



Royal United Services Institute  
for Defence and Security Studies

# Guide to Conducting a National Proliferation Financing Risk Assessment

執行國家資武擴風險評估指引

Anagha Joshi, Emil Dall and Darya Dolzikova



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May 2019

2019年5月



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Published in 2019 by the Royal United Services Institute for Defence and Security Studies.

由 RUSI 於 2019 年出版。



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May 2019.

2019 年 5 月。

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RUSI is a registered charity (No. 210639)

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RUSI 為經註冊之慈善機構（編號：210639）

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Developed by Anagha Joshi

# Foreword 前言

**T**HIS GUIDE AIMS to assist governments in conducting a national risk assessment on proliferation financing (PF). It will help them to understand their exposure to PF risks, implement financial provisions of proliferation-related UN Security Council resolutions, and achieve effective implementation of the Financial Action Task Force's (FATF) recommendations on proliferation finance. It includes the RUSI Proliferation Financing Rapid Risk Assessment Tool, a spreadsheet-based tool developed by Anagha Joshi for conducting national risk assessments.

本指引旨在於協助各國政府對資武擴進行國家風險評估。本指引將幫助各國政府了解其所面臨之資武擴風險，執行與武擴相關之聯合國安理會決議之財務規定，並有效實施防制洗錢金融行動工作組織（下稱「FATF」）關於資武擴之建議。其中包括 RUSI 資武擴快速風險評估工具，此為一種由 Anagha Joshi 所開發之以電子表格為基礎之工具，並用於進行國家風險評估。

This risk assessment guide is a resource for jurisdictions to adapt to their own national priorities and processes. Not every aspect of the guide will be relevant to all jurisdictions. Jurisdictions that have not previously considered PF as a national financial crime risk distinct from money laundering or terrorist financing will be able to use the guide and the RUSI Proliferation Financing Rapid Risk Assessment Tool to carry out a risk assessment for the first time. Jurisdictions that have already conducted a national risk assessment on PF can make use of this narrative discussion to adapt their existing methodologies and frameworks.

本風險評估指引為各司法管轄區適用於該國優先事項及流程之資源。並非本指引的各方面都與所有司法管轄區相關聯。先前未將資武擴視為不同於洗錢或資恐之國家金融犯罪風險之司法管轄區將得以使用本指引及 RUSI 資武擴快速風險評估工具進行首次風險評估。已對於資武擴進行國家風險評估之司法管轄區得利用此敘述性討論調整其現有之方法及框架。

This guide is a key resource used by RUSI staff to support jurisdictions in carrying out national risk assessments on PF. RUSI can provide further assistance on risk assessments through:

本指引為 RUSI 職員用於支援各司法管轄區對資武擴進行國家風險評估之主要資源。RUSI 得透過以下方式為風險評估提供進一步之幫助：

- Awareness-raising of PF risks among government and the private sector.
- 提高政府及私部門對於資武擴風險之認識。
- Support for conducting a rapid risk assessment using RUSI tools.
- 協助使用 RUSI 工具進行快速風險評估。
- Support for developing or adapting a tailored risk-assessment methodology.
- 協助開發或調整量身訂做之風險評估方法論。
- Support and input during a risk-assessment process and development of a final report.
- 在風險評估過程及最終報告之產出過程中提供協助及意見。

For further assistance or information, please contact:

如需更多幫助或資訊，請聯繫：

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# Introduction 緒論

COUNTERING THE FINANCIAL flows available to state and non-state proliferators plays an important role in wider efforts to counter the proliferation of weapons of mass destruction (WMD). Proliferators rely on access to the formal financial system to raise and gain access to funds, conduct payments and facilitate illicit activities. Because of the importance of countering these illicit financial flows, several United Nations Security Council Resolutions (UNSCRs) impose international legal obligations related to proliferation financing (PF): UNSCR 1540 on the non-proliferation of WMDs<sup>1</sup>, UNSCR 2231 on the implementation of the Joint Comprehensive Plan of Action related to Iran<sup>2</sup>, and the expanded requirements of UNSCRs related to North Korea<sup>3</sup>.

對抗國家及非國家之武擴者可用之資金流對於更廣泛地努力打擊大規模毀滅性武器擴散扮演重要角色。武擴者仰賴正式金融系統以籌集及獲取資金、進行付款及促進非法活動。由於打擊此等非法資金流動之重要性，若干聯合國安理會決議（「UNSCRs」）施加了與資武擴相關之國際性法律義務：UNSCR 1540 關於禁止大規模毀滅性武器擴散<sup>1</sup>、UNSCR 2231 關於執行與伊朗<sup>2</sup>有關之聯合綜合行動計畫，以及與北韓<sup>3</sup>有關之聯合國安理會之擴張要求。

In 2012, the Financial Action Task Force (FATF), the global standard-setter on combating money laundering and terrorist financing, included standards on counter-proliferation financing in its mandate. While the FATF does not require jurisdictions to formally assess their PF risk, the latest FATF Guidance on Countering Proliferation Financing recognises that understanding PF risks can 'positively contribute to a jurisdiction's ability to prevent persons and entities involved in WMD

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<sup>1</sup>. UN Security Council Resolution 1540, 28 April 2004, S/RES/1540. 聯合國安全理事會第 1540 號決議，2004 年 4 月 28 日，S/RES/1540。

<sup>2</sup>. UN Security Council Resolution 2231, 20 July 2015, S/RES/2231. 聯合國安理會第 2231 號決議，2015 年 7 月 20 日，S/RES/2231。

<sup>3</sup>. UN Security Council Resolution 1718, 14 October 2006, S/RES/1718; UN Security Council Resolution 1874, 12 June 2009, S/RES/1874; UN Security Council Resolution 2087, 22 January 2013, S/RES/2087; UN Security Council Resolution 2094, 7 March 2013, S/RES/2094; UN Security Council Resolution 2270, 2 March 2016, S/RES/2270; UN Security Council Resolution 2321, 30 November 2016, S/RES/2321; UN Security Council Resolution 2371, 5 August 2017, S/RES/2371; UN Security Council Resolution 2375, 11 September 2017, S/RES/2375; UN Security Council Resolution 2397, 22 December 2017, S/RES/2397. 聯合國安理會第 1718 號決議，2006 年 10 月 14 日，S/RES/1718；聯合國安理會第 1874 號決議，2009 年 6 月 12 日，S/RES/1874；聯合國安理會第 2087 號決議，2013 年 1 月 22 日，S/RES/2087；聯合國安理會第 2094 號決議，2013 年 3 月 7 日，S/RES/2094；聯合國安理會第 2270 號決議，2016 年 3 月 2 日；聯合國安理會第 2321 號決議，2016 年 11 月 30 日，S/RES/2321；聯合國安理會第 2371 號決議，2017 年 8 月 5 日，S/RES/2371；聯合國安理會第 2375 號決議，2017 年 9 月 11 日，S/RES/2375；聯合國安理會第 2397 號決議，2017 年 12 月 22 日，S/RES/2397。

proliferation from raising, moving and using funds<sup>4</sup>. The need to understand risks associated with the proliferation of WMDs is also alluded to in several UNSCRs<sup>5</sup>.

於 2012 年，作為打擊洗錢及資恐全球標準制定者之 FATF 將打擊資武擴標準納入其職責範圍。雖然 FATF 不要求各司法管轄區正式評估其資武擴風險，但最新之 FATF 打擊資武擴指引認可了解資武擴風險可以「積極地幫助司法管轄區防止參與大規模毀滅性武器擴散之人和實體募集、移動及使用資金」<sup>4</sup>。數個聯合國安理會決議<sup>5</sup>也提到需要了解與大規模毀滅性武器擴散相關之風險。

A risk assessment is therefore a necessary precursor for an effective response to PF. It is unlikely that jurisdictions can meet international legal obligations and demonstrate their effective implementation of PF controls without fully understanding the risks they are attempting to detect and disrupt.

因此，風險評估是有效應對資武擴之必要前提。各司法管轄區不可能於不完全了解其試圖偵測及破壞之風險之情況下履行國際法律義務並證明其有效實施資武擴控制。

This guide offers jurisdictions specific information for conducting a PF national risk assessment. The aim of this guide is not to promulgate a new risk-assessment methodology; several international organisations, national governments and private sector bodies have already developed detailed risk assessment methodologies for money laundering and terrorist financing<sup>6</sup>. Instead, the RUSI Guide to Conducting a National Proliferation Financing Risk Assessment draws upon existing best practices from these methodologies and provides guidance on areas of divergence or further consideration in the context of PF. These include: relevant stakeholders and information sources that inform a PF risk assessment; defining PF as distinct from money laundering or terrorist financing; and identifying a range of PF threats, including those relating to sanctioned state actors.

本指引提供各司法管轄區執行資武擴國家風險評估之特定資訊。本指引並非旨於建立新的風險評估方法論；若干國際組織、國家政府及私部門實體已開發洗錢及資恐之詳細風險評估方

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4. Financial Action Task Force (FATF), 'FATF Guidance on Counter Proliferation Financing: The Implementation of Financial Provisions of United Nations Security Council Resolutions to Counter the Proliferation of Weapons of Mass Destruction', February 2018, p. 4. FATF, FATF 打擊資助武擴指引：實施聯合國安理會打擊大規模毀滅性武器擴散決議之財務規定，2018 年 2 月，第 4 頁。

5. For example, UN Security Council Resolution 2325, 15 December 2016, S/RES/2325 calls upon states to consider the evolving nature of the risk of proliferation. 例如，聯合國安理會 2016 年 12 月 15 日第 2325 號決議 S/RES/2325 呼籲各國考慮武擴風險不斷變化之性質。

法<sup>6</sup>。相反地，RUSI 執行國家資武擴風險評估指引借鑒了此等方法中現存之最佳實務，並就資武擴背景下之分歧或進一步考量方面提供了指引。其中包括：為資武擴風險評估提供資訊之相關利害關係人及資訊來源；將資武擴定義為有別於洗錢或資恐；確定資武擴威脅之範圍，包括與受制裁國家行為者有關之威脅。

Jurisdictions may choose to use the guidance to adapt existing money-laundering or terrorist-financing risk-assessment methodologies to develop a targeted and nuanced assessment of PF risks specifically. Alternatively, and recognising that some jurisdictions may not have existing risk-assessment methodologies suitable for adaptation, the guide is also accompanied by the RUSI Proliferation Financing Rapid Risk Assessment Tool, see Annex 6. This tool can be a useful starting point for better understanding a jurisdiction's PF risk exposure and for launching a more extensive PF risk assessment, although it is not a sufficient substitute for the latter. While this document should provide jurisdictions with the guidance necessary to develop a national PF risk-assessment framework and process, each jurisdiction's methodology should be adapted to take into account jurisdiction-specific considerations.

各司法管轄區可以選擇使用本指引來調整現有之洗錢或資恐風險評估方法，以專門對資武擴風險進行目標性及細緻之評估。或者，鑑於某些司法管轄區既有的風險評估方法可能並不適合進行調整，本指引亦附有 RUSI 資武擴快速風險評估工具，詳見附件 6。該工具得可以作為進一步了解資武擴曝險及啟動更廣泛之資武擴風險評估的有用起點，儘管它不足以替代後者。雖然本文件應能為各司法管轄區提供建立國家資武擴風險評估框架及流程所需之指引，惟個別司法管轄區之方法論仍應以將該司法管轄區特定之因素納入考量。

Chapter I sets out the argument for the need to conduct a national risk assessment on PF and tackles the difficult question of defining PF to determine the scope of the risk assessment. Chapter II articulates key principles of risks assessments, explaining certain terms and formulas, and discussing

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<sup>6</sup>. For example, the World Bank Risk Assessment Methodology, 'Presentation at 20th OSCE Economic and Environmental Forum First Preparatory Meeting, Vienna, February 2012, Session III, AML/ CTF National Risk Assessments'; International Monetary Fund (IMF), 'Annex 3: The Fund Staff's Approach to Conducting National Money Laundering or Financing of Terrorism Risk Assessment', in International Monetary Fund, 'Anti-Money Laundering and Combating the Financing of Terrorism (AML/CTF): Report on the Review of the Effectiveness Program', 11 May 2011, p. 63, <<https://www.imf.org/external/np/pp/eng/2011/051111.pdf>>, accessed 25 April 2019. 例如，世界銀行風險評估方法論，「2012年2月，維也納，第20屆歐洲安全與合作組織經濟與環境論壇第一次籌備會議上之報告，第三部分，防制洗錢/打擊資恐國家風險評估」；國際貨幣基金 (IMF)，「附件 3：基金工作人員執行國家洗錢或資助恐怖主義風險評估之方法」，於國際貨幣基金，「防制洗錢及打擊資恐 (AML/CTF)：效能計劃審查報告」，2011年5月11日，第63頁，<<https://www.imf.org/external/np/pp/eng/2011/051111.pdf>>，於2019年4月25日瀏覽。

threats, vulnerabilities and consequences in a PF context. Chapter III considers the pros and cons of different assessment methodologies when applied in the context of PF and highlights other key considerations. Annexes 1 to 5 provide lists of threats, vulnerabilities and consequences as well as lists of stakeholders and sources of information for a PF risk assessment. For jurisdictions interested in using the RUSI Proliferation Financing Rapid Risk Assessment Tool, a multi-tab spreadsheet is available upon request by emailing [cpf@rusi.org](mailto:cpf@rusi.org). Annex 6 contains instructions for how to use the tool, as well as visual depictions of the tool.

第一章闡述了對資武擴進行國家風險評估之必要性論點，並解決了定義資武擴以確定風險評估範圍之難題。第二章闡明了風險評估之關鍵原則，解釋了某些詞彙及公式，並討論了資武擴背景下之威脅、弱點及後果。第三章考慮了在資武擴背景下應用不同評估方法之利弊，並強調了其他關鍵考慮因素。附件 1 至 5 提供了威脅、弱點及後果之清單，以及利害關係人清單及資武擴風險評估之資訊來源。對於有意使用 RUSI 資武擴快速風險評估工具之司法管轄區，可透過寄送電子郵件至 [cpf@rusi.org](mailto:cpf@rusi.org) 索取多重標籤電子表格。附件 6 包含如何使用該工具之說明以及該工具之具體描述。

# I. Understanding Proliferation Financing Risk

## 壹、瞭解資武擴風險

THE FATF RECOMMENDATIONS on money laundering (ML), terrorist financing (TF) and PF ‘set an international standard, which jurisdictions should implement’ in their own domestic laws and regulations<sup>7</sup>. In 2012, the FATF included counter-proliferation financing in its mandate through two recommendations for jurisdictions: Recommendation 2 on national cooperation and coordination on financial crime risks, including ML, TF and PF; and Recommendation 7 on targeted financial sanctions against specific proliferating actors designated by UNSCRs<sup>8</sup>.

FATF 關於洗錢、資恐和資武擴之建議「設立了一套國際標準，司法管轄區應在其國內法律及法規<sup>7</sup>中施行」。2012 年，FATF 通過向司法管轄區提出之兩項建議將打擊資武擴納入其職責：關於金融犯罪風險（包括洗錢、資恐和資武擴）之全國性合作與協調之第 2 項建議；關於針對聯合國安理會決議<sup>8</sup>指定之特定武擴行為者實施目標性金融制裁之第 7 項建議。

The narrow focus on implementing targeted financial sanctions against designated individuals and entities in Recommendation 7, not commensurate with the breadth of UN requirements today. In January 2016, most UN-targeted financial sanctions against Iran were removed in accordance with UNSCR 2231<sup>9</sup>, leaving the Recommendations, in effect, to cover mostly North Korean-designated entities and individuals. Meanwhile, international sanctions against North Korea go far beyond a list-based approach and now include a range of activity-based prohibitions (see Table 1) that require an understanding of risk in order to apply enhanced controls.

第 7 項建議中對經指名之個人及實體實施目標性金融制裁之狹隘重點與現今聯合國要求之廣度不相稱。2016 年 1 月，依據聯合國安理會第 2231<sup>9</sup>號決議取消了大部分聯合國針對伊朗之目標性金融制裁，使該建議實際上主要涵蓋北韓經指名之實體及個人。與此同時，對北韓之

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<sup>7</sup>. FATF, ‘The FATF Recommendations’, updated October 2018, p. 6. FATF, 「防制洗錢金融行動工作組織建議」，2018 年 10 月更新，第 6 頁。

<sup>8</sup>. *Ibid.* 同上。

<sup>9</sup>. UN Security Council Resolution 2231, 20 July 2015, S/RES/2231. 聯合國安理會第 2231 號決議，2015 年 7 月 20 日，S/RES/2231。

國際制裁遠遠超出了以清單為基礎之方法，且目前包括一系列以活動為基礎之禁令（詳見表格 1），需在了解風險後，始得實施加強控制措施。

The FATF's other Recommendations – which cover a range of preventive measures around customer due diligence and reporting of suspicious transactions, transparency and beneficial ownership provisions, effective supervision and monitoring of the private sector, and international cooperation with other jurisdictions on financial crime risks – do not specifically extend to cover PF.

FATF 之其他建議（包括客戶盡職調查及疑似洗錢或資恐交易報告、透明度及實質受益權規定、私部門之有效監督及監管，以及與其他司法管轄區於金融犯罪風險方面之國際合作等範圍之預防措施）未特別擴展到涵蓋資武擴。

The FATF, however, not only measures how jurisdictions implement technical requirements of the Recommendations, but also the effective implementation of those Recommendations. Immediate Outcome 11 (IO.11) requires jurisdictions to ‘develop and implement policies and activities to combat the financing of proliferation of WMD’,<sup>10</sup> in addition to implementing targeted financial sanctions without delay.<sup>11</sup> This too requires an appreciation of PF risks. The FATF, in its 2018 Guidance on Counter Proliferation Financing, has since stated that the risk based measures contained in other Recommendations ‘can assist effectiveness under IO.11’.<sup>12</sup>

In 2018, the incoming FATF president stated that ‘[PF] measures lag significantly behind those directed at countering money laundering and terrorist financing’ and that the FATF should ‘consider new ways to address the full range of illicit proliferation-related activity that is only partially addressed by the current targeted financial sanctions regime’.<sup>13</sup>

然而，FATF 不僅衡量各司法管轄區如何實施建議之技術性要求，亦衡量此等建議之有效實施。直接成果 11（IO.11）要求各司法管轄區「制定及實施政策及作為，以打擊資助大規模毀滅性武器擴散<sup>10</sup>」，此外亦須毫不遲延地<sup>11</sup>實施目標性金融制裁。因此亦需要了解資武擴風險。FATF 於其 2018 年打擊資武擴指引中表示，其他建議中包含之以風險為本之措施「可以增加 IO.11<sup>12</sup> 下之效能」。於 2018 年，即將上任之 FATF 主席表示，「資武擴措施遠落後

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<sup>10</sup>. Certain elements of IO.10 on national coordination mechanisms are also relevant to countering proliferation financing. IO.10 關於國家協調機制之某些機制亦與打擊資武擴有關。

<sup>11</sup>. FATF, ‘Methodology for Assessing Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems’, updated February 2019, p. 123. FATF, 「防制洗錢金融行動工作組織建議」之技術遵循及防制洗錢/打擊資恐之效能評鑑」，2019 年 2 月更新，第 123 頁。

<sup>12</sup>. FATF, ‘FATF Guidance on Counter Proliferation Financing’, p. 6. FATF, 「FATF 打擊資武擴指引」，第 6 頁。



於旨在打擊洗錢及資恐之措施」，且 FATF 應「考慮新的方法解決所有與非法武擴相關之活動，現有之目標性金融制裁制度僅部分解決了此一問題」。<sup>13</sup>

One of the most significant gaps is in understanding and assessing national PF risk. FATF Recommendation 1, which requires jurisdictions to assess risks and apply a risk-based approach to countering other financial crime,<sup>14</sup> does not extend to PF. As a result, many jurisdictions do not conduct such a risk assessment and do not adequately understand their exposure to PF risks, or proliferation risks more generally. Knowledge of how proliferation activities might manifest themselves within a country's borders will help in understanding how underlying finance supports that activity.

最顯著之落差之一在於理解及評估國家資武擴風險。FATF 第 1 項建議要求司法管轄區評估風險並使用以風險為本之方法以打擊其他金融犯罪<sup>14</sup>，此不適用於資武擴。因此，許多司法管轄區沒有進行此類風險評估，也沒有充分了解他們面臨之資武擴風險或更普遍之資武擴風險。了解資武擴活動如何在一個國家邊界內展現將有助於了解潛在資金如何支持該活動。

Private sector implementation, which is informed by government guidance, also lacks risk-based insight and jurisdictions struggle to prevent persons and entities involved in proliferation of WMDs from raising, moving and using funds.

私部門於政府指導下之實施也缺乏以風險為本之洞察力，各司法管轄區無法防止參與大規模毀滅性武器擴散之人及實體募集、轉移及使用資金。

While there is a growing focus on assessing PF risks, there are currently very limited resources to assist jurisdictions in undertaking such risk assessments in a meaningful way.<sup>15</sup> More recently, PF has been included in some jurisdictions' national risk assessments, including the US.<sup>16</sup> However, due to the size and operation of the US financial system, where most exposure to PF comes from correspondent banking relationships, other jurisdictions' risk assessments will differ significantly. Many assessments also lack an appreciation of the underlying proliferation risk, and generally rely on the same risk methodologies as ML and TF assessments, without adapting to a PF context. A common approach has been to consider PF together with TF, which excludes a range of PF-specific activity.<sup>17</sup> This guide addresses this gap.

