Journal of Money Laundering Control

International anti-money laundering laws: the problems with enforcement

Selina Keesoony,

International anti-money laundering laws: the problems with enforcement

Selina Keesoony
*Department of Law,
Brunel University London, Uxbridge, UK*

Abstract

Purpose – This paper aims to explore the underlying problem of tackling money laundering, namely, the difficulty of enforcing international laws and whether this is a problem which is too great to overcome in practice.

Design/methodology/approach – A doctrinal approach is used to discuss international anti-money laundering (AML) laws and question whether money laundering can be truly regarded as an international crime. A comparative approach with case studies of corruption in financial institutions illustrates the problems which law enforcement might encounter. The advantages and disadvantages of tackling money laundering will be highlighted to elucidate both the negative impacts of the crime and the reasons why some states may not be tackling money laundering as forcefully as they could.

Findings – Uniformity of AML laws among different countries may deter criminals from laundering money. The ratification of the Vienna Convention can help to facilitate uniformity of legal rules. States need robust domestic laws to tackle money laundering. Money laundering is an international crime, although not always a specific crime in international law. Moreover, it is generally advantageous to consider money laundering to be a specific crime under international law.

Originality/value – The article questions the effectiveness of current AML laws by examining the foundations of international law. Suggestions as to how uniformity can be achieved are given. A comparative approach is also used to demonstrate the extent of the crime, weaknesses in companies' regulatory regimes and how each State responds to money laundering. The comparison also reveals State-specific issues which fuel money laundering. Moreover, the article explores the practical and legal advantages and disadvantages of money laundering being considered a specific crime in international law.

Keywords Enforcement, Anti-money laundering, International law

Paper type Research paper

Introduction

The criminal activity of money laundering can best be described as:

> […] a process by which the illicit source of assets obtained or generated by criminal activity is concealed to obscure the link between the funds and the original criminal activity (International Monetary Fund, 2014).

The process "create[s] a veil of legal cleanliness" (Mei Leong, 2007) to stealthily disguise the character of the illicit money. Money laundering is typically a transnational

The author gratefully acknowledges the research funding given by Chartered Institute of Taxation and thanks Professor Barry Rider OBE for his helpful comments on this article.

Journal of Money Laundering Control
Vol. 19 No. 2, 2016
pp. 130-147

1368-5201
DOI 10.1108/JMLC-06-2015-0025

organised crime which involves "a number of different jurisdictions with differing legal standards" (Rider *et al.*, 2009). The transnational nature derives from the fact that criminals tend to commit the predicate offence in one jurisdiction and then launder the illicit proceeds through another to make the proceeds more difficult to trace. To successfully reduce money laundering, the law must tackle each stage of the "laundering process" (Rider *et al.*, 2009), which include "identification, pursuit, seizure, and […] confiscat[ion] or forfeiture" (Rider *et al.*, 2009).

The Proceeds of Crime Act 2002[1] specifies the offence of concealment[2], which effectively widens the offence of money laundering. Concealment includes disguising, converting, transferring or removing criminal property from the UK[2]. The seriousness of money laundering can be conveyed by the offences of failing to report a money launderer where a person knows or suspects this to be true[3]. This provision imposes a positive duty to report suspected money launderers and is most likely to affect those employed within financial services.

Although money laundering may not have identifiable victims whom the laundering of illicit funds affects directly, the effects of the offence are no less destructive than street-level crime. Money laundering causes the unequal distribution of wealth, which can have disastrous effects on a State's economy and the well-being of its citizens. Furthermore, the reputation of a State can drastically decline where it is perceived by the rest of the world as being secretive and corrupt. The resulting consequences for the economy are inevitably catastrophic, with foreign investors seeking to do business in States with a reputation for having more stable and transparent financial institutions, whilst the corrupt countries lose out on valuable investment.

Background

Money laundering comprises of three basic stages; placement, layering and integration (UNODC, 2014). Placement is a crucial stage for money launderers, as it is the first stage whereby the illicit funds are distanced from both the crime and the criminals (UNODC, 2014). Many criminals choose to deposit the funds into financial institutions, wherein the second stage of the money laundering process can follow seamlessly. Layering is used by launderers to obscure the criminal trail in an attempt to further disassociate the funds from its source. Complex, artificial schemes are used to achieve disassociation, which can involve the physical dispersing or smurfing of the funds into various financial institutions globally (Rachagan and Kasipillai, 2013). Integration is the final stage whereby the launderer is reconciled with their laundered funds which are clothed in legitimacy. Integration can subsequently lead to the financing of further criminal activities, for example the financing of terrorism.

Durrieu explains that money laundering is viewed as the more attractive option when dealing with illicit funds, as there is a lesser chance of being detected than if the money were invested in the black economy (Durrieu, 2013). Another reason for money laundering may be the desire to update large quantities of banknotes which are gradually falling out of circulation. For example, the £50 note with Sir John Houblon was officially replaced in 2014 with pictures of Matthew Boulton and James Watt and is no longer in circulation (The Guardian, 2014a). Therefore, money laundering can provide a means by which banknotes are updated in a cunning manner. Border control at airports also inhibits the flow of illicit money by requiring passengers to declare their cash where they have 10,000 Euros or more (HMRC, 2014). With these checks for illicit funds, it is feasible to envisage why criminals may seek to launder their illicit money.

Problems with enforcing international law

To fully appreciate why money laundering may be difficult to enforce on an international scale, it is useful to analyse the problems of enforcing international law in general. As will be discussed, there are several barriers to international enforcement, including the difficulty in achieving uniformity of laws and the issue that international laws are not legally binding on States. Ultimately, it may be domestic laws which have greater impact in the battle against money laundering.

Uniformity. The UN comprises 193 States and, therefore, is precluded from having a truly international scope in the literal sense (United Nations, 2013a), as it omits the State of Palestine and the Holy See as members of the UN (2013b). The main obstacle in the implementation of international law is the struggle to achieve genuine uniformity between States. Inevitably, any attempt at uniformity "will be eroded by [international laws] being differently construed and applied in the different" (Zweigert and Kötz, 2011) States, which illustrates the "untidy nature of international legal documents" (Durrieu, 2013, p. 3).

