THE MYTH OF UNIVERSALITY: CRITICAL REFLECTIONS ON THE GLOBAL AML FRAMEWORK AND ITS APPLICATION IN LDCS

Dr. Farah Nasreen
Lecturer, Department of Commerce, University of Gujrat. E.mail: Farah.nasreen@uog.edu.pk
Dr. Muhammad Raees Ashraf
Additional Director, University of Gujrat. E.mail: Raees.Ashraf@uog.edu.pk
Sonia Aslam
Assistant Professor, School of Law, University of Gujrat. E.mail: Sonia.aslam@uog.edu.pk
Muhammad Ateeq Ashraf
Assistant Professor, School of Law, University of Gujrat. E.mail: ateeq.ashraf@uog.edu.pk

ABSTRACT

The Financial Action Task Force leads worldwide Anti-Money Laundering and Countering the Financing of Terrorism standards which are considered effective against criminal money movements across nations. The worldwide standards of AML/CFT regulation work as though they can apply equally everywhere but this standard overlooks major differences among nations when it comes to their ability to set rules and handle legal matters especially in developing countries. This research thoroughly examines how the worldwide Anti-Money Laundering system operates in developing countries by both analyzing its basic principles and comparing how different nations put it into practice. The analysis relies on academic literature and FATF and World Bank data from AML evaluations to determine how Uganda, Pakistan and other sub-Saharan countries apply international AML rules. The study assumes that importing laws without understanding their local settings creates fake adherence yet fails to produce actual enforcement. The examined nations show poor AML control implementation after joining standards to prevent blacklisting but still needing donor conditions to run crime fighting structures. We must create specialized mode of regulation that involves political economy and develops local institutions because current methods produce poor results. The research shows different international AML systems need individual authority changes and shared standard building to get stronger support and better performance across all member countries.

Keywords: Anti-Money Laundering (AML), Financial Action Task Force (FATF), Least Developed Countries (LDCs), Compliance Effectiveness, Legal Transplants, Institutional Capacity

Introduction

Since the 1990s financial institutions and international experts agreed to use the standards created by the Financial Action Task Force to fight money laundering and terrorism funding. Through the FATF Recommendations the organization established basic standards to fight criminal money flows which other nations worldwide accept as fundamental (FATF, 2023). The system works for every country and the FATF uses peer reviews and blacklists as well as evaluation scores to push mutual adherence. Every nation and region around the world understand that AML frameworks protect financial systems but doubts grow as countries do not have equal ability to follow these standards (Unger & Ferwerda, 2011). The anti-money laundering framework produces inconsistent results because it places the greatest regulatory burden on weaker jurisdictions (Sharman 2008). Examining these differences helps understand if these standards apply everywhere and represent everyone equally.

Researchers continue to write about Anti-Money Laundering regulations while missing the practical gap between setting these norms and using them in nations with weak resources (De Koker,

2006). Federal AML requirements made from international rules do not automatically lead to effective regulations. This approach neglects the differences these countries face in their legal backgrounds as well as their access to resources and organizational structure. Research indicates that although Low Development Countries meet mandatory standards they struggle to apply them in practice due to small enforcement teams and politicized enforcement departments split between multiple authorities. Our analysis lacks information about whether AML standards perform effectively or not in jurisdictions that need to develop more systems. This research looks at how LDCs absorb global AML standards while analyzing their limited capacity to implement such rules.

Research explores whether the worldwide AML/CFT principles work universally for Legal Developing Countries. The study uses doctrinal and policy-based method to review the AML implementation dynamics in Uganda, Pakistan, and similar nations which show the mismatch between global regulation and local resources. AML programs in developing nations mostly function to show commitment to international forces than to strengthen local enforcement agencies. By doing this research it joins many other studies that call for local-specific financial controls. This paper consists of these sections: a review of thematic research and an explanation of research methods. Our research presentation unfolds with findings that we examine to reach a set of policy suggestions for future development.

