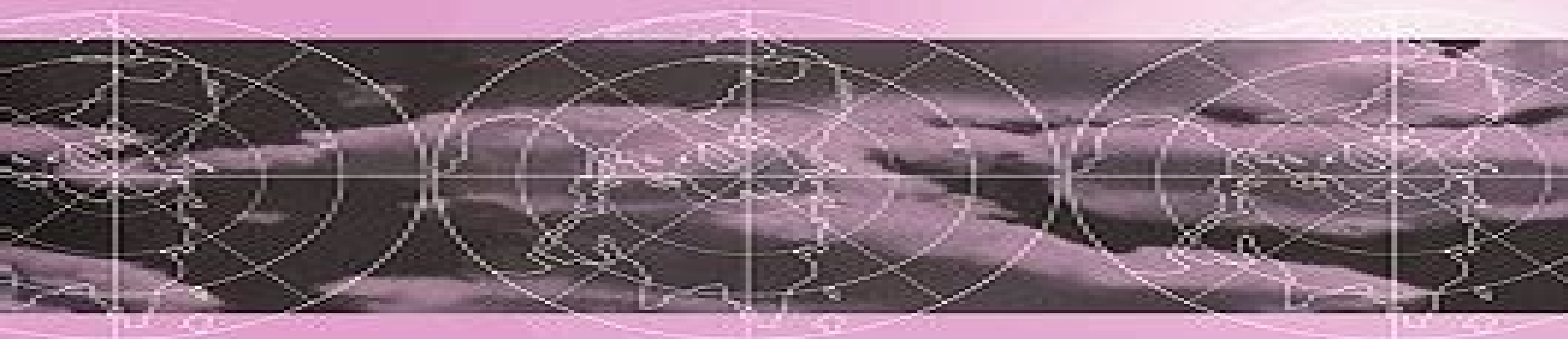




CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW

Money Laundering

A New International Law Enforcement Model



GUY STESSENS

Money Laundering A New International Law Enforcement Model

**Petrus C. van Duyne, Jackie H.
Harvey, Liliya Y. Gelemerova**



Money Laundering A New International Law Enforcement Model:

Money Laundering Guy Stessens, 2000-08-31 This book gives a broad analysis of the legal issues raised by the international fight against money laundering. It offers an extensive comparative research of the criminal and preventive law aspects from an international perspective. Stessens portrays money laundering as a new criminal trend threatening both national and international societies which must be addressed multilaterally through banking practice, international conventions and human rights. Most of this volume is devoted to specific legal problems that spring from the international nature of the money laundering phenomenon. It contains a most detailed overview on the rules and practices of international co-operation in the fight against money laundering. The publication gives a thorough examination of the exchange of information, lifting banking secrecy and seizing and confiscating assets as well as the jurisdictional questions that inevitably arise in this context. The result is a rich and detailed study of international and comparative law. *Rethinking Money Laundering & Financing of Terrorism in International Law* Roberto Durrieu, 2013-05-16 In *Rethinking Money Laundering & Financing of Terrorism in International Law Towards a New Global Legal Order* Roberto Durrieu provides a broad and original analysis of the phenomenon of money laundering through a thorough examination of the financing of terrorism. The necessity of excluding the financing of terrorism from the legal definition of money laundering is clearly illustrated through extensive original and comparative research. In addition, the book advocates the recognition of money laundering as an international crime *strictu sensu* that can be tried by a special international tribunal. The hidden, mutable, complex and global nature of the crime must be addressed multilaterally through a new integrated and more effective global legal order which is consistent and compatible with civil guarantees and human rights principles. Part I studies the main extra-legal and legal aspects of money laundering by analyzing the meaning, causes and effects of this phenomenon and their link with the financing of terrorism, with special attention to the interconnection between the so-called preventive regulatory AML/CFT system and the punitive approach. Part II provides a global comparative analysis to determine whether or not the adoption of money laundering offences is consistent with sound principles of criminal law and criminal procedure. Finally, Part III examines the jurisdictional problems with respect to extra-territorial and large-scale money laundering cases. The book offers nuanced and thought-provoking answers to questions regarding the prohibition of money laundering, the financing of terrorism and the relationship between them, the current state of associated International Law, the need for future action and the human rights consequences of these crimes. *Ownership of Proceeds of Corruption in International Law* Kolawole Olaniyan, 2023-11-06 Recovery of proceeds deriving from corruption is now increasingly recognized as a principle of contemporary international law. However, people's sovereign and ownership rights over their wealth and natural resources have remained more theoretical than real, especially in the global fight against corruption. As a result, the populations of victim states often cannot hold their governments accountable for misusing proceeds of corruption and do not benefit from

the recovery repatriation management and use of returned proceeds In the first comprehensive study on the issue Kolawole Olaniyan challenges the conventional notion that sovereign and ownership rights over wealth and natural resources and by extension the proceeds of corruption should be exclusively exercised by states Olaniyan's Ownership of Proceeds of Corruption in International Law examines the relationship between the right to wealth and natural resources proceeds of corruption and economic activities Focusing on victims of corruption the book argues that victim states populations ought to be empowered to pursue grand corruption and asset recovery actions against their governments It proposes theoretical and legal remedies for recovering proceeds of corruption encouraging the development of domestic laws