There may also be inconsistencies regarding the extent to which certain laws are binding. Unavoidably, soft laws such as the Financial Action Task Force's[4] third recommendation to criminalise the laundering of the proceeds of serious crime (FATF, 2013) are only likely to generate "soft harmonization" (Reimann and Zimmermann, 2006). The adverse consequences of a lack of uniformity stretch further than a failure to harmonise international laws. Some claim that successful money launderers have:

> [. . .] exploited the discrepancies among different legal systems of countries in different parts of the world to gain access in the new markets (Mugarura, 2011).

This threat suggests that striving towards uniformity of legal rules can inhibit money laundering to some extent.

Some argue that only the European Court of Justice has the "power to give a uniform construction to uniform law" (Zweigert and Kötz, 2011, p. 27). Conversely, the position is different on a wider international level due to the lack of a directly effective international law instrument. However, directly applicable law has been criticised for having the potential to inhibit States' "freedom to alter and develop their law" (Zweigert and Kötz, 2011, p. 28).To encourage the unification of international laws, the UN Office on Drugs and Crime[5] has a normative function to help States ratify multilateral treaties and develop municipal legislation and policies in relation to terrorism and money laundering (UNODC, 2013). Treaties are the main type of international law, although they are "very difficult to achieve and rather clumsy in operation" (Zweigert and Kötz, 2011, p. 25). Furthermore, multilateral treaties have been highly criticised, as their "results in the [. . .] unification of law are not very satisfactory" (Zweigert and Kötz, 2011, p. 25). The Vienna Convention can and should be ratified to reinforce uniformity in domestic regulatory regimes[6]. Detection can also be required at an international level where cybercrime is concerned.

With the various measures in force simultaneously tackling money laundering, international law can be viewed as consisting of "a patchwork of overlap and different animating principles" (Zweigert and Kötz, 2011, p. 28). Once international anti-money laundering (AML) laws are ratified, they can lack uniformity across States. The study of comparative law would, therefore, help to advance the "content of transnational uniform rules" (Reimann and Zimmermann, 2006, p. 606) and could be developed by governments using the International Money Laundering Information Network. The international laws set the standards; however, it is ultimately in the hands of each State as to how they will implement those standards which will determine whether States will be vulnerable to cross-border money laundering. Therefore, domestic laws can have "legal consequences internationally" (Rider *et al.*, 2009, p. 146).

Despite the Financial Action Task Force (FATF) producing soft laws, the FATF-Style Regional Bodies (FSRBs)[7], for example the Eurasian group on combating money laundering and the financing of terrorism[8], aim to ensure that the region they represent harmonise their laws in line with international standards (The Eurasian Group on Combating Money laundering and the Financing of Terrorism, 2013). Therefore, the strategic aims of the FSRBs can help to facilitate uniformity of international AML laws. The Eurasian group on combating money laundering and the financing of terrorism (EAG) also aims to reinforce relationships between FSRBs (The Eurasian Group on Combating Money laundering and the Financing of Terrorism, 2013) which can also ultimately encourage uniformity of international AML laws and ensure that all FSRBs are proactively seeking to combat money laundering by implementing effective AML targets for the future.

Coercive dimension. The international instruments are not legally binding on each State, as States can voluntarily decide whether to ratify the recommendations set out in the instruments (*Mortensen* v. *Peters* [1906] 14 SLT 227). The measures promote a risk-based approach to tackling money laundering rather than enforcing overarching sanctions. From an Austinian perspective, international law cannot be properly classified as positive law due to the fact that the "duties which it imposes are enforced by moral sanctions" (Austin, 1954) and, therefore, lack coercive force. INTERPOL, however, contributes a coercive dimension to the AML laws by encouraging the exchange of information, police training and cooperation (INTERPOL, 2013).

The lack of a sufficient coercive dimension in international law is compensated by the existence of the various methods of international cooperation. International cooperation can effectively be achieved through domestic legislation such as the Proceeds of Crime Act 2002 in the UK, which deals with asset recovery and confiscation. Furthermore, States can also engage in informal international cooperation whereby informal requests for assistance are requested. The Harare Scheme is also an effective means by which intelligence can be transposed between Commonwealth governments. Furthermore, European Union (EU) legislation advises Member States to set up joint investigation teams which could be used to tackle money laundering[9]. Information exchange regarding money laundering is also encouraged by the Egmont Group, which requires its members to set up Financial Intelligence Units (FIUs)[10]. The FIUs provide training and a means by which States can communicate with each other securely (The Egmont Group, 2014). The FSRBs and FIUs are both regional bodies providing valuable information exchange and enhanced cooperation with other States, which is essential in monitoring the cross-border crime of money laundering.

Despite the various non-binding measures, "there is a general pressure upon States to conform to these rules" (Freeman, 2008). This pressure does not, however, preclude States from asserting their own national supremacy. For example, Art VI of the US

Constitution reinforces the supremacy of US federal law irrespective of international law. However, Art 55 of the French Constitution gives primacy to international laws over national laws. The French approach is more likely to generate uniformity of international laws, although it is unlikely that other States will surrender their supremacy willingly. However, States must not surpass the limits which international law places on its sovereignty [*SS Lotus Case (France* v *Turkey*) [1927] P.C.I.J. (ser. A) No. 10].

Uniformity of international laws, therefore, is more difficult to achieve in practice, as States are not obliged to ratify them. It is, however, clear that obligatory laws would inhibit municipal legal development due to the rules imposed on States. Furthermore, enforcement measures at a domestic level may be better suited to detecting money laundering due to the regulation of financial institutions. It is beneficial for States to monitor the development of domestic legal enforcement worldwide to gain valuable insights into how to better strengthen their own AML laws. Due to the problems and lack of sufficient coercive power in enforcing international laws, it raises the question of whether money laundering can be considered a truly international crime.

Is money laundering a truly international crime? There are several international laws which include money laundering as an international crime. The UN Convention against Transnational Organised Crime 2004 elucidates that States must implement legislation to criminalise intentional money laundering[11]. The Palermo Convention also specifies that the offence includes the laundering of the proceeds of serious crime, specifically, where it is organised and transnational in nature[12]. Where the crime involves transnational organised crime, States are encouraged to provide mutual legal assistance to one another to facilitate proceedings[13].

