



CAPACITY DEVELOPMENT PROJECT ON ANTI-MONEY LAUNDERING AND COMBATING THE FINANCING OF TERRORISM IN WEST AFRICA TRANSITION STATES (CD4AML/CFT)

TERMS OF REFERENCE FOR THE RECRUITMENT OF TWO INDIVIDUAL CONSULTANTS TO CONDUCT NATIONAL WORKSHOPS FOR THE DNFBPs SECTOR – REAL ESTATE AGENTS

Programme: National Workshops on Enhancing AML-CFT/PF Compliance by Designated Non-Financial Businesses and Professions (DNFBPs - Real Estate Agents), Lomé (Togo), October 21 - 24, 2024, and Banjul (The Gambia) October 28 - 31, 2024.

Duration: Training Workshop (4 Working days) for each country and 2024 Consolidated Training Report (5 working days).

Location1: Lomé, Togo

Location2: Banjul, The Gambia

BACKGROUND

1. The Intergovernmental Action Group against Money Laundering in West Africa (GIABA) is a specialized institution of the Economic Community for West African States (ECOWAS) established in 2000 to promote the implementation of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) regimes in the region.

2. In September 2022, GIABA signed a grant agreement with African Development Bank (AfDB) to implement a *Capacity Development Project on Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) in West Africa Transition States*. The project is aimed at contributing to building resilience in West Africa, through improved AML/CFT regimes and capacity development for GIABA and its member States, focusing on ten (10) transition countries¹.

¹ Burkina Faso, Comoros, The Gambia, Guinea, Guinea Bissau, Liberia, Mali, Niger, Sierra Leone, and Togo

The key objectives of the project are to: assist key transition countries in the effective and timely conduct and/or revision of their National Risk Assessments, including overcoming the challenges lack of data and ready statistics for risks assessment and strategic planning; assist key transition countries in the development of their National AML/CFT strategies, consistent with the risks identified in their NRAs; provide capacity building for relevant public sector officials and reporting entities, especially designated non-financial professions and businesses (DNFBPs); and development or enhancement of AML/CFT tools and manuals that take into consideration regional peculiarities, including the fragility context of some countries and economic realities of the GIABA region.

3. Broadly, the project will be implemented under three (3) components, namely: (i) support to GIABA member States in Transition, for the implementation of national AML/CFT strategies based on NRAs findings; (ii) capacity building for stakeholders from the public and from the private sector in AML/CFT emerging issues; and (iii) support to GIABA implementation capacities for project management.

4. A key activity under component two of the project is the organization of National Workshops on Enhancing AML-CFT Compliance by Designated Non-Financial Businesses and Professions (DNFBPs) including Dealers in precious stones and metals, Lawyers, Accountants, Real Estate Agents in some beneficiary countries. The first two countries to host these National Workshops with particular focus on **real estate agents**² are Togo and the Gambia. These ToRs are for the recruitment of Resource Persons for the national Workshop of Togo/The Gambia.

Description of the programme

5. The designated non-financial businesses and professions (DNFBPs) can be wittingly or unwittingly used as vehicles for money laundering (ML) and terrorism financing (TF). The complexity, nature of services/products provided make them to be vulnerable to abuse of ML/TF. This situation has adverse consequences on development and security, including undermining the stability and integrity of the financial system. Against this backdrop, the Financial Action Task Force (FATF) require countries to establish supervisory regime to ensure compliance by DNFBPs with AML/CFT requirements. In addition, FATF calls for national cooperation/coordination amongst competent authorities, and by extension, between competent authorities and private sector (reporting institutions) in the implementation of AML/CFT regime.

6. The National Risk assessment (NRA) of GIABA member States have identified several vulnerabilities concerning the DNFBP sector, including limited awareness of ML/TF risks and the poor implementation of AML/CFT preventive measures. In Togo/The Gambia in particular, the NRA noted concerns about the informal nature of the DNFBPs sector, and the fact that several of the dealings are cash-based, and trade within the sector are still mostly informal (undertaken outside the regulated financial institutions) which constitute serious ML/TF risk. The NRA identified the real estate sector as the most at risk DNFBPs because most of laundering activities were carried out through real estate in Togo/The Gambia and also because the profession of real estate agent is not even regulated. The Mutual Evaluation Report of Togo/The Gambia reveals a general low performance by reporting entities, especially DNFBPs in the application of the AML/CFT preventive measures. The compliance status of the DNFBPs, especially real estate dealers concerning the implementation of AML/CFT standards, as it stands today in Togo/The Gambia, has severe adverse implications on regional efforts against money laundering and terrorist financing.

