



# GIABA INTERNAL GOVERNANCE - RULES OF MEETING PROCEDURES

---

2023

## Table of Contents

<b>CHAPTER 1. GENERAL PROVISIONS</b> .....	3
<b>Rule 1: Scope of application</b> .....	3
<b>Rule 2: Definitions</b> .....	3
<b>Rule 3: Legal Authority</b> .....	4
<b>CHAPTER 2.</b> .....	4
<b>GIABA MINISTERIAL COMMITTEE</b> .....	4
<b>Rule 4: Composition</b> .....	4
<b>Rule 5: Functions of the GMC</b> .....	4
<b>Rule 6: Meetings of the GMC</b> .....	4
<b>Rule 7: Convening GMC meetings</b> .....	5
<b>Rule 8: Participation in Meetings</b> .....	5
<b>Rule 9: Opening Ceremony</b> .....	5
<b>Rule 10: Open and Closed Sessions</b> .....	6
<b>Rule 11: Quorum</b> .....	6
<b>Rule 12: The Bureau</b> .....	6
<b>Rule 13: Chairing of Meetings</b> .....	6
<b>Rule 14: Functions the Chair</b> .....	6
<b>Rule 15: Agenda of the Meeting</b> .....	7
<b>Rule 16: Deliberations of Statutory Meetings</b> .....	7
<b>Rule 17: Decision-making procedures</b> .....	8
<b>Rule 18: Decision-making Procedures</b> .....	8
<b>Rule 19 List of Speakers and Speaking on the Floor</b> .....	9
<b>Rule 20: Closure or Adjournment of discussions</b> .....	9
<b>Rule 21: Point of Order</b> .....	10
<b>Rule 22: Order of Procedural Motions</b> .....	10
<b>Rule 23: Voting Rights</b> .....	10
<b>Rule 24: Voting Methods</b> .....	10
<b>Rule 25: Vote on Decisions</b> .....	10
<b>Rule 26: Vote on Amendments</b> .....	10
<b>Rule 27: Preparation, Recording, Consideration and Authentication of the acts of the GMC</b> .....	11
<b>Rule 28: GIABA Secretariat's support for the effective functioning of GMC meetings</b> .....	11
<b>Rule 29: Decision by GMC in extraordinary circumstances (“Written Process”)</b> .....	12
<b>CHAPTER 3. RULES OF PROCEDURE</b> .....	12
<b>GIABA TECHNICAL COMMISSION/PLENARY</b> .....	12
<b>Rule 33: Composition of the Technical Commission/Plenary</b> .....	12

<b>Rule 34:</b>	<b>Functions of the TC/Plenary</b> .....	13
<b>Rule 35:</b>	<b>Participation in the TC/Plenary Meetings</b> .....	13
<b>Rule 36:</b>	<b>Meetings of the TC/Plenary</b> .....	14
<b>Rule 37:</b>	<b>Convening meetings</b> .....	14
<b>Rule 38:</b>	<b>Opening Ceremony</b> .....	14
<b>Rule 39:</b>	<b>Open and Closed Sessions</b> .....	15
<b>Rule 40:</b>	<b>Quorum</b> .....	15
<b>Rule 41:</b>	<b>Bureau of the TC/Plenary</b> .....	15
<b>Rule 42:</b>	<b>Chairing of TC/Plenary Meetings</b> .....	15
<b>Rule 43:</b>	<b>Functions the Chairperson of the Plenary</b> .....	16
<b>Rule 44:</b>	<b>Agenda of the Meeting</b> .....	16
<b>Rule 45:</b>	<b>Deliberations at Meetings</b> .....	17
<b>Rule 46:</b>	<b>Decision-making procedures of the Plenary</b> .....	17
<b>Rule 47:</b>	<b>Consensus</b> .....	18
<b>Rule 48:</b>	<b>List of Speakers and Speaking on the Floor</b> .....	18
<b>Rule 49:</b>	<b>Closure of discussions</b> .....	18
<b>Rule 50:</b>	<b>Adjournment of deliberations</b> .....	19
<b>Rule 51:</b>	<b>Point of Order</b> .....	19
<b>Rule 52:</b>	<b>Voting Rights</b> .....	19
<b>Rule 53:</b>	<b>Voting Methods</b> .....	19
<b>Rule 54:</b>	<b>Preparation, Recording Consideration and Authentication of the Acts of the Plenary</b> .....	19
<b>Rule 55:</b>	<b>Decision by TC/Plenary in extraordinary circumstances ("Written Process")</b> .....	20
<b>Rule 56:</b>	<b>Managing discussion of draft Mutual Evaluation Reports in TC/Plenary</b> .....	20
<b>Rule 57:</b>	<b>Procedures for chairing meeting on MER</b> .....	21
	<i>Part 1: Introduction</i> .....	21
	<i>Part 2: Key Issues for Discussion (and Decision)</i> .....	21
	<i>Part 3: Issues for information (e.g., IO.3, IO.4, IO.6, Rec. IO.7)</i> .....	22
	<i>Part 4: Adoption of the report and next steps</i> .....	22
<b>Rule 58:</b>	<b>Chairing of the Plenary meetings (Discussion of Follow-up Reports)</b> .....	23
<b>Rule 59:</b>	<b>General considerations when chairing a meeting</b> .....	23
<b>Rule 60:</b>	<b>GIABA Secretariat's support for the effective functioning of the TC/Plenary meetings</b>	23
<b>Rule 61:</b>	<b>Amendments and Revision</b> .....	24
<b>CHAPTER 4. RULES OF PROCEDURE</b> .....		24
<b>EVALUATIONS AND COMPLIANCE GROUP</b> .....		24
<b>Rule 62:</b>	<b>Participation</b> .....	25
<b>Rule 63:</b>	<b>Functions of the ECG</b> .....	25
<b>Rule 64:</b>	<b>The ECG Expert Review Team</b> .....	25
<b>Rule 65:</b>	<b>Tenure of the ECG Expert Team</b> .....	25

<b>Rule 66:</b>	<b>Appointment Criteria for ECG experts</b> .....	26
<b>Rule 67:</b>	<b>Functions of the ECG Expert Review Team</b> .....	26
<b>Rule 68:</b>	<b>Meeting of the ECG</b> .....	26
<b>Rule 69:</b>	<b>Frequency and venue of the ECG meetings</b> .....	26
<b>Rule 70:</b>	<b>Agenda</b> .....	26
<b>Rule 71:</b>	<b>Appointment of Co-Chairs</b> .....	27
<b>Rule 72:</b>	<b>Role of the Co-Chair</b> .....	27
<b>Rule 73:</b>	<b>Chairing of the ECG meetings (Discussion of Mutual Evaluation Reports)</b> .....	27
<b>Rule 74:</b>	<b>Chairing of the ECG meetings (Discussion of Follow-up Reports)</b> .....	28
<b>Rule 75:</b>	<b>General considerations when chairing a meeting</b> .....	29
<b>Rule 76:</b>	<b>Recording of discussions during the ECG meeting</b> .....	29
<b>Rule 77:</b>	<b>Signing of meeting reports</b> .....	29
<b>Rule 78:</b>	<b>GIABA Secretariat’s support to the ECG meeting</b> .....	29
<b>Rule 79:</b>	<b>Amendments to these Rules of Procedures</b> .....	30
<b>CHAPTER 5:</b>	.....	30
<b>THE RISK, TRENDS, METHODS GROUP/POLICY REVIEW GROUP</b>	.....	30
<b>Rule 81:</b>	<b>Composition and appointment of the RTMG/PRG</b> .....	30
<b>Rule 82:</b>	<b>Functions of the RTMG</b> .....	31
<b>Rule 83:</b>	<b>Functions of the Risks, Trends and Methods Group</b> .....	31
<b>Rule 84:</b>	<b>Functions of the Policy Review Group</b> .....	31
<b>Rule 85:</b>	<b>Appointment of members of the RTMG/PRG and Use of Experts</b> .....	32
<b>Rule 86:</b>	<b>Frequency and venue of RTMG/PRG meetings</b> .....	32
<b>Rule 87:</b>	<b>Participation in meetings of the RTMG/PRG</b> .....	33
<b>Rule 88:</b>	<b>Chairing of RTMG/PRG meetings</b> .....	33
<b>Rule 89:</b>	<b>Role of the Co-Chairs</b> .....	33
<b>Rule 90:</b>	<b>Agenda</b> .....	34
<b>Rule 91:</b>	<b>Discussions and Deliberations</b> .....	34
<b>Rule 92:</b>	<b>Signing and circulation of meeting reports</b> .....	34
<b>Rule 93:</b>	<b>GIABA Secretariat’s support to the RTMG/PRG meeting</b> .....	34
<b>Rule 94:</b>	<b>Amendment and Revision</b> .....	35
<b>Rule 95:</b>	<b>Entry into Force</b> .....	35
<b>Rule 96:</b>	<b>Publication</b> .....	35

## CHAPTER 1. GENERAL PROVISIONS

### Rule 1: Scope of application

These Rules of Procedure apply to the following statutory meetings of the Inter-Governmental Action Group against Money Laundering (GIABA):

- (a) GIABA Ministerial Committee (GMC);
- (b) Technical Commission/Plenary;
- (c) Evaluations and Compliance Group; and
- (d) Risks, Trends and Methods/Policy Review Groups.

### Rule 2: Definitions

Under these Rules, unless the context otherwise requires:

**“Consensus”** means a general or wide agreement among the participants at the meeting and does not mean unanimity.

**“The Authority”** means the Authority of Heads of State and Government of ECOWAS;

**“FATF”** means Financial Action Task Force;

**“FATF Methodology”** means the Methodology for Assessing Compliance with the FATF Recommendations and the Effectiveness of AML/CFT systems;

**“FATF Recommendations”** refers to the internationally endorsed global standards to combat money laundering and terrorist financing, as well as the financing of proliferation of weapons of mass destruction;

**“FATF Standards”** comprise the FATF Recommendations and their Interpretive Notes;

**“FSRB”** means FATF-Style Regional Body;

**“FSRBs”** means FATF-Style Regional Bodies;

**“GIABA Ministerial Committee”** means the body referred to in Article 9 of the GIABA Statutes;

**“GIABA Secretariat”** means the Headquarters for the administration of GIABA as specified in Article 7 of the GIABA Statutes;

**“Global Network”** means the FATF and FATF-Style regional bodies as Associate Members of the FATF;

**“Member State(s)”** means the Member States of ECOWAS and non-ECOWAS States admitted as members or Associate Members of GIABA, respectively;

**“Signatory States”** means the Member States of ECOWAS, and any State that has acceded to the GIABA Statutes.

**“Statutes”** means the governing instrument of GIABA;

### **Rule 3: Legal Authority**

These Rules are formulated under Article 2(ii) of the GIABA Revised Statute.

## **CHAPTER 2. GIABA MINISTERIAL COMMITTEE**

### **Rule 4: Composition**

The GIABA Ministerial Committee (GMC) consists of the three Ministers responsible for Finance, Justice and Interior/Security of each member State.

### **Rule 5: Functions of the GMC**

- (1) The GMC shall, in accordance with the Statute:
  - a) approve the Activity reports of the GIABA Secretariat as submitted by the Director General;
  - b) recommend the annual work programme for approval by the Council;
  - c) approve the mutual evaluation calendar;
  - d) endorse the GIABA Mutual Evaluation Process and Procedures;
  - e) endorse the Mutual-Evaluation and Follow-Up Reports of member States, including, publication and sharing of mutual evaluations as approved by the TC in accordance with the GIABA Mutual Evaluation Process and Procedures;
  - f) recommend candidates for associate membership and observer status;
  - g) approve the issuance of formal notifications to countries subject to sanctions and recommend, through the Council, the suspension of member States that fail to fulfil their obligations;
  - h) propose amendments of the Statute of GIABA when the need arises; and
  - i) Consider such matters as assigned to it under this statute or as may be referred to it by the Authority, Council, TC and/or the GIABA Secretariat.
- (2) In deciding on an issue, the GMC has the right to accept, modify or reject any work, item, or decision submitted to it by the Plenary or the Secretariat after consideration.
- (3) The GMC may delegate certain functions to the Plenary and its working groups.
- (4) The GMC shall not delegate its decision-making functions.