"Money laundering is a stand-alone crime" (Boister, 2012) in international law, although it is usually prosecuted as an ancillary offence (Boister, 2012, p. 103). The ancillary nature of money laundering derives from the necessity of a predicate offence from where the illicit money originates, which can be a serious offence (Boister, 2012, p. 103). The predicate offence involves an acquisitive crime which is necessary in order for the subsequent money laundering process to take place. Consequently, the offence of money laundering "is both dependant on but independent of that [predicate] offence" (Boister, 2012, p. 100). The varying dependency is reflected by the fact that money laundering requires a predicate offence to exist, although criminals can be prosecuted for money laundering even if not convicted of the predicate offence (Boister, 2012, p. 105). Therefore, money laundering is considered a specific offence. However, the doctrine of subsidiarity as applied by German courts allows judges to not prosecute offenders of money laundering where they will be prosecuted for the predicate offence (Boister, 2012, p. 105). The UN Convention against Transnational Organised Crime 2004[14] reinforces the doctrine of subsidiarity and in turn emphasises that money laundering is not a specific offence[15].

There are various international AML instruments which States should implement to safeguard the integrity of their financial institutions. The UN Convention against Corruption 2004[16] instructs States to prevent money laundering through requiring the provision of adequate regulatory and supervisory regimes for financial institutions and establishing FIUs[17]. There are also measures to ensure that illicitly laundered funds are not used to finance terrorism under Article 2(1) of the International Convention for the Suppression of the Financing of Terrorism 1999. Therefore, the criminalisation of money laundering serves as a useful tool to prevent the commission of more serious crimes by intercepting its source of funding.

EU Conventions supplement the body of international laws, as third-party States are permitted to ratify them if they choose to. The European Convention on Mutual Assistance in Criminal Matters 1959 facilitates mutual assistance, including the ability to send letters of request for evidence pertaining to a particular case[18]. EU law has proved dedicated to tackling money laundering through the implementation of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime 1990, which urges the criminalisation of converting, concealing and use of criminal proceeds[19]. Under the aforementioned Convention, it requires the offence to be committed intentionally[19], which is reminiscent of the Palermo Convention[20] and ensures that innocent third parties do not get unjustly punished.

The Model Provisions on Money Laundering, Terrorist Financing, Preventative Measures and Proceeds of Crime 2009 states that it is at the discretion of the particular State as to whether the predicate offences to money laundering should include:

> […] all offences, all serious offences, a comprehensive list that reflects all serious offences, or some combination of these (IMOLIN, 2013).

Therefore, the criminalisation of the laundering of the proceeds of serious crime specifically is ultimately at the discretion of each State. The law has certainly developed significantly from a time when only the laundering of drug trafficking was criminalised (Durrieu, 2013, p. 2).

As the International Criminal Court (ICC)[21] does not currently hear matters pertaining to money laundering, it has been suggested that a new "global anti-money laundering court" (Mugarura, 2011, p. 1) should be established. Alternatively, the Rome Statute 1998 could be amended by the International Law Commission to include money laundering as an offence to enable the ICC to have jurisdiction to hear money laundering cases (Mugarura, 2011, p. 4). The latter would be more cost-effective and sensible, given that some of the crimes heard by the ICC may not have occurred but for the unpunished launderers. Creating an international arena in which to hear money laundering cases can also promote the harmonisation of international legal rules within States.

Although not directly legally binding, the various international AML laws "may be and are regarded as obligatory" (Freeman, 2008) to maintain good relations between States. Furthermore, States should also abide by the general international law doctrine of *pacta sunt servanda*. Consequently, if States invariably accede to the various Conventions and treaties in practice, "there is value in attributing the title of law to the rules governing the international community" (Freeman, 2008). Moreover, international laws can be particularly useful where:

> […] international instruments appeal to common principles of national law to fill the gaps in its own provisions (Reimann and Zimmermann, 2006, p. 606).

Despite the voluntary and inconsistent manner in which money laundering is an offence under international law, it can rightly be considered an international crime, although not always considered a specific crime. Categorising money laundering as a crime under international law in turn rejects the view that "law is only really law if and when it emanates from a single sovereign" (Klabbers, 2013).Money laundering is therefore rendered an offence in the most effective manner possible under the current international law regime. States must accede to the various international AML laws to have the appropriate measures in place to tackle money laundering.

Financial institutions and money laundering

Money launderers ultimately seek to legitimise their illicit funds to use the funds undetected. A seemingly effective way to disassociate the dirty money from the launderer and then legitimise it is by laundering it through a bank which creates a new source. By smurfing the illicit money, several banks may also be implicated to reduce detection by a particular firm. Financial institutions are a breeding ground for money launderers which are at the heart of the commission of money laundering by providing effective "decontamination" (Durrieu, 2013, p. 18) of the illicit funds. However, money laundering cannot fully be tackled at a domestic level due to its typically transnational nature and the weaknesses in enforcement which some States suffer from. The Basel Committee on Banking Supervision was, therefore, set up to oversee the regulation of banks at an international level.

The most difficult facilitators of money laundering to detect are arguably financial institutions. Regular corrupt practices can result in a corruption culture, whereby the concept of corruption overlaps with achieving a successful business. Allowing illicit funds to flow through the corporation or indeed using the funds for the benefit of the company inevitably disrupts the natural flow of competition. Unsurprisingly, where a corporation has laundered money without detection, "it is in their competitor's best interests to follow suit and reap similar economic benefits" (Schipani, 2014). As financial institutions are the main avenue whereby money is laundered, detection can be efficiently tackled at a domestic level. Crucially, money launderers require "a bank willing to take their money and secretive shell companies to hide their identity" (Global witness, 2013). Detection of money laundering may be closely monitored domestically, as criminals typically "hide behind corporate nominees and obscure the ownership and control of business[s]" (Rider *et al.*, 2009, p. 145). Regulators and managers of financial institutions can monitor compliance by "reporting, recording and monitoring suspicious funds" (Rider *et al.*, 2009, p. 149).

A stable finance industry is essential to a State's economy, which reinforces the importance of reputation. States must remain internationally competitive by ensuring that banks have integrity to provide foreign investors with the confidence to invest. Therefore, effective enforcement must be present within each firm to effectively tackle money laundering in the first instance. In particular, banks must ensure that they abide by the "tenets of good governance- transparency, accountability and integrity" (Schipani, 2014, p. 1). Failure to abide by these tenets represents a reputational risk for the company, and they could also face sanctions for failing to have adequate money laundering controls. In the UK, the Financial Conduct Authority (FCA) is the guardian of the finance industry's integrity. Regulation 20(1) of the Money Laundering Regulations 2007 regarding customer due diligence is essential in combating money laundering at the State level. This requires financial institutions to continuously ensure that they are "identifying the customer[s] and verifying the customers' identity"[22].

