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**BANK RISKS IN THE SYSTEM ON COUNTERING THE LAUNDERING
OF PROCEEDS AND FINANCING OF TERRORISM**

Abstract. The paper investigates the problems of bank risks in the system of countering the money-laundering and financing of terrorism. It was revealed that the considered field of finance-bank sector is in close interconnection and functioning with financial monitoring issues. Therefore, it is important to state that the issue of countering the legalization (laundering) of proceeds and financing of terrorism holds a specific place not only in Kazakhstan, but in other countries of the world too; the analysis was conducted. As the combating with criminal proceeds legalization is the most important means of control over the organized crime including its most harmful forms such as drug business and terrorism, the adoption by Kazakhstan of the generally recognized principles and mechanisms on countering the legalization of criminal proceeds and financing of terrorism has not only legal, but social and political significance. The risks, and, consequently, the control degree can differ significantly, the financial monitoring performers should possess the abilities to identify and verify the potentially suspicious transactions. The suggested methods and mechanisms to solve this problem will have beneficial effect on the work of the banking sector and economy of RK in whole.

Key words: financial and banking sector, banking control, legalization of income, countering the legalization, financing of terrorism.

Introduction. One of the most important issues at the current stage of financial relations development in the banking system of Kazakhstan is improvement of measures countering the legalization of criminal proceeds that is the most important means of control over the organized crime including its most harmful forms such as drug business and terrorism; the adoption by Kazakhstan of the generally recognized principles and mechanisms on countering the legalization of criminal proceeds and financing of terrorism has not only legal, but social and political significance for the Republic and other CIS countries. Thus, the considered issue is topical and its solving influences much on social and economic status of citizens.

The program of measures on countering the money-laundering and financing of terrorism is the most important component of the financial monitoring performers' functions and holds a specific place in present-day conditions. The primary goal of any effective program is protection of financial monitoring performers against legalization of criminal proceeds and ensuring the complete adherence to corresponding legislative acts by the financial monitoring performers. Therefore, the development, structural construction and implementation of programs should be the main priorities of any organization.

The programs should base on estimation of risks and be developed for the purposes of management and decrease of money-laundering and terrorism financing risks that could be encountered by the financial monitoring performer. The risk-oriented approach stipulates the individual calculation of risk level for all fields/aspects of the financial monitoring performer activity. The individual aspects of activity implemented by the financial monitoring performer are more risky in view of money-laundering than other and require additional control measures to decrease such risks, while other are less risky and do not require the same attention [1].

Research methods. The research was conducted on the base of monographs, papers by national and foreign scientists in the field of the theory of bank risks, risk-management, theory and issues of financial market, economic theory. The legislative and regulatory documents in the field of financial monitoring were used. The research is based on application of dialectical, historical and logical methods of cognition, and on the methods of analysis and synthesis, grouping and comparison. The main methodological

procedure of the conducted research is system approach allowing solving the set tasks in its entirety and to full extent. The methods of economic and statistical analysis were also used.

Results and discussion. Today, it is important to remember that the commercial banks have a specific status in the banking sector of Kazakhstan. In present-day conditions, the market abilities of the banking sector and bank depend on the focus of country economy development in the structure of the State, on the degree of commercial banks activity regulation by the National Bank, on the state of the legislative base.

Considering the financing and bank sector in view of close interconnection of its functioning with the financial monitoring issues it should be noted that the problem of countering the legalization (laundering) of income and financing of terrorism holds a specific place not only in Kazakhstan, but in other countries of the world too. As the combating with criminal proceeds legalization is the most important means of control over the organized crime including such its most harmful forms as drug business and terrorism, the adoption by Kazakhstan of the generally recognized principles and mechanisms on countering the legalization of criminal proceeds and financing of terrorism has not only legal, but social and political significance. The risks, and, consequently, the control degree can differ significantly, the financial monitoring performers should possess the abilities to reveal and check the potentially suspicious operations. In the banking sector, the special attention should be paid to the program of proper inspection of clients as the effective program of identification is the best way to prevent money-laundering and financing of terrorism. The more the financial monitoring performer knows about its clients the more successful will be the prevention of abuses connected with legalization of criminal proceeds.

