art. 2; Art. 3; Art. 6; Art. 10; Art. 11; Art. 17 AML Law Art. 1(1)	■	■	■	■			■					■		■	Japan	
Kenya	A	Proceeds of Crime and Anti-Money Laundering Act, 2009	Sect. 2; Sect. 3; Sect. 4.	■	■	■		■		■	■							Kenya	
Kyrgyzstan	A	Criminal Code; Law on Anti-Money Laundering and Anti Terrorist Financing, 2006	AML (Art. 2; Art. 3); CC (Art. 183; Art. 265)	■				■							■			Kyrgyzstan	
Laos	A	Law Anti-Money Laundering and Counter Financing of Terrorism, 2015	Art. 2; Art. 6; Art. 8(1)	■	■	■	■				■	■			■	■	■	■	Laos
Latvia	A	Law on the Prevention of Laundering the Proceeds of Criminal Activity (Money Laundering) and Terrorist Financing, 2018	Sect. 1; Sect. 3; Sect. 4;	■	■	■	■				■							Latvia	
Lesotho	P	Money Laundering And Proceeds of Crime Act 2008	Art. 2; Art. 25, Art. 26; Schedule 1	■	■	■	■				■	■	■					Lesotho	
Liberia	A	Anti-Money Laundering and Terrorist Financing Act, 2012	§15.1; §15.2; §15.3	■	■	■	■				■				■	■	■	■	Liberia
Luxembourg	P	Anti-Money Laundering Law, 2004; Criminal Code (AML Amendment)	CC Art. 32-1; Art. 135; Art. 136-1; Art. 322; Art. 368-370, and 379; Art. 496-1 to 496-4; Art. 506-1	■	■	■	■				■					■		Luxembourg	
Malawi	A	Money Laundering Proceeds of Serious Crime and Terrorist Financial Act, 2017	Sect 2; Sect 35;	■	■	■	■				■							Malawi	
Malaysia	P	Anti-Money Laundering, Anti-Terrorism Financing Law, 2001	Art. 2-4	■		■	■				■	■	■					Malaysia	
Mali	A	Law relating to the Fight against Money Laundering, 2016	Art. 16	■	■	■	■				■	■			■	■	■	■	Mali
Malta	A	Prevention of Money Laundering Act, 1994	Art. 2; Art. 3	■	■	■	■				■							Malta	
Mauritania	A	Anti-Money Laundering and Terrorist Financing Law, 2005; plus 2016 amendment	Art. 1; Art. 2; Art. 5; Art. 6; Art. 70	■	■	■	■				■							Mauritania	
Mauritius	A	Financial Intelligence and Anti-Money Laundering Act, 2002	Art. 3-8	■	■	■		■										Mauritius	
Mexico	A	Anti-Money Laundering Law, 2012 ; Criminal Code	Art. 4 (AML) and Art. 400; 400 Bis (CC)	■		■	■				■							Mexico	
Mongolia	A	State Law Combatting the Financing of Money Laundering and Terrorism, 2013	Art. 3; Art. 4; Art. 23	■				■	■									Mongolia	
Morocco	A	Anti-Money Laundering Law, 2007	Art. 574-1; Art. 574-2(4)	■	■		■								■	■	■	■	Morocco
Mozambique	P	Anti-Money Laundering Law, 2013	Art. 4; Art. 7; Art. 74; Art. 75	■	■	■	■				■	■	■		■	■	■	■	Mozambique
Myanmar	P	The Anti-Money Laundering Law, 2014	Sect. 3; Sect 5; Sect 43; Sect 60	■	■	■	■					■			■			■	Myanmar
Netherlands	P	Anti-Money Laundering and Terrorism Financing Law, 2008; Criminal Code	CC Sect 4(2); Sect. 5; Sect 420 Bis	■		■	■				■	■						Netherlands	
Nigeria	P	Anti-Money Laundering Act, 2011; 2012 Amendment	AML Amendment Sect 15	■	■	■	■				■	■			■	■	■	■	Nigeria
Norway	A	Act relating to Measures to Combat Money Laundering, 2013		■		■	■				■							Norway	
Oman	A	Law on Combating Money Laundering and Terrorism Financing, 2016	Art. 1; Art. 6; Art. 7; Art. 10	■	■	■	■				■	■						Oman	
Pakistan	P	Anti-Money Laundering Act, 2010	Art. 2; Art. 3	■	■	■	■				■	■			■	■	■	Pakistan	
Panama	P	Law which adopts Measures to Prevent Money-Laundering, 2005; Crimanal Code	CC Art. 250	■		■	■								■	■		Panama	
Paraguay	P	Anti Money Laundering Law, 1996 and 2009 Amendment	Art. 2;	■	■	■	■					■						■	Paraguay
Philippines	P	Anti-Money Laundering Act of 2001;	Sect 3; Sect. 4	■		■		■			■					■		Philippines	

ALL CRIMES Approach	A	Legal Reference	General Conditions							Predicate Offenses							
