


# 反腐败、反洗钱 与金融情报机构建设

欧阳卫民 著


Anti-corruption, Anti- Money Laundering and Development of  
Financial Intelligence Units

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### 作者简介

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欧阳卫民，1963年出生于湖南省，中共党员，研究员。1983年毕业于湖南财经学院统计系，获学士学位；1986年毕业于中南财经大学经济研究所，获硕士学位；1991年毕业于复旦大学经济学院，获博士学位，同年进中国人民银行工作。1999年3月任中国人民银行非银行金融机构管理司副司长，2000年8月任中国人民银行厦门市中心支行党委书记、行长兼国家外汇管理局厦门市分局局长，2003年10月至今任中国反洗钱监测分析中心主任。著有《中国消费经济思想史》、《儒家文化与中国经济》、《中国金融之要义》、《债券、基金和货币市场》、《中国金融市场导论》、《中国非银行金融业研究》、《特区金融探索》等十余部，主编《百姓金融丛书》、《国际反洗钱重要文献选读》、《金融情报机构》、《中外洗钱案例评析》、《大额和可疑资金交易监测分析实务》等数十部。

# 序

反腐败与反洗钱,在我国乃至世界都是一个备受关注的新课题。

我国党和政府高度重视反腐败和反洗钱工作。中国加入了联合国反腐败和打击洗钱犯罪的有关公约,“建立健全反洗钱制度”已被写入《建立健全教育、制度、监督并重的惩治和预防腐败体系实施纲要》这一党风廉政建设和反腐败工作指导性文件。吴官正同志在中纪委第五次全会上明确强调:“进一步健全大额和可疑资金交易报告制度,加强资金监管,打击‘洗钱’行为。”显然,反洗钱已经成为反腐败工作不可或缺的重要方面和重要内容。

组织协调国家反洗钱工作,指导部署金融业反洗钱,负责反洗钱的资金监测,这是国家通过法律等形式赋予中国

人民银行的新职责。中国人民银行行长、著名经济学家周小川同志要求人民银行系统“要从建立和完善社会主义市场经济体系,整顿和规范市场秩序,建立高效、廉洁的政府和执政为民的高度重视反洗钱工作”,切实履行好新职责。作为一名中央银行干部和反洗钱一线工作者,我深感任务艰巨,责任重大。

2004年初,我受命组建国家金融情报机构(FIU)——中国反洗钱监测分析中心,这是一项全新的具有挑战性的工作。研究是行政的基础。我首先带领同志们逐篇逐句翻译、研读联合国有关公约、国际反洗钱组织规范性文件等原始文献,从弄清金融情报机构基本原理和国际规范开始,从广泛征求执法、司法、纪检监察、海关、税务等打击洗钱相关部门对金融情报机构的业务需求入手,克服困难、大胆探索、边学边干。在总行党委的正确领导和直接关怀下,凭着“报效祖国,服务人民”的崇高理想激发的巨大热情,中心上下团结一致、忘我拼搏,从4月7日中编办批准设立中国反洗钱监测分析中心起,用半年时间就完成了筹建任务。2004年10月中心投入运行。

到2006年4月止,中国反洗钱监测分析中心累计接收大额、可疑交易数据1.61亿笔,经分析,发现并移送可疑交易线索795件,涉及金额人民币1804.63亿元,外汇48.14亿美元,交易124026笔,账户9809个,并先后同韩国、格鲁吉亚、印度尼西亚、马来西亚、乌克兰等国签署了金融情报

交流合作谅解备忘录。中国反洗钱监测分析中心开展了对洗钱犯罪类型、手法及趋势的归纳和研究;不断加强对数据接收和智能分析系统的开发和建设;学习、借鉴各国 FIU 的成功经验,逐步制定适合我国国情的、科学的技术标准和业务规程。中心先后编写了《国际反洗钱重要文献选读》、《中外洗钱案例评析》、《金融情报机构》、《大额和可疑资金交易监测分析实务》等反洗钱专业著作。工作人员已近 60 人,其中具有博士、硕士学位者在 3/4 以上,初步建成一支政治合格、业务精良、纪律严明,具有崇高理想和献身精神的金融情报队伍。世界银行、国际货币基金组织和许多国家的 FIU 同行们,对中国金融情报机构的筹建效率、数据规模、自动化程度、移交线索的数量和质量以及人员素质,都给予了高度评价。回顾中国反洗钱监测分析中心的创建过程,我感到由衷的欣慰。