Suppressing Terrorist Financing and Money Laundering Jae-myong Koh, 2006-07-25 When watching the collapse of the Twin Towers on CNN 11 September 2001 the international community was awakened to the urgent needs of open discussion to identify the emerging threat and the way to cope with it Given the unprecedented heinous nature of the incident the moves that the international community made were quick and included countermeasures in various dimensions One of the major countermeasures highlighted as a result was to target the financial infrastructure of terrorist organisations In this campaign diverse organisations have participated including the Security Council Financial Action Task Force FATF IMF World Bank etc At the same time various methodologies have also been introduced at both the international and national level Such a consensus and mobilisation of sources to one end in the international community may be considered phenomenal in the history of public international law and without doubt merits an in depth analysis for both academic and practical purposes In this context this book examines the evolution and implementation of international standards on countering the financing of terrorism There are two dimensions to be taken into account to understand the structure of this book The first is concerned with a sequential perspective Given that 9 11 has provided a critical momentum in this area chapter 2 deals with the international position prior to 9 11 whereas chapters 3 4 and 5 analyse development following 9 11 The second is related to a hard law and soft law perspective

The Critical Handbook of Money Laundering Petrus C. van Duyne, Jackie H. Harvey, Liliya Y. Gelemerova, 2018-12-30 The overarching aim of this book is to bring order to the subjects of money laundering and of the anti money laundering frameworks that have been written over the past thirty years It provides scholars practitioners and policy makers with a guide to what is known of the subject thus far The book examines critically the underlying assumptions of research and of policy making in the field and offers a systematic review of the most important policy and academic literature on the subject

The Fight against Money Laundering , International Anti-Money Laundering and Soft Law Emmanuel Ebikake, 2023-11-16 Adopting a mixed methods approach this book assesses the role of soft law as a technique to repress and prevent money laundering The consequence of the combination of a non traditional subject matter with the limitations of traditional international law instruments has meant that lawmakers seeking international solutions to the problems of money laundering have had to innovate This book addresses two fundamental

issues in the context of existing international and domestic responses to the problem of money laundering that have hitherto been neglected These include the nature of the treaty obligations to criminalise money laundering and the role of soft law as a technique to regulate it globally The book concludes that international legal harmonisation and approximation of domestic anti money laundering law through soft law remains helpful in addressing this pressing problem The book will be of interest to academics researchers and policy makers working in the areas of Financial Crime Anti Money Laundering Law Regulation International Soft Law and Comparative Law

The Chinese Way Bhabani Shankar Nayak,2023-10-19 This volume seeks to develop new narratives on China's alternative policy and challenges policy makers on gender regional income and wage inequalities among rural migrant workers in China The book also looks at China's social environmental economic and governance policies aimed at implementing a sustainable financial and corporate system for a prosperous society The argument that China follows capitalism or socialism with Chinese characteristics emanates from the Eurocentric ideological narratives based on varieties of capitalism and national socialism This book attempts to move away from the duality of ideological criticism and dichotomous defence of China based on the ideological prisms of capitalism or socialism It rejects the flawed analysis of both sides of the ideological divide For all its limitations within the world capitalist system China's achievements can't be undermined The attempt to undermine Chinese achievements is a process and a strategy to delegitimise the Chinese state the Communist Party of China the Chinese success story and to hide the available alternatives from the experience of The Chinese Way The book will be a great read to students researchers and scholars of Chinese studies political economy development studies and those interested in China's economic and public policies in general

An Introduction to Transnational Criminal Law Neil Boister,2018-04-19 National borders are permeable to all types of illicit action and contraband goods whether it is trafficking humans body parts digital information drugs weapons or money Whilst criminals exist in a borderless world where territorial boundaries allow them to manipulate different markets in illicit goods the authorities who pursue them can remain constrained inside their own jurisdictions In a new edition of his ground breaking work Boister examines how states must cooperate to tackle some of the greatest security threats in this century so far analyses to what extent vested interests have determined the course of global policy and law enforcement and illustrates how responding to transnational crime itself becomes a form of international relations which reorders global political power and becomes at least in part an end in itself Arguing that transnational criminal law is currently geared towards suppressing criminal activity but is not as committed to ensuring justice Boister suggests that it might be more strongly influenced by individual moral panics and a desire for criminal retribution than an interest in ensuring a proportional response to offences protection of human rights and the preservation of the rule of law

Chasing Dirty Money: The Fight Against Money Laundering Peter Reuter,2005 Originally developed to reduce drug trafficking efforts to combat money laundering have broadened over the years to address other crimes and most recently terrorism In this study the authors look at the scale and

characteristics of money laundering describe and assess the current anti money laundering regime and make proposals for its improvement Back cover