Financial institutions in the UK must also continuously ensure that they meet the standards set out in the FCA's[23] handbook, particularly the Principles for Businesses. To combat money laundering, it is imperative that firms abide by Principle 3, namely:

[…] a firm must take reasonable care to organise and control its affairs responsibly and effectively, with adequate risk management systems[24].

Emphasis is placed on mitigating the potential risks, as money launderers are difficult to trace particularly, as it is a form of white-collar crime and therefore, better coordinated. In addition to this, ensuring that firms operate with "due skill, care and diligence"[25] is central to tackling money laundering and is another form of a risk-based approach to compliance. Fundamentally, firms must ensure transparency with the regulators to safeguard against exploitation of the financial system[26].

In response to the ongoing concerns regarding financial crime, the Wolfsberg Group was set up in 2000 to provide guidance to those in the banking sector (Wolfsberg-principles, 2014a). The Wolfsberg Group comprising 11 international banks has published advice on how best to tackle money laundering in addition to other financial crimes (Wolfsberg-principles, 2014a). Their guidance relating to money laundering reiterates the importance of customer due diligence and the necessity of keeping this under constant review (Wolfsberg-principles, 2014b), being more cautious when dealing with jurisdictions with weak AML controls (Wolfsberg-principles, 2014b, p. 3) and carrying out appropriate checks on politically exposed persons (Wolfsberg-principles, 2014b, p. 6). The principles set out in the Wolfsberg Group's publications also help to facilitate uniformity of regulatory rules and risk mitigation strategies.

The money laundering activities of the drugs gang Juarez Cartel illustrate the scale at which money laundering can reach. The money derived from selling drugs in Mexico and over $14m in profits was subsequently layered within Argentinian and Uruguayan financial institutions (Durrieu, 2013, p. 20). The money was then spent on luxury items and invested in shares in an attempt to conceal and legitimise the funds (Durrieu, 2013, p. 20). However, many banks around the world have also been vicariously punished for the cunningness of money launderers who "shop around the world looking for the best legal environments" (Durrieu, 2013, p. 42) to conceal their illicit money in, namely, those which are known for having widespread bribery and corruption (Durrieu, 2013, p. 56).

Africa. The money laundering activities in Africa highlight the importance of being vigilant internationally. The Nigerian Government has sought to tackle money laundering by creating the Economic and Financial Crimes Commission[27]. It is an unfortunate reality that corruption is rife in Africa, where powerful people abuse their positions, which in turn undermines the political integrity of the entire State. For example, the former Nigerian President Sani Abacha laundered billions through British banks (The Guardian, 2014b). The case demonstrates the importance of recognising that money launderers may not appear as typical criminals and the culprits are usually those "with professional backgrounds and above-average levels of social status and respect" (Durrieu, 2013, p. 45).

The money laundering activities of the former Nigerian Governor, James Ibori, also serve to establish how corrupt individuals can misuse the banking system for criminal activities. Ibori laundered money derived from the Delta State budget into British banks (Brooks, 2012). He concealed the illicit money in accounts of Nigerian companies which were owned by Ibori's acquaintances for so-called oil supplies (Brooks, 2012). The money laundering schemes were aided by "corrupt lawyers, financiers and officials" (Brooks, 2012).The case demonstrates the audacious nature of the corrupt, as Ibori made a failed attempt to bribe a member of the Economic and Financial Crimes Commission

(EFCC) with millions of dollars (Brooks, 2012). However, President Yar'adua suspiciously dropped all of the EFCC's 170 charges which were made against Ibori (Brooks, 2012). HSBC also allowed the launderer to conceal the illicit funds within their branches, despite the Know Your Client requirement under the Prevention of Money Laundering Act 2002 (Brooks, 2012, p. 21). HSBC's failures derived from the fact that they failed to identify politically exposed persons (PEPs) [28]. Ibori was sentenced in 2010 for 13 years (Brooks, 2012, p. 24). Had Ibori's criminal activities gone undetected, "it could have seen Ibori in the presidential villa rather than a British jail cell" (BBC, 2014).

The importance of continuously monitoring client accounts must be acknowledged by firms, although, more importantly, firms should ensure that they conduct the appropriate background checks before allowing the individual to become a customer. The Nigerian firm Guaranty Trust Bank (UK) Limited was fined £525,000 for numerous failures in their AML controls, one being the failure to carry out background checks to establish whether certain customers were PEPs (Financial Conduct Authority, 2013). The bank also facilitated an avenue whereby customers can effectively circumvent risk assessments when asked the purpose of the client accounts (Financial Conduct Authority, 2013, p. 9). As the bank suggested that a legitimate reason for having an account could be "day to day expenses" (Financial Conduct Authority, 2013), many customers utilised this idea and claimed that this was also their reason for opening the accounts, despite the fact that this reason did not coincide with their profiles (Financial Conduct Authority, 2013).

USA. The "Pizza Connection" was a well-known scam in the 1980s, whereby the culprits sought small pizza restaurants which only received cash (New York Times, 2014). The complex scheme involved them setting up fake companies which they subsequently used to launder the illicit pizza money through. They co-mingled the millions of dollars' worth of illegitimate money with the legitimate money made from the businesses to go undetected (New York Times, 2014). The complexity of the scheme illustrates the difficulty in tracing laundered funds.

In more recent times, HSBC allowed drug gangs to launder billions of pounds through their institution by failing to effectively monitor the illicit money which was threaded through the bank across the border. Therefore, primary responsibility for tackling money laundering falls on the financial institution. HSBC was given a fine and made to pay \$1.9bn (The Guardian, 2014c). It was reported that a fine rather than criminal prosecution was preferred due to the adverse consequences which would have transpired had the latter approach been taken and HSBC would have their banking licence revoked (The Guardian, 2014c). It is extremely difficult to punish such institutions in this way as the economy relies on them for employment (The Guardian, 2014c). Thus, financial institutions arguably enjoy a degree of immunity from the criminal law. It is paramount, therefore, that States not only implement international AML laws but also ensure they are enforced at a firm-wide level.

