



2nd Follow-Up Report

Mutual Evaluation of Samoa

October 2017



The Asia/Pacific Group on Money Laundering (APG) is an autonomous and collaborative international organisation founded in 1997 in Bangkok, Thailand consisting of 41 members and a number of international and regional observers. Some of the key international organisations who participate with, and support, the efforts of the APG in the region include the Financial Action Task Force (FATF), International Monetary Fund, World Bank, OECD, United Nations Office on Drugs and Crime, Asian Development Bank and the Egmont Group of Financial Intelligence Units.

APG members and observers are committed to the effective implementation and enforcement of internationally accepted standards against money laundering and the financing of terrorism, in particular the Forty Recommendations of the FATF.

For more information about the APG, please visit the website: www.apgml.org.

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Asia/Pacific Group
on Money Laundering

SAMOA 2ND FOLLOW-UP REPORT 2017

1. In accordance with the APG Third Round Mutual Evaluation Procedures, attached are updates to Samoa's *Technical Compliance Annex* and *Compliance with FATF Recommendations* table, adopted by the APG plenary in July 2017.

2. Samoa submitted its second follow-up report on 31 January 2017 and requested re-ratings for the following two Recommendations:

- R.2 – National cooperation and coordination
- R.36 – International instruments

3. As required under the APG Third Round Mutual Evaluation Procedures, an APG review team was formed, consisting of the following former assessor and secretariat members, to undertake the analysis:

- Ms. Tatpicha (Kelly) Chaiyatat, AMLO, Thailand
- Mr. David Becker, APG Secretariat
- Ms. Suzie White, APG Secretariat

4. The review team found that Samoa had made progress on improving technical compliance with national co-operation and co-ordination, having developed and implemented Samoa's AML/CFT National Strategy 2016-2020, a National Policy on AML/CFT and PF and an AML/CFT Policy Paper for 2016-2020. The review team concluded that sufficient progress had been made on R.2 to upgrade Samoa to largely compliant (LC). Deficiencies remained however in relation to R.36, including that Samoa is not a party to the Merida Convention, and the review team concluded that sufficient progress had not been made to upgrade Samoa to LC for this recommendation.

Recommendation	MER rating	Progress made to largely compliant (LC)/compliant (C) Yes/No
R.2 – National cooperation and coordination	PC	Yes - LC
R.36 – International instruments	PC	No

APG Secretariat
October 2017

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TECHNICAL COMPLIANCE ANNEX (UPDATED JUNE 2017)

2. NATIONAL AML/CFT POLICIES AND COORDINATION

Recommendation 2 – National cooperation and coordination

1. Samoa was rated PC with former R.31. The 2006 MER noted that the legislative regime explicitly provided measures for co-operation and coordination among the relevant competent authorities at both the national and international levels. However, in practice there were significant gaps in national cooperation and coordination for AML/CFT, including that a number of key operational agencies were not involved in coordination structures. This resulted in relatively weak cooperation and inadequate sharing of information.

2. *Criterion 2.1* – Samoa has developed and implemented an AML/CFT National Strategy 2016-2020, an AML/CFT Policy Paper 2016-2020 and a National AML/CFT Policy. Samoa's AML/CFT National Strategy 2016-2020 is informed by risk, setting out Samoa's high risk sectors and planned action relating to these sectors, and includes planned actions to mitigate other risk factors. AML/CFT legislation and regulations have not yet been reviewed against the updated FATF Recommendations or in light of the findings of the NRA, though the need for such updates is recognised by the Samoan authorities.

3. *Criterion 2.2* –The MLPA is responsible for coordinating national AML/CFT policies. In addition, the MLP Task Force established under section 5 of the MLP Act is the advisory body to the MLPA which aims to strengthen the level of cooperation among competent authorities in implementing AML/CFT regime. However, under section 4 the MLP Act, the primary statutory role of the MLPA is quite narrow (that is, to supervise FIs). The MLP Task Force has a much broader legislative remit, though section 5 of the MLP Act does not specifically give the MLP Task Force responsibility for national AML/CFT policies.

4. *Criterion 2.3* – The MLP Task Force is coordinated by the CBS and the SFIU and meets quarterly. Issues discussed at Task Force meetings include national AML/CFT policy, updates by the SFIU on APG reports and outcomes of APG Annual Meetings, and proposed workshops and visits, while other Task Force members provide updates from their ministries. Other recent outcomes include the establishment and operation of the Confiscation Assets Fund and the appointment of the Governor as the Administrator of property forfeited, as well as preparations for the 2014-15 mutual evaluation. The possibility of secondments between agencies and monthly meetings to discuss outstanding suspicious transaction matters has been raised, but nothing has eventuated to date. To further strengthen cooperation, MOUs have been signed between the MLPA/SFIU and a number of key agencies.

5. *Criterion 2.4* – Samoa's AML/CFT National Policy, issued by the MLPA taskforce, includes PF. The policy notes that taskforce agencies will provide assistance in relation to PF.

Weighting and conclusion

6. Samoa has taken important steps to improve national cooperation and coordination, including the development and implementation of an AML/CFT National Strategy 2016-2020, an AML/CFT Policy Paper 2016-2020 and a National AML/CFT Policy. The AML/CFT National Strategy 2016-2020 sets out Samoa's high risk sectors and planned action relating to these sectors and includes planned actions to mitigate other risk factors. Deficiencies exist in the extent of the statutory role of the MPLA.

Recommendation 2 is rated LC.

8. INTERNATIONAL COOPERATION

Recommendation 36 – International instruments

7. Samoa was rated PC with former R.35 and NC with former SR.I in the 2006 MER. While Samoa had acceded to the Vienna Convention and signed and ratified the Financing of Terrorism (TF) Convention, it was not a party to the Palermo Convention and had not implemented Palermo, Vienna or fully implemented the TF Convention. Regarding SR.I, Samoa had not implemented UN Security Council Resolutions 1267 and 1373 and the full range of terrorism acts as per the TF Convention were not covered by the Prevention and Suppression of Terrorism Act.

8. *Criterion 36.1* – Samoa acceded to the Vienna Convention on 19 August 2005 and the TF Convention on 27 September 2002. Samoa is not a party to the UN Convention against Corruption (Merida Convention). Samoa ratified the Palermo Convention on 16 January 2015.

9. *Criterion 36.2* – Amendments to the Narcotics Act have covered many of the obligations in relation to the offences under the Vienna Convention, though some gaps remain regarding special investigative techniques and criminalisation of ML (see analysis of R.3). While the majority of the TF Convention's provisions have been implemented by the Counter Terrorism Act 2014 (CT Act), as noted under the analysis of R.5 above, some deficiencies remain. Samoa is yet to fully implement the Palermo and Merida Conventions.

Weighting and conclusion

10. Samoa has acceded to the Vienna and TF Conventions and has implemented many of the relevant articles, though some gaps remain. Samoa is yet to accede to the Merida Convention, and has not fully implemented the Palermo and Merida Conventions. **Recommendation 36 is rated PC.**

SAMOA

Table 2: Compliance with FATF Recommendations (Updated June 2017)

Compliance with FATF Recommendations		
Recommendation	Rating	Factor(s) underlying the rating
2. National co-operation and co-ordination	LC	<ul style="list-style-type: none"> Deficiencies exist in the extent of the statutory role of the MPLA
36. International instruments	PC	<ul style="list-style-type: none"> Samoa is not a party to the UN Convention against Corruption (Merida Convention). The amendment of the Narcotics Act has covered many of the obligations in relation to the offences under the Vienna Convention, though some gaps remain regarding special investigative techniques and criminalisation of ML.