“雄关漫道真如铁,而今迈步从头越”。尽管我们在反洗钱领域取得了一些成绩,但目前存在的问题和困难还很多:国家的反洗钱战略需要研究和部署;相关法律法规还有待完善和配套;反洗钱工作机制尤其是关于金融情报机构的制度设置亟须改进;技术手段还不能有效满足反洗钱实际斗争的需要;等等。这些前进中的问题,从另一个侧面体现了反洗钱工作的日益深化,我们有信心有能力在发展中加以解决。

辑录在本书中的绝大部分文章已公开发表,这些文章贯穿一些基本观点,即:要从全面落实科学发展观、构建社



会主义和谐社会的高度,从提高党的执政能力、巩固党的执政地位的高度,尽快确立国家反洗钱战略;以全球化的视角来把握国际反洗钱的基本格局与趋势;通过法制途径来保障反洗钱的机制安排、机构设置和要素配置,尤其要保证金融情报机构发挥其在反洗钱工作机制中的核心和枢纽作用;以金融交易数据和金融情报的深化利用为突破口,增强打击洗钱和其他严重犯罪的有效性;以创新的思维探索反洗钱监测的方法、拓展监测领域。这些观点是我两年来学习与研究、实践与思考的结果,我相信这些观点有利于问题的解决,有利于全面推进中国反洗钱事业。

中国反洗钱监测分析中心的陈邦来、陈捷、刘红艳、崔霞丽、朱勇、邓智、汪澄清、张雅龙以及广州分行的卢骏等同志为本书的编撰做了大量工作,在此表示感谢。刘永平、曹秀蓉、王大伟、李步群等同志认真、主动做好分管工作,使我有时间去思考反腐败、反洗钱和金融情报机构建设中的一些问题,与他们共事我十分愉快。中国人民银行领导,特别是先后分管反洗钱工作的副行长李若谷、项俊波同志关心和支持我的工作,是中国反洗钱监测分析中心和我本人能沿着正确的方向努力并在较短时间里取得一定成绩的重要原因。在此一并感谢!

欧阳卫民

2006年4月于北京

## Preface

Anti-corruption and anti-money laundering (AML) are on the radar screen, in China and in the world at large.

The Chinese Government and the Party have taken the two challenges very seriously as China has acceded to several UN conventions on anti-corruption and AML. Another proof of this attention is reflected in the fact that “Building and improving AML regime” has been embraced in the guideline document on building a clean government in the Party: *Outline for Implementation of building and improving an anti-corruption system with equal emphasis on education, institutional development, monitoring, punishment and prevention*. in the fifth plenary session of the Central Commission for Discipline Inspection,

Mr Wu Guanzheng has made it very clear when he said, “ more efforts should be made to improve large-value and suspicious transaction reporting mechanism, to better monitor fund flows, and combat money laundering.” Obviously, AML has become an integral part, a critically important piece in the whole anti-corruption campaign.

An organizer of national AML efforts, a guide in AML in financial sector, and a monitor of funds as part of AML campaign—this is a new responsibility for the People’s Bank of China ( PBoC ) as prescribed in law. Mr Zhou Xiaochuan, Governor of PBoC, famous economist, requires that PBoC staff should never underestimate the significance of AML as it is relevant to the improvement of socialist market system, to the rectification of market order and to building of an efficient and clean government as well as the mission of governing for the people. As head of CAMLMAC under PBoC who works at the forefront of AML in China, I feel strongly the formidable challenge and the heavy responsibility it implies.

In early 2004, I was commissioned to build a national financial intelligence unit ( FIU ), China Anti-Money Laundering Monitoring and Analysis Center, or CAMLMAC. This was a challenge as a FIU was a brand new concept in China. Since some research is basic before one starts serious work, together



with colleagues, I began to read and translate in great details some founding documents on AML such as those in UN archives and international AML organizations. With clear understanding of basic principles and international norms on FIUs, we started to solicit input on business needs from law enforcement, judiciary, discipline supervisory, customs, tax authorities and other departments relevant in AML campaign. Despite difficulties, we pressed ahead with courage and determination and we learnt amid doing our work. Thanks to right decision and support from PBoC's Party Committee, and driven by the desire to serve the nation and the people, every staff in CAMLMAC exerted themselves and in a matter of six months after approval to establish this center was secured in April 7<sup>th</sup>, the preparation was done and in October 2004 CAMLMAC became a functional agency.