In 2012, Standard Chartered Bank facilitated the laundering of billions of pounds to state-funded institutions in Iran. The bank breached US sanctions for almost a decade, as it worked to hide around 60,000 transactions then hid the contraventions (The Times, 2014). Information regarding the criminal activities was then withheld from the regulators (Ebrahimi, 2012). They also fabricated business records and omitted to report the wrongdoing (Ebrahimi, 2012). The effects of the laundering operation were extremely harmful, as it essentially "made the USA financial system vulnerable to terrorists and […] corrupt regimes" (The Times, 2014).This case illustrates that it is not only the financial stability and integrity of the State's banking regime which is under threat, but also the very real threat of danger to life due to money laundering activities.

UK. The Doxford Ltd case illustrates the difficulty in prosecuting the influential and powerful. Doxford aimed to disguise money which he had obtained from tax he evaded and, therefore, created false trading accounts for Arab sheikhs from Bahrain which did not, in fact, exist (Duthel, 2008). He procured a scheme whereby it appeared that the fictional sheikhs deposited great amounts of money with him. Doxford also stealthily controlled the audit trail by closing each account after he made a profit (Duthel, 2008). The scheme was clothed in legitimacy by ensuring real clients from the UK also had accounts opened and the relevant paperwork which legitimately showed trades being conducted on the London Stock Exchange (Duthel, 2008). Despite the existence of both the predicate offence of tax evasion and ancillary offence of laundering the proceeds, surprisingly, no criminal prosecutions were brought against Doxford.

As well as conducting background checks on customers, firms must ensure that they mitigate the potential risk of money laundering to avoid enforcement action. Habib Bank AG Zurich was fined £525,000 in 2012 for failures relating to AML (Financial Conduct Authority, 2012a). One of the failings related to a lack of recording and revising training (Financial Conduct Authority, 2012a) which illustrates the importance of ensuring employees can monitor and detect money laundering in practice. There was also a failure to categorise customer accounts with the appropriate level of risk in accordance with those countries presenting a higher money laundering risk (Financial Conduct Authority, 2012a, p. 3). Therefore, where another country has substandard AML controls, it falls on the transacting firm to ensure that customers originating from higher-risk countries are appropriately risk-assessed. The burden is on the transacting firm, which demonstrates that a firm's internal regulations must be as robust as the State's AML laws.

Coutts and Company were fined £8.75m in 2012 for omitting to guard against potential money laundering risks (Financial Services Authority, 2012b). Significantly, Coutts also failed to identify all of the PEPs which placed their firm at a major risk of money laundering. In relation to high-risk customers in particular, there were deficiencies in due diligence among 71 per cent of the files which the FCA studied (Financial Services Authority, 2012b). The need for Coutts to be diligent and compliant was emphasised by the regulators, as Coutts is a:

> […] high profile bank with a leading position in the private banking market and is a gateway to the UK financial system for high net worth international customers (Financial Services Authority, 2012b, p. 3).

The substantial fine reflects the seriousness of the failings and its potential impact on the economy. High-profile firms must safeguard their reputation more stringently, as failure to do so could result in losing their wealthy customers and ruining the reputation of the UK financial market as a whole.

Other firms have also had several failures in implementing their AML regulations. In 2013, EFG Private Bank was fined £4.2m for failing to have adequate AML controls in place (Financial Conduct Authority, 2014a). There were customers who posed a high risk of money laundering, including those who had been convicted of money laundering (Financial Conduct Authority, 2014a).The bank had a staggering 400 accounts which posed a money laundering risk (Financial Conduct Authority, 2014a). Many of their customers were also PEPs (Financial Conduct Authority, 2014a), which should have made the bank more cautious rather than unsuspecting. Surprisingly, the failures continued for three years (Financial Conduct Authority, 2014a), which signifies that the potential for money laundering activities was higher. With many customers presenting high risks of engaging in money laundering, it is difficult to understand why firms do not exercise greater due diligence.

The unsatisfactory money laundering controls are still rife amongst firms, which suggests that previous fines are not having the desired deterrent effect. In 2014, Standard Bank Plc was fined over £7.6m, as it had insufficient money laundering controls in place (Financial Conduct Authority, 2014b). The fine mirrors the severity of the bank's failings and the importance of identifying and preventing money laundering. The banks policies and procedures were found to be inadequate in relation to PEPs, which banks should be more vigilant with and have regard to this category of persons. The bank failed to maintain adequate customer due diligence measures contrary to the Money Laundering Regulations 2007, Regulation 20(1) (Financial Conduct Authority, 2014b). Loans were also negligently given to corporate customers from jurisdictions where the threat of money laundering is higher (Financial Conduct Authority, 2014b).

Whilst the reasons to tackle money laundering are clear, there is always the risk that a firm's compliance obligations can impede their customers' legitimate businesses. In 2014, the stockbroker Selftrade was condemned for asking "intrusive questions" (FT, 2014) to meet their AML requirements. The forms given to their clients included questions seeking to confirm the source of their customer's money (FT, 2014). The case demonstrates the tension between meeting AML requirements and maintaining customer satisfaction. The Selftrade example also illustrates why some financial institutions may be reluctant to have adequate AML controls in place. However, the regulatory requirements are put in place to uphold the integrity of financial institutions and to ensure that they are not abused. Although, adopting a zero tolerance approach and adding a dimension of complexity to meet AML requirements can also discourage customers from transacting with particular firms which can be damaging to the firm's profit. Selftrade terminated the banking branch of their company, which shows the practical negative impacts of a seemingly invasive approach to compliance.

Firms must strike an appropriate balance between ensuring compliance and satisfying their customers' financial needs. However, although customers may find it inconvenient to complete additional forms to pass the required background checks, the formalities serve to reinforce the integrity of the complying firms, which should put customers at ease. Firms which are fined for not complying with AML requirements can experience far-reaching reputational damage. The various international case studies also illustrate the need for States to tackle money laundering "in a cooperative, coordinated and consistent way" (Durrieu, 2013, p. 42) due to its typically transnational nature.

States must identify their own individual risks and tackle them accordingly. For example, in Africa, it is apparent that bribery and corruption are common catalysts for money laundering. From the case studies, it appears that America typically has money launderers who fund further criminal activities. In the UK, there have been widespread failings to have adequate AML controls in place within financial institutions. Therefore, once a State's particular weakness is recognised, they can tackle money laundering more effectively.

