

International Cooperation in Combating Illicit Financial Flows

Conceptual, Operational and Policy Issues

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Issues

- Are there disagreements about the definition of IFFs?
- Is a consensus on the definition of IFFs necessary?
- Who benefits from the status quo?
- Policy: Capitalizing on gains and leveraging momentum

Various definitions of IFFs

UN: (2016): IFFs are “the proceeds of commercial tax evasion, revenues from criminal activities, and public corruption.” (UN, 2016(2))

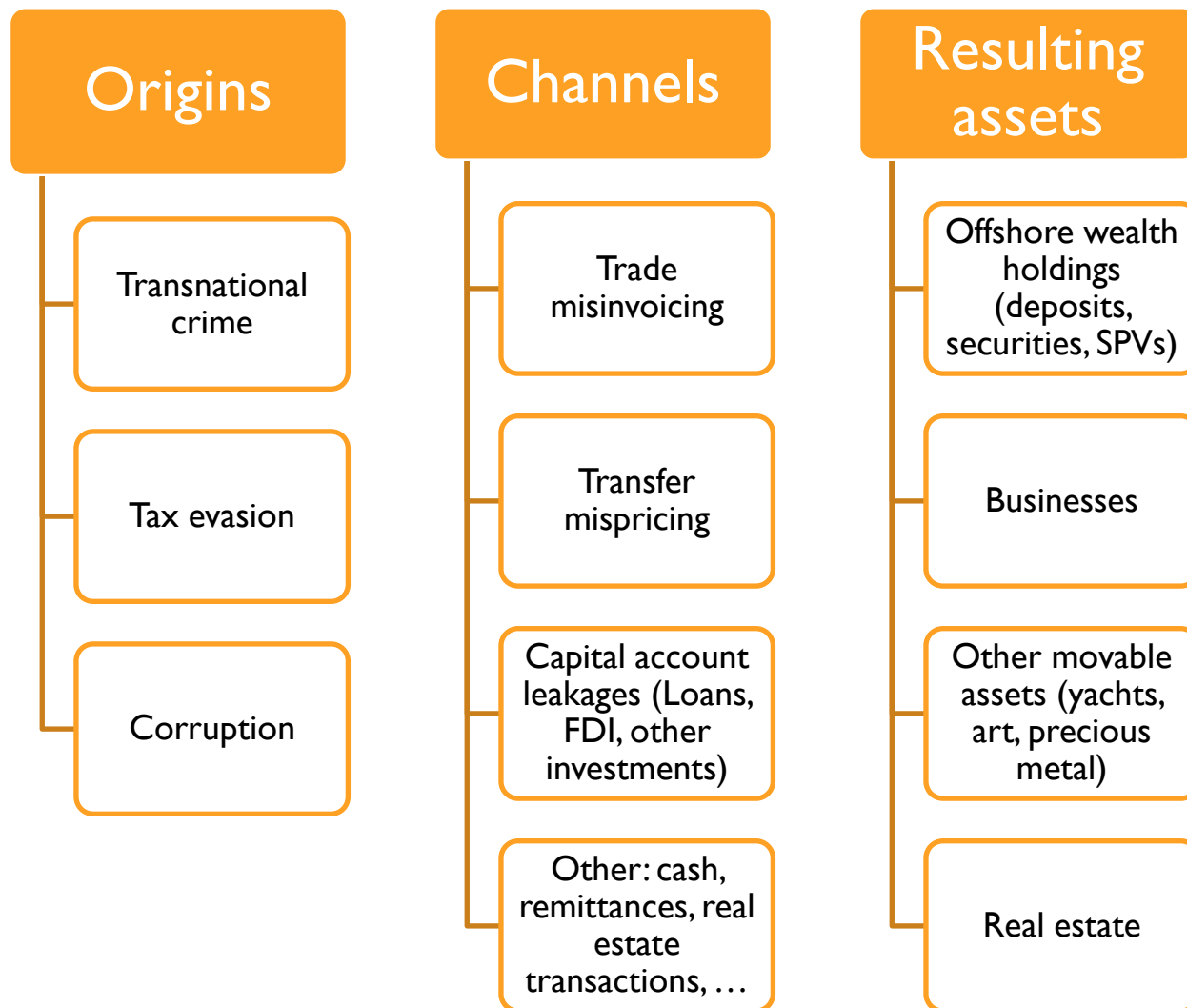
The High Level Panel on Illicit Financial Flows from Africa (2015) and GFI: IFFs as “money illegally earned, transferred or used”

The European Parliament (2015): IFFs are “all unrecorded private financial outflows involving capital that is illegally earned, transferred or utilized”

OECD (2013): IFFs are “a set of methods and practices aimed at transferring financial capital out of a country in contravention of national or international laws.”

World Bank (2016): IFFs “Now generally refers to cross-border movement of capital associated with illegal activity or more explicitly, money that is illegally earned, transferred or used that crosses borders.