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<sup>13</sup>. Marshall Billingslea, 'Objectives for FATF-XXX (2018–2019): Paper by the Incoming President', FATF, 2018, <<http://www.fatf-gafi.org/publications/fatfgeneral/documents/objectives-2018-2019.html>>, accessed 18 February 2019. Marshall Billingslea, 「FATF-XXX 之目標 (2018-2019): 新任主席的話」, FATF, 2018 年, <<http://www.fatf-gafi.org/publications/fatfgeneral/documents/objectives-2018-2019.html>>, 於 2019 年 2 月 18 日瀏覽。

<sup>14</sup>. FATF, 'The FATF Recommendations'. FATF, 「防制洗錢金融行動工作組織建議」。

雖然人們越來越關注評估資武擴風險，惟目前幫助司法管轄區以有意義之方式<sup>15</sup>進行此類風險評估之資源相當有限。最近，資武擴已被納入一些司法管轄區之國家風險評估，包括美國。<sup>16</sup>然而，由於美國金融體系之規模和運作，其中大部分資武擴風險來自通匯銀行業務關係，其他司法管轄區之風險評估將有很大不同。許多評估也缺乏對潛在武器擴散風險之認識，並且通常依賴與洗錢和資恐評估相同之風險方法，而未依資武擴背景進行調整。一種常見之方法是將資武擴與資恐一起考慮，這排除了一系列資武擴特定活動<sup>17</sup>。本指引解決了此一落差。

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- <sup>15</sup>. A November 2018 report published by the Center for a New American Security focuses on conducting PF risk assessments in financial institutions. See Jonathan Brewer, 'The Financing of WMD Proliferation: Conducting Risk Assessments', Center for a New American Security (CNAS), 2018. The FATF Guidance on Counter Proliferation Financing references the FATF Guidance on National Money Laundering and Terrorist Financing Risk Assessments as a general guide for conducting risk assessments. 新美國安全中心於 2018 年 11 月公布之報告專注於執行金融機構之資助武擴風險評估。參 Jonathan Brewer, 「資助大規模毀滅性武器擴散：執行風險評估」，新美國安全中心，2018 年。FATF 打擊資助武擴指引引用 FATF 國家洗錢及資恐風險評估指引為一通用指引以執行風險評估。
- <sup>16</sup>. US Department of the Treasury, 'National Proliferation Financing Risk Assessment 2018', <[https://home.treasury.gov/system/files/136/2018npfra\\_12\\_18.pdf](https://home.treasury.gov/system/files/136/2018npfra_12_18.pdf)>, accessed 29 March 2019. 美國財政部，「2018 年國家資助武擴風險評估」，[https://home.treasury.gov/system/files/136/2018npfra\\_12\\_18.pdf](https://home.treasury.gov/system/files/136/2018npfra_12_18.pdf)，2019 年 3 月 29 日瀏覽。
- <sup>17</sup>. See, for example, Financial Intelligence Unit, Government of Vanuatu, 'Vanuatu National Risk Assessment: Money Laundering Through the Offshore Sector and Terrorist Financing', 2017, p. 34, <<http://fiu.gov.vu/publications>>, accessed 29 March 2019. PF is briefly considered under the topic of terrorist financing. 參見，例如，金融情報中心，萬那杜，「萬那杜國家風險評估：「透過境外部門洗錢及資恐」，2017 年，第 34 頁，<http://fiu.gov.vu/publications>，2019 年 3 月 29 日瀏覽。資助武擴僅於資恐主題下簡要討論。



## What is Proliferation Financing? 什麼是資武擴?

The nature of PF is multifaceted: it is at once a financial crime risk, a sanctions risk, and a risk to international counter-proliferation measures. Designated entities and individuals evade sanctions and fund their WMD proliferation efforts by employing a complex network of front companies and diversion techniques borrowed from the world of money laundering. Whereas money laundering is a circular process deployed by criminals to conceal the illicit origin of the proceeds of crime, sanctions are about the individuals to whom funds are made available or the purposes for which they are being used. This is an important distinction, as it means that the funds involved in sanctions evasion are not the end goal in themselves, but are used to facilitate other illicit activities.

資武擴之性質為多面向的：它同時是金融犯罪風險、制裁風險及國際打擊武擴措施之風險。經指名之實體及個人規避制裁並利用借自洗錢世界之前臺公司之複雜網絡及分散技術資助其大規模毀滅性武器擴散。洗錢為犯罪分子為掩蓋犯罪所得之非法來源而部署之循環過程，而制裁則與獲得資金之個人或使用該資金之目的有關。此為一項重要區別，因其意指規避制裁所涉及之資金本身並非最終目標，而是用於促進其他非法活動。

In this way, PF could be defined in a similar linear fashion to TF. The International Convention for the Suppression of the Financing of Terrorism criminalises providing or collecting funds ‘with the intention that they should be used or in the knowledge that they are to be used’ to carry out acts prohibited by counterterrorism conventions.<sup>18</sup> A report by the Center for a New American Security similarly describes PF as a linear three-stage process: (1) WMD programme fundraising through state budgets as well as commercial and illicit activities; (2) disguising the funds as they move through the international financial system; and (3) procuring materials and technology.<sup>19</sup>

因此，資武擴得與資恐以類似線性方式定義。制止資助恐怖主義國際公約將「意圖使用或明知使用於」反恐公約<sup>18</sup>禁止之行為而提供或募集資金定為犯罪。新美國安全中心之報告同樣將資武擴描述為一線性之三階段過程：(1) 透過國家預算及商業與非法活動進行大規模武器擴散計畫籌資；(2) 在資金於國際金融體系移動時掩飾該資金；及(3) 採購原料及技術。<sup>19</sup>

Unlike ML or TF, both of which have generally accepted definitions in international conventions,<sup>20</sup> there is no agreed international definition of PF. In 2010, the FATF published a working definition of PF, which focused its scope on the financing of nuclear, chemical or biological weapons, their means of delivery and related materials.<sup>21</sup> As previously mentioned, the FATF’s corresponding Recommendation focuses on specific proliferating actors in UNSCRs. However, the definition does

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<sup>18</sup>. ‘International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations in Resolution 54/109 of 9 December 1999’, Article 2. 「制止向恐怖主義提供資助的國際公約，由聯合國大會於 1999 年 12 月 9 日決議 54/109 通過」第 2 條。

<sup>19</sup>. Jonathan Brewer, ‘The Financing of Nuclear and Other Weapons of Mass Destruction Proliferation’, CNAS, January 2018, p. 5. Jonathan Brewer, 「資助核武及其他大規模毀滅性武器擴散」，新美國安全中心，2018 年 1 月，第 5 頁。

not exclude non-state actors or other countries of nuclear proliferation concern – including Pakistan, India and Israel, which are not recognised nuclear powers under the Nuclear Non-Proliferation Treaty – or China, which is identified as a PF threat by the US.<sup>22</sup>

不同於洗錢或資恐於國際公約皆具有普遍接受之定義<sup>20</sup>，資武擴並沒有公認之國際定義。於 2010 年，FATF 發布了資武擴之工作定義，其範圍著重於為核武、化學或生化武器，其運送工具及相關原料提供資金。<sup>21</sup>如前所述，FATF 之相應建議著重於聯合國安全理事會決議中之特定武擴行為者。然而，該定義並不排除非國家行為者或其他有核武擴散問題之國家（包括巴基斯坦、印度及以色列，此等國家於核武禁擴條約中未被認定為具有核武力量），或是被美國認定為資武擴威脅的中國大陸。<sup>22</sup>

Much of the current understanding of PF has developed primarily – although not exclusively – in response to North Korea’s WMD programme. Recent expansion of UN sanctions regimes against North Korea also means that what is potentially covered under the umbrella of PF is broader than the FATF definition, in terms of the types of activities covered. PF may not only be limited to the financing of the procurement of WMD and missile components and technology, but also the financing, financial services and financial relationships that sustain North Korea’s other sanctioned activities. However, as proliferation threats change in nature, or new proliferators are identified, international non-proliferation efforts will evolve in response, and the types of activities that fall under PF will adapt accordingly.

目前對資武擴之大部分理解主要（儘管並非詳盡）係為回應北韓之大規模毀滅性武器計畫而發展。近期聯合國擴張對於北韓之制裁制度，亦代表就資武擴涵蓋之活動類型而言，資武擴之可能涵蓋範圍相較於 FATF 定義更為廣泛。資武擴可能不僅限於為大規模毀滅性武器及導彈組成及技術之採購提供資金，亦包括支持北韓之其他受制裁活動之資助、金融服務及金融關係。然而，隨著武擴威脅之性質發生變化，或發現新的武擴者，國際打擊武擴之努力將相應發展，屬於資武擴之活動類型將相應地進行調整。

At the same time, it is useful to retain a definition of PF in its narrowest sense: in the case of Iran, PF relates to the financing of certain activities or certain actors, primarily related to ballistic missile

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<sup>20</sup>. See ‘International Convention for the Suppression of the Financing of Terrorism’ and the ‘United Nations Convention Against Transnational Organized Crime (UNTOC), Adopted by the General Assembly of the United Nations in Resolution 55/25 of 15 November 2000’. 參「制止向恐怖主義提供資助的國際公約」及「聯合國打擊跨國組織犯罪公約」，由聯合國大會於 2000 年 11 月 15 日決議 55/25 通過」

<sup>21</sup>. FATF, ‘Combating Proliferating Financing: A Status Report on Policy Development and Consultation’, February 2010, p. 11. FATF, 「打擊資助武擴：關於政策制定和諮詢之現狀報告」，2010 年 2 月，第 11 頁。

<sup>22</sup>. US Department of the Treasury, ‘National Proliferation Financing Risk Assessment 2018’, p. 10. 美國財政部，「2018 國家資武擴風險評估」，第 10 頁。

activities, which are still sanctioned under UNSCR 2231. Additionally, UNSCR 1540 covers the financing of specific WMD goods and materials, to any actor (focusing on nonstate actors), at any place and time. This guide addresses the threat of proliferation by nonstate actors only as it relates to international non-proliferation obligations under UNSCR 1540, as other UNSCRs and international obligations aimed at countering terrorist financing are not included in the international non-proliferation regime. If the international community were to conclude that there is sufficient threat of terrorist funds being diverted to the proliferation of WMD, certain terrorist groups may be folded into the international non-proliferation regime, and related activities would therefore come under the umbrella of PF.

同時，有必要保留最狹義之資武擴定義：於伊朗而言，資武擴與資助某些活動或某些行為者有關，主要與彈道導彈活動有關，此等活動仍受聯合國安理會第 2231 號決議制裁。此外，聯合國安理會第 1540 號決議涵蓋於任何地點及時間向任何行為者（專注於非國家行為者）資助特定大規模毀滅性武器商品及原料。本指引處理的非國家行為者之武擴威脅僅及於涉及聯合國安理會第 1540 號決議下之國際打擊武擴義務者，因為其他聯合國安理會決議及旨在打擊資恐之國際義務未被包括於國際打擊武擴的範疇。如果國際社會決定恐怖分子資金被轉移至大規模毀滅性武器擴散之威脅已經足夠大，那麼某些恐怖組織可能會被納入國際打擊武擴的範疇，相關活動將因此被納入資武擴之下。

PF in its most narrow sense – as outlined by UNSCR 1540 and the FATF definition – will remain constant, as it focuses strictly on financial services and activities directly supporting trade in proliferation-sensitive materials and technology, by any actor. This forms the foundation and the starting point for any understanding of PF.

如聯合國安理會第 1540 號決議及 FATF 定義所概述，最狹義之資武擴定義將保持不變，因其嚴格專注於直接支持任何行為者之武擴敏感性原料及技術交易之金融服務及活動。此形成理解資武擴之基礎及起點。

**Box 1: FATF Definition of Proliferation Financing**

第 1 欄：FATF 資武擴之定義

‘Proliferation financing’ refers to: the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both technologies and dual-use goods used for non-legitimate purposes), in contravention of national laws or, where applicable, international obligations.

「資武擴」係指：提供全部或部分用於製造、獲取、擁有、開發、出口、轉運、中介、運輸、轉移、儲存或使用核子、化學或生物武器及其運送工具及相關原料（包

括用於非法目的之技術及軍民兩用物品)，且違反國家法律或（如有適用）國際義務之資金或金融服務之行為。

Source: FATF, 'Combating Proliferation Financing', p. 5.

資料來源：FATF，「打擊資武擴」，第5頁。

To conduct a national risk assessment on PF, jurisdictions therefore first need to determine the overall scope of the risk assessment, and a definition is helpful for that purpose. The lack of an international definition of PF means that many jurisdictions do not have a definition of PF in domestic law. A related challenge is that a single definition of PF may not be enough to cover the full range of measures that may be encapsulated by that term. While a national risk assessment on ML or TF can be easily premised on the criminal offences of these activities, that is not always the case with PF.

因此，為了對資武擴進行國家風險評估，各司法管轄區首先需要確定風險評估之整體範圍，而此一定義有助於此目的。缺乏對資武擴之國際性定義意指許多司法管轄區於國內法中沒有對資武擴之定義。一個相關之挑戰是，資武擴之單一定義可能不足以涵蓋該用語可能包含之全部措施。雖然對洗錢或資恐之國家風險評估很容易以此等活動之刑事犯罪為前提，於資武擴之情況並非總是如此。

It is useful to break down the categories that constitute PF and understand the international legal obligations from which they arise. As a starting point, UNSCR 1540 provides some guidance as to what may be considered PF. The resolution is not specific to any state or any specific group of actors but prohibits the proliferation of WMDs to and by any non-state actors. Its operative paragraph 2 requires jurisdictions to prohibit specified activities related to the proliferation of WMDs by non-state actors, including by prohibiting the financing of these activities. The Resolution does not prescribe criminalisation of PF and therefore jurisdictions could adopt laws that are civil, criminal or administrative in nature. Operative paragraph 3(d) of the resolution also requires jurisdictions to prohibit the provision of funds and services (including financial services) for the export and transshipment of specified controlled goods through the deployment of civil or criminal measures.<sup>23</sup>

分解構成資武擴之類別並了解其產生之國際法律義務很有用處。作為起點，聯合國安理會第1540號決議提供了一些關於何者得被視為資武擴之指引。該決議並非針對任何國家或任何特定之行為者群體，而是禁止向任何非國家行為者資助大規模毀滅性武器擴散以及由任何非國家行為者所為者。其執行部分第2段要求各司法管轄區禁止非國家行為者進行與大規模毀滅性武器擴散有關之特定活動，包括禁止為這些活動提供資金。該決議沒有規定將資武擴定為刑事犯罪，因此各司法管轄區可以採用民事、刑事或行政性質之法律。該決議執行部分第

3(d) 段亦要求各司法管轄區透過民事或刑事措施禁止為特定受管控貨物之出口及轉運提供資金及服務（包括金融服務）。<sup>23</sup>

Based on the elements contained in UNSCR 1540, a basic definition of PF could be as outlined in Box 2. 根據聯合國安全理事會第 1540 號決議所載之內容，第 2 欄概述資武擴之基本定義。

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<sup>23</sup> .UN Security Council Resolution 1540, 28 April 2004, S/RES/1540. 聯合國安理會第 1540 號決議，2004 年 4 月 28 日，S/RES/1540。

**Box 2: Definition of Proliferation Financing from RUSI's Model Law on Proliferation Finance****第 2 欄：RUSI 之資武擴模範法之資武擴定義**

(1) Proliferation financing is when a person: 武器擴散是當一個人：

- (a) makes available an asset; or 提供資產；或
- (b) provides a financial service; or 提供金融服務；或
- (c) conducts a financial transaction; and 進行金融交易；且

the person [knows that, or is reckless as to whether,] the asset, financial service or financial transaction is intended to, in whole or in part, facilitate an activity specified in Subsection (2) regardless of whether the specified activity occurs or is attempted.

該人[知悉，或就]該資產、金融服務或金融交易之全部或部分是否係意圖促使第(2)節中所示之活動[態度輕率]，無論指定活動是否發生或嘗試發生。

(2) The specified activities are: 該指定活動包括：

- (a) the manufacture, production, possession, acquisition, stockpiling, storage, development, transportation, sale, supply, transfer, export, transshipment or use of: 製造、生產、持有、獲取、儲存、儲藏、開發、運輸、銷售、供應、轉讓、出口、轉運或使用：
  - (i) nuclear weapons; or 核子武器；或
  - (ii) chemical weapons; or 化學武器；或
  - (iii) biological weapons; or 生物武器；或
  - (iv) materials related to nuclear weapons, chemical weapons or biological weapons that are prescribed by Regulations 法規規定與核子武器、化學武器或生物武器有關之原料

(b) the provision of technical training, advice, service, brokering or assistance related to any of the activities in Paragraph (a). 提供與 (a) 項中任何活動相關之技術培訓、建議、服務、中介或協助。

Nuclear, chemical and biological weapons are all defined terms in RUSI's model law and include their means of delivery. Financial transaction is defined in the model law and includes the physical transfer of an asset. Note that when the definition is applied in the context of domestic legislation, it should exclude lawful proliferation activity, for example, the activities of current nuclear states as defined under the Treaty on the Non-Proliferation of Nuclear Weapons. Note also that the mental elements of knowledge and recklessness are included in square brackets in the event that jurisdictions wish to convert the definition into a PF offence provision.

核子、化學及生物武器皆為 RUSI 模範法之定義詞彙，包括其運送工具。金融交易於模範法中被定義，包括資產之實體轉讓。請注意，當該定義於國內立法範圍內適用時，應排除合法之武擴活動，例如，《禁擴核武條約》所界定之現有核武國家之活



動。亦請注意，如果司法管轄區希望將定義轉換為資武擴犯罪條款，則知悉及輕率之主觀要件包含在方括弧中。

*Source: Anagha Joshi, 'Model Provisions to Combat the Financing of the Proliferation of Weapons of Mass Destruction Second Edition, Supplementary Material for Guidance Paper', RUSI, October 2018, Section 6B, p. 21.*

資料來源：Anagha Joshi，「打擊資助大規模毀滅性武器擴散模範條款第二版，指引文件補充原料」，RUSI，2018年10月，第6B節，第21頁。

In addition to UNSCR 1540, the UN maintains targeted financial sanctions against individuals and entities for involvement in WMD proliferation activities. Currently, that is largely in relation to Iran and North Korea sanctions requirements. Some may consider that assets and financial services provided to sanctioned individuals and entities constitutes proliferation financing.

除聯合國安理會第 1540 號決議外，聯合國對參與大規模毀滅性武器擴散活動之個人及實體實施目標性金融制裁。目前，此大部分與伊朗及北韓之制裁要求有關。有些人可能認為，向經制裁之人及實體提供資產及金融服務構成資武擴。

Other proliferation-related UNSCRs regarding Iran and North Korea also contain a range of what may be classified as financial measures against certain activities that support proliferation activity in those states. Some of these additional measures are not covered by the broad definition of PF in Boxes 1 and 2.<sup>24</sup>

與伊朗及北韓相關之其他武擴相關聯合國安理會決議亦包含一系列可能被列為針對支持此等國家武擴活動之某些活動之金融措施。其中一些額外措施不包括在第 1 欄及第 2 欄中對資武擴之廣泛定義。<sup>24</sup>

The North Korea measures in particular are extensive and capture financing related to commodities and goods that are otherwise licit but are banned or restricted in so far as they relate to North Korea. The North Korea measures further capture financial measures that are aimed at curbing North Korea's proliferation activities, including the corporate and financial networks used by North Korea globally. Jurisdictions may consider these under the umbrella of PF, as any export revenues earned by North Korea, or any financial channels used for trade, can ultimately be either reinvested into the

<sup>24</sup> . The RUSI Model Law on Proliferation Finance captures these additional measures in separate chapters on Iran and North Korea. UN Security Council Resolution 1718, 14 October 2006, S/RES/1718; UN Security Council Resolution 1874, 12 June 2009 S/RES/1874; UN Security Council Resolution 2087, 22 January 2013, S/RES/2087; UN Security Council Resolution 2094, 7 March. RUSI 之資助武擴模範法於有關伊朗及北韓之獨立章節中包含了此等額外措施。聯合國安理會第 1718 號決議，2006 年 10 月 14 日，S/RES/1718；聯合國安理會第 1874 號決議，2009 年 6 月 12 日，S/RES/1874；聯合國安理會第 2087 號決議，2013 年 1 月 22 日，S/RES/2087；聯合國安理會第 2094 號決議，3 月 7 日。

country's nuclear and missile programme, or used to benefit it in some way<sup>25</sup>. While this guide does not advocate for any particular definition of PF, it is important that jurisdictions consider the full breadth of UN-mandated sanctions measures when deciding on the scope of a PF risk assessment.

有關北韓之措施特別廣泛，其中包含關於商品及貨品之資助，此等商品和貨品本來是合法的，但如與北韓有關，則此等商品和貨品被禁止或限制。北韓措施進一步包括旨在遏制北韓武擴活動之金融措施，包括北韓於全球使用之企業及金融網路。各司法管轄區得將此列於資武擴之下，因為北韓賺取之任何出口收入，或用於貿易的任何金融管道，最終都得再投資於該國之核計畫及導彈計畫，或用於以某種方式使其受益<sup>25</sup>。雖然本指引不擁護任一特定的資武擴定義，但重要的是，各司法管轄區於決定資武擴風險評估範圍時，應充分考慮聯合國授權之制裁措施之廣泛程度。

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<sup>25</sup>. In September 2017, US Under Secretary of Treasury for Terrorism and Financial Intelligence, Sigal Mandelker, stated that 'any revenue that North Korea generates can be used to support, directly or indirectly, its weapons development programs'. See US Department of the Treasury, 'Testimony of Sigal Mandelker Under Secretary, Terrorism and Financial Intelligence U.S. Department of the Treasury Senate Banking Committee Thursday, September 28, 2017', press release, 28 September 2017, <<https://www.treasury.gov/press-center/press-releases/Pages/sm0168.aspx>>, accessed 29 March 2019. 於 2017 年 9 月，美國負責恐怖主義及金融情報之副財政部長 Sigal Mandelker 表示，「北韓產生之任何收益得以被直接或間接用於支持其武器開發計畫」。參見美國財政部，「Sigal Mandelker 副部長之證詞」，恐怖主義及金融情報美國財政部參議院銀行委員會，星期四，2017 年 9 月 28 日，新聞稿，2017 年 9 月 28 日，<<https://www.treasury.gov/press-center/press-releases/Pages/sm0168.aspx>>，2019 年 3 月 29 日瀏覽。



**Box 3: Summary of Items Under Import, Export or Sale Restrictions in Relation to North Korea****第 3 欄：與北韓有關之進口、出口或銷售限制項目之摘要**

- Aviation fuel, rocket fuel 航空燃料、火箭燃料
- Coal 煤炭
- Condensates and natural gas liquids 凝析油和天然氣液體
- Copper, nickel, silver 銅、鎳、銀
- Earth, stone, wood 土、石頭、木頭
- Electrical equipment 電子設備
- Food and agricultural products 食品和農產品
- Helicopters 直升機
- Industrial machinery 工業機械
- Iron, steel 鋼、鐵
- Lead, ore 鉛、礦
- Luxury goods\* 奢侈品\*
- Petroleum, crude oil 石油、原油
- Rare earth minerals 稀土礦物
- Seafood, fishing rights 海鮮、捕魚權
- Statues 雕像
- Textiles, fabrics 紡織品、織物
- Transport vehicles 運輸車輛
- Vessels. 船隻

\* Despite primarily being a punitive measure aimed at restricting the import of luxury goods into North Korea (unlike the rest of the goods on this list, whose PF value lies in the profits North Korea makes from their export), luxury goods have been included on this list due to their potential resale value.