Extraterritoriality in East Asia Ireland-Piper, Danielle,2021-07-31 Extraterritoriality in East Asia examines the approaches of China Japan and South Korea to exercising legal authority over crimes committed outside their borders known as extraterritorial jurisdiction It considers themes of justiciability and approaches to international law as well as relevant examples of legislation and judicial decision making to offer a deeper understanding of the topic from the perspective of this legally politically and economically significant region

State Responsibility for Breaches of Investment Contracts Jean Ho,2018-10-25 There is a wealth of material that shapes the law of State responsibility for breaches of investment contracts First impressions of an unsettled or uncertain law have thus far gone unchallenged But unchallenged first impressions point to the need for a detailed study that investigates and analyses the sources the content the characteristics and the evolution of this law The argument at the heart of this monograph is that the law of state responsibility for breaches of investment contracts has carved a unique and distinct trajectory from the traditional route for the creation of international law developing principally from arbitral awards and mimicking to a considerable extent the general international law on the protection of aliens and alien property This book unveils the remarkable journey of the law of state responsibility for breaches of investment contracts from its origins to its formation to its arrival at the cusp of maturity

Civil Liability in Europe for Terrorism-Related Risk Lucas Bergkamp,Michael Faure,Monika Hinteregger,Niels Philipsen,2015-11-12 Comprehensive and forward looking analysis of civil liability for terrorism related risk under international EU and selected national tort laws

State Fragility Around the World Laurie A. Gould,Matthew Pate,2016-02-24 Failed and fragile states often govern through the criminalization of otherwise inconsequential or tolerated acts These weak states also frequently use kidnapping murder and other violent or oppressive tactics to maintain order and stay in power State Fragility Around the World Fractured Justice and Fierce Reprisal analyzes the path to state f

The European Union and Internal Security V. Mitsilegas,J. Monar,W. Rees,2003-03-03 In the post Cold war period new security threats have arisen in Western Europe Amongst these organized crime and illegal immigration are acknowledged to represent significant security challenges The European Union and Internal Security analyses the nature of these challenges and investigates how the EU has been evolving to counter them Written by experts in the fields of political science and law this book addresses a hitherto neglected area of study

The League of Nations and the Protection of the Environment Omer Aloni,2021-05-13 In the history of how the law has dealt with environmental issues over the last century or so the 1920s and 30s and the key role of the League of Nations in particular remain underexplored by scholars By delving into the League s archives Omer Aloni uncovers the story of how the interwar world expressed similar concerns to those of our own time in relation to nature environmental challenges and human development and reveals a missing link in understanding the roots of our ecological crisis Charting the environmental regime of the League he sheds new light on its role as a centre of

surprising environmental dilemmas initiatives and solutions Through a number of fascinating case studies the hidden interests perceptions motivations hopes agendas and concerns of the League are revealed for the first time Combining legal thought historical archival research and environmental studies a fascinating period in legal environmental history is brought to life

Legal Principles in WTO Disputes Andrew D. Mitchell, 2008-12-11 Principles play a crucial role in any dispute settlement system and the World Trade Organization WTO is no exception However WTO Panels and the Appellate Body have been too timid in using principles sometimes avoiding their use when appropriate and at other times using them without fully acknowledging that they are doing so Perhaps more worryingly these bodies often fail to delve deeply enough into principles They tend to overlook key questions such as the legal basis for using a given principle whether the principle is being used in an interpretative manner or as applicable law and the meaning of the principle in public international law This book establishes a framework for addressing these questions The use of such a framework should allay fears and misconceptions about the use of principles and ensure that they are used in a justifiable manner improving the quality of dispute settlement in the WTO

Substantive Protection under Investment Treaties Jonathan Bonnitcha, 2014-08-14 Substantive Protection under Investment Treaties provides the first systematic analysis of the consequences of the substantive protections that investment treaties provide to foreign investors It proposes a new framework for identifying and evaluating the costs and benefits of differing levels of investment treaty protection and uses this framework to evaluate the levels of protection for foreign investors implied by different interpretations of the fair and equitable treatment and indirect expropriation provisions of investment treaties The author examines the arguments and assumptions of both supporters and critics of investment treaties seeks to test whether they are coherent and borne out by evidence and concludes that the economic justifications for investment treaty protections are much weaker than is generally assumed As such the economic objectives of investment treaties are not necessarily in tension with other non economic objectives These findings have important implications for the drafting and interpretation of investment treaties

Proportionality and Deference in Investor-State Arbitration Caroline Henckels, 2015-10-15 Caroline Henckels examines how investment tribunals should balance competing state and investor interests in determining state liability in regulatory disputes

Reparations and Victim Support in the International Criminal Court Conor McCarthy, 2012-04-12 Explores the ICC s regime of victim redress including both its reparations regime and the work of the ICC Trust Fund

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