Literature Review

Researchers agree that international anti-money laundering standards first developed from US anti-crime military efforts including wars on drugs and terror (Andreas & Nadelmann, 2006). In 1989 FATF started as the Financial Action Task Force to standardize AML rules worldwide with its 40 Recommendations. US developers of these Euro-American standards adopted them globally and made them necessary through evaluation systems that push compliance and listing of noncompliant nations (FATF, 2022). According to Drezner (2007) and Nance (2018) powerful countries enforce anti-money laundering standards without obtaining democratic support by using reputation-based incentives. This global administrative system produces rules through a specialized group that controlling both financial security and national sovereignty over money.

Researchers in AML focus on showing that political system weakness undermines successful adoption of foreign financial rules. According to Watson (1993), legal rules can work in multiple legal systems but other scholars now think adoption works best when rules match local economic rules and legal traditions. Many developing nations adopted FATF rules on anti-money laundering despite failing to create parallel enforcement bodies such as regulatory agencies and law enforcement teams (Naheem,M.A 2017).

Lawmakers in many African and South Asian nations must take orders but struggle to achieve necessary effects because of weak local enforcement systems. AML compliance mainly results from foreign assistance requirements or reputation protection needs instead of domestic policy targets (Sharman, 2011). The regulatory systems spread widely among different institutions while overwhelming their capacity to enforce rules properly.

The system of AML rules worldwide demonstrates the basic power differences between international law creators. According to researchers the FATF-related institutions use Western-based standards that favor specific norm systems over others. The system displays both formal and subconscious preferences that guide its risk assessment and ignore important local financial networks that dominate poor nations. Floated tax havens and secrecy jurisdictions cannot be impacted by FATF power since they blend completely with the world financial network (Reuter & Truman, 2005). LDChubs receive harsh punishments for small offenses because main Global North financial entities benefit from built-in financial privacy they escape regulation

Researchers examine if AML systems use accurate assessment methods to determine their results. Evaluation methods focus too much on procedures rather than whether financial institutions protect integrity or lower criminal activities. Available studies prove that FATF requirements do not decrease money laundering activities in developing nations (Levi, 2020). States manipulate the system by handling basic tasks instead of tackling hard problems such as corruption at the top level of government. Countries tend to show artificial reform results due to this view of how compliance works. Regulations placed on financial institutions and remittance services during money laundering efforts result in more people being cut off from basic banking services in rural communities without bank access.

Research Methodology

This research examines if the Anti-Money Laundering (AML) system developed by FATF fits with the governance features and management skills of Least Developed Countries. This research uses a qualitative approach to analyze how real institutional disparities in Least Developed Countries differ from international AML rules set by the Financial Action Task Force. The research used secondary data sources composed of academic studies, FATF evaluation results, plus grey literature generated by organizations like World Bank and IMF. Through descriptive and analytical methods this study produces theoretical findings instead of measurable results as defined by George and Bennett (2005). The research examined published documents through qualitative content analysis to discover information about fighting money laundering in specific Low Income Developing Countries. The research selected Uganda Pakistan and Cambodia for comparison because each has unique legal roots and FATF association

backgrounds during their colonial times. Key instruments included: The Mutual Evaluation Reports and Follow-up Reports of FATF form part of the data collection process.

· IMF and World Bank financial integrity assessments
· Domestic AML legislation and compliance reviews

The research uses scholarly content published in leading databases including JSTOR and Scopus plus Google Scholar.

Since no human participants took part the study did not require conducting interviews or surveys to gather primary data. Despite this the researchers chose FATF assessed and typical LDC cases through purposeful sampling.

The research studied multiple documents to recognize patterns in the following three subjects: how rules move between countries but enforcement stays the same, how well AML laws are enforced, and how international AML protection works. The study examined FATF compliance metrics while conducting doctrinal analysis across legislative texts and FATF standards (Hutchinson & Duncan, 2012). The case-based comparison method helped explore policy transmission behaviors and local community defenses in detail according to Ragin (2014).

The research questions about norms and institutions need legal policy analysis through qualitative methods because data measurement would not work effectively. The available quantitative research about predicate crimes and suspicious transactions does not reflect the structural and political barriers that Less Developed Countries face when adopting AML standards according to Levi (2018). This strategy gives researchers full access to understand how countries follow rules within their unique social and political setting. Although the study uses existing public sources it lacks data on enforcement issues that are not seen or documented by official channels. By combining multiple data types the research used international compliance databases and academic studies to achieve validation.