² This was based on consultation with the countries and in line with outcomes of their NRAs and MERs.

7. Thus, GIABA, through the AfDB project, intends to focus attention and technical assistance to building the requisite capacity of DNFBPs, particularly real estate sector, to deepen the implementation of AML/CFT regime in Togo/The Gambia and ultimately, achieve GIABA's broad objectives. The project will enhance the understanding of FATF Standards on preventive measures and regulation/supervision by practitioners in the real estate sector. The project will achieve this by organizing a four (4) day national workshop on specific relevant topics from October 21 - 24, 2024 for Lomé workshop and October 28 - 31, 2024 for Banjul workshop, The Gambia. The programme is targeted at practitioners in the real estate sector, including Real Estate Agents (including lawyers, notaries, other independent legal professionals and accountants who are involved in the buying and selling of real estate) self-regulatory bodies and relevant national authorities. A total of about forty (40) participants in each country are expected to attend the programme.

Objectives

8. The primary objective of the programme is to promote the effective implementation of FATF standards in the real estate sector. Specifically, the objectives of the programme are to (i) raise awareness, develop a common understanding among stakeholders and enhance the capacity of participants on ML/TF issues within the real estate sector; (ii) sensitize stakeholders on the need to set up and implement an AML/CFT regulatory and supervisory framework for real estate sector in the country; (iii) provide platform for sharing of experiences and good practices on AML/CFT issues; (iv) promote cooperation, coordination, and engagement amongst and between relevant competent authorities and real estate dealers on how to effectively implement AML/CFT preventive measures; and (v) provide relevant stakeholders, including the real estate dealers, supervisory/regulatory authorities, and law enforcement authorities with requisite knowledge on the vulnerabilities, methods and/or channels used by criminals in the real estate sector to launder the proceeds of crime.

9. The activity also aims to trigger actions to regulate and supervise reporting entities implementing consistently preventive measures in real estate sector.

Scope of the assignment

10. The assignment will be implemented in two phases (training delivery in Togo/The Gambia and production of a consolidated training report for all the trainings programmes implemented in 2024 under the AfDB projects).

(a) Training Delivery

11. The consultant working closely with GIABA, will deliver the programme. They will help to equip the over 40 participants with the necessary technical skills to effectively implement AML/CFT preventive measures in the real estate sector in Togo/The Gambia. They will facilitate in depth sessions on several topics, including *Overview of GIABA and FATF typology studies on money laundering and terrorist financing through the real estate sector; Overview of the National ML/TF Risk Assessment in Togo/The Gambia - Focus on the vulnerabilities of the real estate sector; Overview of the Real Estate Sector in Togo/The Gambia; Money Laundering Techniques in the Real Estate Sector: Case Examples and Lessons Learned; Red flags and Indicators of Money Laundering and Terrorist Financing Across the Real Estate Sector; Customer Due Diligence (general CDD, PEPs, High-Risk Countries) and Record keeping; Identifying the Beneficial Owner in Real Estate Transactions; Identifying and Reporting Suspicious Transactions and Cash Transactions; Case Study – folder to study for AML/CFT obligations implementation purpose; Setting up an internal*

AML/CFT framework through a risk-based approach; Current status of AML/CFT regulation and supervision in Togo's/The Gambian real estate sector; The Role of Self-Regulation organizations in Preventing the Abuse of Real Estate Agents for Money Laundering and Terrorist Financing in Togo/The Gambia;; Cooperation and Coordination in the Implementation of AML/CFT Preventive Measures in the Real Estate Sector: Successes, Challenges / Prospects - Stakeholders' Perspectives; Strengthening cooperation in the implementation of AML/CFT preventive measures; using participatory approaches, use of case studies and adult based experiential learning.

