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AML/CFT outcomes effectiveness:
Policy, regulatory, compliance and enforcement effectiveness



With over 25 years' experience as lawyer, leadership adviser, writer and speaker in New Zealand, Australia, Europe, USA and elsewhere, Dr Pol's practical expertise is supported by scientific rigour and outcome-oriented critical thinking.

Experience with premier law firms and in-house roles in four countries include directing major litigation for outcomes, and systematically reducing organisational legal risk. Dr Pol also led New Zealand's corporate lawyers' association, and was a member of the NZ Law Society Council. General counsel appointments and leadership advisory work in public agencies and private sector organisations were often focused on meeting key organisational outcomes in complex environments.

Framed in policy effectiveness and outcomes, Dr Pol's thesis filled an evidence gap identifying how lawyers, accountants and real estate agents are used to facilitate financial transactions with proceeds of crime in New Zealand. It also explored key indicators of professionals operating as effective risk sentinels, or unwittingly, wilfully blind or knowingly facilitating criminal transactions. With no comparable New Zealand facility, the research was conducted overseas, with world-leading experts.

Consistent with an AML/CFT-industry pivot towards effectiveness, and government agencies increasingly drawing from evidence-informed, outcome-oriented frameworks, Dr Pol's professional expertise is focused on policy, regulatory and enforcement effectiveness, and demonstrably improved outcomes.

Not just whether rules exist, or meet received standards, or if they are complied with, but whether they work. Do they achieve intended objectives? This line of enquiry remains surprisingly rare, despite its capacity to mitigate the significant economic and social harm from serious profit-motivated crime.

At the international level, Dr Pol recently completed a series of projects including:

- a) Developing a new system-wide view of the results of evaluations conducted under the contemporary global methodology for assessing the effectiveness of anti-money laundering regimes. This helps assimilate and assess disparate AML/CFT effectiveness data, and enables comparison between, and ranking of, country assessments.
- b) Constructively assessing the crime-control impact and effect of globally ubiquitous anti-money laundering controls, within a crime detection and outcomes/effectiveness framework; internationally, and in selected jurisdictions.
- c) Leading the first comprehensive independent assessment of the global anti-money laundering 'effectiveness' methodology, which evaluates for specified outcomes. Framed in policy effectiveness and outcomes, this extensive practical analysis draws from the first series of evaluations to date.

The uncomfortable conclusion of these projects indicates that the gap between crime disruption and prevention objectives, and outcomes achieved, may be too large for the standard AML/CFT model (and its incremental approach of continually extending obligations) to bridge.

Dr Pol is currently developing 'beyond compliance' policy, regulatory and enforcement strategies with a reasonable prospect for crime not to pay, beyond rhetoric. Emerging solutions and frameworks indicate the prospect of materially improved outcomes in crime detection, disruption and prevention.

Heightened policy, regulatory and enforcement effectiveness also forecasts the prospect of enhanced, less costly, compliance; enabling renewed customer-oriented re-focus of private sector resources.