\* 儘管主要旨在限制奢侈品進口至北韓之懲罰性措施（與本清單中其他商品不同，其資武擴之價值在北韓自其出口中獲利），奢侈品由於其潛在之轉售價值而被列入本清單。

Source: UN Security Council Resolution 1718, 14 October 2006, S/RES/1718; UN Security Council Resolution 1874, 12 June 2009, S/RES/1874; UN Security Council Resolution 2087, 22 January 2013, S/RES/2087; UN Security Council Resolution 2094, 7 March 2013, S/RES/2094; UN Security Council Resolution 2270, 2 March 2016, S/RES/2270; UN Security Council Resolution 2321, 30 November 2016, S/RES/2321; UN Security Council Resolution 2371, 5 August 2017, S/RES/2371; UN Security Council Resolution 2375, 11 September 2017, S/RES/2375; UN Security Council Resolution 2397, 22 December 2017, S/RES/2397.

資料來源：聯合國安理會第 1718 號決議，2006 年 10 月 14 日，S/RES/1718；聯合國安理會第 1874 號決議，2009 年 6 月 12 日，S/RES/1874；聯合國安理會第 2087 號決議，2013 年 1 月 22 日，S/RES/2087；聯合國安理會第 2094 號決議，2013 年 3 月 7 日，S/RES/2094；聯合國安理會第 2270 號決議，2016 年 3 月 2 日，S/RES/2270；聯合國安理會第 2321 號決議，2016 年 11 月 30 日，S/RES/2321；聯合國安理會第 2371 號決議，2017 年 8 月 5 日，S/RES/2371；聯合國安理會第

2375 號決議，2017 年 9 月 11 日，S/RES/2375; 聯合國安理會第 2397 號決議，2017 年 12 月 22 日，S/RES/2397。

**Table 1: Additional Financial Measures to Curb North Korea's Proliferation Activities**

**表格 1：抑制北韓武擴活動之額外金融措施**

<b>Controls on Financial Institutions</b> <b>對金融機構的控制</b>	<b>Controls on Diplomats and Diplomatic Missions</b> <b>對外交官和外交使團之控制</b>	<b>Controls Around Vessels and Aircraft</b> <b>對船舶及飛機之控制</b>
Prohibit financial institutions from maintaining relationships, including correspondent banking relationships, with North Korean financial institutions. 禁止金融機構與北韓金融機構保持關係，包括通匯銀行業務關係。	Limit number of bank accounts of diplomats/consular staff and missions. 限制外交官/領事人員及使團之銀行帳戶數量。	Prohibit leasing or chartering vessels, aircraft or crew services to/from North Korea. 禁止向/自北韓出租或租用船隻、飛機或船員服務。
Prohibit North Korean financial institutions from opening branches, subsidiaries in your jurisdiction. 禁止北韓金融機構於您的司法管轄區內開設分支機構及子公司。	Prohibit diplomatic agents from engaging in profit-making activities. 禁止外交代表從事營利活動。	Prohibit owning, leasing, operating or insuring North Korean-flagged vessels. 禁止持有、租用、營運或投保懸掛北韓國旗之船隻。
	Prohibit use of real property for purposes that are not diplomatic. 禁止為非外交目的使用實體財產。	Prohibit provision of insurance to vessels owned, controlled or operated by North Korea. 禁止對北韓持有、控制或營運之船隻提供保險。
<b>Prohibition on Financial Support for Trade with North Korea</b> <b>禁止與北韓貿易之金融援助。</b>	<b>Prohibition on Bulk Transfer of Gold and Cash to North Korea</b> <b>禁止向北韓大量移轉黃金及現金</b>	<b>Controls on Joint Ventures and Cooperative Entities</b> <b>對合資企業及合作實體之控制</b>
Prohibition on financial support for trade, including granting of export credits, guarantees or insurance. 禁止對貿易提供金融援助，包括提供出口信貸、保證或保險。	Prohibition may be implemented through a combination of a cross-border cash and gold transportation regime and prohibition on physical transfer of these items to North Korean persons or entities.	Prohibit joint ventures or cooperative entities with North Korean persons and entities, including designated persons and entities.

	可能透過結合跨境現金及黃金運輸制度及禁止將此等物品實物移轉予北韓個人或實體以實施禁令。	禁止與北韓個人或實體，包括經指名之人及實體建立合資或合作實體。
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*Source: Table developed by authors based on UN Security Council Resolution 1718, 14 October 2006, S/RES/1718; UN Security Council Resolution 1874, 12 June 2009, S/RES/1874; UN Security Council Resolution 2087, 22 January 2013, S/RES/2087; UN Security Council Resolution 2094, 7 March 2013, S/RES/2094; UN Security Council Resolution 2270, 2 March 2016, S/RES/2270; UN Security Council Resolution 2321, 30 November 2016, S/RES/2321; UN Security Council Resolution 2371, 5 August 2017, S/RES/2371; UN Security Council Resolution 2375, 11 September 2017, S/RES/2375; UN Security Council Resolution 2397, 22 December 2017, S/RES/2397.*

資料來源：作者依據聯合國安理會第 1718 號決議，2006 年 10 月 14 日，S/RES/1718 編製之表格；聯合國安理會第 1874 號決議，2009 年 6 月 12 日，S/RES/1874；聯合國安理會第 2087 號決議，2013 年 1 月 22 日，S/RES/2087；聯合國安理會第 2094 號決議，2013 年 3 月 7 日，S/RES/2094；聯合國安理會第 2270 號決議，2016 年 3 月 2 日，S/RES/2270；聯合國安理會第 2321 號決議，2016 年 11 月 30 日，S/RES/2321；聯合國安理會第 2371 號決議，2017 年 8 月 5 日，S/RES/2371；聯合國安理會第 2375 號決議，2017 年 9 月 11 日，S/RES/2375；聯合國安理會第 2397 號決議，2017 年 12 月 22 日，S/RES/2397。

In addition to the above measures, UNSCRs related to North Korea also contain some particularly broad ‘catch-all’ provisions that require jurisdictions to identify other goods or activities that could contribute to North Korea’s proliferation activities, including evasive tactics employed to circumvent UNSCR measures. For example, UNSCR 2094, operative paragraph 11 contains some of the broadest terms when it prohibits the provision of financial services and any financial or other assets or resources that could contribute to North Korea’s nuclear or ballistic missile programme, and other activities prohibited by relevant UNSCRs related to North Korea or to the evasion of measures contained in such UNSCRs.<sup>26</sup>

除上述措施外，與北韓有關之聯合國安理會決議亦載有一些特別廣泛之「概括」條款，以求司法管轄區查明可能有助於北韓武擴活動之其他商品或活動，包括用來規避聯合國安理會決議措施之迴避策略。例如，聯合國安理會第 2094 號決議執行部分第 11 段載有一些最廣泛之條款，禁止提供金融服務及可能有助於北韓核子或彈道導彈計畫之任何金融或其他資產或資源，以及其他相關聯合國安全委員會決議禁止之與北韓有關活動或迴避此等聯合國安全委員會決議所載措施之活動。<sup>26</sup>

<sup>26</sup>. UN Security Council Resolution 2094, 7 March 2013, S/RES/2094, p. 3. The RUSI Model Law on Proliferation Finance also captures these catch-all provisions in the specific chapter on North Korea

It is therefore useful to define certain terms found within the basic definition of PF in the RUSI Model Law definition in Box 2 as broadly as possible, to allow the definition and its corresponding offence provision to also be used against some (but not all) aspects of the UNSCRs related to North Korea and Iran. First, in the RUSI Model Law, 'asset' is defined broadly to include funds, financial resources and economic resources, an interpretation which is likely to be broader than the concept of 'financing' and 'funds' contemplated by the authors of UNSCR 1540. Second, the definition of 'financial services' combines activities included in the FATF definitions of 'financial institutions' and 'Designated Non-Financial Businesses and Professions' (DNFBPs) and further expands on those activities through, for example, the coverage of maritime and cargo insurance.<sup>27</sup>

因此，盡可能廣泛地界定 RUSI 模範法第 2 欄資武擴之基本定義中之某些詞彙為有用的，此得將定義及其相應之罪之規定也用於聯合國安理會與北韓及伊朗有關決議之某些面向（惟非全部）。首先，於 RUSI 模範法中，「資產」之定義寬泛，包括資金、財務資源及經濟資源，此一解釋可能比聯合國安理會第 1540 號決議起草者所設想之「資助」及「資金」之概念更為廣泛。再者，該「金融服務」之定義結合了 FATF 對「金融機構」和「指定之非金融事業或人員」定義中包括之活動，並透過例如海事及貨物保險進一步擴大此等活動。<sup>27</sup>

While these broad definitions are useful, they also highlight the potentially fine line between proliferation and what is considered PF. This may be further complicated when one considers conduct ancillary to proliferation, such as aiding, abetting and facilitating proliferation activities. Financial products and services related to trade in WMD-related materials, for example, could well be classified as the ancillary conduct of facilitating proliferation rather than financing proliferation; while the goods are being provided to North Korea, for example, the financial payment is not being made to North Korea.

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(Chapter IV). 聯合國安理會第 2094 號決議，2013 年 3 月 7 日，S/RES/2094，第 3 頁。RUSI 之資助武擴模範法亦於有關北韓之特定章節中(第四章)包含了此等概括條款。

27 Joshi, 'Model Provisions to Combat the Financing of the Proliferation of Weapons of Mass Destruction Second Edition, Supplementary Material for Guidance Paper', pp. 12, 15–16. A definition of financial services is not provided in UNSCRs or the FATF Recommendations. The RUSI definition of financial services captures the services included in the FATF definitions of financial institutions and DNFBPs, but it goes further to expand some elements of those definitions. For instance, maritime and cargo insurance products are captured by the RUSI definition of financial service since these types of products are particularly relevant in the PF context, as they play an important facilitating role in the movement of sanctioned goods. Joshi, 「打擊資助大規模毀滅性武器擴散模範條款第二版，指引文件補充材料」，第 12, 15-16 頁。聯合國安理會決議或 FATF 建議中沒有提供金融服務之定義。RUSI 對金融服務之定義涵蓋了 FATF 定義之金融機構及指定之非金融事業或人員包含之服務，但它進一步擴展了這些定義之某些元素。例如，海運及貨物保險產品被 RUSI 的金融服務定義所涵蓋，因為此等類型產品於資助武擴背景下特別相關，因為它們在受制裁貨物之移動中發揮著重要的促進作用。

儘管此等廣泛之定義是有用的，但它們也突顯了武擴及何者被認為是資武擴之間的潛在細微差別。當考慮對武擴進行輔助活動，例如協助、教唆及促進武擴活動，此定義可能更加複雜。例如，與交易大規模毀滅性武器擴散相關原料有關之金融產品及服務很可能被歸類為促進武擴之輔助行為，而非為資武擴：例如，於向北韓提供貨物時，沒有向北韓支付財務款項。

Another example is the prohibition against providing insurance to a North Korean-flagged vessel used to transport materials related to nuclear weapons. Under the RUSI Model Law definition of PF, the provision of insurance would be considered PF since maritime insurance falls under the definition of a financial service and that service was facilitating the provision of material related to nuclear weapons. The issue arises particularly in the context of financial services directly related to the procurement of WMDs and their means of delivery as well as to export-controlled goods in relation to North Korea.

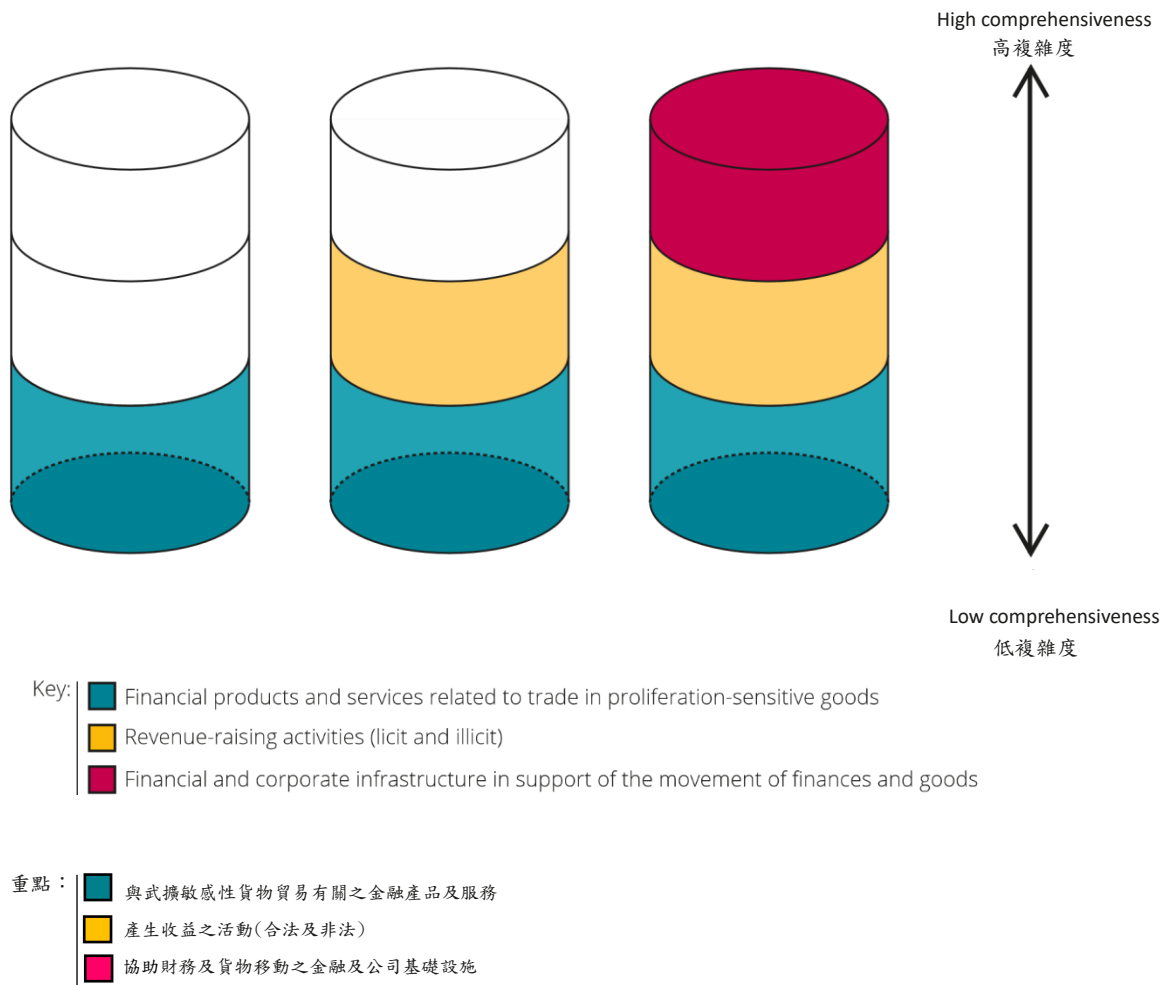
另一個例子為禁止向用於運輸與核子武器有關原料之懸掛北韓國旗船隻提供保險。根據 RUSI 模範法對資武擴之定義，提供保險將被視為資武擴，因為海上保險屬於金融服務之定義，而且該服務促進提供與核子武器有關之原料。此問題特別出現在與採購大規模毀滅性武器及其運送工具以及與北韓有關之出口管制貨物直接有關之金融服務。

## Three Categories of Proliferation Financing 資武擴之三種類型

For the purpose of this guide, the authors are less concerned about articulating a single definition of PF. Rather, they have created three categories of activities that may be considered PF and could be captured within the scope of a PF national risk assessment.

為了本指引之目的，作者較不關注闡明資武擴之單一定義，相反地，其創造了可能被視為資武擴且得被納入資武擴國家風險評估範圍內之三種類型之活動。

**Figure 1: Three Categories of Proliferation Financing 圖 1：資武擴之三種類型**



Source: The authors, 2019. 來源：作者，2019年。

**1. Financial products and services directly related to trade in proliferation-sensitive goods.**

The first category is the narrowest definition of PF. It encapsulates financial products and services associated with trade in goods that are directly usable or modifiable for use in the development of WMDs, their means of delivery and related materials. They also include financial products and services related to the import or export of goods as well as the transport of the goods: for example, trade finance, maritime or cargo insurance, and export guarantees. This category of activities is not limited to sanctioned states; it also captures financial products and services associated with the procurement of goods by non-state actors as prohibited by UNSCR 1540.



**與武擴敏感性貨物貿易直接相關之金融產品及服務。**第一類為資武擴最狹義之定義。它包括與直接可用於或可修改以用於發展大規模毀滅性武器、其運送工具及相關原料之貨物貿易有關之金融產品及服務。其亦包括與進口或出口以及貨物運輸有關之金融產品及服務：例如，貿易融資、海運或貨物保險以及出口保證。此類活動不限於受制裁國家；其亦包括了與非國家行為者採購貨物有關之金融產品及服務，此為聯合國安理會第 1540 號決議所禁止。

2. **Licit and illicit revenue-raising activities.** The second category encapsulates a broader range of activities that generate revenue to finance the procurement and development of WMDs, their means of delivery and related materials. It includes:

**合法及非法產生收入之活動。**第二類包括更廣泛之活動，此類活動產生收益，以資助採購及發展大規模毀滅性武器、其運送工具及相關原料，包括：

- Activities which are considered illicit regardless of the actor, such as the smuggling of illicit goods (see Chapter II for a further discussion of illicit profit-generating activities). This therefore covers the activities of both sanctioned states and non-state actors. For example, terrorist groups can also use illicit revenue-raising activities to finance the procurement of WMDs and their means of delivery.
  - 被視為非法之活動，不論行為人為何，例如走私非法貨物（請參見第二章對非法營利活動之進一步討論）。因此其包括受制裁國家及非國家行為者之活動。例如，恐怖主義集團亦得利用非法產生收入活動以資助採購大規模毀滅性武器及其運輸工具。
  - Activities which would normally be considered licit unless carried out by a proliferator who is specifically prohibited by the UN from engaging in these activities. For example, in the case of North Korea, the operation of restaurants, fisheries businesses, or construction companies would fall into this category. They also cover the purchase of licit goods that are otherwise import controlled with respect to North Korea since the sale of these goods forms part of North Korea's revenue-raising activities, as well as financial products and services directly associated with trade in licit goods that are otherwise controlled with respect to North Korea. Examples of such goods are listed in Box 1.
  - 通常被視為合法之活動，除非由聯合國明確禁止從事這些活動之武擴者進行。例如，就北韓而言，餐館、漁業企業或建築公司之經營將歸屬於此類。其亦包含購買就北韓而言受進口管制之合法貨物，因為此等商品之銷售構成北韓產生收入活動之一部分，以及就北韓而言被管制之合法貨物貿易直接相關之金融產品及服務。此類貨物之範例列於第 1 欄。
3. **Financial or corporate infrastructure that facilitates the first two categories.** The third category reflects the broadest definition of PF. It covers any kind of corporate or financial infrastructure that facilitates activities included in the above two categories, as well as any

assets or financial services provided to individuals or entities subject to targeted financial sanctions.

**有助前兩種類型之金融或公司基礎設施。** 第三類反映了資武擴最廣泛之定義。其涵蓋有助於上述兩種類型活動之任何形態之公司或金融基礎設施，以及向經目標性金融制裁之人或實體提供之任何資產或金融服務。

The corporate or financial infrastructure need therefore not have PF as its sole or predominant purpose and may also be unwittingly used for PF activities. This category includes the following types of corporate or financial activities:

因此，公司或金融基礎設施毋需將資武擴作為其唯一或主要目的，且可能在不知情的情況下被用於資武擴活動。此類別包括以下類型之公司或金融活動：

- The establishment of legal persons (particularly companies) and legal arrangements such as trust structures.
- 法人（尤其是公司）之設立及例如信託結構之法律協議。
- The establishment of joint business ventures.
- 設立合資企業。
- The provision of banking and non-banking financial services, regardless of whether the entity in question is licensed to provide those services.
- 提供銀行及非銀行之金融服務，不論該實體是否獲得提供此類服務之許可。
- The provision of services by DNFBPs (such as lawyers, accountants or real-estate agents) that relate to real property.
- 指定之非金融事業或人員(例如律師、會計師或不動產代理人)提供之關於不動產之服務。
- Ledger-based payment services, such as *hawala*<sup>28</sup>.
- 基於分類帳本之支付服務，例如哈瓦拉。<sup>28</sup>
- Money or other value mules used to physically transport cash, gold or other valuable assets across borders, including through the use of diplomatic bags.

<sup>28</sup> . *Hawala* is one of several terms used to describe a money-transfer mechanism that operates outside the financial sector. Such informal transfer service providers can arrange for the transfer or receipt of funds or equivalent value and arrange settlement through trade, cash or net settlement mechanisms over a period of time. See FATF, 'The Role of *Hawala* and Other Similar Service Providers in Money Laundering and Terrorist Financing', October 2013, p. 9. 哈瓦拉為敘述一種於金融業外運作之金錢移轉機制之數種詞彙其中之一。此非正式轉帳服務提供商得安排資金或相等價值之移轉或接收，並於一段時間內透過貿易、現金或淨值結算機制安排結算。參見 FATF，「哈瓦拉及其他類似服務提供商於洗錢及資恐中之角色」，2013 年 10 月，第 9 頁。



- 金錢或其他價值之走私犯，用於跨境運送現金、黃金或其他貴重資產，包括使用外交郵袋。

While the third category does not necessarily exclude non-state actors, it draws predominantly on sophisticated networks and methods used by sanctioned states, particularly North Korea.