For instance, according to the “List of limited transactions” determined by Article 4 of the Law on AML/CFT the following, in purposes of AML/CFT should be implemented strictly and the authorized body should be informed on such limited transactions as:

- crediting or transfer of money to the bank account of a client by a physical person or legal body having a registration, place of residence or staying in offshore zone, or having a bank account recorded in offshore zone, or operations with money and (or) other property by a client with the mentioned group of persons to the amount of 5 million tenge on a cash and non-cash basis;
- international transfer of money to accounts (deposits) opened by an unidentified person, receipt of money from abroad account (deposit) opened by an unidentified person to the amount of 5 million tenge on a cash and non-cash basis;
- payments and transfer of money by one client to another without compensation to the amount of 7 million tenge on a cash and non-cash basis;
- purchase, sale and exchange of foreign currency in cash through exchange offices to the amount of 10 million tenge, cash only;
- withdrawal of money from a bank account or credit of funds to a bank account of a client, or taking cash from a client or giving cash to a client except cases described in sub-paragraphs 13) and 14) of the current Paragraph to the amount of 10 million tenge in cash only, etc. [2,3].

The national security and global participation of the Republic of Kazakhstan in solving the worldwide and regional problems is the main task of the State. Under these conditions, all elements of the governmental system including the national AML/CFT system should operate effectively. Meeting the international standards of FATF the Republic of Kazakhstan joins the number of industrially developed countries that will result in decrease of shadow economy extent and corruption offences, increase of investment attractiveness and economic effectiveness, growth of tax revenues to the national budget and international confidence to Kazakhstan business society including the banking sector. The establishment of the effective national system on countering the legalization of criminal proceeds is one of the topical issue for Kazakhstan and the whole international society. While this issue is not solved the economic reforms in the country remain impossible.

The AML/CFT system the same as any other system represents the arranged organization of all its elements possessing the following main properties – integrity and divisibility, availability of sustainable connections, organization, emergence and hierarchy [4].

Conclusion. Thus, after brief description of our view of the banking sector in Kazakhstan, it is possible to conclude the following: transparency and liberalization of the financing and banking field in Kazakhstan, appearance of wide range of bank services etc. improved significantly the investment attractiveness of our country. However, at the same time, the conditions for criminal groups activity

engaged in money laundering gained from different crime activity were developed. The important role played also the processes of Kazakhstan economy offshoring resulted in capital outflow to abroad and consisted partially of illegal funds. Today, under the conditions of free trans-border flow of capital the anti-money laundering is one of the most important tasks in Kazakhstan. Despite the diversity of “laundering” schemes, the relations of economic entities engaged in laundering the crime proceeds have common nature and represent the individual market of funds laundering. The same as for any market, the main stimulating factor influencing on demand is quality and cost of the service; the weak link of Kazakhstan banking system is the necessity of personal estimation of a financial operation and its attitude to “suspicious”. Kazakhstan legislation recommends only the criteria and common signs of operations testifying possible legalization (laundering) of money gained through crime, and financing of terrorism. In particular, an employee of a front-office working with a client associates himself a type of operations demanded or conducted by a client with criteria and signs of unusual deals. If the employee has suspicions that the financial operations are aimed at legalizing (laundering) of crime money or at financing the terrorism, he informs immediately an authorized person who analyzes it again and makes a personal decision on reasonability to qualify the operation as subjected to obligatory control and necessity to inform the Committee of Financial Monitoring on it. Another problem is weakness of prudential supervision over the activity and internal structural departments of lending institutions. The bank offices are beyond the prudential supervision of territorial entities of the National Bank by the place of its actual location. The lack of immediate access to the bank secrecy information; the bodies authorized for criminal intelligence operations may inquire from the banks the certificates on transactions and accounts of physical persons and legal entities, and individual entrepreneurs only on the base of judicial order or through the criminal cases under their activity; poor criminal and administrative sanctions for crimes and offences in the field of AML/CFT [6].