Analysis

Structural Misalignment between Global Norms and Local Realities

The AML standards created by the global community do not work properly in developing countries because they differ from how these nations must fight money laundering. The three nations followed AML laws from FATF but neither achieved reliable control enforcement. This difference proves "regulatory decoupling," which suggests regulatory form can exist without accepted functional achievements as proposed by Meyer & Rowan (1977). The Uganda financial center did not succeed with money laundering law enforcement because of limited accounting skills, insecure electronic records, and weak coordination between departments (ESAAMLG, 2016). In Cambodia training programs about AML surpassed actual prosecution results which shows that institutional development initiatives do not turn into actual law enforcement

actions.

Coercive Compliance and Institutional Overstretch

The research demonstrates LDCs implement AML programs mainly because of outside events such as IMF oversight and graylisting designations. This approach to external reform creates busy policy development but weak crediblity in government institutions as Acharya explains in his theory of "isomorphic mimicry." Pakistan push for new AML laws in 2018 did not achieve equal improvement in fighting crime because the law enforcement system was weak (FATF, 2022). LDCs follow strategic compliance methods to keep their markets open and access foreign aid rather than fight domestic criminal money activities.

Enforcement Fragmentation and Political Sensitivities

The poor results in enforcing the law depend on both political and administrative separation. The separate authority structure between Pakistani state agencies creates unclear tasks which slow down efforts to freeze assets and pursue charges (Nance & Cottrell 2014). Prosecutorial teams in Uganda and Cambodia lack effectiveness because the authorities refuse to bring charges against financial criminals they know are tied to the ruling governments. Recent research from Van Duyne et al. and Levi (2018) shows that political issues cause the real failure of AML enforcement in developing nations. Political economy factors—elite capture, corruption, and selective enforcement—hinder the functional integrity of AML regimes, regardless of formal compliance.

The Limits of the FATF Evaluation Framework

The FATF relies too heavily on standard showing statistics like STR numbers even though framework enforcement works differently in each country based on legal climate and autonomy levels. The system gives favorable results to organizations that meet process standards but does not evaluate their actual performance. From 2017 to 2022 Cambodia conducted 1000 AML training sessions although its FATF rating remained "moderate effectiveness" because they failed to secure any convictions (APG, 2017). International standards for AML assessments depend on standard templates that might show inaccurate performance results when detecting weak governance structures. Organizations tend to focus on their public image instead of using AML reform as a true solution to fight money laundering.

Results

Key Findings

Formal Compliance vs. Enforcement Outcomes

The FATF MERs confirm that all three nations abide by core FATF Recommendations according to their official records. The 2022 FATF assessment of Pakistan showed positive technical changes in 34 out of 40 Recommendations particularly in consistent money laundering prohibitions plus setting up Financial Intelligence Units (FATF, 2022). The ratings showed weak performance partiuclarly

within sections about pursuing criminals and taking away their assets.

In 2016 Uganda showed strong AML rules and regulations but could not enforce them properly because of lacking resources and connection problems between agencies (Moroga, D. W. (2020).). Between 2023 and when it qualified for removal from the high-risk list Cambodia struggled to perform needed AML/CFT functions despite having anti-financial crime laws.

Institutional Capacity Constraints

Studies show that every region experienced similar outcomes when their established rules proved difficult to execute because their organizations lacked proper staff support. During 2016 the Financial Intelligence Authority of Uganda operated with only 30 employees to handle STRs for the entire nation. Pakistan struggled with slow asset freezing because state and local authorities found it hard to work together. Due to shortages in judicial training about money laundering crimes Cambodia recorded low conviction rates when numeral illegal financial activities grew.

Donor-Driven Reforms and External Pressure

The three countries developed their new anti-money laundering systems based primarily on external assessments and graying threats. Pakistan's status as a greylisted nation led to quick political changes across government offices. The FATF-style body ESAAMLG from Uganda and IMF-financed integrity drives in Cambodia made public the need for AML framework improvements. The donor-led efforts at meeting compliance goals did not enhance actual money laundering prevention by officials.