雖然第三類並不一定排除非國家行為者，其主要著重於受制裁國家使用之複雜網路及方法，特別是北韓。

When conducting a PF national risk assessment, jurisdictions should consider the three categories of PF described in this chapter. They should note that a single PF offence provision (as defined in the RUSI Model Law or by FATF) is not sufficient to capture the full range of financial activities that support proliferation encapsulated in the three categories above. In addition, jurisdictions should note that the broader aspects of PF, particularly the third category, may be combated using non-criminal measures such as preventative measures imposed through regulatory controls. The RUSI Model Law captures these broader aspects of PF in additional chapters relating to Iran and North Korea.

於進行資武擴國家風險評估時，各司法管轄區應考慮本章節中描述之三種資武擴類型。其應注意，單一之資武擴犯罪條款（如 RUSI 模範法或 FATF 所定義）不足以涵蓋上述三種類型支援武擴之全部金融活動。此外，各司法管轄區應注意到資武擴之更廣泛面向，特別是第三類，得使用非刑事措施，例如透過行政規範控制施加之預防措施以打擊資武擴。RUSI 模範法於與伊朗及北韓有關之附加章節中包括此等更廣泛之資武擴面向。

To assist jurisdictions in defining PF for the purpose of determining the scope of their risk assessment, Annex 3 of this paper lists PF threats corresponding to the three identified categories of activities. It is recommended that jurisdictions are clear about the PF activities that the risk assessment will cover before embarking on a risk-assessment exercise.

為協助各司法管轄區定義資武擴，以確定其風險評估之範圍，本文件附件 3 列出了與已識別之三類型活動相對應之資武擴威脅。建議各司法管轄區於展開風險評估工作之前，釐清風險評估將涵蓋之資武擴活動。

## Proliferation Pathways 武擴途徑

Before jurisdictions proceed with identifying PF threats relevant to their jurisdiction, it is important that they are complemented and underpinned by a robust understanding of proliferation patterns generally.

於各司法管轄區進行與其管轄區有關之資武擴威脅之識別前，重要的是，必須透過對於普遍之武擴模式之完整理解，以對其進行補充及做為基礎。

Proliferators use an evolving set of tactics to evade sanctions and move goods and materials around the world, and therefore seek to exploit an ever-changing range of jurisdictions through which to route these activities. The procurement of materials for a WMD programme is not confined to one jurisdiction but involves a range of intermediary actors and trans-shipment points. Furthermore, jurisdiction risk is not only created through direct involvement with obvious parts of the proliferation supply chain, such as the procurement of dual-use goods and technologies, but also indirectly through exposure to front company networks, transshipment or shipping services, or – as this guide focuses on – financial access points. Because the financing of proliferation ultimately relates to the proliferator’s wider underlying activity, a robust understanding of proliferation pathways is at the heart of identifying PF threats.

武擴者使用一套不斷演變之策略以規避制裁，將貨物及原料移動至世界各地，因此尋求利用不斷變化之司法管轄區範圍來發展此等活動。為大規模毀滅性武器計畫採購原料不僅限於一個管轄區，而是涉及一系列中間行為者及轉運點。此外，司法管轄區風險不僅透過直接參與武擴供應鏈之明顯部分（例如採購軍民兩用貨物及技術），亦透過間接接觸前臺公司網路、轉運或運送服務，或本指引所關注之財務管道點而產生。由於資武擴最終與資武擴者更廣泛之基礎活動有關，因此對資武擴途徑之完整理解是辨識資武擴威脅之核心。

Jurisdictions should therefore consider where they sit within these ‘proliferation pathways’. For example, jurisdictions with a manufacturing industry producing high-tech or dual-use goods will be the first link in the procurement process and will have exposure to risks emerging from: the presence of sensitive technological know-how and capabilities in national labs or research centres; the production and subsequent physical movement of goods; and the payment for those goods. Jurisdictions with high trade volumes or significant trade ports will face the risk of being trans-shipment points. Other jurisdictions may not have any direct exposure to the development, production or movement of goods but may still be key links in facilitating proliferation activities by hosting front companies, or by being the base for revenue-raising activities, which can ultimately be reinvested into a proliferation programme.

因此，各司法管轄區應考慮它們位於這些「武擴途徑」中的位置。例如，擁有生產高科技或軍民兩用產品的製造業的司法管轄區將是採購過程中的第一個環節，並將面臨由此產生的風險：國家實驗室或研究中心中存在敏感的技术知識和能力：貨物的生產和隨後的實物流動；以及這些貨物的付款。貿易量大或有重要貿易港口的司法管轄區將面臨成為轉運點的風險。其他司法管轄區可能沒有直接接觸貨物的開發、生產或流動，但可能仍然是透過前臺公司或作為產生收益活動的基地而促進武擴活動的關鍵環節，這些活動最終可以再投資於武擴方案。

Jurisdictions will also need to consider that risk exposure to some proliferators may be higher than to others. Geographic proximity to proliferating countries and other social, economic, legal and institutional issues might make it possible for certain actors to prefer some jurisdictions over others. When identifying PF threats, as outlined in the next chapter, jurisdictions should carefully consider their context vis-à-vis different proliferators and their activities, in order to understand the role their economy might play in PF activities.

各司法管轄區亦需考慮，對某些資武擴者之曝險可能高於其他資武擴者。地理上鄰近武擴國家及其他社會、經濟、法律及體制問題，可能使某些行為者選擇某些司法管轄區而非其他司法管轄區。於確定下一章節中概述之資武擴威脅時，各司法管轄區應仔細考慮其與不同武擴者及其活動之背景，以便瞭解其經濟在資武擴活動中可能發揮之角色。

Table 2 illustrates how three countries' geographical exposure to proliferation activities differs, and their corresponding exposure to PF.

表 2 說明三個國家對武擴活動之地理曝險有何不同，以及它們對資武擴之相應曝險。

**Table 2: Countries' Exposure to Proliferation Activities**

表 2：國家對武擴活動之曝險

Country A A 國	Country B B 國	Country C C 國
Geographical Exposure 地理曝險	Geographical Exposure 地理曝險	Geographical Exposure 地理曝險
Country A is close to Iran and is at risk of sensitive goods and materials being diverted. A 國靠近伊朗且有敏感性貨物及原料被移轉之風險。	Country B is not located near any major proliferator but has a sophisticated manufacturing base which could be exploited by proliferators. B 國不靠近任何主要武擴國家，但擁有可被武擴國家利用之精密製造基地。	Country C is not located near any major proliferator but has pockets of areas controlled by non-state actors who might seek to procure controlled goods. C 國並不靠近任何主要之武擴國家，但有一些由可能尋求採購管制貨物之非國家行為者控制之地區。
Related Finance 相關資助	Related Finance 相關資助	Related Finance 相關資助
Country A is not a financial hub but has local banks where funds from the proliferating state could be deposited. A 國並非金融中心，惟具有當地銀行，可以將來自武擴國家之資金存入其中。	Country B is a financial hub, and therefore provides correspondent banking services to banks, including those in Country A. B 國為金融中心，因此向銀行（包括 A 國之銀行）提供通匯銀行業務服務。	Country C has limited financial channels, and most cash is carried physically over the border. C 國之金融管道有限，大部分現金是透過實物攜帶出境。
	Country B hosts several front companies that facilitate transactions and trade on behalf of Iran. B 國擁有幾家代表伊朗進行交易和貿易之前臺公司。	

Source: The authors, 2019.

來源：作者，2019 年。

## II. Identifying PF Threats, Vulnerabilities and Consequences

### 貳、識別資武擴威脅、弱點及後果

**T**HE BASIC RISK-ASSESSMENT methodology used in this guide will be familiar to those who have previously completed a national risk assessment on ML or TF. However, there are also important components which distinguish PF from other types of financial crime. Therefore, a PF risk assessment can take inspiration from other risk-assessment methodologies, but will likely require some adaptation. This chapter outlines how to adapt ML or TF risk-assessment methodologies to the PF context. While there is no singular methodology for conducting a national risk assessment, for the purpose of this guide a baseline formula will be used, where risk is a function of the likelihood of events occurring and the consequences of those events; further, likelihood is the coexistence of threats and vulnerabilities.<sup>29</sup>

本指引中使用之基礎風險評估方法論對於先前已完成洗錢或資恐國家風險評估者是熟悉的。然而，亦有區分資武擴及其他類型金融犯罪之要素。因此，資武擴風險評估得從其他風險評估方法論中獲得啟發，惟可能需要一些調整。本章節概述了如何將洗錢或資恐風險評估方法論適用於資武擴情境。雖然進行國家風險評估之方法並非單一，但為了本指引之目的，將使用基線公式，其中風險為事件發生可能性及此等事件後果之功能函數；此外，威脅及弱點可能並存。<sup>29</sup>

While each of these factors (threats, vulnerabilities and consequences) can be considered individually, addressing all three factors is necessary for undertaking a comprehensive risk assessment. These factors need to be considered in sequence – threats, then vulnerabilities, then consequences – as, for the purposes of this methodology, threats need to be identified so that vulnerabilities and consequences can be considered in relation to each identified threat.

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<sup>29</sup>. IMF, 'Annex 3: The Fund Staff's Approach'. 國際貨幣基金，「附件 3：基金成員之方法」。

雖然此等個別因素（威脅、弱點及後果）得被單獨考量，惟進行全面風險評估必須考量此三種因素。此等因素需要按順序考慮 - 威脅，然後是弱點，接著是後果 - 因為，為了此方法論的目的，需要先辨識出威脅，始得以考慮與每個已辨識出的威脅相關之弱點及後果。

Jurisdictions should consider their jurisdiction-specific contexts when evaluating the presence and importance of the suggested threats, vulnerabilities and consequences. The national risk-assessment process and accompanying tools detailed in this document are not intended to produce a national risk rating for each jurisdiction, nor do they aim to compare the risk ratings of various jurisdictions against each other. Instead, the guide provides guidelines for identifying threats in individual jurisdictions and assessing various vulnerabilities and consequences commensurate with each identified threat. The objective is to identify PF-related risks at national and sectoral levels and consider corresponding mitigating strategies so that resources and effort can be directed appropriately. The assessment of threats, vulnerabilities and consequences should be completed with this in mind.

各司法管轄區於評估建議之威脅、弱點及後果之存在及重要性時，應考慮其特定司法管轄區之情況。本文件詳細列出國家風險評估過程及附帶工具，其用意並非在於為每個司法管轄區制定出國家風險評等級，亦非將各司法管轄區之風險評等級相互比較。相反地，本指引提供了識別各個司法管轄區之威脅及評估與每個已識別威脅相稱之各種弱點及後果之指引。此目標在於以國家及部門等級辨識與資武擴相關之風險，並考慮相應之抵減風險策略，以便適當地導引資源及努力。於完成對威脅、弱點及後果之評估時應考慮到此點。

## Threats 威脅

The first of the factors, threats, includes people, entities, objects or activities that have the potential to cause the risk in question. An assessment of threats is therefore the starting point for assessing risk, as discussed further below.<sup>30</sup>

第一個因素為威脅，包括有可能導致相關風險之人員、實體、目標或活動。因此，如下述所進一步討論，威脅評估是評估風險之起點。<sup>30</sup>

In the context of ML, threats are generally posed by the existence of predicate crimes. A predicate crime is any crime that generates criminal proceeds capable of being laundered. In the context of TF, threats are posed by the existence or influence of terrorist actors. Predicate crimes and criminal actors are also relevant in the context of PF. However, neither of these categories of threats adequately captures the complex nature of PF and the range of possible threats.

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<sup>30</sup>. FATF, 'FATF Risk Assessment Guidance: National Money Laundering and Terrorist Financing Risk Assessment', February 2013, p. 7. FATF, 「FATF 風險評估指引：國家洗錢及資恐風險評估」，2013年2月，第7頁。



於洗錢之背景下，威脅通常由前置犯罪之存在所造成。前置犯罪是指產生能夠被清洗之犯罪收益之任何犯罪。於資恐之背景下，威脅是由恐怖分子之存在或影響造成。前置犯罪及犯罪行為者亦與武擴相關。然而，此等類別之威脅皆未適當反映出資武擴之複雜性及可能威脅之範圍。

Chapter I considered a definition of PF and identified three categories of activities that may fall under it: (1) financial products and services directly related to trade in proliferation-sensitive goods; (2) revenue-raising activities (licit and illicit); and (3) financial and corporate infrastructure that facilitates the first two categories. The first category of activities is relevant to state and non-state proliferation actors, whereas the second two feature more prominently in relation to state proliferation actors, in particular North Korea.

第一章考量了資武擴之定義並辨識可能歸屬於資武擴之三類型活動：(1) 與武擴敏感性商品貿易直接相關之金融產品及服務；(2) 產生收入活動（合法及非法）；及(3) 促進前兩個類型活動之金融及公司基礎設施。第一類活動與國家及非國家武擴行為者相關，而後兩類活動與國家武擴行為者，尤其是北韓之關係更為突出。

PF typologies show that North Korea has engaged in illicit profit-generating crimes such as wildlife trafficking<sup>31</sup> and drugs trafficking,<sup>32</sup> small and non-nuclear arms trafficking,<sup>33</sup> cybercrime (including hacking of financial messaging systems, extortion, or theft of cryptocurrency assets),<sup>34</sup> labour exploitation (for example in the construction and food processing industries),<sup>35</sup> and smuggling of cash and high-value goods,<sup>36</sup> among others. This is similar to the concept of predicate crimes for ML, although laundering of proceeds may or may not occur. Profit-generating crimes for PF may also be a greater feature for some jurisdictions and regions than others. For example, wildlife trafficking and arms trade used to finance proliferation have been more prominent in Africa, while labour exploitation has occurred globally but is most prevalent in Asia and Russia. In other jurisdictions and regions, profit-generating crimes may not be a key source of PF threats at all.

依資武擴態樣顯示，北韓從事非法營利犯罪，例如野生動物販運<sup>31</sup>及毒品販運<sup>32</sup>、小型及非核子武器販運<sup>33</sup>、網路犯罪（包括對金融資訊系統之駭客攻擊、敲詐勒索或盜竊加密貨幣資

<sup>31</sup>. Rachel Nuwer, 'North Korean Diplomats Accused of Smuggling Ivory and Rhino Horn', *National Geographic*, 16 October 2017. Rachel Nuwer, 「北韓外交官被指控走私象牙及犀牛角」，國家地理，2017年10月16日。

<sup>32</sup>. UN Security Council, 'Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)', S/2010/571, 5 November 2010, p. 10. 聯合國安全理事會，「根據第1874(2009)號決議設立之專家小組報告」，S/2010/571，2010年11月5日，第10頁。

<sup>33</sup>. See Andrea Berger, *Target Markets: North Korea's Military Customers in the Sanctions Era*, RUSI Whitehall Paper 84 (London: Taylor and Francis, 2015). 參見 Andrea Berger，目標市場：北韓於制裁區域之軍事客戶，RUSI 白廳文件 84 (倫敦：Taylor and Francis, 2015 年)。

產)<sup>34</sup>、勞動剝削（例如於建築及食品加工行業）<sup>35</sup>，以及走私現金及高價值商品<sup>36</sup>等。這類似於洗錢前置犯罪之概念，儘管可能會亦可能不會發生洗錢活動。與其他司法管轄區和地區相比，以犯罪營利藉以資武擴也可能是某些司法管轄區和地區之特性。例如，用於資武擴之野生動物販運及武器貿易於非洲更為顯著，而勞動力剝削於全球範圍內發生，惟在亞洲和俄羅斯最為普遍。於其他司法管轄區及地區，以犯罪營利可能根本不是資武擴威脅之主要來源。

The second category of revenue-raising activities is not limited to criminal activities. Typologies also show the use of business or employment activities that are otherwise licit, but which generate income for proliferation actors. Examples of this include North Korean restaurants operated in certain Asian jurisdictions<sup>37</sup>, or the sale of North Korean-made statues to some African jurisdictions.<sup>38</sup>

第二類產生收入活動不限於犯罪活動。態樣亦顯示有利用其他合法但為武擴者帶來收入之商業或勞動活動。此方面之例子包括於某些亞洲司法管轄區<sup>37</sup>經營之北韓餐館，或向某些非洲司法管轄區<sup>38</sup>出售北韓製造之雕像。

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- <sup>34</sup>. Jim Finkle, 'Cyber Security Firm: More Evidence North Korea Linked to Bangladesh Heist', *Reuters*, 3 April 2017; *Reuters*, 'South Korean Intelligence Says N. Korean Hackers Possibly Behind Coincheck Heist – Sources', 5 February 2018; Juan Andres Guerrero-Saade and Priscilla Moriuchi, 'North Korea Targeted South Korean Cryptocurrency Users and Exchange in Late 2017 Campaign', *Recorded Future*, 16 January 2018, <<https://www.recordedfuture.com/north-koreacryptocurrency-campaign/>>, accessed 18 February 2019. Jim Finkle, 「網路安全公司：北韓與孟加拉搶劫案有關之更多證據」，路透社，2017年4月3日；路透社，「韓國情報部門稱可能是北韓駭客在 Coincheck Heist 幕後—消息來源」，2018年2月5日；Juan Andres Guerrero-Saade 及 Priscilla Moriuchi, 「北韓在 2017 年末活動中針對韓國加密貨幣用戶及交易所」，記錄未來，2018年1月16日，<<https://www.recordedfuture.com/north-koreacryptocurrency-campaign/>>，於2019年2月18日瀏覽。
- <sup>35</sup>. For more on the role of North Korean foreign labour in financing North Korea's proliferation activities, see Jason Arterburn, 'Dispatched: Mapping Overseas Forced Labor in North Korea's Proliferation Finance System', *Center for Advanced Defence Studies*, 2 August 2018. 有關北韓外籍勞工於資助北韓武擴活動角色之更多資訊，請參閱 Jason Arterburn, 「派遣：於北韓資助武擴系統中就海外強迫勞動之定位」，高級國防研究中心，2018年8月2日。
- <sup>36</sup>. UN Security Council, 'Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)', S/2017/150, 27 February 2017, pp. 72, 78. 聯合國安理會，「根據第 1874 (2009) 號決議設立的專家小組的報告」，S/2017/150，2017年2月27日，第72、78頁。
- <sup>37</sup>. For more on the role of North Korean restaurants in financing North Korea's proliferation activities, see Arterburn, 'Dispatched'. 有關北韓餐館於資助北韓武擴活動方面角色之更多資訊，請參閱 Arterburn, 「派遣」。
- <sup>38</sup>. UN Security Council, 'Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)', p. 44. 聯合國安理會，「根據第 1874 (2009) 號決議設立專家小組之報告」，第44頁。



The presence and influence of proliferating countries, their state-entities, or their citizens and dual nationals may pose PF threats. The physical in-country presence of actors with connections to a proliferator should therefore be considered as a potential threat. Additionally, the influence of these actors – even if they are not located in-country – should be considered, given the propensity of proliferators to establish broad proliferation networks through complicated transnational corporate structures. Influence means proliferation actors legally owning (for example, ownership of a threshold amount of shares in a company) or otherwise controlling legal persons or legal arrangements through trusts, arrangements or agreements, regardless of whether they have legal or equitable force. The UN Panel of Experts, in its latest report released in March 2019, even highlighted the risk that North Korean diplomats may seek to control bank accounts in jurisdictions to which they are not accredited, or in which they do not have an embassy presence.<sup>39</sup>

武擴國家、其國家實體或其公民及雙重國籍公民之存在及影響可能構成資武擴威脅。因此，與武擴者有聯繫之行為者於國內之實際存在應被視為潛在威脅。此外，鑑於武擴者傾向於透過複雜之跨國公司結構建立廣泛的武擴網路，即使他們不在國內，亦應考慮這些行為者之影響。影響係指武擴行為者合法擁有（例如，擁有一家公司一定數量之股份）或透過信託、協議或合約以其他方式控制法人或法律協議，無論他們是否具有法律或衡平法效力。聯合國專家小組於其 2019 年 3 月發布之最新報告中甚至強調北韓外交官可能會尋求控制他們未獲授權或未設大使館之司法管轄區之銀行帳戶之風險。<sup>39</sup>

It is, however, important that governments do not automatically assume that all nationals or dual citizens of proliferating countries, or countries of proliferation concern, pose a PF threat without further context or information to justify such conclusions.

然而，重要的是政府不要於沒有進一步背景或資訊以證明此結論之情況下，自動預設武擴國家或有武擴議題之國家之所有國民或雙重國籍公民皆會構成資武擴威脅。

Annex 3 identifies a range of possible threats corresponding to the three categories of PF activities identified in Chapter I. Risk-assessment methodologies often create a clear demarcation between factors that can be considered threats and those that can be considered vulnerabilities.<sup>40</sup> Annex 3 includes threat factors that many assessment methodologies would consider in the context of vulnerabilities. However, in the context of PF, a more flexible approach to classification of threats and vulnerabilities is needed. Activities in certain sectors may be threats since they are known activities in PF typologies, or because they are sanctioned (such as certain commodities that North Korea is restricted from trading). Annex 3 identifies some of these activities or modalities as threats for two reasons. First, it provides a clearer picture of PF threats, which is important to address the lack of awareness of PF methods; second, it enables more targeted consideration of vulnerabilities against each of these threats.