### **Rule 6: Meetings of the GMC**

- (1) The GMC shall meet at least once in a year, usually following the TC/Plenary meetings, and at the same venue as the TC/Plenary meetings or as the situation demands.

(2) The GMC may hold extraordinary meetings to consider urgent matters that may be presented to it by GIABA Secretariat, the Authority, and/or Council of Ministers.

(3) The GMC may hold its meeting either physically or virtually, depending on the prevailing circumstances.

**Rule 7: Convening GMC meetings**

(1) The Director General shall, in consultation with the GMC, determine the date of the GMC's meetings.

(2) The Secretariat shall dispatch letters of invitation to all member States at least two (02) months before the date of the meeting.

**Rule 8: Participation in Meetings**

(1) The Ministers of Finance, Justice and Interior/Security shall attend the meetings of the GMC.

(2) A Minister may designate any of the following to represent him/her at the meeting:

- (a) A senior officer at the Ministry, Department or Agency not below the rank of a director; or
- (b) the GIABA National Correspondent.

(3) A Minister who wishes to designate another officer to represent him at the GMC shall notify the Director General in writing, at least, three weeks before the meeting.

(4) The FATF President, the Executive Secretary of the FATF Secretariat and other FSRB Secretariats or their duly designated representatives may participate in the GMC meetings, unless where the GMC decides to meet in closed session, without prejudice to the need to promote compliance with international AML/CFT/PF standards and equality of all member States.

**Rule 9: Opening Ceremony**

(1) The opening session of the GMC must be conducted with the presence of:

- (a) a GIABA line Minister of the host country;
- (b) senior representatives of the public services;
- (c) representatives of accredited diplomatic missions;
- (d) senior officials of regional and international organisations;
- (e) representatives of relevant private sector organisations;
- (f) representatives of civil society, faith-based institutions and traditional leaders; and
- (g) the media.

(2) A line minister of the host country, the Director General of GIABA and the chair of the GMC shall address the Opening Session.

(3) The GMC meeting shall be officially declared open by the President/Head of State/Prime Minister (or high-level representative) of the host member State.

**Rule 10: Open and Closed Sessions**

- (1) The Committee shall hold all its meetings in closed session, with or without the attendance of other persons other than Ministers or their designated representatives.
- (2) Despite sub-rule (1), the Committee may, by consensus, open any of its sessions to the public.

**Rule 11: Quorum**

- (1) For the GMC decisions to be valid, a quorum of members must be present, in the case of physical meetings.
- (2) For virtual meetings, a quorum of members must have validated their presence and in cases where decisions are to be made via a written process, a quorum of members must have communicated their decisions to the Chairperson.
- (3) The quorum for meetings of the GMC shall be half of its members, provided that at least 50% of the member States are represented.

**Rule 12: The Bureau**

- (1) The Committee shall elect from among its members a bureau comprising the Chair in accordance with Rule 6 and three Rapporteurs.
- (2) The GMC shall elect a Deputy-chair each year from the language bloc other than that of the Chair.
- (3) The three Rapporteurs must be selected from each of the ECOWAS language blocs (English, French and Portuguese) at the start of the meeting to work with the Secretariat in recording the summary of deliberations of its meeting.

**Rule 13: Chairing of Meetings**

Chairing of the GMC meetings shall be as prescribed by Article 9(i)(b) and 9 (i)(c) of the Statutes.

**Rule 14: Functions the Chair**

The Chair shall manage the meeting by:

- (a) presenting the purpose of the meeting
- (b) presenting the agenda for adoption;
- (c) ensuring effective time management;
- (d) guiding the discussions and encouraging delegates to take the floor;
- (e) refocusing the discussion where necessary;
- (f) obtaining a consensus among the members;



- (g) providing summary of discussions at the end of each session;
- (h) declaring decisions in line with the Statutes;

#### **Rule 15:      **Agenda of the Meeting****

- (1) The Secretariat shall draw up the draft agenda of any meeting of the Committee meeting.
- (2) The Secretariat shall circulate the draft agenda to be considered at such meetings to registered delegates by the fastest possible channel (e-mail, fax, express, and others), at least one month before the meeting.
- (3) The Secretariat shall circulate the documents to be considered at such meetings to registered delegates by the fastest possible channel (e-mail, fax, express, and others), at least two weeks before the meeting.
- (4) The Secretariat shall, without delay, forward the draft agenda to registered delegates of extraordinary meetings by the fastest possible channels.
- (5) The Committee shall adopt its agenda at the opening of each meeting.
- (6) The provisional agenda of any ordinary meeting may include:
  - (a) reports of proposals from the Plenary and the Secretariat;
  - (b) any other issues submitted to the GMC for consideration, decision and/or recommendation to the Council.
- (7)        The provisional agenda shall comprise items for decision and for information, which do not require discussion.
- (8)        The agenda of an extraordinary meeting shall comprise of only the items proposed for consideration as contained in the request to convene the extraordinary meeting.

#### **Rule 16:      **Deliberations of Statutory Meetings****

- (1) Each Organ/Working Group shall adopt its agenda at the opening of its meeting and elect its bureau.
- (2) The GIABA Secretariat and Technical Commission/Plenary shall present items for decision or information only through Memoranda, concept notes and reports or oral presentation.
- (3) The Secretariat shall circulate reports to be validated by the GMC to the Ministers, except reports of the preceding TC/Plenary meeting, at least, one month before the meeting.
- (4) Depending on the relevance of the topics to be discussed, the GMC shall allocate sufficient time at the beginning of the session to reach consensus.
- (5) To the extent possible, all delegates should have equal rights to contribute to discussions, and the intervention should be made within acceptable time limit (see Rule 16(3)(d)).

- (6) Delegates may take the floor for a second time where time permits following due process.
- (7) A delegate shall not take the floor without the consent of the Chair, except in exceptional circumstances where there is need to draw the attention of the Chair to the rules of procedure.

#### **Rule 17: Decision-making procedures**

- (1) The ECOWAS Revised Treaty, 1993, the GIABA Statutes, GIABA Mutual Evaluation Process and Procedures and this Policy document shall principally guide GIABA's decision-making processes.
- (2) The GMC shall take decisions through:
  - (a) any of the annual physical meetings;
  - (b) virtual meetings, when necessary; or
  - (c) "Written process" (in extraordinary circumstances, on request by the Chairperson or with prior agreement of the physical meeting).
- (3) Where it is difficult to decide on the point of law, the GMC may set up a sub-committee to review the law and advise the GMC before the end of the session.
- (4) The sub-committee shall be supported by the Secretariat and any other party as decided by the Committee.
- (5) In the case of extreme complication, the GMC shall refer the subject to an ordinary or extraordinary session of the Technical Commission/Plenary for discussion by the appropriate working group (ECG, RTMG/PRG) or seek interpretation and/or clarification from the Legal Department of the ECOWAS Commission.
- (6) The FATF President and/or Executive Secretary of the FATF Secretariat, or their representatives, may participate and contribute to discussions at the GMC meetings.
- (7) The Executive Secretaries of FSRB Secretariats, or their representatives not below the rank of a Director, may be invited to contribute to discussions at the GMC meetings following due notification and prior authorisation of the Chairperson.
- (8) The rights to contribute to discussions in sub-rules (6) and (7) do not include the right to make proposals or to participate in decision-making.
- (9) The GMC may consider any interpretation of the FATF Standards by the representative of the FATF Secretariat in the decision-making process and duly reflect the interpretation in the report of the GMC.

#### **Rule 18: Decision-making Procedures**

- (1) The GMC shall make decisions by consensus, without necessarily achieving a unanimous agreement.
- (2) Despite sub-rule (1)

- (a) if the consent of all members is required, as this requires the engagement of members and taking ownership of issue under deliberation, the meeting must allow sufficient time to discuss the issues substantively;
  - (b) subject a matter to a vote where a consensus has not been reached and there is the need to do so.
- (3) The presiding Chairperson shall present an item (proposal) to the GMC for discussion.
- (4) The GMC will discuss the item considering inputs from members, and where required, from Observers.
- (5) At a certain point, the Chair shall call on members to agree or disagree with the item.
- (6) If there is no consensus, the Chairperson may potentially start another round of discussion to allow members who disagree with the item (proposal) to clarify their concerns.
- (7) Based on the subsequent round of discussions, the meeting may modify the item to address the concerns expressed.
- (8) When there is no consensus, the Chairperson may call upon members to decide by a vote in line with Rule 22 of these procedures.

**Rule 19 List of Speakers and Speaking on the Floor**

- (1) During debates, the Chairperson of the Committee shall, give the floor in the order in which the speakers have indicated their intention to speak.
- (2) The Chairperson shall:
  - (a) read out and declare as closed the list of speakers;
  - (b) call to order any speaker whose statement deviates from the issue under consideration;
  - (c) accord the right of reply to any delegation where, in his/her opinion, a statement made after the list is closed justifies the right of reply; and
  - (d) limit the time allowed to each delegation, irrespective of the nature of the issue under consideration.
- (3) A delegate shall not take the floor without the consent of the Committee Chairperson subject to Rule 13(7) and Rule 18.
- (4) Delegates shall intervene in discussions through or at the instance of the heads of delegation.

**Rule 20: Closure or Adjournment of discussions**

Where the meeting discusses a matter sufficiently, the Chairperson of the Committee may move to close the debate thereon. In addition to the Chairperson of the Committee, any State may move to adjourn discussions on the matter.

**Rule 21: Point of Order**

(1) During deliberations on any item, a member State may raise a point of order. The Chairperson of the Committee shall immediately decide on the point of order.

(2) The member State concerned may appeal against the ruling of the Chairperson of the Committee. The meeting shall vote on the appeal immediately. The decision on the matter shall be taken by simple majority.

**Rule 22: Order of Procedural Motions**

Subject to Rule 10 of these Rules, the following motions shall have precedence in the order listed hereunder, over all other proposals or motions before the meeting:

- (a) motion on procedure, point of order or information;
- (b) suspension of session;
- (c) submission of an issue to the Council of Ministers;
- (d) adjournment of the debate on the item under discussion;
- (e) introduction of amendment; and
- (f) closure of the debate on the item under discussion.

**Rule 23: Voting Rights**

(1) Each member State shall have one (1) vote.

(2) Member States subject to sanctions under Article 77, paragraph 2 (iv), of the ECOWAS Treaty, or Article 6 of GIABA Statute are not eligible to participate in meetings of the GMC.

**Rule 24: Voting Methods**

(1) The GMC shall vote by acclamation, the show of hands or secret ballot.

(2) The GMC shall determine the appropriate voting method for each of its decisions.

**Rule 25: Vote on Decisions**

(1) After discussions on an item, where no consensus is reached, the Chairperson shall immediately put the item together with all the related amendments, to vote.

(2) The vote shall not be interrupted except on the point of order regarding the manner of voting.

**Rule 26: Vote on Amendments**

- (1) The meeting shall consider a proposal as an amendment to a text where it seeks to add to or remove parts of or modifies the text.
- (2) Where there is a motion to amend a proposal, and there is no consensus to do so the GMC shall vote on the amendment.