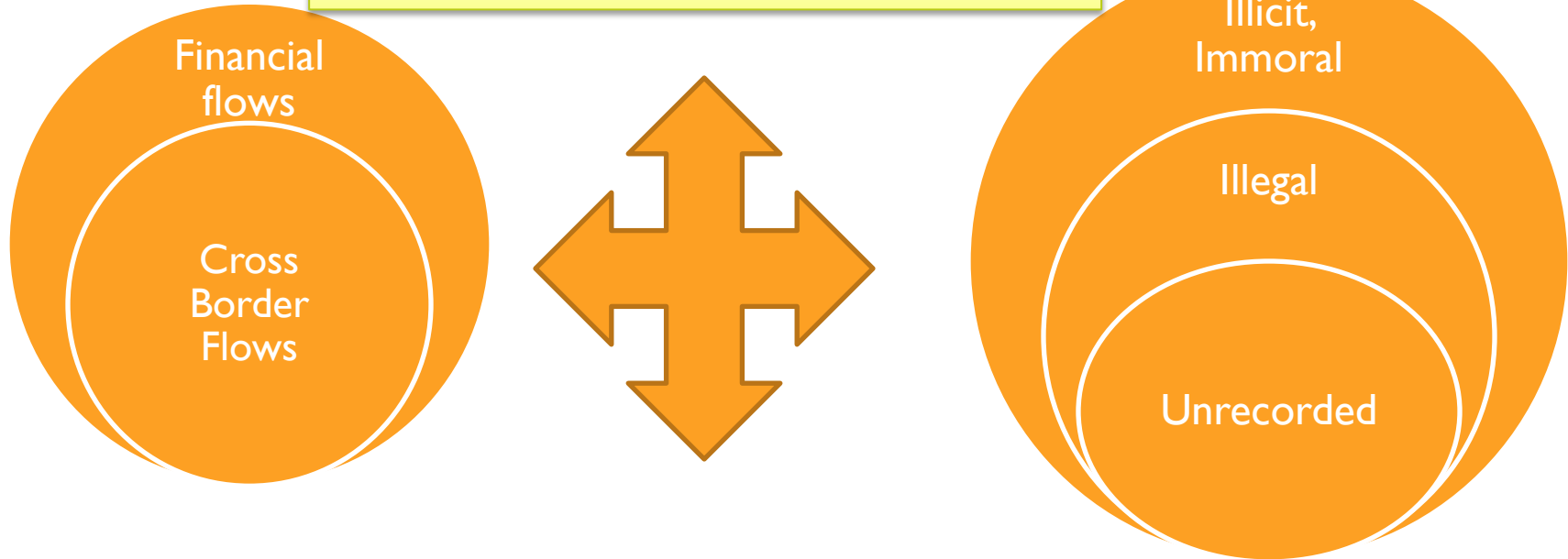
Channels of IFFs



Source: Inter-Agency Task Force on Financing for Development

Possible Sources of Disagreements on IFFs

Stakeholders & Analysts



| | | |
|-------------------|--------------------------|-------------|
| Activity | Origin | Destination |
| Motive | Purpose | Legality |
| Social perception | Social justice; Fairness | Impact |

On global consensus on IFFs

- **Conceptually**, there is broad agreement on what constitutes IFFs
 - All definitions converge on IFFs characterized as:
 - Cross-border flows
 - Flows that violate the law per origin (acquisition), transfer, and use (concealment, financing of illegal activities, ...)
 - There are some exceptions: For example, whether “Tax Avoidance” is/should be considered as IFFs
- Key reason of lack of consensus is diversity in focus: ***the Story of the Elephant and the Blind Men***
 - On which ‘post’ is the light shining: Type of activity (i.e., predicate crime); operator; motive; legality; morality; justice; fairness; impact/opportunity costs?
- **Questions:**
 - Why is tax avoidance so contentious?
 - Who is the ‘constituency’ of tax avoidance?

On global consensus on IFFs (cont'd)

- **Operationally**, there is less agreement on how to measure IFFs
 - This is because of the multiplicity of mechanisms, channels, and activities that generate, facilitate, enable IFFs
 - Implication: it will take time to come up with a consensus broad measure of IFFs
 - However, progress can be made rapidly on measurement of specific components of IFFs; for example:
 - ❖ IFFs through trade misinvoicing
 - ❖ IFFs through transfer mispricing
 - ❖ IFFs through embezzlement of public external debt
- There is no need for comprehensive operational consensus before we can move forward the agenda of combating IFFs

Policy implications

- **Incremental approach:** “Managing expectations”
 - Pursue quick wins
 - Identify short-term vs. long-term goals
- **Disaggregated approach:**
 - Sectoral policies
 - Tax system – national and international levels
 - Combatting tax evasion by MNCs. E.g., Make MNCs pay tax where their economic activity takes place – locatio-based taxation.
 - Prevent tax arbitrage by MNCs by strengthening tax cooperation, increasing transparency in international trade and finance statistics and fostering exchange of tax information

Policy (cont'd)

- **Consensus building:**
 - Capitalizing on gains and leveraging existing momentum
 - National level: The State, Civil Society, Private Sector
 - Inducing tax compliance
 - Capacity building in taxation, financial intelligence, management of the extractives sector
 - International level: cooperation and coordination of bilateral and multilateral efforts
 - Automatic exchange of tax information
 - Automatic exchange of financial accounts information
 - Exchange of corporate reports – country by country reporting
 - Exchange of corporate beneficial ownership information
 - Special attention to extractive industries