Risky states

In addition to States implementing international AML laws and financial institutions striving to maintain adequate risk management strategies, States must also be vigilant with certain countries which may have deficient AML regimes. The FATF has recently published a statement detailing those States which are both "high-risk and non-cooperative jurisdictions" (FATF, 2014) to alert firms to take extra precaution when dealing with customers or firms from them. For example, Iran and the Democratic People's Republic of Korea have both been categorised by the FATF as being particularly high-risk in relation to money laundering and terrorist financing (FATF, 2014). Significantly, Iran has also not criminalised the financing of terrorism (FATF, 2014), which poses a significant risk to life. Durrieu has also emphasised the lack of adequate AML controls in Argentina (Durrieu, 2013, p. 21). Therefore, rather than relying on States to ratify international AML laws, particular States are also exposed for their regulatory deficiencies to warn compliant States to take extra precaution.

The FATF's approach of informing other States about the high-risk States is an effective method by which States can monitor particular customers. However, it can be particularly damaging to the high-risk State's global image. The reputational damage can be economically devastating, as the FATF also warns States to be wary when considering reinforcing business relations with these high-risk States and allowing their firms' subsidiary branches to be established within compliant States (FATF, 2014). Algeria, Ecuador and Myanmar are also deemed to be high-risk countries, although all are making progress in their AML controls and combating the financing of terrorism (FATF, 2014). More importantly, the FATF does not warn compliant countries against allowing Algeria, Ecuador or Myanmar's subsidiaries to be established in the complying State. Therefore, the reputational damage is lessened due to States taking reasonable steps towards being compliant although they are not fully compliant.

The FATF have also published a list of countries which are "no longer subject to the FATF's on-going global AML/combating the financing of terrorism (CFT) compliance process" (FATF-GAFI, 2014). These countries include: Kenya, Kyrgyzstan, Mongolia, Nepal and Tanzania (FATF-GAFI, 2014).The aforementioned countries are essentially exempt from on-going monitoring due to their proven commitment to remedy their regulatory failings (FATF-GAFI, 2014). However, they must continuously work closely with their respective FSRBs to regularly evaluate their controls (FATF-GAFI, 2014). These countries have improved their global reputation by making a genuine effort to comply with international AML standards, which can encourage non-compliant countries to follow suit.

Trusted financial institutions have been used for money laundering, which can be said to undermine their integrity and negatively impact their States' global reputation. AML controls must not only be in place but also continuously monitored in order for States to be deemed compliant. States have the additional responsibility of ensuring they are aware of those States which pose a high risk of money laundering and risk assessing all PEPs. Whilst having effective AML controls ensures the integrity of a State is upheld in the global arena, frontline action in monitoring and detecting suspicious activity upholds the integrity of the particular financial institution, which could have positive reputational ramifications for their branches worldwide. Reputational damage is far more harmful to financial institutions than paying a hefty fine; therefore, bad publicity which weakens and discredits their brand may be an effective deterrence tool.

Legal and practical disadvantages of money laundering as a specific crime in international law

There are problems which international AML laws could cause in practice, although there are also many advantages in tackling money laundering. The disadvantages are necessary to explore to understand why some States are not combating money laundering as well as other States. The advantages highlight the need for States to comply with international AML laws and the consequences if they do not comply with them effectively.

Disadvantages. There are numerous legal disadvantages and problems which law enforcement agencies could encounter as a result of international AML laws. Chiefly, there would be many discrepancies in municipal law, as "each State would take the law into its own hands and be the judge of its own conduct" (United Nations, 2013c). Accordingly, any goals of uniformity through the international legal system would be obstructed due to the "decentralised reaction to breaches of principles of international law" (United Nations, 2013c). Furthermore, there is the fundamental danger of international laws conflicting with domestic laws and the problem of which should prevail. Although as aforementioned, Art VI of the USA Constitution states that US federal law is supreme irrespective of international law.

Difficulties in relation to the regulation of financial institutions are also likely, as they are the main avenue in which money is laundered. Disconcertingly, it is not possible to achieve uniformity in the regulation of financial institutions, as each State has its own financial regulator which may differ in their approach to ensuring compliance. Therefore, universal AML laws, if uniformly implemented, can ignore the important distinctions between States' respective regulatory regimes and sanctions.

The problem of having international AML laws is that it can lead to corresponding international sanctions and the danger that "sanctions [may] have to be applied to whole nations rather than to individuals" (Freeman, 2008). The danger of States not complying with international laws can lead to international disharmony such as war (Freeman, 2008). In addition to this, tougher laws may mean longer screening processes and more thorough investigations to meet the Know Your Client requirement. Therefore, legitimate investors may not respond well to such interrogation. Successful prosecutions in States as a result of international AML law could result in "an anti-investment climate locally" (Mugarura, 2011, p. 2).

Advantages. The adverse issues which arise from AML laws, however, are not as concerning as the potentially destructive consequences of not combating money laundering. Those involved in money laundering are typically "individuals and companies engaged in business or the financial sector" (Rider *et al.*, 2009, p. 146). Therefore, tougher laws on money laundering can "impact […] the way in which financial and wealth business is conducted"(Rider *et al.*, 2009, p. 145), as those in positions of trust can feel pressured to comply.

As money laundering cases are often high-profile and talked about in the media, punishing money launderers and institutions which allow this activity can provide an effective deterrence. For a financial institution, their reputation is vital, and therefore, negative publicity which exposes their inadequate AML controls can cause their image serious long-term reputational damage. Consequently, deterrent measures can encourage compliance and promote due diligence to avoid further bad publicity. The concept of shaming offenders to ensure compliant behaviour in the future was advocated by Braithwaite[29] "to confront crime with a grace" (Braithwaite, 1999) which promotes compliance. However, firms may be reluctant to report criminal behaviour to the regulators, as "coming clean has its own risks" (Morris-Cotterill, 2004) other than reputational damage in the form of heavy fines.

Tackling money laundering more forcefully can also deter criminals from committing predicate offences from which the illicit money derives. Placement of the illicit funds would be made more difficult, which may encourage criminals not to launder their profits and instead spend it directly on assets which are "subject to a system of registration in the legal-regulated economy" (Durrieu, 2013, p. 26) such as "houses [...] yachts and cars" (Durrieu, 2013, p. 26). However, such lavish assets are subject to background checks which create a higher risk of being detected by law enforcement officials. Where criminals are unable to enjoy the fruits of their criminal labour, they may abstain from embarking on further unproductive predicate offences.