Discussion

The research demonstrates that LDCs usually adopt FATF recommendations in name only without truly strengthening their anti-money laundering enforcement. But despite passing FATF 40 Recommendations legislation the authorities in Uganda, Pakistan, and Cambodia still struggle to stop money laundering and seize illegal proceeds. States pursue only surface-level AML compliance when they meet requirements through actions that do not impact their legal or enforcement enforcement core.

The study reveals many donating countries have taken action against AML that focuses on public appearance instead of working substance. The FATF relisting made Pakistan boost anti-money laundering legislation while law enforcement showed minimal progress as STRs had little success in reaching court (FATF, 2022). The Financial Intelligence Authority of Uganda operates with insufficient staff who cannot convert Suspicious Transaction Reports into enforcement actions or asset recovery (Moroga, D. W. (2020).). Social standing prompts organizations to adopt temporary compliance methods that do not endure. External encouragement successfully drives immediate transformation but does not maintain deep institutional changes or independent operations. These results confirm what critics already know about international

AML governance. According to Sharman (2011) and Levi (2020) developing nation states submit to mandatory international benchmarks despite lacking specific country-based success measures. This study validates these earlier findings by showing that LDCs meet legal requirements but cannot implement them properly because of their overall system problems. The results establish that Naheem's 2017 findings remain accurate with his theory on transplanted laws producing permanent exhaustion in regulating assets. Using three case studies this research adds evidence to support previously observed theoretical critiques against AML universality standards.

The analysis depended on secondary data from evaluation reports because of its accessibility to researchers. Evaluation teams could not determine certain important details such as operating law enforcement protocols or tracking individual influence on enforcement actions plus informal regulatory networks. Not all FATF evaluation reports contained current data while some had different formats making it hard to compare nations against one another. The research team made the decision to skip investigating AML norms in countries from Latin America and the Middle East because those regions would bring unique perspectives on legal culture in AML work.

Our research tests the basic idea that uniform rules produce worldwide organization alignment. Every country puts universal anti-money laundering standards into effect in ways that depend on their political system and institutional capabilities. FATF must develop a readiness-based approach when setting AML reform deadlines because countries need tailored measures. Local authorities should receive individualized assessment methods under continuous support systems instead of one-size-fits-all enforcement.

Some political elites who control illegal financial operations may work to prevent AML programs from doing their job in less developed nations. Weak enforcement stems from leader control and capacity issues working together to protect criminals from punishment. The study lacked data to prove that powerful individuals received special protection however few convictions support the idea that influential actors block criminal investigations.

Conclusion

The research investigated if FATF guidelines for stopping money laundering are practically applicable in Least Developed Countries despite their unique legal, institutional, and political systems. The main issue this research examined was the difference between worldwide AML rules that everyone must follow and developing nations' limited ability to put them into practice.

AML standards can be written into national law though their enforcement stays weak because nations lack resources while also dealing with poor governance systems, outside pressure demands

and government interference. The thesis shows that global standards create a false idea about uniformity because different countries have highly dissimilar institutional foundations.

Our study reveals how Least Developed Countries obtain high technical standards in AML compliance yet consistently underperform according to effectiveness criteria as shown through FATF Mutual Evaluation Reports. New money laundering laws rise before institutions develop which leads to empty shows of support that fail to really fight this crime.

Our research helps expand worldwide financial system oversight practices and improves development program results. The demand for standard global standards reduces the trustworthiness of AML rules and pushes countries to only follow rules for relief rather than invest in law enforcement development. The gap between global standards and local ownership breaks down the proper functioning of financial change strategies.

Through this examination the research connects back to its initial analysis of top-down control in global governance systems for the academic discussion on legal pluralism and regulatory inequality. The finding shows that while international AML rules exist to benefit nations they instead create barriers for countries so they remain untransformed leaving a thin facade of rule unification. The authors call for a different AML rule approach by letting nations with developing financial systems help determine their AML protections. LDCs need special evaluation treatment alongside extra support and longer to meet AML requirements. Future researchers need to study how local leaders and financial connections work together with broken institutions to prevent AML from achieving its goals.

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