**Rule 27: Preparation, Recording, Consideration and Authentication of the acts of the GMC**

- (1) All activities of the GMC shall be subject to a report that records the deliberations of its meetings in the three ECOWAS Languages (English, French and Portuguese).
- (2) The Secretariat, with the support of the rapporteurs, shall assist the GMC in the preparation of its report.
- (3) The GMC reports shall bear a summary of the issues discussed at its meetings and the decisions and recommendations made on the said issues.
- (4) The draft documents pertaining to the decisions of the GMC, which will be recommended to the Community's decision-making bodies, shall be attached to the reports.
- (5) The GMC shall review and improve upon the draft report, and the draft texts referred to in the draft report and adopt the report at the same meeting.
- (6) The review of the draft report shall not generally give rise to any debate on its substance.
- (7) In any event, where some areas of the draft report are subject to debate or are a source of disagreement, the Chairperson shall, without reopening the debate, summarise the areas of disagreement and have the report amended accordingly.
- (8) As a matter of practice, the final draft report shall be adopted before the official closing of the meeting or where time does not permit, at most within five (5) working days of concluding/adjournment the GMC meeting.
- (9) The Chairperson shall sign the final copy of the report of the meetings in the three official languages of ECOWAS and initial each page of the report at the meeting or within the period agreed by the meeting.
- (10) The Secretariat shall circulate the signed copies of the report to all delegations within a maximum one month after the meeting.

**Rule 28: GIABA Secretariat's support for the effective functioning of GMC meetings**

GIABA Secretariat shall serve as the Secretariat of the GMC. To this end, it shall:

- (a) Convene the meeting by forwarding letters and meeting agenda to line Ministries at least two months before the GMC meeting indicating the specific date and venue and confirm participation.
- (b) Coordinate organisation and logistical support with the host country including venue, security and transportation of participants.

- (c) Prepare working documents for the meeting and forward to Ministers at least two weeks before the meeting.
- (d) Brief the Chair on the agenda items and provide a summary of the discussions and decisions taken by the Technical Commission/Plenary and its working groups as well as any other relevant information to the Chair before the GMC meeting.
- (e) Undertake all communication functions and related services (press releases, moderation of opening and closing sessions, production and distribution of publicity items, group photograph sessions; media chats; etc.) for effective dissemination and awareness of the meetings.
- (f) Provide language services (interpretation and translation) for all sessions of the meetings.
- (g) Assist in the preparation of reports and other documents of the Committee.
- (h) Responsible for safe keeping and archiving the original copies of the reports of the GMC.
- (i) At the request of the chair, perform any other functions as may be required for the effective functioning of the GMC.

**Rule 29: Decision by GMC in extraordinary circumstances (“Written Process”)**

- (1) Under certain circumstances (for example, when the GMC needs to decide on an issue urgently/before its next meeting), the Chairperson may, through a prior agreement of the GMC, call for a decision through a “written process”.
- (2) This process involves the GIABA Secretariat circulating the proposal in writing to the GIABA line Ministers for their written response by a designated deadline.
- (3) The Chairperson will give a reasonable time for consideration by all members and request for feedback from all members, and to indicate that the GMC may not consider responses received after the stated deadline for feedback on the proposal or document.
- (4) The Secretariat will share all comments received with all members.
- (5) After aggregating the responses of members and a clear decision has emerged, the Secretariat will communicate the decision to all members and include the decision as an information item on the agenda of the next GMC meeting so that it will become part of the record of that meeting.
- (6) Where there is no clear decision, the Secretariat shall equally communicate the outcome to all member States.

**CHAPTER 3. RULES OF PROCEDURE**

**GIABA TECHNICAL COMMISSION/PLENARY**

**Rule 33: Composition of the Technical Commission/Plenary**

The Technical Commission/Plenary (“TC/Plenary”) shall comprise:

- (a) experts from the Ministries of Finance, Interior/Internal Affairs/Security and Ministries of Justice of member States;
- (b) Senior-level officials in charge of investigation and prosecution services, and other AML/CFT stakeholder institutions (e.g., FIU; Law Enforcement Agencies; Anti-Corruption Agencies);
- (c) Anti-Drug Agencies; Supervisory and regulatory authorities of financial institutions and DNFBPs, etc.) of each member State; and representatives of observer countries, institutions and organisations.

**Rule 34: Functions of the TC/Plenary**

- (1) The TC/Plenary shall:
  - (a) discuss and adopt the reports of self-evaluation, mutual evaluation of member States and make recommendations to the GMC for approval;
  - (b) discuss and adopt the follow-up reports of member States and make recommendations to the GMC for approval;
  - (c) consider and approve draft reports of meetings, completed assignments, proposals or other items of working groups of GIABA.
  - (d) make proposals to the GMC, through the Director General of the Secretariat, on AML/CFT/PF measures;
  - (e) provide an overview of the strategic plans, programs of activities and technical and financial results of the GIABA Secretariat; and
  - (f) perform such other functions as may be assigned to it under the GIABA Statute or by the GMC.
- (2) The TC/Plenary may delegate functions, other than those listed above to a specific working group in line with the mandates of that Working Group.
- (3) Any function not delegated remains the responsibility of the TC/Plenary.
- (4) The TC/Plenary shall establish, as at and when necessary, new working groups or any ad-hoc group with clear mandates to undertake its work.

**Rule 35: Participation in the TC/Plenary Meetings**

- (1) Members can participate in the open and closed sessions of TC/Plenary meetings.
- (2) Sub-paragraph (1) does not preclude GIABA from restricting or suspending the participation of members for failing to meet their membership obligations to GIABA.
- (3) Observers can participate in the open sessions of TC/Plenary meetings subject to the terms and conditions specified in these Rules.
- (4) GIABA can restrict or suspend the participation of an observer from meetings only intended for its full members.
- (5) The Director General may invite representatives of non-member countries and organisations to participate, fully or partially in TC/Plenary meetings.

(6) The Director General may, in consultation with members, invite representatives from the IMF, the World Bank, the United Nations or other observer bodies to participate in closed sessions of the TC/Plenary.

(7) Participation of private sector is not allowed except by invitation of the Director General for discussion on specific thematic areas.

(8) GIABA Secretariat shall actively facilitate the attendance of prospective participants at these meetings.

### **Rule 36: Meetings of the TC/Plenary**

The TC/Plenary meets at the times, places and modes, to dispatch matters, as described below:

#### ***Regular Meetings***

The TC/Plenary meets two times every calendar year, normally in May and November.

#### ***Extraordinary Meetings***

The TC/Plenary holds extraordinary meetings depending on the duly motivated urgency as requested by the GIABA Secretariat addressed to the Chairperson, or upon request by the GMC.

#### ***Physical Meetings***

One of the TC/Plenary meetings may be held in a member State, and the other in the host country of the GIABA Secretariat.

#### ***Virtual Meetings***

- (1) Under extraordinary circumstances (for example, when a physical meeting is not possible), the Director General, following consultation with members, may call for a virtual meeting instead of a physical meeting.
- (2) The decision to hold a regular Plenary meeting in virtual format may also extend to the working group meetings of that Plenary cycle unless expressly decided otherwise.

### **Rule 37: Convening meetings**

(1) The Director General shall propose the date of TC/Plenary meetings for approval by member States.

(2) The GIABA Secretariat shall dispatch invitation letters to all member States and other delegations at least two (02) months before the date of the meeting.

(3) Notwithstanding the provisions of paragraph (1) of this Rule, the Director General may, without delay, convene an extraordinary meeting of the TC/Plenary to address an emergency issue that may arise.

### **Rule 38: Opening Ceremony**



- (1) The opening sessions of the TC/Plenary Meetings must be conducted with the presence of, at least, the following in the host country of the meeting:
  - (a) one of the GIABA line Ministers of the host country or a high-level government official duly designated by a line minister;
  - (b) senior representatives of the public service agencies and representatives of accredited diplomatic missions;
  - (c) senior officials of regional and international organisations;
  - (d) high-level representatives of reporting entities;
  - (e) representatives of civil society and faith-based institutions;
  - (f) representatives of accredited press houses.
- (2) At least one of the line Ministers of the host country, the Director General of GIABA and the National Correspondent of the host country will address the Opening Session.
- (3) The Vice President/Prime Minister or any delegated Minister of the host member State may declare the TC/Plenary meeting open.

**Rule 39: Open and Closed Sessions**

- (1) The TC/Plenary shall hold all its meetings in closed session.
- (2) The TC/Plenary may, by consensus, decide that any of its sessions shall be open to the public.

**Rule 40: Quorum**

- (1) The quorum for the GIABA Technical Commission/Plenary meetings shall be half of the member States of the Technical Commission provided that at least one-third of the member States from member States are represented in the meeting.
- (2) For the TC/Plenary decisions to be valid,
  - (a) for physical meetings, a quorum of members must be present;
  - (b) for virtual meetings, a quorum of members must have validated their presence and in cases where decisions are to be made via a written process, a quorum of members must have communicated their decisions to the chair.

**Rule 41: Bureau of the TC/Plenary**

- (1) The TC/Plenary meeting shall elect its bureau in line with the Statute.
- (2) At the start of the meeting, the TC/Plenary shall elect three Rapporteurs from each of the three language blocs (English, French and Portuguese) who are to record the summary of deliberations of its meetings, with the support of the Secretariat. The Chair and the three Rapporteurs constitute the Bureau.

**Rule 42: Chairing of TC/Plenary Meetings**

- (1) The Head of delegation or designated expert from the member State that holds the Chair of the Authority shall preside over the TC/Plenary meetings.

(2) Despite sub-rule (1), where the discussion of the mutual evaluation report of the Chairperson's country is on the agenda or any item for decision concerning his/her country, the meeting shall designate the head of delegation or expert of another member State to lead the discussions on the MER or the matter in question.

**Rule 43: Functions the Chairperson of the Plenary**

The Chairperson shall

- (a) present the agenda for adoption and ensure its adoption before the commencement of the proceedings;
- (b) present the purpose of the meeting;
- (c) lead the discussions and encourage delegates to take the floor and ensure effective time management of the discussions;
- (d) announce and declare closed the list of speakers for each it;
- (e) obtain consensus among the members;
- (f) take decisions in accordance with the Statutes;
- (g) ensure that discussions proceed smoothly and that all members present have equal opportunity to participate in the discussions;
- (h) limit the time allowed to each delegation, irrespective of the nature of the issue under consideration;
- (i) refocus the discussion and call to order any speaker whose intervention deviates from the issue under consideration;
- (j) clarify any misunderstandings or request the Secretariat to do so;
- (k) summarise the discussions at the end of each session and recall the important issues at the end of the meeting; and
- (l) accord the right of reply to any delegation where, in his/her opinion, a statement made after the list of speakers is closed justifies the right of reply.

**Rule 44: Agenda of the Meeting**

(1) The Secretariat shall draw up the provisional agenda of any meeting of the TC/Plenary meeting.

(2) The Secretariat shall submit the provisional agenda to be considered at such meetings to registered delegates by the fastest possible channel (e-mail, fax, express, and others), at least one month before the meeting.

(3) The TC/Plenary shall adopt its agenda at the opening of each meeting.

(4) The provisional agenda of any ordinary meeting may include:

(c) reports of proposals from member States and the Secretariat;

(d) any other issue submitted to the Plenary for consideration, decision or recommendation by the GMC.

(5) The structure of the provisional agenda shall comprise items meant for decision and items for information only, which do not require discussion.

(6) The agenda of an extraordinary meeting shall comprise of only the items proposed for consideration in the request convening the extraordinary meeting.