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<sup>39</sup> . *Ibid.*, p. 64. 同上，第 64 頁。

附件 3 辨識了與第一章中認定之三種資武擴類型活動相對應之一系列可能威脅。風險評估方法通常在可被視為威脅之因素和可被視為弱點<sup>40</sup>之因素間建立明確界限。附件 3 包括許多會於弱點背景下考慮之威脅因素評估方法。然而，在資武擴的背景下，需要一種更有彈性之威脅及弱點分類方法。某些部門之活動可能是威脅，因為它們是資武擴態樣之已知活動，或者因為它們受到制裁（例如北韓被限制交易之某些商品）。出於兩個原因，附件 3 將其中一些活動或方式識別為威脅。首先，它提供了更清晰的資武擴威脅面貌，此對於解決對資武擴方法缺乏認識之問題很重要；其次，它可以更有針對性地考慮針對此等威脅中之每一個弱點。

The RUSI Proliferation Financing Rapid Risk Assessment Tool therefore focuses less on whether certain matters should be classified as threats or vulnerabilities, but rather takes the approach of identifying modalities of PF (threats) and then stress testing national controls (vulnerabilities) against each modality for gaps or weaknesses that may allow those PF modalities to materialise.<sup>41</sup>

因此，RUSI 資武擴快速風險評估工具較少關注某些事項是否應歸類為威脅或弱點，而是採用辨識資武擴（威脅）類型之方法，然後針對每種類型對國家控制措施（弱點）進行壓力測試，以找出可能允許此等資武擴類型發生之落差或弱點。<sup>41</sup>

The threats in Annex 3 have been drawn from a study of proliferation and PF tactics employed by North Korea and Iran as outlined in United Nations Panel of Experts reports, as well as activities that proliferators are prohibited from engaging in.<sup>42</sup> Not all the listed threats will be relevant to each jurisdiction. Jurisdictions should identify the threats that are relevant to their specific national context by considering contextual factors such as: political and social factors; economic and technological factors; geographic and environmental factors; legal and institutional factors; and legal persons and legal arrangements.

附件 3 所述之威脅來自對聯合國專家小組報告中概述的北韓及伊朗採用之武擴和資武擴策略，以及禁止武擴者從事活動之研究。<sup>42</sup>並非所有列出之威脅都與每個司法管轄區相關。各司法

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<sup>40</sup>. US Department of the Treasury, 'National Proliferation Financing Risk Assessment', December 2018, pp. 2–5. 美國財政部，「國家武擴風險評估」，2018 年 12 月，第 2 至 5 頁。

<sup>41</sup>. Authors' telephone interview with expert, John Chevis, 22 October 2018. John Chevis is an anti-money laundering and counter-terrorism financing expert who has worked as an adviser with the United Nations Office of Drugs and Crime and was previously an Australian Federal Police Officer. 作者與專家 John Chevis 之電話訪問，2018 年 10 月 22 日。John Chevis 為防制洗錢及打擊資恐專家，曾擔任聯合國毒品及犯罪問題辦公室顧問，之前曾任澳大利亞聯邦警官。

<sup>42</sup>. For reports related to North Korea, see United Nations Security Council (UNSC), 'Reports', <[https://www.un.org/securitycouncil/sanctions/1718/panel\\_experts/reports](https://www.un.org/securitycouncil/sanctions/1718/panel_experts/reports)>, accessed April 2019; for reports related to Iran, see Security Council Report, 'UN Documents for Iran: Sanctions Committee Documents', <[https://www.securitycouncilreport.org/un\\_documents\\_type/sanctions-committedocuments/?ctype=Iran&cbtype=iran](https://www.securitycouncilreport.org/un_documents_type/sanctions-committedocuments/?ctype=Iran&cbtype=iran)>, accessed April 2019. For the full list of activities prohibited under UN sanctions on North Korea, see UNSC, 'Security Council Committee Established Pursuant to Resolution 1718 (2006)', <<https://www.un.org/securitycouncil/sanctions/1718>>, accessed 29

管轄區應透過考慮以下背景因素以確定與其特定國家背景相關之威脅：政治和社會因素；經濟及技術因素；地理和環境因素；法律和機構因素；法人和法律協議。

Additionally, jurisdictions should take into account both actual and potential threats, as explained in further detail in Chapter III. Jurisdictions should take into consideration the presence of a threat in similar jurisdictions or factors that may lead to the manifestation of a certain threat in the future.

此外，司法管轄區應同時考慮實際和潛在威脅，詳見第三章。各司法管轄區應考慮類似司法管轄區中存在的威脅，或可能導致未來出現某種威脅的因素。

## Vulnerabilities 弱點

Vulnerabilities are matters that may be exploited by threats or may be used in support of, or to facilitate, threats.<sup>43</sup> Jurisdictions should consider national vulnerabilities under categories such as political and social factors, economic and technological factors, geographic and environmental factors, legal and institutional factors, and legal persons and legal arrangements that may exacerbate or mitigate a threat. They could also go further and consider vulnerabilities at the sectoral level, identifying key industries or sectors that are particularly exposed to a threat, and analysing the vulnerabilities of that sector.<sup>44</sup>

弱點係指可能被威脅利用或用於支持或促進威脅之事項。各司法管轄區應在政治及社會因素、經濟及技術因素、地理及環境因素、法律及制度因素以及可能加劇或減輕威脅<sup>43</sup>之法人及法律協議等方面下考慮國家弱點。他們還可以進一步考慮部門層級之弱點，辨識特別容易受到威脅之關鍵產業或部門<sup>44</sup>，並分析該部門之弱點。

The key principle of residual risk warrants mention here. Residual risk measures the level of risk after taking into account the effectiveness of controls that mitigate or reduce risk.<sup>45</sup> Inherent risk, on the other hand, does not consider mitigating factors. The RUSI Proliferation Financing Rapid Risk Assessment Tool helps measure residual risks. Mitigating factors should be considered in the context of assessing vulnerabilities.

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April 2019. 有關北韓之報告，請參見聯合國安理會，「報告」，<[https://www.un.org/securitycouncil/sanctions/1718/panel\\_experts/reports](https://www.un.org/securitycouncil/sanctions/1718/panel_experts/reports)>，2019年4月瀏覽；有關伊朗之報告，請參見聯合國安理會報告，「聯合國伊朗文件：制裁委員會文件」，<[https://www.securitycouncilreport.org/un\\_documents\\_type/sanctions-committeddocuments/?ctype=Iran&cbtype=iran](https://www.securitycouncilreport.org/un_documents_type/sanctions-committeddocuments/?ctype=Iran&cbtype=iran)>，2019年4月瀏覽。有關聯合國對北韓制裁所禁止活動之完整清單，請參見聯合國安理會，「根據第1718號(2006年)決議成立的安理會」，<<https://www.un.org/securitycouncil/sanctions/1718>>，2019年4月29日瀏覽。

<sup>43</sup>. FATF, 'FATF Risk Assessment Guidance', p. 7. 「FATF 風險評估指引」，第7頁。

<sup>44</sup>. IMF, 'Annex 3: The Fund Staff's Approach'. 國際貨幣基金，「附件3：基金成員之方法」。

此處提到了剩餘風險保證之關鍵原則。剩餘風險於考慮減輕或降低風險<sup>45</sup>之控制措施之效能後衡量風險等級。另一方面，固有風險不考慮抵減因素。RUSI 資武擴快速風險評估工具有助於衡量剩餘風險。於評估弱點時應考慮抵減因素。

Annex 4 provides a table listing vulnerabilities under each of the categories mentioned above for jurisdictions to consider. The list is not exhaustive. When evaluating national vulnerabilities for a PF national risk assessment, jurisdictions should consider jurisdiction-specific vulnerabilities they have identified for ML and TF risk assessments, as many of these are also relevant in the PF context. The table in Annex 4 includes some of these generic vulnerabilities that jurisdictions will be familiar with from ML and TF risk assessments. However, it emphasises vulnerabilities that are particularly important to consider in the PF context. It draws on key vulnerabilities that have been detected through UN Panel of Experts reports,<sup>46</sup>FATF and FATF-Style Regional Bodies mutual evaluation reports<sup>47</sup>, and policy reports.<sup>48</sup>

附件 4 提供之表格列出上述每種類型下之弱點以供各司法管轄區考量。該清單並不詳盡。當就資武擴國家風險，評估國家弱點時，各司法管轄區應考慮其為洗錢及資恐風險評估所辨識之特定司法管轄區之弱點，因為其中許多也與資武擴背景相關。附件 4 中之表格包括司法管轄區將透過洗錢及和資恐風險評估熟悉之一些通用弱點。然而，它強調了在資武擴背景下特別重要之弱點。它透過聯合國專家小組報告<sup>46</sup>、FATF 及區域性防制洗錢組織相互評鑑報告<sup>47</sup>以及政策報告發現之關鍵弱點。<sup>48</sup>

## Consequences 後果

Consequences refer to the impact or harm caused by the presence of PF activities on a national economy and society.<sup>49</sup> Analysing consequences is important to assist with prioritising prevention and mitigation efforts. Consequences need not be limited to financial or economic impacts, but can also include social and security consequences. Identifying consequences therefore requires judgement calls and the application of qualitative values as well as tangible, economic calculations.

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<sup>45</sup>. *Ibid.* 同上。

<sup>46</sup>. UNSC, 'Reports'; Security Council Report, 'UN Documents for Iran: Sanctions Committee Documents'. 聯合國安理會，「報告」；安理會報告，「聯合國伊朗文件：制裁委員會文件」。

<sup>47</sup>. FATF, 'Topic: Mutual Evaluations', <<http://www.fatf-gafi.org/publications/mutualevaluations>>, accessed 26 April 2019. FATF, 「主題：相互評估」, <http://www.fatf-gafi.org/publications/mutualevaluations>, 2019 年 4 月 26 日瀏覽。

<sup>48</sup>. See Emil Dall, Andrea Berger and Tom Keatinge, 'Out of Sight, Out of Mind? A Review of Efforts to Counter Proliferation Finance', *Whitehall Report*, 3-16 (June 2016). 參見 Emil Dall、Andrea Berger 和 Tom Keatinge, 「眼不見心不念？反資助武擴努力回顧」, 白廳報告, 第 3-16 頁 (2016 年 6 月)。

後果是指資武擴之存在對國民經濟和社會<sup>49</sup>造成之影響或危害。分析後果對於幫助識別預防及抵減工作之優先順序很重要。後果不必限於金融或經濟影響，亦可以包括社會及安全後果。因此，辨識後果需要判斷力及質化價值之應用以及有形之經濟計算。

There are different approaches to incorporating consequences as part of a risk assessment. One approach is to consider consequences in relation to each threat and again in relation to each vulnerability. The more severe the consequence, the higher a threat would be classified. In the same vein, if a vulnerability was of minor consequence, it would lower the seriousness of the vulnerability. Alternatively, consequences could be considered against the overall likelihood (threats and vulnerabilities combined) of a risk. For simplicity, the RUSI Proliferation Financing Rapid Risk Assessment Tool contained in Annex 6 of this guide takes the latter approach.

將後果納入風險評估之一部分有不同的方法。一種方法是考慮與每個威脅相關之後果，並再次考慮與每個弱點相關之後果。後果越嚴重，威脅級別越高。同樣的，如果弱點之後果很小，就會降低弱點之嚴重性。或者，得依據風險之總體可能性（威脅及弱點之總和）以考慮後果。為簡化起見，本指引附件 6 中包含之 RUSI 資武擴快速風險評估工具採用後者方法。

In the context of PF, consequences may be difficult to quantify. In the case of ML and its predicate crimes, there is relatively more investigation, prosecution and asset forfeiture case data than for PF, which can assist in quantifying the monetary value of the crimes and comparing that figure against a jurisdiction's economy. The broader security and societal implications (for example, the potentially large-scale threat to human life) of the proliferation of WMDs means that, similar to TF, non-economic value judgements must also be taken into consideration when measuring consequences of PF. In this guide, consequences take into consideration the effect of PF activities on financial systems and institutions, on the broader economy and on society more generally.

在資武擴的背景下，後果可能難以量化。在洗錢及其前置犯罪的情況下，與資武擴相比，調查、起訴和資產沒收案件數據相對更多，這有助於量化犯罪的貨幣價值並將該數字與司法管轄區的經濟進行比較。大規模毀滅性武器擴散的更廣泛的安全和社會影響（例如，對人類生命的潛在大規模威脅）意味著，與資恐類似，在衡量資武擴的後果時也必須考慮非經濟價值判斷。在本指引中，後果考慮了資武擴活動對金融系統和機構，以及更廣泛的對經濟和普遍社會的影響。

Some jurisdictions may wish to classify the consequence of any PF threat as automatically high in light of the ultimate impact caused by a proliferation event, resulting in the use of WMDs. This is an approach that is often used in TF risk assessments, such as the European Commission's Supranational Risk Assessment Report in its assessment of ML and TF risks.<sup>50</sup> Ireland also adopted

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<sup>49</sup>. FATF, 'FATF Risk Assessment Guidance', p. 7. FATF 「FATF 風險評估指引」，第 7 頁。

<sup>50</sup>. European Commission, 'Report from the Commission to the European Parliament and the Council on the Assessment of the Risks of Money Laundering and Terrorist Financing Affecting the Internal Market and



this understanding of consequences in its national ML and TF risk assessment, focusing instead on threats and vulnerabilities as the main indicators of risk.<sup>51</sup> An alternative approach is to consider the interim or immediate impact of PF threats. This often involves financial, economic or reputational impacts.<sup>52</sup> In light of the broad scope of the three categories of PF activities identified in Chapter I, some activities would be too far removed from, or would make too limited a contribution towards, the ultimate impact of proliferation in order for a high consequence rating to be automatically applied to every threat.

鑑於武擴事件造成之最終影響（即導致使用大規模毀滅性武器），一些司法管轄區可能希望將任何資武擴威脅之後果自動歸類為高。此為一種經常用於資恐風險評估之方法，例如歐盟委員會於其對洗錢及資恐風險評估中之超國家風險評估報告。愛爾蘭亦在其國家洗錢及資恐風險評估中採用了此種對後果之理解，而是將重點放在威脅和弱點作為風險之主要指標<sup>51</sup>上。另一種方法是考慮資武擴威脅之臨時或立即影響。此通常涉及財務、經濟或聲譽影響<sup>52</sup>。鑑於第一章中確定之三種類型資武擴活動之廣泛範圍，某些活動與武擴之最終影響相距甚遠，或對於造成武擴之最終影響之貢獻相當有限，因此高後果等級無法被自動適用於每一種威脅。

Instead, the guide finds a middle ground and proposes that jurisdictions consider the consequences of PF activities in their jurisdiction across three contexts: impact on human life, environment or infrastructure; impact on international or regional security or stability; impact on national economy or financial system and industry or reputational damage. As an example, jurisdictions may wish to classify any PF activity which has a direct impact on human life as automatically severe. Alternatively, activities or infrastructure which simply sustain existing proliferation or PF networks may be classified as of moderate or limited consequence depending on the significance of the activity. Annex 4 contains a matrix for rating consequences.

相反地，本指引找到一個中間立場，並建議各司法管轄區在三個背景下考慮於其管轄範圍內資武擴活動之後果：對人類生活、環境或基礎設施之影響；對國際或地區安全或穩定之影響；對國民經濟或金融體系及行業之影響或聲譽受損。例如，各司法管轄區可能希望將任何對人

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Relating to Cross-Border Activities', 26 June 2017, <[ec.europa.eu/newsroom/document.cfm?doc\\_id=45319](https://ec.europa.eu/newsroom/document.cfm?doc_id=45319)>, accessed 18 February 2019; for the methodology for the European Commission's Supranational Risk Assessment Report, see European Commission, 'Commission Staff Working Document', SWD (2017) 241 final, 2017, p. 235, <[https://ec.europa.eu/newsroom/document.cfm?doc\\_id=45653](https://ec.europa.eu/newsroom/document.cfm?doc_id=45653)>, accessed 18 February 2019. 歐盟委員會，「委員會提交給歐洲議會和理事會之關於影響內部市場及與跨境活動相關之洗錢和資恐風險評估之報告」，2017年6月26日，<[ec.europa.eu/newsroom/document.cfm?doc\\_id=45319](https://ec.europa.eu/newsroom/document.cfm?doc_id=45319)>，2019年2月18日瀏覽；就歐洲委員會之超國家風險評估報告之方法論，參見歐盟委員會，「委員會工作人員工作底稿」，SWD (2017) 241 最終版，2017年，第235頁，[https://ec.europa.eu/newsroom/document.cfm?doc\\_id=45653](https://ec.europa.eu/newsroom/document.cfm?doc_id=45653)，2019年2月18日。

<sup>51</sup> Department of Justice and Equality, 'National Risk Assessment for Ireland: Money Laundering and Terrorist Financing', October 2016, p. 6,

<sup>52</sup> Authors' telephone interview with John Chevis, 22 October 2018. 作者與專家 John Chevis 之電話訪問，2018年10月22日。

類生活有直接影響之資武擴活動自動歸類為嚴重。或者，根據活動之重要性，僅維持現有武擴或資武擴網路之活動或基礎設施可能被歸類為中等或有限後果。附件 4 包含一個評估後果的模型。

**Box 4: Evaluating Consequences of Proliferation Financing Activity**

**第 4 欄：評估資武擴活動之後果**

**Impact on human life, environment or infrastructure.** While the economic impact of damage to infrastructure and potential casualties following a nuclear or radiological event can be estimated (for example, see tools such as Nukemap by Alex Wellerstein), attempts at quantifying the value of human lives are ethically problematic. Due to these challenges, impacts on human life, environment or infrastructure should be classified as severe.

**對人類生活、環境或基礎設施之影響。** 雖然核子或放射性事件後基礎設施損壞及潛在人員傷亡之經濟影響得被預估（例如，參見 Alex Wellerstein 之 Nukemap 等工具），試圖量化人類生命之價值在倫理上是有問題的。由於此等挑戰，對人類生活、環境或基礎設施之影響應被歸類為嚴重。

While the likelihood of a North Korean nuclear missile strike remains relatively low, use by North Korea of radiological dispersal devices, targeted assassinations with chemical or biological weapons, or another form of chemical, biological or radiological attack is a distinct possibility, as was demonstrated by the assassination of Kim Jong-nam in Kuala Lumpur in February 2017.

雖然北韓核導彈襲擊之可能性仍然相對較低，但北韓使用放射性散布裝置、使用化學或生物武器進行目標性之暗殺或其他形式之化學、生物或放射性攻擊則有明顯之可能性，例如 2017 年 2 月於吉隆坡刺殺金正男。

The consequences of non-state actors procuring and using a WMD could be equally devastating, as was demonstrated by the 1995 chemical weapons attacks on the Tokyo subway by the Japanese cult Aum Shinrikyo. The more recent allegations of the use of chemical weapons in Syria by government forces and the terrorist group Daesh (also known as the Islamic State of Iraq and Syria, ISIS) highlight the importance of continued international vigilance over potential efforts by non-state actors to procure WMD-related materials.

非國家行為者採購及使用大規模毀滅性武器之後果可能同樣具有破壞性，正如日本邪教奧姆真理教 1995 年對東京地鐵之化學武器襲擊所展現。最近關於政府軍及恐怖組織達伊沙（亦稱為伊拉克及敘利亞伊斯蘭國，ISIS）於敘利亞使用化學武器之指控凸顯了國際社會對非國家行為者可能為採購與大規模毀滅性武器有關之原料做出之潛在努力保持警惕之重要性。



**Impact on international or regional security or stability.** The national and international security implications of supporting the financing of proliferation activities should also be considered. North Korea's WMD programme, Iran's missile tests, and developments in these fields by other state and non-state actors pose serious regional and international security risks. For instance, in 2017 North Korea conducted 20 ballistic missile tests and tested a high-yield nuclear device that Pyongyang claimed was a thermonuclear weapon. Pyongyang has also demonstrated medium-, intermediate- and intercontinental-range missile capabilities, although it remains unclear whether North Korean intercontinental-range ballistic missiles are capable of delivering a nuclear warhead that would survive re-entry. Further expansion of North Korean WMD capabilities will in and of itself be destabilising to regional and international security, even if an actual North Korean nuclear attack is never actually carried out.

**對國際或地區安全或穩定之影響。**支持資武擴活動對國家及國際安全之影響亦應被考慮。北韓之大規模毀滅性武器計劃、伊朗之導彈試驗以及其他國家及非國家行為者於這些領域之發展構成了嚴重之地區及國際安全風險。例如，北韓於2017年進行了20次彈道導彈試驗，並測試了平壤聲稱是熱核子武器之高當量核子裝置。平壤亦展示了中程、中級及洲際導彈之能力，儘管目前尚不清楚北韓之洲際彈道導彈是否能夠發射在重新發射後得以倖存下來之核彈頭。北韓進一步擴大大規模毀滅性武器能力本身就會破壞地區及國際安全之穩定，即使北韓從未真正實施過真正之核子攻擊。

**Impact on national economy or financial system and industry or reputational damage.** The failure of a jurisdiction to demonstrate efforts to address likely PF threats can itself produce significant negative consequences for an economy. Financial institutions and other businesses are wary of operating with or in jurisdictions that fail to take the necessary precautions to guard themselves against exposure to PF activities or sanctions evasion more broadly. Jurisdictions that have serious deficiencies in compliance with PF controls are publicly identified by the FATF on a list of 'high-risk and other monitored jurisdictions'. Engaging in business with entities who may – knowingly or unknowingly – be involved in PF or sanctions evasion also implicates the business in question and may make it liable to prosecution in its home jurisdiction.

**對國民經濟或金融體系和產業的影響或聲譽受損。**一個司法管轄區未能證明努力解決可能之資武擴威脅本身就會對經濟產生重大的負面影響。金融機構和其他企業對於在未能採取必要預防措施保護自己免於接觸資武擴活動或更廣泛之制裁規避風險之司法管轄區之營運持謹慎態度。FATF在「高風險及其他受監管之司法管轄區」列表中公開辨識了就遵守資武擴控制方面存在嚴重缺失之司法管轄區。與可能—有意或無意—涉及資武擴或規避制裁之實體開展業務亦可能使該業務複雜化，並可能使其在其本國司法管轄區內被起訴。

*Sources: Alex Wellerstein, 'Nukemap', 2012–2019, <<https://nuclearsecrecy.com/nukemap/>>, accessed 29 March 2019; Richard C Paddock and Choe Sang-Hun, 'Kim Jong-nam was Killed by VX Nerve Agent, Malaysians Say', New York Times, 23 February 2017; Organisation for the Prohibition of Chemical Weapons (OPCW), 'Report of the OPCW Fact-Finding Mission in Syria Regarding the Incidents in*

*Al-Hamadaniyah on 30 October 2016 and in Karam Al-Tarrab on 13 November 2016*, S/1645/2018, 2 July 2018; OPCW, 'Interim Report of the OPCW Fact-Finding Mission in Syria Regarding the Incident of Alleged Use of Toxic Chemicals as a Weapon in Douma, Syrian Arab Republic, on 7 April 2018', S/1645/2018, 6 July 2018; UN Security Council, 'Seventh Report of the Organisation for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism', S/2017/904, 26 October 2017; UN Security Council, 'Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)', S/2018/171, 5 March 2018, pp. 6–7; David E Sanger and Choe Sang-Hun, 'North Korean Nuclear Test Draws U.S. Warning of "Massive Military Response"', New York Times, 2 September 2017; FATF, 'High-Risk and Other Monitored Jurisdictions', <<http://www.fatf-gafi.org/countries/#high-risk>>, accessed 18 February 2019.