	P		Liability			Mens Rea			Extra-territorial	Direct			Indirect				
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		Law	Article(s)														
Puerto Rico	P	Organized Crime and Money Laundering Law (Consolidated 1992)	Art. 2; Art. 3;	■			■	■						■			Puerto Rico
Russia	P	Anti-Money Laundering Law, 2001 and amendments															Russia
Rwanda	A	Law on Prevention and Penalising the Crime of Money Laundering and Financing Terrorism, 2008	Art. 2; Art. 49; Art. 50; Art. 51	■	■	■	■			■				■			Rwanda
Saudi Arabia	A	Anti-Money Laundering Law, 2012	Art. 1; Art. 3; Art. 4	■	■	■	■			■							Saudi Arabia
Senegal	A	Anti-Money Laundering Law, 2004	Art. 2; Art. 3; Art. 39; Art. 42	■	■	■	■			■				■			Senegal
Seychelles	A	Anti-Money Laundering Act, 2006-2015; July 2017 Amendment; Sept 2017	Art. 2; Art. 3;	■	■	■		■	■	■	■						Seychelles
Sierra Leone	A	The Anti-Money Laundering and Combatting of Financing of Terrorism Act, 2012	Art. 1; Art. 15;	■	■	■	■										Sierra Leone
Somalia	A	Anti-Money Laundering and Countering the Financing of Terrorism Act, 2015	Art. 1; Art. 27; Art. 28	■	■	■	■			■	■						Somalia
South Africa	A	Financial Intelligence Centre Act, 2001	Art 1	■	■	■	■			■	■						South Africa
South Sudan	P	Anti-Money Laundering and Counter Terrorist Act, 2012	Sect 5; Sect 14;	■	■	■	■			■				■	■		South Sudan
Spain	A	Law on Prevention of Money Laundering and Financing of Terrorism, 2010	Art. 1;	■		■	■			■							Spain
Sri Lanka	P	Prevention of Money Laundering Act, 2006	Art. 2; Art. 3; Art. 35	■		■	■			■	■	■		■		■	Sri Lanka
Sudan	A	Money Laundering and Finance of Terrorism (Combating) Act, 2014	Sect. 1; Sect. 35;	■	■	■	■			■							Sudan
Swaziland	P	The Money Laundering (Prevention) Act, 2001	Art. 2; Art. 3; Art. 4; Art. 5; Art. 6; Art. 9	■	■	■		■		■				■			Swaziland
Sweden	A	The Money Laundering and Terrorist Financing (Prevention) Act, 2017	Sect. 6;														Sweden
Tanzania	P	The Anti-Money Laundering Act, 2006; and 2012 Amendment	Sect 3; Sect 12-14	■	■	■	■			■	■		■	■		■	Tanzania
Thailand	P	Anti-Money Laundering Act, 2015	Sect 3; Sect. 5 2015 Amendment 0 Sect 10;	■	■	■	■			■				■	■		Thailand
Togo	P	Anti-Money Laundering and Terrorist Financing Law, 2018	Art. 1(16); Art. 3; Art. 4; Art. 7;	■	■	■	■			■				■	■	■	Togo
Tunisia	P	Organic Law on the Fight against Terrorism and Preventing Money Laundering, 2015	Art. 92	■	■	■	■			■	■				■		Tunisia
Uganda	A	The Anti-Money Laundering Act, 2013; and the 2017 Amendment	Sect. 1; Sect. 2; Sect. 3; Sect. 4; Sect. 5; Sect 116	■	■	■	■			■							Uganda
United Kingdom	A	Proceeds of Crime Act 2002, as amended 2015	Art. 327-329; Art. 340	■	■	■		■		■							United Kingdom
United States	P	Money Laundering Suppression Act (1994)		■	■	■	■			■		■				■	United States
Uruguay	P	Control and Prevention of Money Laundering and Terrorism Financing, 2017	Art. 30; Art. 31; Art. 32; Art. 33; Art. 34;	■	■	■		■				■		■	■	■	Uruguay
Uzbekistan	A	Law on Anti-Money Laundering and Combating the Financing of Terrorism, 2004;		■													Uzbekistan
Vietnam	A	Law on Prevention of Money Laundering, 2012	Art. 4;	■	■	■		■									Vietnam
Zambia	A	The Prohibition and Prevention of Money Laundering Act, 2001 and 2010 Amendment	Sect 2; Sect. 7; Sect 8; Sect 9;	■	■	■		■									Zambia
Zimbabwe	P	Money Laundering and Proceeds of Crime Act, 2013	Sect 2; Sect 8;	■	■	■	■			■	■						Zimbabwe



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