**Rule 45: Deliberations at Meetings**

- (1) The TC/Plenary shall adopt its agenda at the opening of each meeting.
- (2) The Secretariat and member States shall present items, whether for decision or information, only through Memoranda, concept notes and reports.
- (3) The Secretariat shall circulate reports for consideration and adoption by the TC/Plenary to the delegates at least two weeks before the meeting.
- (4) Depending on the relevance of the topics to be discussed, the TC/Plenary shall allocate sufficient time at the beginning of the session to be able to find consensus.
- (5) To the extent possible, intervention by a delegate should be within acceptable time limit.
- (6) A delegate may take the floor for a second time where time permits following due procedures.
- (7) A delegate may not take the floor without the consent of the Chair except to draw the attention of the Chair to the Rules of Procedure.

**Rule 46: Decision-making procedures of the Plenary**

- (1) The ECOWAS Revised Treaty, 1993, GIABA Statutes, GIABA Mutual Evaluation Process and Procedures and these Rules of Procedures shall guide the decision-making processes of the Plenary.
- (2) The TC/Plenary shall make its decisions by consensus.
- (3) The TC/Plenary may make decisions
  - (d) through any of the physical meetings,
  - (e) through virtual meetings when needed; or
  - (f) by "written process" (in extraordinary circumstances, on request by the Secretariat or Chair or with prior agreement of the physical meeting).
- (4) Where it is difficult to decide on the point of law, the Plenary may set up a sub-committee, to be supported by the GIABA Secretariat, to review the law and advise the TC/Plenary before the end of the session.
- (5) In the case of extreme complication, the TC/Plenary shall refer the subject to an ordinary or extraordinary session of the appropriate working group (ECG, RTMG/PRG) for discussion.
- (6) Observers may be invited to speak at the TC/Plenary meetings and may contribute to the discussions only.

(7) Despite sub-rule (6), observers do not have the right to participate in decision-making, except that interpretation of the FATF Standards by the representative of the FATF Secretariat shall be considered in guiding the decision-making process.

#### **Rule 47: Consensus**

(1) The TC/Plenary shall make decisions by consensus, without necessarily achieving a unanimous agreement.

(2) Despite sub-rule (1)

(d) if the consent of all members is required, as this requires the engagement of members and taking ownership of issue under deliberation, the meeting must allow sufficient time to discuss the issues substantively; and

(e) subject a matter to a vote where a consensus has not been reached and there is the need to do so.

(3) The Chair (or designee) presents an item (proposal) to the TC/Plenary for discussion. The TC/Plenary discusses the item. This discussion may include input from member States and Observers.

(4) At a certain point, the Chair shall call on members to decide on the item. He/she may call on members to either agree with the item (proposal) or express their disagreement with it.

(5) If there is no consensus, the Chair may potentially start another round of discussion to allow members who disagree with the item (proposal) to clarify their concerns.

(6) Based on this next round of discussion, (proposal) the meeting may modify the item to address the concerns expressed, and the Chair shall then once again call for a decision and repeat the cycle of discussion until a decision is reached.

(7) When there is no consensus and the decision is stalled, meaning that if a proposal to change an item is not accepted, the decision is understood to be to leave the item unchanged. If there is no consensus on an entirely new proposal, it means that the proposal is not adopted.

#### **Rule 48: List of Speakers and Speaking on the Floor**

(1) During debates, the Chair of the TC/Plenary shall, subject to Rule .... of these Rules of Procedures, give the floor in the order in which the speakers have indicated their intention to speak.

(2) A delegate shall not take the floor without the consent of the Plenary Chairperson, subject to Rule 14(7).

(3) The chair may accord the right of reply to any delegation where, in his/her opinion, a statement made after the list is closed justifies the right of reply.

#### **Rule 49: Closure of discussions**

- (1) Where the meeting discusses a matter sufficiently, the Chair of the TC/Plenary may move to close the debate thereon.
- (2) In addition to the Chair of the TC/Plenary, any member State may move to adjourn discussions on the matter.

**Rule 50: Adjournment of deliberations**

During discussions on an item, the Chair or any member State may move that the discussions thereon be adjourned.

**Rule 51: Point of Order**

- (1) During deliberations on any item, a member State may raise a point of order. The Chair of the TC/Plenary, under these Rules of Procedure, shall immediately decide on the point of order.
- (2) The member State concerned may appeal against the ruling of the Chair of the TC/Plenary. The meeting shall vote on the appeal immediately. The decision on the matter appealed against shall be by simple majority.

**Rule 52: Voting Rights**

- (1) When voting under Rule 20 above, each member State shall have one (1) vote.
- (2) Member States subject to sanctions under Article 77, paragraph 2 (iv), of the ECOWAS Treaty, or Article 6 of GIABA Statute are not eligible to participate in meetings.

**Rule 53: Voting Methods**

- (1) The TC/Plenary shall vote by acclamation, the show of hands or secret ballot.
- (2) The TC/Plenary shall determine the appropriate voting method for each of its decisions.

**Rule 54: Preparation, Recording Consideration and Authentication of the Acts of the Plenary**

- (1) All activities of the TC/Plenary shall be subject to a report that records the deliberations of its meetings in the three official languages of ECOWAS (English, French and Portuguese).
- (2) The rapporteurs, with the support of the Secretariat, shall prepare the report of the TC/Plenary.
- (3) The TC/Plenary reports shall bear a summary of the issues examined at meetings of the Plenary and the decisions and recommendations made on the said issues.

(4) The draft documents recommended to Community decision-making bodies shall be attached to the reports.

(5) The TC/Plenary shall consider and approve the draft reports of the Co-Chairs of Working Groups.

(6) Adoption of the draft report shall not give rise to any debate on its substance. In any event, where some areas of the draft report are subject to debate or are a source of disagreement, the Chair shall, without reopening the debate, once again summarise the areas of disagreement and have the report amended accordingly.

(7) As a matter of practice, the final draft report shall be adopted before the official closing of the meeting or where time does not permit, at most within five (5) working days of concluding/adjournment of the meeting.

(8) The Chair shall sign the final report of meetings in the three official languages of ECOWAS and initial each page of the report at the meeting or within the period agreed by the meeting.

(9) The Secretariat shall circulate the signed copies of the report to all delegations within a maximum of one month following the TC/Plenary meeting.

**Rule 55: Decision by TC/Plenary in extraordinary circumstances ("Written Process")**

(1) Under certain circumstances (for example, when the need arises for the TC/Plenary to decide on an issue urgently / before its next meeting), the Chair on his/her own or through prior agreement of the TC/Plenary may call for a decision through a "written process".

(2) The written process involves circulating the proposal in writing to Heads of Delegation for their written response to the Secretariat by a designated deadline.

(3) The Chairperson gives a reasonable time for consideration by all member States and requests for feedback from all members, and that responses received after the agreed deadline may not be considered.

(4) The Secretariat should share all comments received from Heads of Delegations with all accredited delegates.

(5) After aggregating the responses of members and a clear decision has emerged, the Secretariat shall communicate the decision to all members and include the decision as an information item on the agenda of the TC/Plenary meeting.

(6) The decision becomes part of the record of that meeting. Where there is no clear decision, the Secretariat shall equally communicate the outcome to all member States.

**Rule 56: Managing discussion of draft Mutual Evaluation Reports in TC/Plenary**

(1) Consideration and adoption of the draft mutual evaluation report of an assessed member State shall be based on the Revised Key Issues Document (including the outcomes of the ECG discussions) and the Mutual Evaluation Report.

- (2) The ECG Co-Chair that presided over the discussion of the draft Mutual Evaluation Report shall present a summary of the conclusions of the Revised Key Issues Document, while the Head of Delegation of the assessed country and the assessment team respond accordingly.
- (3) A Chairperson cannot preside over the discussion of the draft mutual evaluation report of his/her country.

### **Rule 57: Procedures for chairing meeting on MER**

- (1) The procedures for chairing a meeting at which a draft Mutual Evaluation Report is submitted for consideration are as follows:

#### ***Part 1: Introduction***

- (1) The Chairperson of the TC/Plenary makes opening remarks for the MER and,
  - i. states the number of GIABA's mutual evaluation (e.g., 10<sup>th</sup> mutual evaluation);
  - ii. welcomes the hard work put into the mutual evaluation by the assessed country, the assessors, the GIABA Secretariat and Global Network;
  - iii. states the date of discussion of the MER in ECG;
  - iv. congratulates the work of the ECG, delegates and Co-Chairs;
  - v. states the number of issues referred by the ECG to the Plenary for discussion;
  - vi. urges the assessors, assessed country and delegates to be brief in their interventions;
  - vii. reminds delegates of the need to have downloaded the working documents;
  - viii. explains the layout of the Revised Key Issues Document – (a) items for discussion (the number of issues) and (b) items for information (issues agreed upon in ECG);
  - ix. calls on the representative of the assessment team (by name) to present the team's conclusions and a high-level overview of the assessed country's regime;
  - x. gives the floor to the Head of delegation of the assessed country for a brief opening statement.
- (2) The assessors introduce themselves (full name, function, organisation, country and area of expertise in the assessment).
- (3) The representative of the assessment team presents the team's conclusions and a high-level overview of the assessed country's regimes (no more than 5 minutes)
- (4) The Head of Delegation introduces himself/herself and his/her team and makes a brief introduction.

#### ***Part 2: Key Issues for Discussion (and Decision)***

- (1) The Chairperson of the meeting then gives the floor to ECG Co-Chair (name) to present the outcomes of the ECG discussion.
- (2) ECG Co-Chair
  - (a) reads the key issue and provides short summary of the discussions (for instance mentioning the country's/delegates agreement to the proposed

- changes) and then concludes with the proposed ECG decision for the individual key issues; and
- (b) Indicates any other issue that could be discussed if time permits.
- (3) The Chairperson thanks the ECG Co-Chair for the summary report and moves for the discussion of the Key Issue(s).
- (4) The Chairperson invites the Co-Chair of the ECG to briefly introduce first key issue (as presented in the revised KID).
- (5) The ECG Co-Chair reads the brief.
- (6) Where two or more delegations raised the issue, the Chairperson invites the assessment team to explain their position and then the assessed country for its reaction, and vice versa.
- (7) The Chairperson opens the floor to all delegations for comments or questions.
- (8) Before opening the floor, the Chair notes the position of the assessment team (agreed to downgrade/upgrade) and invite delegations to intervene on the proposal *do you oppose to the downgrade/upgrade...?*
- (9) The Chairperson
- a. considers inviting the delegation that
    - i. raised the issue to state the concerns for the delegates' benefit;
    - ii. sent comments seeking clarifications to state if the clarification in the revised KID is satisfactory.
  - b. seeks views from members; then partners;
  - c. summarises the outcome of the discussion (e.g., if any) – who supports the downgrade; who does not (assessed country's vote does not count);
  - d. reminds that the proposal is to downgrade/upgrade – especially as the assessment team agrees with comments received from delegations.
- (10) A delegation that opposes to the downgrade/upgrade clearly says so (raises flag).
- (11) If no one speaks, it means the room agrees that item should be downgraded/upgraded.

***Part 3: Issues for information (e.g., IO.3, IO.4, IO.6, Rec. IO.7)***

- (1) The Chairperson
- a. informs the Plenary that
    - i. the remaining issues were discussed in ECG and consensus was achieved;
    - ii. some delegations had proposed amendments to Key Findings and Recommended Actions which are reflected in the revised KID;
  - b. invites the Co-Chair to briefly introduce the key issues together and the outcomes of the ECG discussion (as presented in the revised KID);
  - c. **reminds** delegations that these issues were discussed at length in ECG.
  - d. opens the floor to delegations to check whether a delegation wishes to react to the proposed amendments or would like to raise an issue.