資料來源：Alex Wellerstein，"Nukemap"，2012-2019，<<https://nuclearsecrecy.com/nukemap/>>，2019年3月29日瀏覽；Richard C Paddock 及 Choe Sang-Hun，「馬來西亞表示金正男被 VX 神經毒劑殺害」，紐約時報，2017年2月23日；禁止化學武器組織（禁化武組織），「禁化武組織敘利亞實況調查團就關於2016年10月30日於 Al-Hamadaniyah 及 2016年11月13日在 Karam Al-Tarrab 之意外之報告」，S/1645/2018，2018年7月2日；禁化武組織，「禁化武組織敘利亞實況調查團關於2018年4月7日在阿拉伯敘利亞共和國杜馬發生的據稱使用有毒化學品作為武器事件的臨時報告」，S/1645/2018，2018年7月6日；聯合國安理會，「禁止化學武器組織的第七次報告—聯合國聯合調查機制」，S/2017/904，2017年10月26日；聯合國安理會，「根據第1874號(2009年)決議設立之專家小組報告」，S/2018/171，2018年3月5日，第6-7頁；David E Sanger 和 Choe Sang-Hun，「北韓核測試引起美國「大規模軍事回應」之警告」，紐約時報，2017年9月2日；FATF，「高風險及其他受監管之司法管轄區」，<<http://www.fatf-gafi.org/countries/#high-risk>>，2019年2月18日瀏覽。

## Mitigation Strategies 抵減策略

Jurisdictions should ensure that once risks have been identified, jurisdictions take the next step of considering mitigation strategies, agreeing to timelines for completion and identifying agencies responsible for implementation. Based on an assessment of risk likelihood, and coupled with an analysis of the consequences, jurisdictions may choose to accept, further mitigate or seek to prevent certain risks.<sup>53</sup>

各司法管轄區應確保當風險被識別時，其採取下一步措施以考慮抵減策略、同意完成時間表並指出負責實施之機關。基於對風險可能性之評估，並結合對後果之分析，各司法管轄區得選擇接受、進一步抵減或尋求預防某些風險。<sup>53</sup>

The RUSI Proliferation Financing Rapid Risk Assessment Tool in Annex 6 provides a column for recording mitigation strategies. Since the tool calculates residual risk, jurisdictions may choose to accept the residual risk of a certain threat in light of limited consequences and low likelihood. Alternatively, jurisdictions may consider it necessary to put in place strategies to further mitigate a risk to decrease its likelihood or in light of the severe consequences. For instance, they may provide the private sector with further guidance and obligations in a particular risk area or focus law

<sup>53</sup>. FATF, 'FATF Risk Assessment Guidance', p. 27. FATF, 「FATF 風險評估指引」，第 27 頁。

enforcement efforts on certain criminal activities that fund proliferation. In some instances where the likelihood and consequences are particularly high, jurisdictions may explore options for preventing the risk altogether. For example, jurisdictions may be able to make certain activities, such as providing a particular financial service to a particular jurisdiction, entirely unlawful in order to prevent a risk from manifesting. It should be noted that prevention may not be feasible in all circumstances.

附件 6 中之 RUSI 資武擴快速風險評估工具提供了記錄抵減策略之欄位。由於該工具計算剩餘風險，各司法管轄區可能會因考量到後果有限及可能性低而選擇接受某種威脅之剩餘風險。又或者，各司法管轄區得考慮於有必要時制定策略以進一步抵減風險以減少其可能性或考慮其嚴重後果。例如，它們可以於特定風險領域為私部門提供進一步之指引及義務，或者將執法工作重點放在資武擴之某些犯罪活動上。於某些可能性和後果特別高的情況下，各司法管轄區可能會探索完全預防風險之選項。例如，各司法管轄區得以使某些活動（例如向特定司法管轄區提供特定金融服務）完全非法以防止風險顯現。應注意預防可能並非於所有情況下都可行。

All in all, the risk assessment methodology helps jurisdictions identify priority risk areas within their jurisdiction, to focus efforts and resources towards addressing those specific areas of risk.

總而言之，風險評估方法有助於各司法管轄區確定其管轄範圍內之優先風險領域，集中努力及資源以解決此等特定風險領域。

# III. Additional Considerations for a PF National Risk Assessment

## 參、資武擴國家風險評估之其他考量

### Threat Assessment

#### 威脅評估

**A**S PREVIOUSLY MENTIONED, unlike ML or TF risks, where governments often have extensive built-up knowledge of the threat and vulnerability landscape, a key issue in the context of PF is how to tackle a risk assessment on a topic on which limited national data, statistics or knowledge may be available.

如前所述，與洗錢或資恐風險不同，於這些風險中政府通常對威脅及弱點累積廣泛的知識，資助武器擴散背景下的一個關鍵問題是如何處理關於有限的國家資訊、統計數據或知識下的風險評估。

Awareness raising of PF therefore remains a key area of need for many jurisdictions' governments and private sectors. Because proliferators use an evolving set of tactics to evade sanctions, they also seek to exploit an increasing range of jurisdictions. Consequently, in many jurisdictions the proliferation risk may not be immediately obvious, and PF risk may be even further removed. In addition, jurisdictions may currently have little or no legal, institutional, policy, procedural or other responses to PF, which makes the consideration of vulnerabilities a cursory exercise. In light of these challenges, some jurisdictions may find a threat assessment, that only focuses on threats, to be a useful starting point.

提高資助武器擴散意識因此仍然是許多司法管轄區政府及私部門需要的關鍵領域。由於武擴者使用一套不斷演變的策略來規避制裁，他們還尋求利用越來越多的司法管轄區。因此，在許多司法管轄區，擴散風險可能不會立即顯現，甚至可能進一步消除資助武器擴散風險。此外，司法管轄區目前可能很少或沒有對資助武器擴散的法律、制度、政策、程序或其他回應，這使得對弱點的考量成為一項粗略的工作。鑑於這些挑戰，一些司法管轄區可能會發現僅關注威脅的威脅評估是一個有用的起點。

Jurisdictions should note, however, that in the absence of consideration of vulnerabilities and mitigating factors for risk reduction, a threat assessment is unlikely to meet the FATF concept for an assessment of ML or TF risks<sup>54</sup>. However, noting that the FATF methodology currently does not require a PF risk assessment, a threat assessment would still provide a useful starting point for jurisdictions seeking to gain an understanding of PF threats in their jurisdiction and inform government actions. A threat assessment promotes understanding of PF threats within a jurisdiction and builds the groundwork for developing policy responses.

然而，各司法管轄區應注意，在沒有考慮弱點及風險降低的抵減因素之情況下，威脅評估不太可能滿足 FATF 評估洗錢或資恐風險的概念<sup>54</sup>。然而，須注意 FATF 之方法目前不要求資助武器擴散風險評估，威脅評估仍將為尋求了解司法管轄範圍內的資助武器擴散威脅並為政府行動提供有用的起點。威脅評估促進了對司法管轄區內資助武器擴散威脅的理解，並為制定政策回應奠定了基礎。

By beginning with a threat assessment, jurisdictions can decide whether to take a top-down or a bottom-up approach to a more comprehensive risk assessment.<sup>55</sup> For a top-down approach, the initial threat assessment would provide the foundational framework to eventually include considerations on national vulnerabilities and consequences in a comprehensive national PF risk assessment. On the other hand, a bottom-up process would involve disseminating the threat assessment, along with PF typologies, indicators and other relevant information, to the private sector and encouraging entity-level risk assessments that would eventually feed into sectoral-level risk assessments. The sectoral-level risk assessments would in turn feed from the bottom up to a comprehensive national risk assessment. This is demonstrated in Figure 2.

通過從威脅評估開始，各司法管轄區可決定是採用從上而下還是從下而上的方法來進行更全面的威脅評估<sup>55</sup>。對於從上而下的方法，初始威脅評估將提供基礎框架，最終將對國家弱點

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<sup>54</sup>. FATF, 'FATF Risk Assessment Guidance', pp. 6–7.

FATF, 「防制洗錢金融行動工作組織風險評估指引」，第 6 至 7 頁。

<sup>55</sup>. See Australian Criminal Intelligence Commission, 'Organised Crime in Australia 2017', 2017, <<https://www.acic.gov.au/publications/intelligence-products/organised-crime-australia>>, accessed 27 October 2018; Australian Government/AUSTRAC, 'Australia's Securities and Derivatives Sector: Money Laundering and Terrorist financing Risk Assessment', July 2017, <<http://www.austrac.gov.au/australias-securities-and-derivatives-sector>>, accessed 27 October 2018.

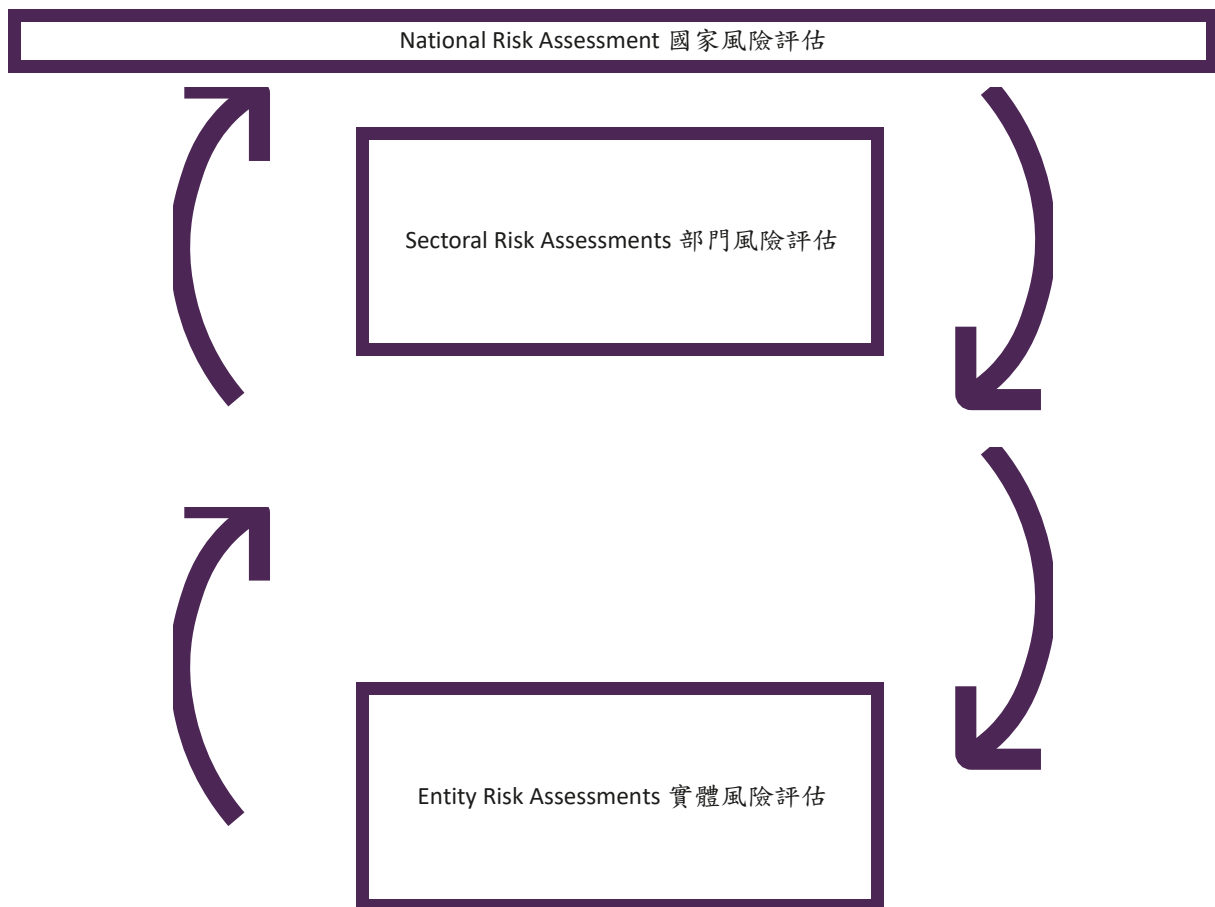
參澳洲刑事情報委員會，「組織犯罪在澳洲 2017」，2017，<<https://www.acic.gov.au/publications/intelligence-products/organised-crime-australia>>，2018 年 10 月 27 日瀏覽；澳洲政府/AUSTRAC，「澳洲證券與衍生性商品章節：洗錢與資恐風險評估」，2017 年 7 月，<<http://www.austrac.gov.au/australias-securities-and-derivatives-sector>>，2018 年 10 月 27 日瀏覽

和後果的考量納入全面的國家資助武器擴散風險評估中。另一方面，自下而上的過程將涉及向私部門傳播威脅評估以及資助武器擴散類型、指標和其他相關資訊，並鼓勵實體層級的風險評估，最終將其納入部門層級風險評估。部門層級的風險評估將反過來從下而上形成全面的國家風險評估。如圖 2 中所示。

This RUSI Proliferation Financing Rapid Risk Assessment Tool in Annex 6 takes a largely top-down approach to conducting a risk assessment; however, an optional sectoral worksheet is also offered and adds a bottom-up element to the methodology.

附件 6 中的 RUSI 資武擴快速風險評估工具主要採用從上而下大範圍的方法進行風險評估；然而，亦提供了一個可選擇的部門工作表，並為該方法添加了從下而上的元素。

**Figure 2:** Top-Down or Bottom-Up Approach to National Risk Assessment 圖二:從下而上國家風險評估方法



Source: The authors, 2019. 來源: 作者, 2019



## Considering Actual or Potential Risks

### 實際或潛在風險之考量

While all risk assessments should be evidence based, the assessment methodology may be driven to a greater or lesser extent by quantitative case data and known occurrences, or by qualitative input and analysis of potential risks. The former methodology focusing on known data is often referred to as an ‘actuality-based assessment’,<sup>56</sup> which predominantly focuses on existing case and statistical data as the basis for determining threats, vulnerabilities and consequences. For example, case data on threats is derived from sources such as criminal investigations, prosecutions, confiscation actions, regulatory enforcement actions, and financial and other intelligence reports. Vulnerabilities are assessed by analysing the modalities used in the crime and the detection, disruption and prosecution responses in sectoral and national control systems. Consequences are measured by calculating monetary or economic values relating, for example, to the documented amount of assets laundered or confiscated. It can be most useful in relation to ML risk assessments where jurisdictions are likely to have the requisite case data and where value assessments on consequences are easier to quantify.<sup>57</sup>

雖然所有風險評估都應以證據為基礎，但評估方法可能或多或少地受到量化案例數據和已知事件的影響，或者受到潛在風險的定性輸入和分析的影響。前一種著重於已知數據的方法通常被稱為「基於實際情況的評估」<sup>56</sup>，主要著重於既有案例和統計數據，作為確定威脅、弱點和後果的基礎。例如，有關威脅的案例數據來自刑事調查、起訴、沒收行動、監管執法行動以及金融和其他情報報告等來源。通過分析犯罪中使用的模式以及部門和國家控制系統中的偵查、破壞和起訴反應來評估弱點。後果是通過計算相關貨幣或經濟價值來衡量的，例如，記錄在案的洗錢或沒收資產的數量。在司法管轄區可能擁有必要的案例數據並且對後果的價值評估更容易量化的情況下，對於洗錢風險評估可能最有用<sup>57</sup>。

In the context of PF, however, an actuality-based assessment may be of limited use. First, many jurisdictions are unlikely to currently have the same amount of national data related to PF that they would in relation to ML. The lack of data and cases to draw on may be due to a lack of legal requirements, awareness among government agencies and the private sector, or a lack of institutional mandates. This means that the risk assessment would be based on a very narrow set of information. Risk-assessment methodologies that are driven by actualities may therefore not be sufficiently reflective of a jurisdiction’s PF risks.

然而，在資助武器擴散的背景下，基於現實的評估可能用途有限。首先，許多司法管轄區目前不太可能擁有與洗錢相關之相同數量的與資助武器擴散相關之國家數據。缺乏可供參考的

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<sup>56</sup> . Authors’ telephone interview with John Chevis, 22 October 2018. 作者電話訪問 John Chevis，2018 年 10 月 22 日。

<sup>57</sup> . *Ibid.* 同上

數據和案例可能是由於缺乏法律要求、政府機構和私部門的意識不足，或者缺乏機構授權。這意味著風險評估將基於非常稀少的資訊。因此，由實際情況驅動的風險評估方法可能無法充分反映司法管轄區的資助武器擴散風險。

Another method of risk assessment which allows a greater emphasis on qualitative input and reasoning is therefore needed when assessing PF risks, which can be labelled a 'qualitative reasoning-based risk assessment'. This type of methodology combines any available national data with a broader range of information and places greater reliance on qualitative judgements in calculating risk.<sup>58</sup> This means jurisdictions will have to look beyond data and cases in their own jurisdiction, and instead consult a broader range of information sources. It also means that jurisdictions should consider how knowledge and information about proliferation risk more generally can help formulate a view of PF risk specifically. Some of the key sources of information on proliferation activities are currently contained in international case studies found in UN Panel of Experts reports and other reputable typologies reports (see Annex 2). In addition to drawing on international typologies, a qualitative reasoning-based risk assessment also allows for similar jurisdiction analysis.<sup>59</sup>

因此，在評估資助武器擴散風險時需要另一種風險評估方法，該方法較強調定性輸入和推理，這可稱為「基於定性推理之風險評估」。此類方法將任何可用的國家數據與更廣泛的資訊相結合，並在計算風險時更加依賴定性判斷<sup>58</sup>。這意味著司法管轄區將不得不超越其管轄範圍內的資料和案例，而是參考更廣泛的資訊來源。這也意味著司法管轄區應考量關於武器擴散風險的知識和資訊是如何更普遍地有助於具體地形成對資助武器擴散風險的看法。一些關於武器擴散活動的主要資訊來源目前包含於聯合國專家小組報告和其他著名態樣報告中的國際案例研究中（參附件 2）。除了借鑑國際態樣外，基於定性推理的風險評估亦允許進行類似的司法管轄區分析<sup>59</sup>。

A qualitative reasoning-based risk assessment also does not require a quantitative assessment of consequences. As discussed earlier, in the context of PF, it is important to consider non-financial consequences such as the harm of proliferation of WMDs on peace, security and broader social impacts.

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<sup>58</sup> Authors' telephone interview with Neil Jensen, 22 October 2018. Neil Jensen is the former CEO of AUSTRAC and now a consultant assisting jurisdictions to conduct national risk assessments in ML, TF and PF.

作者電話訪問 Neil Jensen, 2018 年 10 月 22 日。Neil Jensen 是 AUSTRAC 前任執行長且現為協助各司法管轄區在洗錢、資恐與資助武器擴散風險執行國家風險評估之顧問。

<sup>59</sup> Authors' telephone interview with John Chevis, 22 October 2018

作者電話訪問 John Chevis, 2021 年 10 月 22 日

基於定性推理的風險評估也不需要對後果進行量化評估。如前所述，在資助武器擴散風險的背景下，重要的是要考量非財務後果，例如大規模毀滅性武器擴散對和平、安全和更廣泛社會影響的危害。

There are, of course, dangers in over-reliance on qualitative judgements that draw predominantly on international or similar jurisdiction analysis without national data and statistics. A qualitative assessment combined with a top-down approach may produce findings that draw broad conclusions based on limited evidence. Jurisdictions should be careful to ensure that a detailed analysis of the jurisdiction context against known PF typologies is undertaken, and that findings are made on the basis of sound reasoning. For example, jurisdictions should understand their role in proliferation pathways and consider issues such as whether sanctioned proliferators have a diplomatic presence or other established networks in their jurisdiction, or whether their jurisdiction is a known source or destination of sensitive goods traded with proliferators. If yes, then sound judgement would indicate that finance will almost inevitably flow through their jurisdiction through certain financial products and services.

當然，過度依賴國際或類似的司法審判質化分析，而沒有用該國數據和統計資料的定性判斷是有危險的。由上而下的質化評鑑，可能會基於有限的證據得出廣泛的一般化結論。各司法管轄區應謹慎確保針對已知資武擴態樣在其司法管轄區背景脈絡下進行詳細分析，並在合理推理的基礎上做出調查結果。例如，各司法管轄區應了解其在武器擴散途徑中的角色，並考慮是否有以下問題，諸如受制裁之武器擴散者是否在其管轄範圍內有外交存在或其他已建立網絡，或者其管轄範圍是否與武器擴散者用來交易敏感商品的已知來源或目的地。如果是的話，那麼合理地推斷金流幾乎不可避免地會藉由某些金融產品和服務流經其管轄範圍。

#### Identifying Sources of Information 識別資訊來源

Information on PF threats, vulnerabilities and consequences can come from a wide variety of national and international government, private sector, and other non-governmental sources. A non-comprehensive list of key sources of PF-relevant information is provided in Annex 1. Fundamentally, effective information gathering requires regular engagement with and input from all relevant PF stakeholders. A range of stakeholders are exposed to PF threats at different points in the PF supply chain and proliferation activities more generally, and thus capture discrete snapshots of proliferation and PF activity within a jurisdiction. Bringing these snapshots together allows the lead agency to develop a more complete picture of the jurisdiction's PF risks.

關於資武擴威脅、弱點和後果的資訊可以來自不同的國家和國際政府、私部門和其他非政府來源。附件 1 提供了主要資武擴相關資訊來源的部分清單。從根本上來說，有效的資訊收集需要定期地與所有的資武擴利害關係人的接觸並從中取得資訊。一般來說，一系列利害關係人在不同階段的資武擴供應鍊和武器擴散活動中面臨資武擴威脅，以此可以捕捉到一個司法管轄區範圍內武器擴散和資武擴活動的分別的快照。將這些快照結合在一起，可以讓主導機構更全面地了解司法管轄區的資武擴風險。

A useful starting point for sources of information is government-held data and statistics on proliferation activities, as well as PF cases if they exist. Intelligence agencies, government bodies responsible for foreign affairs and economic development, financial regulators, and regulators of controlled or otherwise PF-vulnerable sectors all collect information and produce analysis that is relevant to understanding the scope and nature of PF activity within a jurisdiction's economy. An intra-governmental information-sharing mechanism should allow these agencies to share information with each other and with the lead agency, so that it can be fed into the national assessment of PF risk.