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**ҚЫЛМЫСТЫҚ ЖОЛМЕН АЛЫНҒАН КІРІСТЕРДІ ЗАҢДАСТЫРУҒА
(ЖЫЛЫСТАТУҒА) ЖӘНЕ ТЕРРОРИЗМДІ ҚАРЖЫЛАНДЫРУҒА
ҚАРСЫ ІС-ҚИМЫЛ ЖҮЙЕСІНДЕГІ БАНКТІК ТӘУЕКЕЛДЕР**

Аннотация. Мақалада қылмыстық жолмен алынған кірістерді заңдастыруға (жылыстатуға) және терроризмді қаржыландыруға қарсы іс-қимыл жүйесіндегі банк тәуекелдерінің мәселелері қарастырылады. Қаржы және банк секторының саласын зерттей отырып, қаржы мониторингінің проблемаларымен өзара тығыз байланыста жұмыс істейтіні анықталды. Сондықтан, кірістерді заңдастыруға (жылыстатуға) және терроризмді қаржыландыруға қарсы тұру мәселесі тек Қазақстанда ғана емес, сондай-ақ әлемнің басқа елдерінде де ерекше орын алады және оған осы мақалада талдау жүргізілді.

Ақшаны жылыстатумен күресу ұйымдасқан қылмысты бақылауға алады, оның ішінде есірткі бизнесі мен терроризм сияқты ең қауіпті нысандарын да бақылайды. Қазақстанда ақшаны жылыстатуға және терроризмді қаржыландыруға қарсы тұрудың жалпыға бірдей принциптері мен механизмін енгізу тек құқықтық қана емес, сонымен қатар қоғамдық-саяси маңызға да ие. Тәуекелдер және тиісінше, бақылау дәрежесі әртүрлі болуы мүмкін, қаржы мониторингі субъектілері күдікті операцияларды анықтауға және тексеруге қабілетті болуы тиіс. Бұл мәселені шешудің әдістері мен тетіктері ұсынылуда, бұл банк секторының жұмысына және тұтастай алғанда Қазақстан экономикасына оң әсерін тигізеді.

Түйін сөздер: қаржы және банк секторы, банктік бақылау, кірістерді заңдастыру, ланкестікке қарсы әрекет ету, терроризмді қаржыландыру.

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**БАНКОВСКИЕ РИСКИ В СИСТЕМЕ ПРОТИВОДЕЙСТВИЯ ОТМЫВАНИЮ ДОХОДОВ И
ФИНАНСИРОВАНИЮ ТЕРРОРИЗМА**

Аннотация. В статье рассмотрены проблемы банковских рисков в системе противодействия отмыванию доходов и финансированию терроризма. Выявлено, что рассматривая сфера финансово-банковского сектора находится в тесной взаимосвязи и функционирования с проблемами финансового мониторинга. Поэтому важно обозначить, что проблема противодействия легализации (отмыванию) доходов и финансированию терроризма занимает особое место не только в Казахстане, но и также в других странах мира и проведен анализ. Так как борьба с легализацией преступных доходов является важнейшим средством контроля над организованной преступностью, в том числе таких ее наиболее опасных форм, как наркобизнес и терроризм, внедрение в

Казахстане общепризнанных принципов и механизма противодействия легализации преступных доходов и финансированию терроризма имеет не только правовое, но большое общественно политическое значение. Риски и, следовательно, степень контроля могут существенно различаться, субъекты финансового мониторинга должны обладать возможностями для выявления и проверки потенциально подозрительных операций предложены методы и механизмы в решении данной проблемы, что благотворно скажется и на работе банковского сектора и в целом экономики РК.

Ключевые слова: финансово-банковский сектор, банковский контроль, легализация доходов, противодействие легализации, финансирование терроризма.

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