***Part 4: Adoption of the report and next steps***

The Chairperson

- (a) asks the Plenary to adopt the report subject to any amendments proposed or agreed by the Plenary;
- (b) indicates all amendments to be made in the MER, if any and urge the Secretariat to work with the assessed country and assessors to incorporate the changes as agreed;
- (c) reminds the Plenary that the report will be published after it successfully completes the post-Plenary quality & consistency review by the Global Network;
- (d) calls on the GIABA Secretariat (Secretariat Staff) to indicate to the Plenary what level of follow-up the assessed country will be placed in;
- (e) thanks the assessed country, the assessment team, the GIABA Secretariat and the ECG Co-chairs for their work on this report;



- (f) congratulates the assessed country, and give the floor back to the assessed country (Official's name and function) for brief closing remarks;
- (g) invites members to give a round of applause.

**Part 5: Other matters**

- (1) When opening the floor to delegations after to the Co-chair has presented the revised Key Issue document and the recommendations of the ECG, if a clarification question is asked, the Chairperson can *seek advice of the ECG Co-chair and/or the ME Team Lead from the Secretariat* (as appropriate) before giving the floor to either the assessed country and/or the assessors.
- (2) Although it is not expected that a delegation will try to re-litigate the agreements reached in ECG, if this happens, the Chairperson can seek advice of the ECG Co-chair and/or Team Lead (as appropriate).
- (3) A delegation raising an issue must explain why the issue is raised at the Plenary (and not before), especially if it is the assessed country.
- (4) The request under this rule should be supported with evidence of an issue that would require further discussions.
- (5) If the Chairperson decides that there is ground for further discussion - *a clarification can provided by the Co-Chair or the Team lead*, the Chairperson can also open the floor to delegations to react.
- (6) If delegations do not react, the issue is closed.
- (7) If delegations support the request, the Chairperson can *seek again the advice of the ECG Co-Chair or GIABA Secretariat* on the way forward or *invite other delegations to elaborate*.
- (8) The Secretariat shall provide the Chairperson with a written guidance on the management of the discussion of MERs in accordance with the template of provided in Annex A of these Rules.

**Rule 58: Chairing of the Plenary meetings (Discussion of Follow-up Reports)**

The chairing of the discussion of Follow-Up Reports follows the same rules and procedures for chairing discussions of mutual evaluation reports.

**Rule 59: General considerations when chairing a meeting**

- (1) The Chairperson remains unbiased and objective throughout the meeting, especially when the mutual evaluation reports/follow-up report of their countries is being considered.
- (2) If the Chairperson is absent at a meeting, the Secretariat may select the Head of Delegation of another member State, other than the country whose report is being discussed to function as chairperson for that meeting.
- (3) In selecting acting Chairperson, the Secretariat will principally consider technical expertise and experience in AML/CFT issues and will, to the extent possible, adhere to the ECOWAS practice regarding the chairing of meetings.

**Rule 60: GIABA Secretariat's support for the effective functioning of the TC/Plenary meetings**

GIABA Secretariat shall:

- (a) convene the meeting by forwarding letters and meeting agenda to line Ministries with the National Correspondents in copy, at least one month

before the TC/Plenary meeting indicating the specific date and venue and confirm participation;

- (b) coordinate organisation and logistical support including venue, security and transportation of participants with the host country;
- (c) prepare provisional agenda for the meeting and forward to Ministers at least one month before the meeting;
- (d) prepare working documents for the meeting and forward to Ministers at least two weeks before the meeting;
- (e) brief the Chair on the agenda items and provide a summary of the discussions and decisions taken by GIABA Working Groups and any other relevant information to the Chair before the Plenary meeting;
- (f) provide clarification on mutual evaluation process and procedure, interpretation of the FATF Standards, FATF Methodology, horizontal issues relating to evaluation and compliance; any other areas that would assist the TC/Plenary in its deliberations;
- (g) assist in the preparation of reports, and other documents of the Plenary and provide translation services;
- (h) undertake all communication functions and related services (press releases, moderation of opening and closing sessions, production and distribution of publicity items, group photograph sessions; media chats; etc.) for effective dissemination and awareness of the meetings;
- (i) provide language services (interpretation and translation) in all sessions of the meetings;
- (j) assist in the preparation of reports, and other documents of the TC/Plenary.
- (k) be responsible for the safekeeping and archiving the original copies of the reports of the TC/Plenary; and
- (l) at the request of the chair, perform any other functions as may be required for the effective functioning of the TC/Plenary.

#### **Rule 61: Amendments and Revision**

(1) The TC/Plenary may amend its Rules of Procedure at the request of any ECOWAS member State, if two-thirds of member States support such request.

(2) Member State shall submit the proposal for the amendment to the Director General, who shall forward the same to member States within thirty (30) days of receipt of the proposal.

(3) The TC/Plenary shall discuss and adopt (or otherwise) the proposals at any of its meeting after the three (3) month-deadline given for feedback from member States and make recommendations to the GMC.

(4) The GMC shall consider and approve the amended or revised provisions of the Rules of the TC/Plenary and submit same for Council endorsement.

### **CHAPTER 4. RULES OF PROCEDURE EVALUATIONS AND COMPLIANCE GROUP**

## **Rule 62: Participation**

Participation in the Evaluations and Compliance Group (ECG) is open to all GIABA member States.

## **Rule 63: Functions of the ECG**

The ECG shall perform the following functions:

- a. review the GIABA Mutual Evaluation Process and Procedures as amended from time to time.
- b. manage the review and discussions of the mutual evaluation and follow-up processes.
- c. ensure a clear understanding of the FATF Standards through appropriate interpretation of the Standards.
- d. discuss the draft Mutual Evaluation Reports (MERs) of assessed member States, establish the list of priority and substantive issues, and identify areas deserving discussion in TC/Plenary and make appropriate recommendations to the Plenary **for decision**.
- e. review Follow-Up Reports (FURs) by member States regarding progress made in the implementation of recommended actions for addressing identified strategic deficiencies in the mutual evaluation reports, and present the findings to the TC/Plenary **for decision**.
- f. recommend new policies and measures on mutual evaluations to TC/Plenary for consideration.
- g. advise the GIABA Secretariat on other matters pertaining to mutual evaluations and compliance.

## **Rule 64: The ECG Expert Review Team**

- (1) The ECG Expert Review Team comprises representatives appointed by the Secretariat in consultation with member States.
- (2) The TC/Plenary, in collaboration with the Secretariat, selects seven member States that will constitute the Expert Review Team of the ECG.
- (3) Each of the selected member States nominates a suitably qualified expert in line with Rule 3 (2).
- (4) The Secretariat screens the curricula vitae of nominees and appoints the most qualified individual for appointment.

## **Rule 65: Tenure of the ECG Expert Team**

- (1) To ensure continuity and the presence of experienced experts on the team at any point in time, ECG Expert Review teams shall be appointed on a staggered four-year term in the following manner:
  - (f) initial appointment of four of the seven experts to commence a four-year term; and
  - (g) appointment of the remaining three experts two years into the four-year term of the first set of the appointed experts.

#### **Rule 66: Appointment Criteria for ECG experts**

An individual who has been in active service of a stakeholder public institution of a GIABA member State for not less than five years and satisfies the following requirements is eligible for appointment as a member of the ECG Expert Review Team:

- a. Highly knowledgeable and experienced on AML/CFT issues;
- b. Membership of a national AML/CFT coordination platform;
- c. The ability to undertake missions on behalf of GIABA on short notice;
- d. Experience in chairing meetings;
- e. Successful completion of assessors training; and
- f. Served as an assessor in at least one mutual evaluation.

#### **Rule 67: Functions of the ECG Expert Review Team**

The functions of the ECG Expert Review Team are to

- a. co-chair the ECG meeting;
- b. offer expertise and guide discussions during the ECG meeting;
- c. participate in face-to-face meetings of the mutual evaluation of an assessed member States and assisting in the identification of potential priority issues (usually 5 to 7) for consideration at the ECG meeting;
- d. in consultation with Secretariat, prepare a list of priority and substantive issues (usually lower than the number discussed in ECG) emerging from the ECG meetings to be discussed in TC/Plenary;
- e. where necessary, meet with the Secretariat for about 2 days (s) prior to the ECG meeting to ensure adequate preparation, coordination and good understanding of the issues to be discussed at the ECG meeting.

#### **Rule 68: Meeting of the ECG**

The ECG meeting is open to delegates from GIABA member States and Observers.

#### **Rule 69: Frequency and venue of the ECG meetings**

- (1) The ECG shall meet on designated day(s) prior to the TC/Plenary meeting
- (2) The ECG meeting shall normally be physical.
- (3) In exceptional circumstances, the ECG meetings may be held virtually.
- (4) The agenda, the number of participants and the rules for securing virtual exchanges and document sharing will be subject to a special procedure to be determined by the GIABA Secretariat.

#### **Rule 70: Agenda**

- 1) The issues to be discussed at a meeting of the ECG are set out in the draft agenda prepared by the GIABA Secretariat, in consultation with the ECG Expert Review Team, prior to the meeting.
- 2) The Secretariat and/or the ECG Expert Review Team, may in consultation with delegations, amend the draft agenda of the meeting.

### **Rule 71: Appointment of Co-Chairs**

The GIABA Secretariat in consultation with the members of ECG Expert Review Team, will select three members of the ECG Expert Review Team along language lines to serve as Co-Chairs for the ECG meeting for the duration of their tenures.

### **Rule 72: Role of the Co-Chair**

The Co-Chair shall:

- a. Guide discussions and manage time;
- b. refocus discussions;
- c. if necessary, guide the meeting with questions, or provide a few words of explanation;
- d. ensure orderliness, the normal conduct of the meeting and compliance with these Procedures; and
- e. highlight the recommendations of the meeting;
- f. ensure that the final draft report of the meeting, prepared with the assistance of the Secretariat, is ready for presentation to the TC/Plenary.
- g. Presents the outcomes of discussions of the ECG to the TC/Plenary for decision or information and offer explanations as may be required.

### **Rule 73: Chairing of the ECG meetings (Discussion of Mutual Evaluation Reports)**

- (1) At each ECG meeting at which the draft mutual evaluation report of an assessed member State is to be discussed, the Secretariat in consultation with the ECG Expert Review Team will select a Co-Chair to preside over the discussion of a draft MER.
- (2) A Co-Chair cannot preside over the discussion of the draft mutual evaluation report of his/her country.
- (3) At any GIABA TC/Plenary during which a Mutual Evaluation Report is submitted for consideration, the ECG shall meet prior to the TC/Plenary to review the draft Mutual Evaluation Report (MER) as well as all the key and substantive issues raised in the list of key and substantive issues.
- (4) The procedures for chairing a meeting at which a draft Mutual Evaluation Report is submitted for consideration are as follows:
  - a. The Secretariat introduces the Co-Chair who will lead the discussion on the draft MER.
  - b. The Co-Chair of the meeting shall refer to the substantive issues indicated on the list of key issues for consideration and discussion by reading out each item.
  - c. The Co-Chair invites comments from the delegates in the following order:
    - i. where the assessed country raised the issue, representatives of the member State whose draft MER is under review (evaluated country) before the assessment team;
    - ii. Where delegations raised the issues, the assessment team first before the assessed country;

- iii. Other members of the Expert Review Team who are not citizens or part of the delegation of the member State whose MER is under consideration.
    - iv. the other member States
    - v. observers
  - d. If necessary, a response from the representatives of the evaluated country and the evaluation team.
  - e. The Co-Chair may invite the ECG to decide whether to agree or disagree with a proposal.
  - f. The ECG makes recommendations by consensus.<sup>1</sup> In the event that consensus is not reached, the Co-Chair of the meeting shall begin a new round of discussions.
  - g. The Co-Chair should refine the discussion and clarify areas of disagreement to allow members who disagree with the proposal to clarify their views.
  - h. The cycle of discussions may be repeated until a consensus is reached<sup>2</sup> otherwise the matter shall be referred to TC/Plenary for consideration.
- (5) To facilitate effective management of the discussion of the MER, the Secretariat will prepare guidelines for the ECG Co-Chairs in accordance with the template provide in Annex B of these Rules of Procedures.
- (6) Based on the discussions at the ECG meeting, the Co-Chair will identify issues for discussion in the TC/Plenary and refine the list of key and substantive issues.
- (7) The Co-Chair will also identify issues that will be submitted to the TC/Plenary for information only.