There are also positive moral reasons for combating money laundering, as those who commit various predicate offences should not be permitted to benefit from their crimes. Where government funds are stolen, as in the case of James Ibori, the rich get richer, while citizens are oblivious to the treachery of government officials, which has a direct impact on them and their standard of living. The process of building a sustainable economy is more important to developing countries which cannot afford to stunt their economic growth. Disconcertingly, money laundering in developing countries has risen (Okogbule, 2007); therefore, there is a great need for those States in particular to strengthen their AML laws.

Money laundering can generate a perpetual circle of criminality whereby money is laundered to fund other criminal activities and money made from those activities is subsequently laundered. For example, large-scale drug smuggling operations and terrorism can be funded by money laundering. Launderers are criminals; therefore, it is a tangible possibility that as well as purchasing luxury items for themselves, they can choose to finance other crimes. The former may be the prevailing view which can be a reason why money laundering cases are not heard in the ICC.

Where a State is seen to be tackling money laundering effectively, it not only reinforces the stability of that State's financial institutions but it also provides a strong indication that the particular State is concerned with complying with their international obligations in general. Therefore, actively seeking to combat money laundering is advantageous in terms of a State's global reputation and security. Consequently, weak AML laws attract money launderers, not investors.

Despite the various laws and AML initiatives, money laundering will invariably exist. Corruption in States undermines the international AML regimes through the creation of "financial secrecy havens" (Boister, 2012, p. 101). Particular States may provide "legal guarantees of bank secrecy and weak regulation" (Boister, 2012, p. 101), which consequently forecloses attempts to achieve international cooperation and uniformity of domestic regulatory rules. The money laundering offences committed by Nigerian Governor, James Ibori, and the laundering of over £1bn by Nigeria's former

President, Sani Abacha, both serve as a constant reminder that those who are enforcing the laws are themselves not abiding by them.

Conclusion

There are many barriers to the enforcement of international AML laws due to the inherent voluntary nature of international law. States are at liberty to decide whether the predicate offences of money laundering should only apply to serious crimes, notwithstanding the fact that making it applicable to a wider range of offences would capture more offenders. However, despite idealistic goals of uniformity, complete uniformity is unlikely to transpire in practice. Nevertheless, the lack of uniform laws should not undermine the force of international cooperation and the usefulness of legislative frameworks for States to implement and tackle money laundering in their respective ways.

In order for money laundering to be tackled more forcefully, it must be recognised as a tangible threat in its own right, as "it constitutes a harmful criminal activity separate from the predicate offences" (Boister, 2012, p. 110).Therefore, the consequences of intentional weak regulation must also be widely publicised to make firms want to comply and carry this mentality into practice. Financial institutions must also be vigilant, interdict money launderers and abstain from readily accepting sums of money which pass through their firms without conducting adequate risk assessments and background checks on each customer. Whilst all money can appear legitimate, not all money derives from legitimate sources. Unfortunately, firms are occasionally blinded by those who glide "easily through the cigar mist of the gentlemen's clubs" (Duthel, 2008).

Notes

1. POCA 2002.
2. s327 POCA 2002.
3. s330 POCA 2002.
4. (FATF).
5. UNODC.
6. Art 14, Vienna Convention.
7. FSRBs.
8. EAG.
9. Art 13, Convention on Mutual Assistance in Criminal Matters between Member States of the European Union.
10. FIU.
11. Art 6, Palermo Convention.
12. Art 3, Palermo Convention.
13. Art 18, Palermo Convention.
14. (Palermo Convention).
15. Art 6(2)(e) Palermo Convention.
16. (Vienna Convention).

17. Art 14, Vienna Convention.
18. Art 3, The European Convention on Mutual Assistance in Criminal Matters 1959.
19. Art 6, Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime 1990.
20. Art 6, Palermo Convention.
21. (ICC).
22. Money Laundering Regulations 2007, Regulation 5(a).
23. FCA.
24. FCA Handbook, PRIN 2.1.1, Principle 3.
25. FCA Handbook, PRIN 2.1.1, Principle 2.
26. FCA Handbook, PRIN 2.1.1, Principle 11.
27. EFCC.
28. PEPs.
29. Braithwaite's (1989) theory on reintegrative shaming.

References

Austin, J. (1954), "The province of jurisprudence determined", in Freeman (2008).

BBC (2014), "James Ibori: how a Theif almost became Nigeria's President", available at: www.bbc.co.uk/news/world-africa-17184075 (accessed 28 July 2014).

Braithwaite, J. (1999), "Restorative justice: assessing optimistic and pessimistic accounts", *Crime and Justice*, Vol. 25, p. 2.

Brooks, R. (2012), "London's dirty laundry", *Private Eye*, 23 August, p. 20.

Boister, N. (2012), *An Introduction to Transnational Criminal Law*, Oxford University Press, Oxford, p. 108.

Durrieu, R. (2013), *Rethinking Money Laundering and Financing of Terrorism in International Law*, Leiden, The Netherlands, p. 25.

Duthel, H. (2008), *The Professionals Politic and Crime: International Moneylaundering*, Lulu.com, p. 143.

Ebrahimi, H. (2012), "Years of wrongdoing alleged: US accuses Standard Chartered of nearly a decade of criminality", The Daily Telegraph, 7 August.

FATF (2013), "The FATF recommendations", available at: www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf (accessed 1 December 2013).

FATF (2014), "FATF public statement", 27 June 2014, available at: www.fatf-gafi.org/topics/high-riskandnon-cooperativejurisdictions/documents/public-statement-june-2014.html (accessed 16 July 2014).

FATF-GAFI (2014), "Improving Global AML/CFT Compliance: on-going process", 27 June 2014, available at: www.fatf-gafi.org/topics/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-june-2014.html#Kenya (accessed 18 July 2014).

Financial Conduct Authority (FCA) (2012a), "Final Notice: Habib Bank AG Zurich", p. 1, available at: www.fca.org.uk/static/pubs/final/habib-bank.pdf (accessed 16 July 2013).

Financial Conduct Authority (2013), "Final notice: guaranty trust bank", p. 3, available at: www.fca.org.uk/static/documents/final-notices/guaranty-trust-bank-uk-ltd.pdf (accessed 13 July 2014).

Financial Conduct Authority (FCA) (2014a), "FCA fines EFC Private Bank £4.2m for failures in its anti-money laundering controls", available at: www.fca.org.uk/news/efg-private-bank (accessed 12 July 2014).