By April 2006, the Center has received 161 million large-value and suspicious transactions, identified and disseminated 795 suspicious transaction clues, involving RMB160.04 billion, USD 4.81 billion, 124,026 transactions and 9,809 accounts. We have signed MOUs with FIUs in South Korea, Georgia and Indonesia. CAMLMAC has engaged in classification and research into categories of money laundering offences, typology and trends, intensified development of AML data re-

ceiving and smart analysis. Building on the successes of foreign FIUs, we are working on China-specific and science-based technical standards and business process.

Several books dedicated to the topic of AML have been compiled by the Center such as “*Selected Readings in Anti-Money Laundering Literature*”, “*Money Laundering at Home and Abroad: Case Studies*”, “*Financial Intelligence Unit*” and “*A Practical guide to Reporting Large cash and Suspicious Transaction*”.

The Center's number of staff is approaching 60, over 3/4 of them have doctor's or master's degrees. A professional, disciplined and politically qualified financial intelligence team devoted to this cause has taken shape. World Bank, IMF and FIU counterparts in many countries are very impressed with the efficiency in building this Center, data size, automation level, quality and quantity of disseminated clues as well as high caliber of the personnel of CAMLMAC.

In retrospect, we have every reason to celebrate the success.

“Idle boast the strong pass is a wall of iron, With firm strides we are crossing its summit.”

Despite some success, we are fully aware of the challenges and difficulties we have to face. For example, a national

AML strategy needs to be developed and deployed; relevant laws and regulations should be improved; AML working mechanism, FIU regime in particular, calls for improvement; technical means are not yet effective enough in actual work, to name just a few. These problems we encounter as we progress, read from a different angle, however, indicates that our work has growing dimensions. And we are convinced that we can handle them well.

Legislation is an effective guarantee for AML institutional arrangement, organizational setting and factors allocation. Especially, FIU should, provided by the law, play a central role in AML efforts. Improved utilization of financial transaction data and financial intelligence can ratchet up crack-down of money laundering and other serious criminal offences. AML monitoring should be done in a more innovative way to expand fields under scrutiny. These ideas are crystallization of my two years' learning, study, practice and reflection and I am sure they will help solve some problems we face and contribute to the progress of this great endeavor.

In this book what I shared with readers are some of my observations. Examples are: development of a national AML strategy is not only related to the Central Government's call to carry out the scientific outlook on development, and to build

socialism and harmonious society, but also has something to do with enhancement of the governance of the Party, and fortification of the Party's ruling position. AML status quo and trends in the international community should be put in a globalized perspective.

Without the contribution from colleagues of mine, this book could have been impossible, so here I also like to express my thanks to them.

Ouyang Weimin

April, 2006,

Beijing

# 目录

序	1
一、概论	
· 我国反洗钱若干重大问题	3
· 国际反洗钱现状和趋势	46
· 国际反洗钱立法的基本原则和精神	63
二、反腐败与反洗钱	
· 联合国《反腐败公约》对反洗钱工作的重要意义	79
· 做好金融情报工作 为建立健全惩治和预防腐败 体系贡献力量	88
· 做好资金监测分析工作 为打击洗钱犯罪提供 可靠情报	99



### 三、论金融情报机构

- 定位·定性·权力·义务
  - 关于金融情报机构的国际法律规范初探 113
- FIU:运作机制和配套制度
  - 关于金融情报机构的国际法律规范再探 125
- 论金融情报机构 134
- 建立强大的反洗钱资金监测系统 153

### 四、金融情报队伍建设

- 依法履行报告义务 共同打击洗钱犯罪 163
- 专员制度是 FIU 组织建设的保障
  - 德国、瑞士反洗钱立法考察有感 173
- 自觉遵守存款实名制也是一种责任 176
- 建设政治合格、业务精良、纪律严明的金融情报队伍 178

### 五、借鉴国际先进经验

- 澳大利亚交易报告和分析中心(AUSTRAC)考察报告 191
- 加拿大反洗钱考察报告 202
- 韩国金融情报分析院(KoFIU)考察报告 208