**Rule 74: Chairing of the ECG meetings (Discussion of Follow-up Reports)**

- (1) When Follow-Up Reports (FURs) are being considered, the Secretariat will, in consultation with the ECG Co-Chairs, determine the assignment of responsibility for the Co-Chairing of the discussion for each FUR.
- (2) A Co-Chair may not preside over the discussion of his/her country's Follow-Up Report.
- (3) The procedure for chairing of the discussion of Follow-Up Reports is as follows:
  - a. The Co-Chair invites the Secretariat to present its analysis on the country's follow up report.  
The Secretariat presents its analysis and its recommendations to the ECG.
  - b. The Co-Chair requests for comments from the representative(s) of the country whose follow-up report is being discussed.
  - c. The Co-Chair invites other member of the ECG Expert Review Team to comment or give their opinion on the AML/CFT regime of the country, and the recommendations made by the Secretariat.
  - d. The Co-Chair invites other member States, and then observers to comment on the AML/CFT regime of the country and the recommendations made by the Secretariat.

---

<sup>1</sup> A consensus is a general or wide agreement among the participants at the ECG meeting and does not mean unanimity. If a proposal to change something is not widely accepted by ECG, the decision is understood to leave the item unchanged. If there is no general agreement on an entirely new proposal, the decision is understood that the proposal is not adopted.

<sup>2</sup> A decision is made when consensus is reached.

- e. The Co-Chair accords the right of reply to the representative(s) of the country whose follow-up report is being discussed.
- f. The Co-Chair then invites the ECG to give their consent or otherwise to the Reviewer's recommendations.
- g. The ECG makes recommendations by consensus<sup>3</sup>. If consensus is reached, the Co-Chair shall expressly re-state the recommendation(s) of the ECG for the record.
- h. If consensus is not reached, the Co-Chair may begin another round of discussion to allow the members to clarify their concerns.
- i. The second round of discussion may include comments from the Secretariat, the representatives of the member State whose follow up report is being discussed, other member States, observers and the ECG Expert Review Team.
- j. In a case where consensus is not achieved by the ECG after the subsequent rounds of discussions, the Co-Chair can intervene.
- k. The Co-Chair should state the position of the ECG, indicate all amendments to be made in the MER, if any, and then refer the matter to TC/Plenary for discussion and decision.

**Rule 75: General considerations when chairing a meeting**

- (1) Co-Chairs are to remain unbiased and objective throughout the meeting, especially when the follow-up report of their countries is being considered.
- (2) If any Co-Chair is absent at a meeting, the Secretariat may select any other member of the ECG Expert Review Team or other suitable delegate to function as co-chair for that meeting.
- (3) In selecting a Co-Chair, the Secretariat will principally consider technical expertise and experience in AML/CFT issues and will, to the extent possible, adhere to the ECOWAS practice regarding chairing meetings.

**Rule 76: Recording of discussions during the ECG meeting**

The Secretariat, in collaboration with the Co-Chairs, will record the summary of key issues and recommendations by the ECG.

**Rule 77: Signing of meeting reports**

- (1) The Co-Chairs shall sign the original copies of the draft ECG report in the three official languages of ECOWAS (English, French and Portuguese).
- (2) The Secretariat shall circulate the signed copies of the report to all delegations prior to the presentation of the report at the TC/Plenary.

**Rule 78: GIABA Secretariat's support to the ECG meeting**

---

<sup>3</sup> A consensus is a general or wide agreement among the participants at the ECG meeting and does not mean unanimity. If a proposal to change something is not widely accepted by ECG, the decision is understood to leave the item unchanged. If there is no general agreement on an entirely new proposal, the decision is understood that the proposal is not adopted.



GIABA Secretariat shall:

- a. Convene the meeting by forwarding letters to member States particularly the National Correspondence who coordinates the participation of their delegations to the ECG at least 2 months before the meeting;
- b. Invite members of the ECG Expert Review Team to the meeting at least 2 months before the scheduled date of the meeting and cover the expenses related to the travel and subsistence expenses of the members of the ECG Expert Review Team;
- c. Prepare Provisional agenda for the meeting and forward to ECG members at least one month before the meeting.
- d. Prepare working documents for the meeting and forward to ECG members at least two weeks before the meeting.
- e. Provide clarification on mutual evaluation process and procedure, interpretation of the FATF Standards, including the Methodology, horizontal issues relating to evaluation and compliance; any other areas that would assist the ECG in its deliberations;
- f. Assist in the preparation of reports, and other documents;
- g. Safeguard the ECG report;
- h. Brief the Co-Chairs on the agenda items and provide a summary of the issues for discussions and decisions;
- i. Offer logistical support, including pre-registration of participants online, access to virtual documentation, provision of translation services, registration of participants as well as provision of Identification tags on meeting locations and provision of overall security of the venue.

**Rule 79: Amendments to these Rules of Procedures**

- (1) The TC/Plenary may amend these Rules of procedures based on proposals from any member State or the GIABA Secretariat.
- (2) All draft amendments shall be submitted to the GIABA Secretariat, which shall be included in the agenda of the TC/Plenary.
- (3) The ECG shall discuss the amendments and present the proposals as part of its report to the TC/Plenary for approval.

**CHAPTER 5:  
THE RISK, TRENDS, METHODS GROUP/POLICY REVIEW GROUP**

**Rule 80: Participation**

Participation in the Risk, Trends, Methods Group/Policy Review Group (RTMG/PRG) is open to all Members of GIABA.

**Rule 81: Composition and appointment of the RTMG/PRG**

- (1) The RTMG/PRG shall comprise twelve (12) members representing the member States of GIABA.



- (2) The RTMG is sub-divided into two groups, the Risks, Trends and Methods Group (RTMG) and the Policy Review Group (PRG).
- a) Each sub-group has six (06) members.
  - b) Each sub-group has specific functions as outlined Rules... and .....

**Rule 82: Functions of the RTMG**

The RTMG

- a) conducts relevant research studies and typologies on ML/TF/PF.
- b) monitors and update Plenary on the ML/TF/PF risks in the member States and ECOWAS the region.
- c) develops and implement appropriate AML/CFT/PF risk mitigation strategies in line with international standards.
- d) shares the outcome of their work and engage with relevant stakeholders of ways to counter ML/TF/PF risks in member States and the ECOWAS region.

**Rule 83: Functions of the Risks, Trends and Methods Group**

The Risks, Trends and Methods Group

- (a) proposes relevant typologies and other research studies for approval by the Plenary;
- (b) coordinates the preparation of typology reports;
- (c) identifies and reviews current and emerging money laundering and terrorist financing risks, methods, techniques and trends and keep the GIABA Plenary informed.
- (d) serves as a forum for the sharing of best practices, results and experiences between Member States on national risk assessment and the implementation of relevant research results and typologies.
- (e) assists Member States in the conduct of typologies and other research that may be requested by the Plenary or the GIABA Secretariat;
- (f) proposes an appropriate methodology for communicating the results of the research work to maximise its impact;
- (g) organises typologies exercises and validation workshops for the typologies and policy work submitted by the GIABA Secretariat, as well as capacity building sessions throughout the year in accordance with its annual programme of activities; and
- (h) advises the Plenary on relevant questions from the FATF and FSRBs on typologies and other research, as well as on issues related to money laundering and terrorist financing risks.

**Rule 84: Functions of the Policy Review Group**

The Policy Review Group

- (a) Provides AML/CFT advice to the Plenary;
- (b) reviews and analyses the policy documents developed by the FATF (guidelines, best practice guidance, risk-based approach documents) and provides advice to the GIABA Plenary on their implications and the measures to be taken by Member States to ensure their implementation;

- (c) adapts FATF policy documents for the needs of the region, including the development of appropriate tools, modules, guides and guidelines;
- (d) reviews sectoral and thematic policies in the region and advise the Plenary on the harmonisation of these policies;
- (e) reviews and assess the impacts of emerging money laundering and terrorist financing risks on regional AML/CFT policy and informs the Plenary;
- (f) support the National AML/CFT/FP Coordinating Committees in the development, adoption and implementation of national strategy action plans and ensures their follow-up;
- (g) supports GIABA Member States in the review of their AML/CFT/FP policies when requested by a Member State, the Plenary Meeting or the GIABA Secretariat; and
- (h) reviews existing policies or policies about to be introduced by a Member State that may adversely impact AML/CFT and informs the Plenary;
- (i) examine any AML/CFT policy issues referred to GIABA by the FATF or other bodies; and
- (j) regularly briefs the Plenary on the overall implementation of GIABA's mandate.

**Rule 85: Appointment of members of the RTMG/PRG and Use of Experts**

- (1) Members of the RTMG/PRG are appointed for a three-year term.
- (2) Based on the specific criteria for country rotation and required expertise stipulated by the GIABA Secretariat, the Plenary designates the 12 countries to nominate a representative each to the RTMG or PRG.
- (3) The resumes of the nominees are reviewed by the GIABA Secretariat according to the specified Terms of Reference to facilitate decision on the nominations.
- (4) The NCs and nominees are notified of the GIABA Secretariat's reasoned decision no later than three weeks after receipt of the CVs.
- (5) GIABA may engage the services of experts and consultants to support the conduct of research and typologies, development and review of policy documents and other relevant technical work.
- (6) Priority should be given to experts from member States, without prejudice to the quality of delivery.

**Rule 86: Frequency and venue of RTMG/PRG meetings**

- (1) The RTMG/PRG meets twice a year before each Plenary meeting.
- (2) In exceptional circumstances, GIABA's statutory meetings and technical meetings may be held virtually.
- (3) Based on sub-rules (1) and (2), the agenda, the number of participants and the rules for securing virtual exchanges and document sharing will be subject to a special procedure to be proposed by the GIABA Secretariat.

**Rule 87: Participation in meetings of the RTMG/PRG**

- (1) In addition to its core membership, all representatives of Member States and GIABA partners are free to participate in the meetings of the RTMG/PRG.
- (2) Depending on the agenda of the meeting, experts/consultants and private sector actors may be allowed to participate.
- (3) The National Correspondents coordinates the designation of participants to the RTMG/PRG meetings based on the agenda items to be discussed and the relevance of the discussions to the AML/CFT work of the nominees.
- (4) In all cases, the nominated participants shall be duly registered in advance of the meetings to obtain for clearances and access to documentation.

**Rule 88: Chairing of RTMG/PRG meetings**

- (1) The RTMG is co-chaired by the Chair of the PR sub-group and the Chair of the RTM sub-group.
- (2) Within each sub-group, a chairperson and alternate Chairperson are elected by each sub-group.
- (3) The Chairperson, alternate Chair of any member of the sub-Groups acting in that capacity shall Chair the meeting of their sub-groups at any other time other than the meeting of the whole Group before a plenary meeting.
- (4) The meeting of the RTMG/PRG meeting prelude to any Plenary shall be chaired by two substantial Co-Chairs, one from the RTMG and the other from the PRG.
- (5) In all cases, to respect the linguistic balance, the co-chairs at pre-plenary meetings must come from different language blocks.