蒐集資訊來源很有效的起始點是從政府持有關於武器擴散活動的數據和統計數據開始，或是資武擴的案例，如果有的話。情報機構、負責外交事務和經濟發展的政府機構、金融監理機關以及受控制或其他易受資武擴攻擊的部門的監理機關都進行資訊蒐集並進行分析，這些資訊和分析能了解一個司法管轄區經濟體中資武擴活動的範圍和性質。政府內部資訊共享機制應允許這些機構相互之間以及與主導機構共享資訊，以便將其納入資武擴風險評估中。

The value of information gathered by the private sector should also not be overlooked, and is considered later on in this chapter.

私部門收集的資訊的價值也不容忽視，本章稍後將予以說明。

Another particularly useful source of information, especially for jurisdictions that have little intelligence or statistics on PF activities within their economy, is information from similar jurisdictions whose PF-specific threats and vulnerabilities are better documented or more easily accessible. These jurisdictions may have already conducted a national risk assessment and have PF data and statistics readily available, or they may have been involved in a PF case, the details of which are publicly accessible, or where the jurisdiction is otherwise willing to share the case details. Similar jurisdictions are those jurisdictions that have similar economic, social, geographic or other contextual factors. Similar jurisdictions from the same region would be even more useful from an analysis point of view since they may involve networks that are operational in multiple jurisdictions in that region, including the jurisdiction undertaking the national risk assessment.

另一個特別有用的資訊來源，特別是對於在其經濟中幾乎沒有關於資武擴活動的情報或統計數據的司法管轄區，是來自相似司法管轄區的資訊，這些司法管轄區的資武擴特定威脅和弱點已經被較完整地記錄或是更容易取得。這些司法管轄區可能已經進行了國家風險評估並擁有可提供的資武擴數據和統計數據，或者他們可能已經有了細節可被公開取得的資武擴案件，或者司法管轄區願意以其他方式分享案件細節。相似的司法管轄區是那些具有類似經濟、社會、地理或其他背景因素的司法管轄區。從分析的角度來看，來自同一地區相似的司法管轄區會更適合，因為可能涉及在該區域多個司法管轄區內運作的網絡，包括正在進行國家風險評估的司法管轄區。

Further still, in the context of PF, international and non-governmental information sources are vital. For example, the UN Panel of Experts reports contain valuable cases that build an understanding of

PF methodologies and networks<sup>60</sup>. Several research institutions have also produced PF typology reports and PF red-flag indicators<sup>62</sup> to complement those already identified by the FATF<sup>61</sup>. Given that PF is an area that has received little attention in the past at national levels, these international and non-governmental resources are vital in understanding a broad picture of PF activities to analyse national threats and vulnerabilities in an informed manner.

此外，在資武擴的背景下，國際和非政府資訊來源至關重要。例如，聯合國專家小組的報告包含有助於理解資武擴方法和網絡的寶貴案例<sup>60</sup>。一些研究機構還製作了資武擴類型報告和資武擴紅旗指標<sup>61</sup>，以就 FATF<sup>62</sup>已經確定者進行補充。鑑於資武擴是過去在國家層級很少受到關注的領域，這些國際性和非政府的資源對於了解資武擴活動的全貌以用於分析國家威脅和弱點至關重要。

## Identifying Relevant Stakeholders 辨認相關利害關係人

Many of the government and private sector actors that are normally considered stakeholders in ML and TF efforts will also be relevant in a PF context. The World Bank National Risk Assessment Tool identifies several government agencies as important contributors to an ML/TF national risk assessment. These contributors include a jurisdiction's:

許多通常被視為洗錢和資恐工作的利害關係人的政府和私部門參與者也與資武擴相關。世界銀行國家風險評估工具將多個政府機構認定為洗錢/資恐國家風險評估的重要貢獻者。這些貢獻者包括司法管轄區的：

Financial Intelligence Unit, Central Bank, Financial Regulation and Supervision Agency (if exists), Capital Markets Authority, Regulator of the Insurance Market, Tax Authority, Intelligence Agency, Police ... Anti-Corruption Agency, Anti-Drug Agency, Customs Authority, Office of Public Prosecutor, Ministry of Finance, Regulators of other financial services, and authorities related to DNFBPs.<sup>63</sup>

<sup>60</sup> UN Security Council, 'Reports'; Security Council Report, 'UN Documents for Iran: Sanctions Committee Documents'.

聯合國安理會，「報告」；安理會報告，「聯合國伊朗文件：制裁委員會文件」。

<sup>61</sup> Emil Dall, Tom Keatinge and Andrea Berger, 'Countering Proliferation Finance: An Introductory Guide for Financial Institutions', *RUSI Guidance Paper* (April 2017); Brewer, 'Study of Typologies of Financing of WMD Proliferation'.

Emil Dall, Tom Keatinge and Andrea Berger, 「反資助武擴：金融機構入門指南」RUSI 指引文件(2017年4月); Brewer, 「大規模毀滅性武器擴散資助態樣研究」。

<sup>62</sup> FATF, 'Proliferation Financing Report', 18 June 2008. FATF, 「資助武擴報告」, 2008年6月18日。



金融情報中心、中央銀行、金融監管局（如果有的話）、資本市場管理局、保險市場監管機構、稅務局、情報機構、警察……反貪腐局、禁毒局、海關、檢察署，財政部、其他金融服務的監管機構以及與指定之非金融事業或人員相關的當局。<sup>63</sup>

The above stakeholders should all also be included in a PF risk-assessment process. However, jurisdictions should take care that their stakeholder engagement on a PF risk assessment is not limited to just those actors engaged in ML and TF efforts. The list of stakeholders engaged in PF is necessarily likely to be broader, given the broader scope of activities that may be classified as PF.

上述利害關係人都應包含在資武擴風險評估過程中。但是，各司法管轄區應注意，參與資武擴風險評估的利害關係人不僅限於涉及洗錢和資恐的行為者。有鑑於可歸類為資武擴的活動範圍更廣，涉及資武擴的利害關係人的名單也可能會更為廣泛。

Governments also need to ensure that the corresponding government agencies responsible for implementing sectoral bans or supervising relevant sectors are included early on in the risk-assessment process, and consulted frequently throughout. Given the wide range of government and private sector stakeholders in the PF risk-assessment process, jurisdictions should consider convening a smaller group of core agencies and conduct more expansive consultations with a wider range of stakeholders as required. They would also make good candidates for a regularly convened working group on CPF more broadly.<sup>64</sup>

政府還需要確保負責實施部門禁令或監督相關部門的相應政府機構，應儘早參與風險評估過程，並在整個過程中經常進行磋商。鑑於資武擴風險評估過程中的政府和私部門利害關係人範圍廣泛，司法管轄區應考慮召集較小的核心機構小組，並根據需要與更廣泛的利害關係人進行更廣泛的磋商。他們還將成為定期召集的更廣泛地打擊資武擴工作組的優秀候選人。<sup>64</sup>

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<sup>63</sup> FATF, 'The World Bank Risk Assessment Methodology', p. 7, <[www.fatf-gafi.org/media/fatf/documents/reports/risk\\_assessment\\_world\\_bank.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/risk_assessment_world_bank.pdf)>, accessed 18 February 2019. FATF, 「世界銀行風險評估方法論」第 7 頁, <[www.fatf-gafi.org/media/fatf/documents/reports/risk\\_assessment\\_world\\_bank.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/risk_assessment_world_bank.pdf)>, 2019 年 2 月 18 日瀏覽。

<sup>64</sup> RUSI recommends that countries establish an inter-agency coordination group on CPF, separate from the national risk-assessment process. Convening a multi-agency group early during the development of CPF policies is not only important for developing a legal framework that is effective, but also raises awareness of PF obligations among a wide range of governments from an early stage. If such a working group is already well established, identifying relevant agencies to take part in a national risk-assessment process will be easier. For more on the process of setting up a multi-agency working group, see Berger and Joshi, 'Countering Proliferation Finance'.

RUSI 建議各國建立一個反資助武擴跨機構協調小組，獨立於國家風險評估程序。在制定反資助武擴政策的初期召集多重機構小組不僅對於發展有效的法律框架很重要，而且還可以從前期提升各個政府對資助武擴義務的意識。如果此等工作小組已經完善建立，那麼指定參與國家風險評估過程的相關

Additional stakeholders whose contributions to the PF risk-assessment process are likely to be helpful on an ad hoc basis may include academic and research institutions, DNFBPs with exposure to PF threats in certain aspects of their operations, and regulators of these DNFBPs. The list of stakeholders should be reviewed regularly over the course of the process, and revised as necessary. As with the collection of information, an understanding of a jurisdiction's exposure to proliferation pathways generally – not just their financial aspects – will be extremely valuable in identifying the relevant stakeholders.

對資武擴風險評估過程做出貢獻的其他利害關係人可能會在特定的基礎上有所幫助，包括學術和研究機構，在其營運的某些方面面臨資武擴威脅的指定之非金融事業或人員，以及指定之非金融事業或人員的監理機關。利害關係人名單應在整個過程中定期審查，並在必要時進行修訂。與資訊收集一樣，了解一個司法管轄區整體地武擴途徑曝險—不僅僅是就其金融的面向—對於辨別相關利害關係人是非常重要的。

Table 3 provides a few examples of the kinds of information that various stakeholders may be able to provide to assist in the identification of PF-relevant threats in an economy. Input from a wide range of stakeholders should also be sought in identifying vulnerabilities, consequences and general trends in PF activity within a jurisdiction or a region. A non-comprehensive list of relevant stakeholders can be found in Annex 2.

表 3 提供了一些不同利害關係人可能提供的資訊類型範例，以幫助辨識經濟體中資武擴相關的威脅。也應尋求廣泛的利害關係人的意見，以確定司法管轄區或區域內資武擴活動的弱點、後果和整體趨勢。附件 2 提供了部分相關利害關係人名單。

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機構將更加地容易。有關建立多重機構工作小組過程的更多資訊，請參閱 Berger 和 Joshi 的「反資助武擴」。



**Table 3: Examples of Key Stakeholders and Information Related to Individual Threats****表 3 關鍵利害關係人及個別威脅相關資訊類型範例**

Threat 威脅	Stakeholder(s) 利害關係人	Information
<p>Nationals or dual citizens of proliferating states, or their family members (regardless of citizenship), used as intermediaries in jurisdictions not of proliferation concern to facilitate procurement of goods and/or for payment of funds. Likely to involve use of personal banking products.</p> <p>武擴國家的公民或雙重國籍公民，或其親屬（無論是否為公民），在沒有武擴疑慮的司法管轄區內作為中介人，以進行貨品採購及/或資金支付。可能涉及使用個人的銀行商品。</p>	Immigration agency 移民局	<ul style="list-style-type: none"> <li>Presence of nationals and dual citizens of proliferating states, or family members, in the jurisdiction. 司法管轄區內有武擴地區的國民和雙重國籍公民，或是親屬</li> </ul>
	Financial intelligence unit 金融情報中心	<ul style="list-style-type: none"> <li>Suspect individuals, businesses, accounts and financial activity patterns. 可疑的個人、企業、帳戶和金融活動模式。</li> </ul>
	Export control, customs and border control agencies 出口管制、海關和邊境管制機構	<ul style="list-style-type: none"> <li>Controls and vulnerabilities in export, customs or border controls that could be exploited by proliferators. 出口、海關或邊境管制中可能被武擴者利用的控制權及弱點</li> <li>Proliferators and their patterns of activity. 武擴者及其活動模式。</li> <li>Information on controlled goods, including dual-use goods. 有關管制物品的資訊，包括軍民兩用物品。</li> </ul>
<p>Cross-border smuggling of cash, gold or other high-value goods by mules to support state and non-state proliferation activities.</p> <p>跨境走私現金、黃金或其他高價值商品，以支持國家和非國家武擴活動。</p>	Export control, customs and border control agencies 出口管制、海關和邊境管制機構	<ul style="list-style-type: none"> <li>Vulnerabilities in export, customs or border controls that could be exploited by proliferators. 可能被武擴者利用的出口、海關或邊境管制方面的弱點。</li> <li>Proliferators and their patterns of activity. 武擴者及其活動模式。</li> </ul>

		<ul style="list-style-type: none"> <li>• Data from cross-border declarations. 來自跨境申報的數據。</li> </ul>
	Law enforcement and prosecution agencies 執法和檢察機關	<ul style="list-style-type: none"> <li>• Ongoing or past PF cases and investigations in the jurisdiction, to develop a better understanding of national PF trends. 轄區內正在進行或過去的資武擴案件和調查，以更好地了解國內的資武擴趨勢。</li> </ul>
	Immigration agency 移民局	<ul style="list-style-type: none"> <li>• Information on cross-border movement, including intended destinations, of persons matching certain demographics. 符合特定人口統計特徵的人的跨境流動資訊，包括預期目的地。</li> </ul>
<b>Threat 威脅</b>	<b>Stakeholder(s) 利害關係人</b>	<b>Information 資訊</b>
Financial institutions with known histories of providing accounts to, or otherwise facilitating, financial activities of proliferation states. 曾提供武擴國家的金融活動帳戶或以其他方式促進其金融活動的金融機構。	Intelligence agencies 情報機構	<ul style="list-style-type: none"> <li>• Active proliferation threats – the activities and capabilities of proliferators and sanctioned entities. 活躍的武擴威脅—武擴者和受制裁組織的活動和能力。</li> </ul>
	Financial intelligence unit 金融情報中心	<ul style="list-style-type: none"> <li>• Registration data of financial institutions, compliance assessments, suspect individuals, businesses, accounts and activity patterns, correspondent relationships and accounts. 金融機構的註冊數據、合規評估、可疑個人、企業、帳戶和活動模式、代理關係和帳戶。</li> </ul>
	Prudential regulatory for financial institutions 對金融機構的審慎監管	<ul style="list-style-type: none"> <li>• Background information and prudential data concerning financial institutions. 有關金融</li> </ul>

		機構的背景資訊和審慎數據。
	Law enforcement and prosecution agencies 執法和檢察機關	<ul style="list-style-type: none"> <li>Information on ongoing or past PF cases and investigations in other jurisdictions. 有關其他司法管轄區正在進行或過去的資武擴案件和調查的資訊。</li> </ul>

Source: Developed by authors, 2019, based on Berger and Joshi, 'Countering Proliferation Finance'.

來源: 作者製作, 2019, 根據 Berger and Joshi, 「反武擴資助」。

## The Role of the Private Sector

### 私部門的角色

The private sector, and financial institutions in particular, are key to the implementation of financial sanctions and wider PF obligations. The private sector should therefore be involved in a risk-assessment process on PF, as the information it holds could be crucial in determining PF threats and vulnerabilities.

私部門，尤其是金融機構，是實施金融制裁和更廣泛的資武擴義務的關鍵。因此，私部門應參與資武擴的風險評估過程，因為它掌握的資訊對於辨識資武擴威脅和弱點至關重要。

It is worth noting that when it comes to PF, the scope of private sector involvement is broader than that of ML and TF. Whereas private sector engagement in combating ML and TF is largely limited to the financial sector and DNFBPs, the ability to counter PF requires other private sector stakeholders that deal in goods that may be exploited for the proliferation of WMDs and the financing thereof. This includes manufacturers of dual-use items or sensitive technology that may be vulnerable to diversion for proliferation purposes, or shipping and transport services exploited by proliferators to move those goods.

值得注意的是，在涉及資武擴時，私部門的參與範圍比洗錢和資恐的範圍更廣。儘管私部門參與打擊洗錢和資恐主要限於金融業和指定之非金融事業或人員，但打擊資武擴的能力需要其他私部門利害關係人加入，這些利害關係人參與的商品交易可能被用於大規模毀滅性武器擴散及其中的金錢資助。其中包括軍民兩用物品或敏感技術的製造商，這些製造商可能容易成為弱點被利用作為武擴用途，或航運和運輸服務，可能被武擴者利用來運輸其貨物。

In the case of North Korea, the wide scope of sectoral sanctions mandated by the UN Security Council including restrictions on coal, oil, iron and other minerals, textiles, food products and more, means

that an even greater number of industries are brought into the North Korea sanctions implementation picture. As a result, even though these sectors are not financial institutions, they may have relevant information pertaining to the general proliferation threat picture in a jurisdiction and should be included in the national risk-assessment process.

從北韓的例子來看，聯合國安理會授權的範圍廣泛的部門制裁，包括對煤炭、石油、鐵和其他礦產、紡織品、食品等的限制，這代表著更多的產業被列入北韓的制裁執行範圍。因此，即使這些產業不是金融機構，它們也可能擁有與司法管轄區內涉及武擴威脅有關的相關資訊，也應包含在國家風險評估過程中。

Financial institutions and sectors that deal with trade in controlled goods collect information on clients and on financing and trade patterns that can provide important context for understanding PF threats to an economy. Trade financing documents, due diligence and 'know your customer' analysis, transaction records and sales reports are all useful sources of information that a lead agency can leverage within a national risk-assessment process. Some larger financial institutions also have extensive research operations which seek to understand the organisation's own exposure to PF, including analysis of how proliferation networks operate in the national economy or the wider region. These insights, from a private sector perspective, can complement a government's own assessment of PF threats and vulnerabilities.

金融機構與負責處理管制物品貿易的部門收集客戶資訊以及金融和貿易模式的資訊，這些資訊可以為瞭解資武擴對經濟的威脅提供重要背景脈絡。貿易融資文件、盡職調查和「了解您的客戶」分析、交易記錄和銷售報告都是主導機構可以在國家風險評估過程中利用的有用資訊來源。一些較大的金融機構也有廣泛的研究活動，旨在了解該組織自身對資武擴的曝險程度，包括分析擴散網絡如何在一國經濟或更廣泛的區域中運作。從私部門的角度來看，這些洞見可以補充政府自己對資武擴威脅和弱點的評估。

As outlined earlier in this chapter, the role of the private sector becomes even more pronounced if jurisdictions choose to follow a bottom-up risk-assessment process. Here, private sector stakeholders will conduct entity-level risk assessments, which will eventually feed into sectoral-level risk assessments, and eventually a comprehensive national PF risk assessment. While this guide largely takes a top-down approach to conducting a PF risk assessment, sectoral worksheets have been included in the RUSI Proliferation Financing Rapid Risk Assessment Tool depicted in Annex 6 to facilitate a bottom-up approach actively informed by private sector views.

正如本章前述，如果司法管轄區選擇遵循由下而上的風險評估流程，私部門的角色將變得更加重要。此處私部門利害關係人將進行實體層級的風險評估，最終將納入部門層級的風險評估，並最終進行全面的國家資武擴風險評估。雖然本指引主要採用由上而下的方法來進行資武擴風險評估，但附件 6 中描述的 RUSI 資武擴快速風險評估工具中包含了部門工作表，以促進採用自下而上的方法，積極聽取私部門的意見。

Regardless of whether jurisdictions adopt a top-down or bottom-up risk-assessment approach, private sector actors will play an important role both as stakeholders to the process and as key sources of information to inform threats and vulnerabilities. However, it is worth keeping in mind that much of this exchange of information can only occur if mechanisms are in place to allow the private sector to share sensitive data – including information on customers and business operations – with government, in a way that protects client privacy and business interests<sup>65</sup>.

無論司法管轄區是採用由上而下還是由下而上的風險評估方法，私部門行為者都將發揮重要作用，既為該過程之利害關係人，亦為告知威脅和弱點的關鍵資訊來源。但是，值得注意的是，唯有建立允許私部門以保護客戶與商業營運之方式與政府共享敏感資料（包括有關客戶和商業營運資訊）機制的情況下，才能進行大部分資訊交換<sup>65</sup>。

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<sup>65</sup> For more information on the role of public-private partnerships and exchanges of information in disrupting financial crime, see Nick J Maxwell and David Artingstall, ‘The Role of Financial Information-Sharing Partnerships in the Disruption of Crime’, *RUSI Occasional Papers* (October 2017). 有關公私夥伴關係和資訊交流就打擊金融犯罪作用之更多資訊，參見 Nick J Maxwell and David Artingstall, 「金融資訊共享夥伴關係在打擊犯罪中的作用」, *RUSI 臨時文件* (2017 年 10 月)。

# Conclusion 結論

**T**HIS GUIDE AIMS to provide guidance to jurisdictions on the necessary methodological foundation and tools for developing and conducting a national PF risk assessment. To this end, the guide suggests approaches to scoping the risk assessment, assessing PF threats, vulnerabilities and consequences within jurisdiction-specific contexts, and identifying relevant stakeholders and sources of information.

本指引旨在於就必要的方法基礎和工具向各司法管轄區提供指導，以制訂和實施國家資武擴風險評估。為此，本指引建議了確定風險評估範圍、評估特定管轄範圍內的資武擴威脅、弱點和後果以及確定相關利害關係人和資訊來源的方法。

While the guide and the accompanying RUSI Proliferation Financing Rapid Risk Assessment Tool in Annex 6 will provide a useful starting point for conducting a national risk assessment, individual jurisdictions are ultimately responsible for analysing and applying these guidelines in a way that produces a reasonable judgement of their national risk. If conducted diligently, a national risk assessment, as well as the information collected over the course of the process, should be a critical first step in proactively addressing gaps in a national counter-PF regime, and in mitigating the impact of PF activity on the national economy and society more broadly.

雖然附件 6 中之指引和隨附 RUSI 資武擴快速風險評估工具將為進行國家風險評估提供有用的出發點，但各個司法管轄區有最終責任對其國家風險產生合理判斷的方式分析和應用這些指引。如果認真執行，國家風險評估以及在此過程中收集的資訊應該是積極解決國家反資武擴制度之落差和減少資武擴活動對國家經濟與社會廣泛影響之關鍵第一步。

# About the Authors 關於作者

**Anagha Joshi** is an Associate Fellow with RUSI's Centre for Financial Crime and Security Studies. Anagha was previously a Director in the Australian Attorney-General's Department managing technical assistance programmes to support countries across Africa, Asia and the Pacific to combat transnational crime and terrorism. She has particular expertise in anti-money laundering, counterterrorist financing, counter-proliferation financing and sanctions. Anagha is a qualified legal practitioner and has produced a range of model laws, implementation guides, policy guides and research reports for governments and inter-governmental organisations.