Financial Conduct Authority FCA (2014b), "Standard Bank Plc fined £7.6m for failures in its anti-money laundering controls", available at: www.fca.org.uk/news/standard-bank-plc-fined-for-failures-in-its-antimoney-laundering-controls (accessed 28 July 2014).

Financial Services Authority (FSA) (2012b), "Final notice: coutts and company", p. 2, available at: www.fsa.gov.uk/static/pubs/final/coutts-mar12.pdf (accessed 18 July 2014).

FT (2014), "Selftrade clients criticise 'intrusive' questions", available at: www.ft.com/cms/s/0/f919cace-ca12-11e3-ac05-00144feabdc0.html#axzz37IOISWtk (accessed 12 July 2014).

Freeman, M.D.A. (2008), *Lloyd's Introduction to Jurisprudence*, 8th edn., Sweet and Maxwell Limited, London, p. 324.

Global witness (2013), "Congress moves to stamp out money laundering, tax dodging and corruption", available at: www.globalwitness.org/library/congress-moves-stamp-out-money-laundering-tax-dodging-and-corruption (accessed 27 November 2013).

HMRC (2014), "Declaring cash when entering or leaving the UK", available at: www.hmrc.gov.uk/customs/arriving/declaring-cash.htm, accessed 24.07.2014.

INTERPOL (2013), "INTERPOL", available at: www.interpol.int/About-INTERPOL/Overview (accessed 29 November 2013).

IMOLIN (2013), "Model provisions on money laundering, terrorist financing, preventative measures and proceeds of crime", p. 13, available at: www.imolin.org/pdf/imolin/Model_Provisions_Final.pdf (accessed 2 November 2013).

International Monetary Fund (IMF) (2014), "The IMF and the fight against money laundering and the financing of terrorism", available at: www.imf.org/external/np/exr/facts/aml.htm (accessed 8 June 2014).

Klabbers, J. (2013), *International Law*, Cambridge University Press, Cambridge, p. 9.

Mei Leong, A.V. (2007), *The Disruption of International Organised Crime: An Analysis of Legal and Non-legal Strategies*, Ashgate Publishing Limited, Hampshire, p. 31.

Mortensen v. *Peters* [1906] 14 SLT 227.

Morris-Cotterill, N. (2004), "International money laundering update", *Compliance Officer Bulletin,* p. 5.

Mugarura, N. (2011), "The global anti-money laundering court as a judicial and institutional imperative", *Journal of Money Laundering Control*, Vol. 14 No. 1, p. 2.

New York Times (2014), "7 found guilty in 'pizza trial of a drug ring", available at: www.nytimes.com/1987/03/03/nyregion/17-found-guilty-in-pizza-trial-of-a-drug-ring.html (accessed 20 July 2014).

Okogbule, N.S. (2007), "Regulation of money laundering in Africa: the Nigerian and Zambian approaches", *Journal of Money Laundering*, Vol. 10 No. 4, pp. 449-463.

Rachagan, S. and Kasipillai, J. (2013), "Money laundering and tax crimes in an emerging economy", *International Company and Commercial Law Review*, Vol. 278, p. 7.

Reimann, M. and Zimmermann, R. (2006), *The Oxford Handbook of Comparative Law*, Oxford University Press, Oxford, p. 1004.

Rider, B., Alexander, K., Linklater, L. and Bazley, S. (2009), *Market Abuse and Insider Dealing*, 2nd edn., Tottel Publishing, West Sussex, p. 148.

Schipani, A.C. (2014), *The Role of Corporate Governance in Promoting Integrity and Addressing Corruption*, Company Lawyer, p. 2.

SS Lotus Case (France v Turkey) [1927] P.C.I.J. (ser. A) No. 10 (September 7).

The Egmont Group (2014), "The Egmont group of financial intelligence units", available at: www.egmontgroup.org/about (accessed 18 July 2014).

The Eurasian Group on Combating Money laundering and the Financing of Terrorism (2013), "EAG work plan for the period till 2015", available at: www.eurasiangroup.org/strategy_and_methodology.php (accessed 18 July 2013), p. 5.

The Guardian (2014a), "It's time to offload these £50 notes", available at: www.theguardian.com/money/2014/apr/28/50-pound-notes-bank-of-england-houblon (accessed 23 July 2014).

The Guardian (2014b), "London slow to act over missing billions", available at: www.theguardian.com/uk/2001/oct/04/london (accessed 22 July 2014).

The Guardian (2014c), "HSBC's record $1.9bn fine preferable to prosecution, US authorities insist", available at: www.theguardian.com/business/2012/dec/11/hsbc-fine-prosecution-money-laundering (accessed 27 June 2014).

The Times (2014), "Standard chartered 'schemed' with Tehran to hide $250bn", available at: www.thetimes.co.uk/tto/business/industries/banking/article3499882.ece (accessed 29 July 2014).

UNODC (2013), "Making the world safer from crime, drugs and terrorism", p. 2, available at: www.unodc.org/pdf/unodc_brochure_2007.pdf (accessed 8 November 2013).

UNODC (2014), "The money laundering cycle", available at: www.unodc.org/unodc/en/money-laundering/laundrycycle.html (accessed 5 July 2014).

United Nations (2013a), "UN at a Glance", available at: www.un.org/en/aboutun/ (accessed 29 November 2013).

United Nations (2013b), "Permanent observers: non-member states", available at: www.un.org/en/members/nonmembers.shtml (accessed 29 November 2013).

United Nations (2013c), *International Law as a Language for International Relations*, Kluwer Law International, The Netherlands, p. 13, available at: www.un.org/law/books/IntlLawAsLanguageForIntlRelations.pdf (accessed 8 November 2013).

Wolfsberg-principles (2014a), "Global banks: global standards", available at: www.wolfsberg-principles.com/index.html (accessed 29 June 2014).

Wolfsberg-principles (2014b), "Wolfsberg anti-money laundering principles for correspondent banking", p. 2, available at: www.wolfsberg-principles.com/pdf/home/Wolfsberg-Correspondent-Banking-Principles-2014.pdf (accessed 29 July 2014).

Zweigert, K. and Kötz, H. (2011), *An Introduction to Comparative Law*, 3rd edn., Oxford University Press, Oxford, p. 27.

Corresponding author
Selina Keesoony can be contacted at: selinakees@hotmail.co.uk