**Rule 89: Role of the Co-Chairs**

- (1) The Co-Chairs shall take turns to provide guidance, moderate discussions and ensure that the objectives of the meeting are achieved in accordance with the terms of reference indicated by the Plenary and the GIABA Secretariat.
- (2) The Co-Chairs shall:
  - (a) clarify the objectives and methodology of the meeting;
  - (b) ensure that the agenda is respected;
  - (c) ensure effective time management;
  - (d) facilitate and lead discussions and encourage delegates to speak;
  - (e) facilitate consensus among the members;
  - (f) Manage the review of technical documents before the meeting;
  - (g) summarise the outcomes of deliberations and the decisions taken.
  - (h) present the research/typologies reports and policy issues/proposals to the Plenary for approval; and
  - (i) report on the outcomes of their work to the GIABA Plenary.

### **Rule 90: Agenda**

The issues for consideration at the meeting of the RTMG/PRG are set out in the draft agenda prepared by the GIABA Secretariat, in consultation with the Co-Chairs, before the meeting.

### **Rule 91: Discussions and Deliberations**

- (1) Depending on the relevance of the topics discussed, time is granted at the beginning of the session to review issues and reach consensus.
- (2) The priority words for reaching consensus are those of the delegates.
- (3) Interventions, other than presentations, should not, as per as is practicable, exceed 3 minutes per intervenor.
- (4) Thematic presentations (including the main findings of studies and typologies), should not exceed 20 minutes per speaker, to be followed by questions and answers.
- (5) Delegates have the possibility to take the floor again, subject to the total time allotted to the subject under discussion.
- (6) Reports and other documents are validated after discussion, subject to amendments proposed by the participants.
- (7) Depending on the subject matter, the RTMG may develop a timetable for finalising a document after plenary discussion by incorporating all the amendments agreed on, and further propose a discussion of the finalised document at the next meeting of the RTMG/PRG.
- (8) Reports requiring the approval of the Plenary shall be discussed and validated beforehand by the meeting of the RTMG/PRG and participants shall formally seek the Plenary's approval to publish the report.
- (9) Reports and other documents may be considered through a written process by the RTMG/PRG and equally approved through a written process by the Plenary.
- (10) Discussions and decisions of the RTMG meeting shall be summarised in the report of the co-chairs and presented to the Plenary.

### **Rule 92: Signing and circulation of meeting reports**

- (1) The Co-Chairs shall sign the original copies of the report of the meetings in English, French and Portuguese and initial each .
- (2) The Secretariat shall circulate the signed copies of the report to all delegations before consideration by the Plenary.

### **Rule 93: GIABA Secretariat's support to the RTMG/PRG meeting**

- (1) GIABA Secretariat shall:

- (a) convene, organise and manage meetings of the RTMG/PRG, in coordination with the Co-Chairs.
  - (b) Invite the members to participate in any of its meetings not less three weeks before the meeting.
  - (c) cover the expenses related to the organisation of the meeting including the travel and subsistence expenses of the members of the RTMG/PRG.
  - (d) organise a pre-session meeting to discuss the agenda and share responsibilities among members;
  - (e) prepare the provisional agenda for the meeting and forward to the Co-Chairs for review at least one month before the meeting;
  - (f) prepare the working documents for the meeting and forward to the Co-Chairs for review at least two weeks before the meeting;
  - (g) assist in the preparation of reports, and other documents; and
  - (h) safeguard the RTMG report;
  - (i) offer logistical support, including pre-registration of participants online, access to virtual documentation, provision of translation services, registration of participants as well as provision of Identification tags on meeting locations and provision of overall security of the venue.
- (2) Other delegates, experts and consultants could be supported to participate in the work of the RTMG/PRG subject to a valid budgetary provision by the GIABA Secretariat and justification of their attendance.

**Rule 94:      Amendment and Revision**

- (1) The GMC may amend or revise its Rules of Procedure at the request of any member State, provided that two-thirds majority of member States support the request for amendments.
- (2) Members shall submit the proposal for the amendment in writing to the Director General, who shall forward the same to member States within thirty (30) days of receipt of the proposal.
- (3) The GMC shall examine these proposals at any of its meeting after a three (3) month-deadline allocated for feedback from member States.
- (4) Amendments concerning the working groups shall be discussed at the group and Plenary levels before submission to the GMC for approval.

**Rule 95:      Entry into Force**

These Rules of Procedure shall enter into force upon approval and issuance of the Council Regulation approving same.

**Rule 96:      Publication**

The GIABA Secretariat shall publish these Rules of Procedures (in English, French and Portuguese) on its website and circulate the same to member States and observers within thirty (30) days of the signature of the GMC approval of same.

**Done in ....., ....., this .... Day of ....., 2023.**





ANNEX A

**SAMPLE TC CHAIR'S MEETING GUIDELINES FOR PLENARY DISCUSSION  
(TC/Plenary Rule 57(8))**

**MUTUAL EVALUATION REPORT OF [ASSESSED COUNTRY]  
DATE XXXX**

**TC CHAIR'S MEETING GUIDELINES FOR PLENARY DISCUSSION:**

Reference documents: a. Key Issues Document. b. Draft Mutual Evaluation Report of [assessed country]. c. Compilation of comments received on Pre-Plenary draft MER			
Presenters:	ECG Co-Chair	Name of Co-Chair	Country
Assessed Country	Head of Delegation	Name of HoD	
Assessment team:			

**Handling:** Make your opening remarks for the MER of [ assessed country].

**CHAIRMAN'S OPENING REMARKS:**

- This is the 12<sup>th</sup> GIABA mutual evaluation. We welcome the hard work put into this mutual evaluation by the authorities of [ assessed country], the assessors, the GIABA Secretariat and the Global Network.
- The report was discussed by the ECG on xxxxxxx.
- I would like to congratulate the work of ECG delegates and of the Co-Chair. I understand that three issues were resolved by ECG and that one issue is presented at the Technical Commission/Plenary for discussion and decision.
- **Last reminder** - You should have downloaded the revised Key Issues Document yesterday, which is the basis for today's discussion and comprehensively highlights the decisions points to be taken today.
- You will note that the revised Key Issues Document is in two- parts:
  1. For discussion: indicate the number of key issues
  2. For information: xxxxx issues were agreed in ECG, including some proposed amendments. Because consensus was achieved, these issues will be dealt altogether once we have finished the one issue for discussion.
- **Before we start with the three key issues –**
  1. I would like to ask the **representative of the assessment team, Mr/Mrs xxxx of country xxxx**, to present the team's conclusions and a high-level overview of [ assessed country] regime (**no more than 6-8 minutes**).

2. I will then give the floor to the Head of delegation of the Republic of [ assessed country] **for a brief opening statement. The Head of Delegation** will introduce himself and his team and make a brief introduction (no more than 5 minutes).

**Again, I invite you to be succinct in your interventions to allow time for discussions on the key issue.**

**Part 1: Key Issue for Discussion (and Decision)**

<p><b>Hand ling (conti nued) :</b></p>	<p><i>I would like to give the floor to ECG Co-Chair (Mr. xxxx) to present the outcomes of the ECG discussion:</i></p> <p><i>Note: Mr/Ms xxxxxx does not have to read the revised KID line by line. He should read the key issue and provide a short summary of the discussions (for instance mentioning the country's/delegates agreement to the proposed changes) and then conclude with the proposed ECG decision: Examples:</i></p> <ul style="list-style-type: none"> <li>• IO.8: no consensus to upgrade rating from Low to Moderate (sent to Plenary for discussion);</li> <li>• IO.1: consensus to downgrade the rating for IO.1 from Moderate to Low Effectiveness;</li> <li>• IO.3/R.35: <b>Strong support and consensus for the revisions to the analysis of the affected Recommendations, and in particular, the downgrade in the rating of all the Recommendations adversely impacted by the non-enforceability of the Guidelines and Regulations;</b></li> <li>• IO.2: consensus to maintain the Low rating for IO.2.</li> </ul> <p>Thank you, ECG Co-Chair. We are now moving to the discussion of the key issue that is remaining: <b>Key issue 1: IO. xxxx</b></p> <ul style="list-style-type: none"> <li>• <b>Invite Co-Chair to briefly introduce the key issue regarding IO. xxxx (as presented in the revised KID)</b> <i>[Mr/Ms xxxxxx will read his ECG brief]</i></li> <li>• I am now giving the floor to [ assessed country] to explain its position (5 min); and then the Assessment Team to present their position (5 min).</li> <li>• <b>Before opening the floor</b>, the Chair should note that: <ul style="list-style-type: none"> <li>o While [ assessed country's] seeks an upgrade of the rating of IO. xxx from Low to Moderate Effectiveness, the AT maintains its position that the current Low rating for IO.xxx is appropriate;</li> <li>o <b>Delegations are therefore invited to intervene on the following issues: Examples:</b> <ul style="list-style-type: none"> <li>▪ Whether the assets confiscated pursuant to the Government white paper on the findings of a Commission can be accepted for the purposes of assessment of IO.8?</li> <li>▪ Has [ assessed country] confiscated criminal assets consistent with the risks identified?</li> <li>▪ Does the Plenary agree that major rather than fundamental improvements are needed?</li> </ul> </li> </ul> </li> <li>• Open the floor to <b>all delegations</b> for comments or questions.</li> </ul>
--	--



	<ul style="list-style-type: none"> <li>• <b>Summarise the outcome of the discussion</b> (e.g., if any) – who supports the upgrade; who does not (assessed country’s vote does not count)</li> <li>• <b>Remind that</b> the proposal is to either maintain the current LE rating or upgrade to ME. <b>A delegation that supports the upgrade should clearly say so (raise flag). If there is no appetite to discuss the issue, it means the rating for IO.xxx is maintained at LE.</b></li> </ul>
<b>Part 2: Issues for information (IO.xxx, IO. xxxx and IO. xxxxx etc )</b>	
<p>Handl ing</p>	<p>Intro:</p> <ul style="list-style-type: none"> <li>• These xxxxxx issues were discussed in ECG and consensus was achieved.</li> <li>• The assessment team and some delegations had proposed amendments to the MER, including PAs, KFs and RAs – these are reflected in the revised KID.</li> <li>• <b>Invite Co-Chair to briefly introduce the xxxx key issues together and the outcomes of the ECG discussion (as presented in the revised KID): Examples -</b></li> <li>• IO.1: consensus to downgrade the rating for IO.1 from Moderate to Low Effectiveness;</li> <li>• IO.3/R.35 etc: Consensus for the revisions to the analysis of the affected Recommendations, and in particular, the downgrade in the rating of all the Recommendations adversely impacted by the non-enforceability of the Guidelines and Regulations;</li> <li>• IO.2: consensus to maintain the Low rating for IO.2.</li> <li>• <b>Remind</b> delegations that these xxxxx issues were discussed at length in ECG.</li> <li>• Open the floor to delegations to check whether a delegation wishes to react to the proposed amendments or would like to raise an issue. FYI: [Assessed country] may ask for IO. xxxx to be discussed. It is your discretion. Since it was discussed in ECG and there was consensus, you may not wish to open the discussion in Plenary, especially due to time constraints.</li> </ul>
<p><b><i>Adoption of the report and next steps</i></b></p> <ul style="list-style-type: none"> <li>• Ask the Plenary to adopt the report subject to amendments agreed by the Plenary.</li> <li>• Remind the Plenary that the report will be published after it successfully completes the post-Plenary quality &amp; consistency review by the Global Network.</li> <li>• Call on the <b>GIABA Secretariat (Secretariat Staff)</b> to indicate to the Plenary what level of follow-up [ assessed country] will be placed in.</li> <li>• Thank [assessed country, the <b>assessment team</b>, the <b>GIABA Secretariat</b> and the <b>ECG Co-chairs</b> for their work on this report.</li> <li>• Congratulate [ assessed country] and give the floor back to Mr. Darboe for brief closing remarks.</li> <li>• Invite members to give a round of applause.</li> </ul>	