(b) Production of consolidated training report

12. Under the project, training programmes are expected to be implemented in four of the eight beneficiary countries in the current year (2024). This assignment is expected to be executed after the completion of the four training programmes to be implemented in 2024. This consolidated training report is expected to, amongst other things, highlight lessons learnt, implementation challenges within the DNFBPs, roles of various stakeholders, next steps etc across the four countries. This activity will be incorporated into the deliverables of one of the consultants involved in the training of the four countries, taking into consideration performance /quality of deliverable of such consultant during the training programmes.

Specific tasks to be performed by the consultants

13. Under the overall supervision of GIABA, the Consultants will perform the following substantive duties and responsibilities:

(a) Training delivery

- Be the resource person during the programme.
- Facilitate in-depth sessions on the approved topics of the programme .
- Provide a summary of key issues emerging from the training that could assist the Secretariat improve the delivery of its future programs or subsequent trainings in the region.
- Produce a summary report of the training programme.

(b) Production of consolidated training report

- Produce a comprehensive consolidated training report of the outcomes of the capacity building program for the DNFBPs in the four beneficiary member States (Togo, The Gambia; Guinea and Sierra Leone implemented in 2024).

Expected tangible and measurable output(s):

14. With respect to *the training Workshop, the expect deliverables /outputs are:*

- Power point presentations and case studies (where applicable) with relevant reference materials.
- Summary report of the training programmes, including key issues emerging from the training, and recommendations.
- End of workshop survey by participants on the course and achievement of expected outcomes.

15. Regarding all the trainings implemented this year (2024), a comprehensive consolidated training report highlighting lessons learnt, AML/CFT implementation challenges within the DNFBPs, next steps; roles of various stakeholders, etc that could inform policy decisions in member States as well as the trainings in the remaining member States. The report should be presented in both hard and soft copies (in English or French).

Dates and details as to how the work must be delivered:

16. The consultant will work under the overall supervision of GIABA. The consultancy is to be performed from October 21 - 24, 2024 for Lomé training workshop and October 28 - 31, 2024 for Banjul training workshop.

QUALIFICATIONS

Education

17. The consultant must have at least a Master's degree in economics, finance, business administration, law, accounting, political science, anti-money laundering or other relevant field (s) from a duly recognized university including an anti-money laundering qualification.

Experience

18. At least 7 years of working experience in the AML/CFT compliance or DNFBP supervision; a good understanding of AML/CFT issues and challenges, including ML/TF risks in sub-Saharan Africa and/or WAMU countries in particular; an excellent understanding of the AML/CFT preventive measures incumbent on DNFBPs and a thorough understanding of the application of the ML/TF risk-based approach as well as risk-based supervision; and in the case of the assignment in Togo, an excellent knowledge of the uniform AML/CFT law in the WAMU States (knowledge of the new WAMU directive of 31 March 2023) would be an added advantage.

Other general expertise

19.

- In-depth knowledge of the FATF standards on preventive measures
- Experience in capacity building is desirable
- Experience in delivering regional/national training is an added advantage
- Excellent analytical and drafting skills
- Experience in mutual evaluation (assessment of preventive measures) / mutual evaluation training is an advantage
- Excellent communication and presentation skills in French (for Lomé Workshop) and English (for Banjul Workshop). Language skills constitute a prequalification criterion. For the Lomé workshop, only applications with proven language skills (French) will be considered and assessed according to the selection criteria below. For the Banjul workshop, only applications with proven language skills (English) will be considered and assessed according to the selection criteria below.

SELECTION CRITERIA

Selection Criteria		Score Weight	Max Points Obtainable	Consultant				
				A	B	C	D	E
1.	Working experience (at least 7 years) in AML/CFT compliance or DNFBP supervision .	20%	20					
2.	Good understanding of AML/CFT issues and challenges, including ML/TF risks in sub-Saharan Africa and WAMU countries,	10%	10					
3.	Excellent understanding of FATF standards, especially AML/CFT preventive measures incumbent on DNFBPs	10%	10					
4.	Analytical and drafting abilities	10%	10					
5.	Communications /language skills (French or English)	10%	10					
6.	Presentation skills / Experience in capacity building and delivering regional/national trainings	10%	10					
7.	Mutual evaluation assessment / mutual evaluation training	10%	10					
8.	Academic/Professional qualification relevant to the field and AML/CFT professional certification	10%	10					
9.	Knowledge of Uniform AML/CFT law in the WAMU States (Togo only).	10%	10					
Total			100					

GIABA SECRETARIAT

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