<p><b>Possible issues:</b></p>	<p>When opening the floor to delegations after to the Co-chair presented the revised Key Issue document and the recommendations of the ECG:</p> <ul style="list-style-type: none"> <li>• If a clarification question is asked, you can <i>seek advice of the ECG Co-chair and/or Team Lead</i> (as appropriate) before giving the floor to either Xxxxx and/or the assessors.</li> <li>• <b>While it is not expected that a delegation will try to re-litigate the agreements reached in ECG, in case it happens</b> – you can <i>seek advice of the ECG Co-chair and/or Team Lead</i> (as appropriate). It would be expected that the delegation raising the issue explains why the issue is raised now (and not before). Especially if it is the assessed country. <b>The requests need to be supported with evidence of an issue that would require further discussions.</b></li> <li>• If you decide that there is ground for further discussion - <i>a clarification can provided by the Co-Chair or the Team lead</i>. You can also open the floor to delegations to react. <ul style="list-style-type: none"> <li>o If delegations do not react issue is closed</li> <li>o If delegations support the request, you can <i>seek again the advice of the ECG Co-Chair or GIABA Secretariat</i> on the way forward. Maybe you can <i>invite other delegations to elaborate</i>.</li> </ul> </li> </ul> <p>To break consensus, there is no magic number. But it would be expected that at least 2 or 3 delegations support the delegation that raised the issue (<b>excluding the assessed country</b>)</p> <p>It is important to keep in mind that <i>the MER text/ratings are changed only if there is consensus to do so. In this case consensus has been reached so the recommendations of the ECG should be approved</i>]</p>
<p><b>Desired conclusion:</b></p>	<ul style="list-style-type: none"> <li>· <b>To adopt the mutual evaluation report of [ assessed country]</b></li> <li>· <b>To indicate which type of follow-up will apply for [ assessed country] (currently in Expedited Regular follow up).</b></li> </ul>

**Estimated timing: 1.30-2h hours maximum.**



**ANNEX B**  
**ECG CO-CHAIR'S GUIDELINES FOR ECG DISCUSSION (RULE 73(5)):**  
**MUTUAL EVALUATION OF [ASSESSED COUNTRY], MONDAY, [INSERT DATE]**

Reference documents: a. Key Issues Document. b. Draft Mutual Evaluation Report of [Assessed Country]. c. Compilation of comments received on Pre-Plenary draft MER.			
Presenters:	ECG Co-Chair	Mr./Ms xxxxx	Country
[Assessed Country]		Mr./Ms xxxxx	Head of Delegation
Assessment team:		Mr./Ms xxxx	country
		xxxxxx	country
		Mr./Ms xxxxx	country
		Mr./Ms xxxx	country
Handling: Make your opening remarks for the ME of [Assessed Country].			
<p><b>ECG CO-CHAIR OPENING REMARKS FOR THE MER OF [ASSESSED COUNTRY]</b></p> <p>Dear Delegates, this is a GIABA mutual evaluation. We wish to acknowledge the hard work put into this mutual evaluation by [Assessed Country] authorities, the assessors and the GIABA Secretariat.</p> <p>The GIABA Secretariat, ECG-Co-Chair, [Assessed Country] and the Assessors have worked very diligently to select the key issues for discussion. Through this collaboration and consensus, we have proposed xxxxx key issues for discussion in the Key Issues Document you have before you. <b>The meeting may discuss other issues <i>only if there is sufficient time after the main ones.</i></b></p> <p>I wish to kindly introduce the substantive issues indicated on the list of key issues one by one for consideration and discussion.</p> <p><b>Note: Please, do not introduce the Assessment or the Assessed Country Team. This will be done at the Plenary.</b></p>			
Handling (Co-Chair):	<b>Introduction</b> There are xxxxx key issues for this ME: [State the IOs]. – Examples:		
	<b>Issue</b>	<b>Raised by</b>	<b>Handling</b>
	1 – IO.1	Issue raised by [countries & /or observers]. Most delegations are requesting for a downgrade from ME to LE given the deficiencies noted in the analysis in relation to	Assessment Team>[Assessed Country] > ECG Experts > delegations.

		the NRA. The Assessment Team supports a downgrade. [Assessed Country] supports the current rating.	
	2- IO.3	xxxxx is seeking clarification on the enforceability of the AML/CFT Guidelines issued by the FIU and the Central Bank of [Assessed Country] for reporting entities and whether the lack thereof would have adverse impact on the TC analysis of some Recommendations.	Assessment Team>[Assessed Country] > ECG Experts > delegations.
	3- IO.2	[Assessed Country] is requesting a rating upgrade from Low to Moderate in view of outcomes of measures implemented by the country. xxxxx seeks clarification on whether weak collaboration between domestic authorities contributes to the lack of execution of MLA requests and if a new Recommended Action is needed.	[Assessed Country]>Assessment Team > ECG Experts > delegations.
	4 - IO.8	[Assessed Country] is seeking a rating upgrade from Low to Moderate.	[Assessed Country]>Assessment Team > ECG Experts > delegations.

***Key Issues for Discussion***

- Introduce the first key issue.
- Read out the main statement of the Key Issue

**Handling of Key Issue 1: IO 1**

- Mention the delegates who raised the issue – xxxxxxxx.
- Mention that the current I.O 1 rating is Moderate; that delegations are seeking a downgrade while other delegations are seeking additional information and clarifications, particularly regarding the weight given to the deficiencies identified in relation to the NRA.
- Summarize the issues raised by the delegates (do not read the KID).
- The Assessment Team, through the lead assessor on IO.1 should be given the floor first for a brief explanation of their view on the issue. Then [Assessed Country]. Then delegations (starting with ECG Experts).
- Open the floor to delegations - GIABA members; consider also inviting delegations who raised comments on IO.1 (list the countries &/or observers) for comments or questions. If delegations ask questions, give the floor to [Assessed Country] and/or the assessment team

(depending on whom the question is directed at. [Again, if it is unclear who should get the floor, seek advice of the Secretariat.]

- Summarise the outcomes of the discussion (e.g. if there is support for a downgrade and/or changes to the MER text).

If there is no support in the room for a downgrade: the Moderate rating remains. No need to send IO.1 to the Plenary.

However, because some delegations are asking for clarifications on the RAs – then where delegations have offered textual amendments – Chair needs to ensure that these amendments are sent to the Secretariat for consideration by the team. Proposed amendments will appear on the revised KID to be circulated latest by Wednesday COB.

**IMPORTANT reminder: ECG makes recommendations by consensus. This means:**

- In case of conflicting interventions, the Chair should initiate a new round of discussions – for instance by inviting the Team or the country to answer questions that would be raised by delegations. The Chair can seek further interventions from the floor. The Chair should try to clarify remaining areas of disagreement to allow members who disagree with the proposal to clarify their views.
1. The cycle of discussions may be repeated until a consensus is made otherwise the matter is referred to TC/Plenary
  2. The Chair may seek advice from the GIABA Secretariat if needed.  
**If there is no consensus to change the rating and/or the text – then it is the *status quo*, and the MER text/rating remains as presented in the Pre-Plenary version.**

**Key issue 2: IO.3/Recs 1, 7, 10,13, 15, 16, 18-23, & 35**

1. The issue is raised by a delegation only.
2. Chair to state clearly when this key issue comes up that a decision by plenary that the Guidelines are not enforceable would have cross-cutting effects or lead to snowball effects on the Recommendations that have been listed in the KID. In addition, draw their attention to the details in Annex B to the KID (that is, the changes that have been made across TC) as well as in some other parts of the MER (the redline version of the MER).
3. The Assessment team should be given the floor first to explain whether the AML/CFT Guidelines are enforceable and the implications, where they are not enforceable.
4. [Assessed Country] should be given the floor afterwards to clarify the enforceability status of the AML/CFT Guidelines issued by the authorities (there is no need to repeat information already mentioned by the assessors).
5. Open the floor to delegations – and if appropriate invite delegations who raised the issues (FATF Secretariat)

If there is support in the room that the Guidelines/ Regulations are not enforceable, then the proposed changes by the assessors remain. No need to send the issue to Plenary.

**Key issue 3: IO.2**

6. The substantial issue was raised by [Assessed Country] only. The country is seeking an upgrade to ME given the progress it has made in its formal international cooperation. The FATF seeks clarification on whether the weak coordination between domestic authorities contributes to the lack of execution of MLA requests and if a new Recommended Action is needed to address this issue.
7. [Assessed Country] should be given the floor first to explain why the upgrade is warranted.
8. Assessment team should be given the floor afterwards to explain their views and the proposed rating.
9. Open the floor to delegations (following the order noted earlier)
10. The assessors have proposed a new RA. Ask delegations whether they accept that the new RA be included in the report or have textual amendments to the new RA or have new proposal. **Chair needs to ensure that these amendments are sent to the Secretariat for consideration by the team. Proposed amendments will appear on the revised KID to be circulated latest by COB Wednesday, xxxxx.**

**If no support in the room for an upgrade: the LOW rating remains. No need to send the issue to Plenary. Also, if there is support for the new RA, then it remains as proposed by assessors.**

**Key issue 4: IO. 8**

11. The issue is raised by [Assessed Country] only. The country is seeking an upgrade to ME. Therefore, [Assessed Country] should be given the floor first to explain why the upgrade is warranted.
12. Assessment team should be given the floor afterwards to explain why the proposed rating is LOW.
13. Open the floor to delegations (following the order noted earlier)

**If no support in the room for an upgrade: the LOW rating remains. No need to send the issue to Plenary.**

**If delegations have offered textual amendments (for instance to RAs)– Chair needs to ensure that these amendments are sent to the Secretariat for consideration by the team. Proposed amendments will appear on the revised KID.**

**At the end of the key issues discussions, the ECG Co-Chair should:**

1. Thank delegations for the fruitful discussions
2. **List one more time the list of key issues which are being reported to the Plenary for further discussion; and the ones that will be presented as for information only;**

**Inform delegations that a revised KID will be circulated by COB, DATE.**

<b>Estimated timing:</b>	<b>Meeting scheduled between 10 and 16 with a short lunch break. Maximum discussion time 4 hours</b>
--------------------------	--

**SUMMARY OF ACTIONS**

STEPS	ACTIONS
1	Read the Key Issue
2	Mention the delegates who raised the issue
	Provide a summary of comments by delegations (do not read the KID)
3	If comments are raised by delegates, invite AT first for their views
	If comments are raised by the assessed country, invite the assessed country first for its views
4	Invite ECG Expert team for comments
5.	Invite GIABA member States for their comments
6	Pause after 3-4 GIABA members have spoken and summarize the discussions
7	Call on other GIABA member States whose flags are pending but ask if they have any new information (intervention that has not been made before), otherwise request them to drop their flags
8	If no further comments by GIABA member States, invite other delegates for their comments
9	Summarise the outcomes of the discussion (e.g. if there is support for a downgrade and/or changes to the MER text
	If there is no support in the room for a downgrade: the Moderate rating remains. No need to send the issue to the Plenary
10	In case of conflicting interventions, initiate a new round of discussions
	Try to clarify remaining areas of disagreement to allow members who disagree with the proposal to clarify their views
	The cycle of discussions may be repeated until a consensus is made otherwise the matter is referred to TC/Plenary
11	If there is no consensus to change the rating and/or the text – then it is the <i>status quo</i> , and the MER text/rating remains as presented in the Pre-Plenary version