Anagha Joshi 是 RUSI 金融犯罪和安全研究中心的副研究員。Anagha 曾擔任澳大利亞總檢察長部主任，負責管理技術援助計劃，以支持非洲、亞洲和太平洋地區的國家打擊跨國犯罪和恐怖主義。她在反洗錢、反恐資助、反資恐和制裁方面擁有專業知識。Anagha 是一名合格的法律從業人員，為政府和政府間組織編寫了一系列模範法律、實施指引、政策指引和研究報告。

**Emil Dall** is a Research Fellow at RUSI, where he leads work on counter-proliferation finance. Since joining RUSI in 2015, his work has focused on conducting research into, and raising awareness of, the (illicit) financial networks of proliferators. Emil also co-leads RUSI's wider work on the design and implementation of sanctions, including its high-level Taskforce and research on country-based sanction regimes. Prior to joining RUSI, Emil was a risk analyst for a major international insurer operating out of Lloyd's of London, and before that he was a researcher at the Policy Institute at King's College London.

Emil Dall 是 RUSI 的研究員，負責反資武擴方面的工作。自 2015 年加入 RUSI 以來，他的工作聚焦於對（非法）武擴者金融網絡進行研究和提高對其之認識。Emil 還共同領導 RUSI 在設計和實施制裁方面更廣泛工作，包括其高層級工作小組和對基於國家的制裁制度的研究。在加入 RUSI 之前，Emil 是倫敦 Lloyd 一家大型國際保險公司的風險分析師，在此之前，他是倫敦國王學院政策研究所的研究員。

**Darya Dolzikova** is a Research Analyst in the Proliferation and Nuclear Policy Programme at RUSI. Her research focuses on countering the financing of proliferation activities and strengthening sanctions regimes, particularly in the context of the North Korean nuclear programme. As part of her contributions to RUSI's work on countering proliferation finance, she provides guidance to representatives of governments and financial institutions on strengthening their CPF and sanctions-compliance regimes. Prior to joining RUSI, Darya worked in a policy development and government relations role at an industry association. She also has experience working in the due diligence sector and on policy issues in Canada's Parliament.

Darya Dolzikova 是 RUSI 武擴和核政策計劃的研究分析師。她的研究重點是打擊資武擴活動和加強制裁制度，特別是在北韓核計劃的背景下。作為她對 RUSI 反資武擴工作貢獻的一部分，她為政府和金融機構的代表提供有關加強其反資武擴和制裁合規制度的指導。在加入



RUSI 之前，Darya 在一個產業協會擔任政策制定和政府關係之職務。她還擁有盡職調查部門和加拿大議會政策議題的工作經驗。

# Annex 1: Sources of Information

## 附件 1：資訊來源

Information Source 資訊來源	Stakeholder 利害關係人	Type of Information 資訊種類
<b>International Organisation Sources 國際組織來源</b>		
United Nations Panel of Experts Reports 聯合國專家小組報告	United Nations Security Council 聯合國安理會	Details on proliferating actors, proliferator capabilities, proliferation and PF patterns and typologies, and developments in proliferation sanctions regimes. 關於武擴行為人、武擴能力、武擴和資武擴模式和類型以及武擴制裁制度發展的詳細資訊。
FATF Guidance on Proliferation Financing FATF 資武擴指引	FATF	CPF-related obligations for governments and the private sector, and best practices for implementing a national PF regime. 政府和私部門的打擊資武擴相關義務，以及實踐國家資武擴之最佳實務。
FATF Typologies Report on Proliferation Financing FATF 資武擴類型報告	FATF	PF patterns and typologies, red flag indicators. 資武擴模式、類型與紅旗指標
UNSCR 1540 Committee 聯合國安理會第 1540 號決議委員會	UNSCR 1540 Committee 聯合國安理會第 1540 號決議委員會	Information on countries' implementation of measures to stop trade in controlled goods. 有關各國實施停止管制物品貿易措施之資訊。
Global Integrated Shipping Information System 全球整合運輸資訊系統	International Maritime Organization 國際海事組織	Information on vessels and their activities, including ownership and incidents. 有關船隻及其活動之資訊，包括所有權和事故。
<b>Government Sources (Domestic and Foreign) 政府來源(國內與國外)</b>		
<b>Law Enforcement and Intelligence 執法與情報</b>		

Financial intelligence data and reports 金融情報資料與報告	Financial intelligence units 金融情報中心	Details on financial networks and patterns of behaviour used by proliferators, including suspicious transaction/activity reports (STRs and SARs), cross-border cash transport reports, international transaction reports and intelligence analysis products. 武擴者使用之金融網路和行為模式的詳細資訊，包括疑似洗錢或資恐交易/活動報告、跨境現金運輸報告、國際交易報告和情報分析產品。
Designations and sanctions listings 指名與制裁清單	Department of foreign affairs, department of international trade, financial intelligence units 外交部、國際貿易部門、金融情報中心	Details on sanctioned entities, sanctions-related reports and enforcement actions. 有關受制裁實體、制裁相關報告和執法行動的詳細資訊。
Criminal investigation and prosecution records, civil investigation and litigation records 刑事調查與追訴紀錄、民事調查與訴訟紀錄	Courts, law enforcement agencies, other investigative agencies 法院、執法機關、其他調查機關	Details on past cases involving illicit financial networks and patterns of behaviour used by proliferators. 過去涉及非法金融網路和武擴者使用之行為模式之案件詳細資訊。

Other relevant data/intelligence (financial and otherwise) 其他相關資料/情報(金融與其他)	Intelligence agencies, other relevant government bodies 情報機構、其他相關政府機關	Data on diplomatic presence and activities of proliferating states, information on proliferator capabilities and proliferation-related procurement priorities, and other relevant information on proliferator sanctions evasion. 關於武擴國家的外交和活動之資料、關於武擴能力和與武擴相關的採購優先順序之資訊，以及關於規避武擴制裁的其他相關資訊。
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**Economic and Financial 經濟與金融**

Economic, financial and trade reports 經濟、金融與貿易報告	Department of finance, department of economic development, department of trade, department of industry, financial regulatory agencies 金融部門、經濟發展部門、貿易部門、工業部門、金融監管機關	Data and statistics about the size of the economy and of the financial sector, information on size and activities of specific sectors, information on relevant manufacturing sector, and information on size and nature of trade relationships and trade patterns with other countries.
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		有關經濟和金融業規模之資料和統計數據、特定部門規模和活動之資訊、相關製造部門之資訊以及與其他國家的貿易關係和貿易模式規模與性質之資訊。
<b>Regulatory 監管</b>		
Export/import documents 進/出口報告	Port authority, trade financing agency, department of trade 港口主管機關、貿易融資機關、貿易部門	Import/export data, data on size and nature of trade relationships and patterns, information on international transport and/or transit routes, and data on trade financing relationships. 進出口資料、貿易關係和模式規模與性質之資料、國際運輸及/或運輸路線資訊，以及貿易融資關係之資料。
Immigration and employment records 移民與聘雇紀錄	Department of immigration, department of labour 移民部門、勞工部門	Data on migrant labour, and data on individuals holding passports from countries of concern, including dual nationals. 關於移民勞工之資料，以及持有相關國家護照之個人資料，包括雙重國籍者。
Vessel management and ownership and inspection records 船舶管理與所有權與檢查紀錄。	Vessel management and ownership databases, regional port state control databases 船舶管理與所有權資料庫、區域港口國家管制資料庫	Information on nature and size of foreign and national vessel activity. 有關外國和本國船舶活動性質與規模的資訊。
<b>Private Sector Engagement 私部門參與</b>		
Bills of lading, export/import documents 提單、出口/進口文件	Shipping companies, trade finance providers, export/import service providers 運輸公司、貿易融資提供者、進/出口服務提供者	Import/export data, data on size and nature of trade relationships and patterns, information on international transport and/or transit routes, and data on trade financing relationships. 進出口資料、貿易關係與模式之規模和性質資料、國際運輸及/或運輸路線資訊以及貿易融資關係資料。

<p>Vessel and cargo insurance documents 船舶與貨物保險文件</p>	<p>Insurance providers, shipping companies 保險提供者、運輸公司</p>	<p>Data on trade activity and relationships, data on trade financing relationships, information on international transport routes and patterns, and data on trade operations of entities suspected of engaging in proliferation-related activities. 貿易活動和關係資料、貿易融資關係資料、國際運輸路線和模式資訊，以及涉嫌從事武擴相關活動之實體的貿易活動資料。</p>
<p>Financial information-sharing partnerships 金融資訊分享夥伴關係</p>	<p>Financial institutions, insurance providers, industry associations, DNFBPs, relevant government stakeholders 金融機構、保險提供者、產業協會、指定之非金融事業或人員、相關政府利害關係人</p>	<p>Information on private sector due diligence practices and any challenges in understanding and implementing CPF obligations by the private sector and information on PF-related entities and patterns of behaviour. 有關私部門盡職調查作法之資訊，以及私部門於理解和履行打擊資武擴義務方面之任何挑戰，以及有關資武擴相關實體和行為模式的資訊。</p>
<p>Informal engagement 非正式參與</p>	<p>Financial institutions, insurance providers, industry associations, DNFBPs, relevant government stakeholders 金融機構、保險提供者、產業協會、指定之非金融事業或人員、相關政府利害關係人</p>	<p>Information on private sector due diligence practices and any challenges in understanding and implementing CPF obligations by the private sector, and information on PF-related entities and patterns of behaviour. 有關私部門盡職調查作法之資訊，以及私部門於理解和履行打擊資武擴義務方面之任何挑戰，以及有關資武擴相關實體和行為模式的資訊。</p>
<p><b>Other Sources 其他來源</b></p>		

<p>Past case studies and similar jurisdiction analysis 過往案例研究與類似司法管轄區之分析</p>	<p>Research institutions, relevant private sector and government stakeholders 研究組織、相關私部門與政府利害關係人。</p>	<p>Information on PF threats and activity in similar jurisdictions, including entities engaged in PF and their patterns of behaviour, and examples of successes or failures in efforts to reduce PF related risk in similar jurisdictions. 有關類似司法管轄權區內資武擴威脅和活動之資訊，包括參與資武擴的實體及其行為模式，以及在類似司法管轄區內降低資武擴相關風險努力之成功或失敗的示例。</p>
<p>King's College London typologies report, Center for a New American Security risk publications, Center for Advanced Defense Studies (C4ADS) reports, RUSI guidance papers, RUSI Project Sandstone, other open-source research and analysis products 倫敦國王學院類型報告，新美國安全風險出版物中心，高級國防研究中心 (C4ADS) 報告，RUSI 指引文件、RUSI Project Sandstone、其他公開資源之研究和分析產品</p>	<p>Universities, think tanks, research institutions 大學、智庫、研究機構</p>	<p>Open-source data and analysis on proliferation actors and patterns of behaviour, and guidance on understanding and implementing international CPF obligations for governments and the private sector.  就關於武擴行為人和行為模式的公開資料和分析，以及政府和私部門理解和履行國際打擊資武擴義務的指引。</p>
<p>Automatic identification system (AIS) data 自動化辨識系統(AIS)資料</p>	<p>AIS tracking providers AIS 追蹤提供者</p>	<p>Data on locations, travel routes and port call histories of vessels. 有關位置、旅行路線和船舶停靠港口歷史的資料。</p>
<p>Media reporting 媒體報告</p>	<p>Journalistic sources 新聞來源</p>	<p>Open-source information and analysis on PF-related entities and activities. 就資武擴相關實體與活動之公開資訊與分析</p>

Source: The authors, 2019. 資料來源: 作者, 2019

## Notes 備註

The stakeholders listed alongside national and third-state government sources are suggestions and list the government bodies most commonly tasked with producing or managing the corresponding information source. Jurisdictions should identify the relevant government bodies in their particular case.



建議之利害關係人與國家和第三國政府來源，並列出了最常負責產出或管理相應資訊來源的政府機構。各司法管轄區應於其特定案件中確定相關政府機構。

The information sources listed in this Annex should be consulted both within the jurisdiction conducting the national risk assessment and in relevant third jurisdictions, where available.

本附件所列出的資訊來源應在進行國家風險評估的司法管轄區內和相關的第三方司法管轄區（如有）進行諮詢。

Some of these resources are made publicly available by foreign governments and can be accessed online or by submitting a request to the appropriate government body. Other information is likely to be classified or otherwise not made available to the public. Access to such information would have to be negotiated between the respective jurisdictions using appropriate channels and processes.

其中一些資源由外國政府公開提供，可透過網路取得或向適合之政府機構提交請求。其他資訊可能屬於機密資訊或公眾無法取得。必須透過適當管道和程序在各自司法管轄區之間協商獲取此類資訊。

The ability of private sector actors to share information on their clients and business operations with the government and with each other is dependent on the existence of the necessary forums and regulatory frameworks to allow for such information sharing while accounting for privacy and commercial sensitivity restrictions.

私部門行為者與政府間及彼此間共享客戶和業務營運資訊之能力取決於必要論壇和監管框架的存在，以允許共享此類資訊，同時考慮到隱私和商業敏感性限制。

## Annex 2: Stakeholders

### 附件 2：利害關係人

Stakeholder 利害關係人	Role in National Risk Assessment 於國家風險評估中之角色
Export control, customs and border control agencies 出口管制、海關和邊境管制單位	<p>These agencies enforce compliance with export controls related to proliferation and other illicit or sanctioned goods. They will be able to provide information on:</p> <p>該等機構施行遵守與武擴和其他非法或受制裁商品有關的出口管制。他們將能夠提供以下資訊：</p> <ul style="list-style-type: none"> <li>• Goods, services and sectors that have been (or might be) abused for proliferation 已經（或可能）被濫用於武擴的貨物、服務和部門</li> <li>• Proliferators and their patterns of activity 武擴者及其活動模式</li> <li>• Controls and vulnerabilities in export, customs or border controls that could be exploited by proliferators. 可能被武擴者利用之出口、海關或邊境管制中的控制和弱點。</li> </ul>
Intelligence agencies 情報機構	<p>These agencies can provide information on:</p> <p>該等機構可提供以下資訊：</p> <ul style="list-style-type: none"> <li>• Active proliferation threats – the activities and capabilities of proliferators and sanctioned entities 積極武擴威脅-武擴者及受制裁實體的活動及能力</li> <li>• Threats, proliferation patterns and potential consequences of a proliferation-related event. 武擴相關事件的威脅、武擴模式和可能後果。</li> </ul>
Financial intelligence units 金融情報中心	<p>These units play a key role in undertaking CPF risk assessments as they have access to a wide range of financial data. They also undertake network analysis, generate investigative leads and provide information on STRs, which can identify suspect individuals, businesses, accounts and activity patterns.</p> <p>因該等單位可以取得廣泛之金融數據，故於進行打擊資武擴風險評估方面發揮著關鍵作用。他們也進行網絡分析，產生調查之線索，並提供疑似洗錢或資恐交易報告之資訊，該等資訊可以識別可疑之個人、事業、帳戶和活動模式。</p>

<p>Law enforcement and prosecution agencies 執法及檢察機關</p>	<p>These agencies are responsible for criminal enforcement of CPF laws and are critical in CPF investigations, which can generate information that is helpful to the work of other agencies. This includes information on:</p> <p>該等機關負責打擊資武擴法律的刑事執法，對打擊資武擴調查至關重要，可以產生有助於其他單位工作之資訊。這包括以下資訊：</p> <ul style="list-style-type: none"> <li>• Ongoing or past PF cases and investigations in the jurisdiction, to develop a better understanding of national PF trends 司法管轄區內正在進行或過去的資武擴案件和調查，以更加了解國家資武擴趨勢</li> <li>• Information on ongoing or past PF cases and investigations in other jurisdictions. 有關其他司法管轄區正在進行或過去的資武擴案件和調查之資訊。</li> </ul>
<p>Financial supervisors and other regulatory authorities 金融監理機關和其他監督單位</p>	<p>These agencies can monitor compliance of private sector institutions to ensure that sanctions are implemented effectively. These agencies will have a good understanding of the nature, size and scale of business activities across each sector.</p> <p>該等單位可以監管私部門機構的遵法情況，以確保制裁有效實施。該等單位將對每個行業之商業活動的性質、大小和規模有很好的認識。</p> <p>Supervisors and regulators may also hold information on how well private sector institutions understand their PF obligations and how aware they are of PF risks.</p> <p>監管單位和監理機關亦得掌握有關私部門機構對其資武擴義務的理解程度以及他們對資武擴風險的認識程度之資訊。</p> <p>Given their understanding of the scale of the sector and its relationship to the broader economy, supervisors and regulators are also helpful in determining economic consequences of PF on the national economy. 鑑於他們對該行業的規模及其與廣泛經濟關係之了解，監管單位和監理機關也有助於確定資武擴對國家經濟的經濟後果。</p>
<p>Trade promotion and investment agencies 貿易促進及投資單位</p>	<p>These agencies need to be aware of PF risks when considering whether to provide support for trade. These agencies may also gain information on patterns of illicit procurement, which can then be shared with other government agencies.</p> <p>該等單位於考慮是否為貿易提供支持時，需意識到資武擴之風險。該等單位亦得獲取有關非法採購模式之資訊，然後可以與其他政府單位共享。</p>

<p>Policy agencies such as foreign affairs, finance, home affairs, immigration or justice 外交、金融、內政、移民或司法等政策單位</p>	<p>These agencies can play an important role in ensuring that a country's CPF legal regime is compliant with international obligations and that practical mechanisms are robust and effective in reducing a country's exposure to PF risk.</p> <p>該等單位於確保一個國家的反資武擴法規制度符合國際義務以及確保實際機制於減少一國家的資武擴曝險上是穩健有效的方面發揮重要作用。</p> <p>Foreign affairs agencies also play a crucial role in international cooperation on CPF and in contextualising national risk within the context of regional and international risks and proliferation patterns.</p> <p>外交單位在反資武擴的國際合作，以及在區域和國際風險和武擴模式背景中的情境化國家風險，亦發揮著至關重要的作用。</p> <p>In many countries, foreign affairs agencies are also responsible for disseminating information on international obligations and sanctions to other government agencies and authorising sanctions exemptions. In this way, these agencies may be important to minimising PF-related vulnerabilities. They may also be useful in facilitating interagency coordination within government.</p> <p>在許多國家，外交單位亦負責向其他政府單位傳播國際義務和制裁的資訊，並授權豁免制裁。通過這種方式，這些單位對於減少資武擴相關弱點可能很重要。它們也可能有助於促進政府內部的機關間協調。</p> <p>Immigration agencies may be able to provide information on the presence of nationals or dual citizens of proliferating countries within their own country.</p> <p>移民單位可能能夠提供於其國家境內，武擴國家之國民或雙重國籍國民存在之資訊。</p>
<p>Agencies involved in implementing targeted financial sanctions or sectoral sanctions 參與實施目標金融制裁或部門制裁之單位</p>	<p>There may be other agencies not mentioned above that are involved in the implementation of targeted financial sanctions or sectoral sanctions. These agencies may be involved in liaison with UN bodies, national coordination, or monitoring and outreach activities. Countries should ensure that they identify all relevant agencies not specifically covered above.</p> <p>可能尚有以上未提及之其他單位參與實施目標金融制裁或部門制裁。這些單位可能參與與聯合國機構之聯繫、國家協調，或監管及對外活動。各國應確保其指明以上未具體涵蓋的所有相關單位。</p>

<p>Private sector entities 私部門實體</p>	<p>Private sector entities responsible for implementation of certain CPF controls should also be considered relevant stakeholders and should be consulted accordingly. Private sector entities may include: financial institutions; DNFBPs; insurance providers; industry associations; shipping companies; export/import service providers; relevant manufacturing industries; and relevant technical and training industries. Private sector entities may assist authorities in identifying suspicious individuals and businesses and in developing typologies for suspicious financial transaction patterns.</p> <p>負責實施某些反資武擴控制的私部門實體也應被視為相關利害關係人，並應相應地被諮詢。私部門實體可能包括：金融機構；指定之非金融事業或人員；保險提供者；產業公會；航運公司；進出口服務提供商；相關製造業；以及相關技術和培訓機構。私部門實體得協助主管機關識別可疑的自然人和企業，即定出可疑金融交易模式的態樣。</p>
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Source: Authors, 2019, adapted from Berger and Joshi, 'Countering Proliferation Finance: Implementation Guide and Model Law for Governments'.

資料來源：作者，2019年，改編自 Berger 以及 Joshi 之「反資武擴：政府之實施指引及模範法」。

# Annex 3: Example List of Threats

## 附件 3：威脅例示列表

<b>Financial Products and Services Directly Related to Trade in Proliferation-Sensitive Goods</b> 與武擴敏感商品貿易直接相關的金融產品及服務
Use of trade finance products and services and clean payment services in procurement of proliferation-sensitive goods. 在採購武擴敏感商品時使用貿易融資產品和服務以及清洗付款服務。
Use of front companies, shell companies or brokers to obtain trade finance products and services or as parties to clean payments. 利用前臺公司、空殼公司或中間人獲得貿易融資產品和服務或作為清洗付款的一方。
Use of companies to provide unlicensed money remittance services. 利用公司提供未取得執照之匯款服務。
Nationals or dual citizens of proliferating states, or family members of such persons (regardless of citizenship), used as intermediaries in countries not of proliferation concern to facilitate procurement of goods and/or for payment of funds. Likely to involve use of personal banking products. 武擴國家的國民或雙重國籍公民，或該等人之家庭成員（不論國籍），在不涉及武擴疑慮的國家中作為中間人，以促進貨物採購及/或支付資金。可能涉及使用個人銀行產品。
Use of universities or research centres to procure dual-use goods and/or for payment of funds, including Iranian and Syrian institutions. 利用大學或研究中心採購軍民兩用貨品及/或支付資金，包括伊朗和敘利亞之機構。
Money transfer services used to conduct cash transfers related to procurement of goods. 用於進行與商品採購相關的現金轉移之匯款服務。
Use of third countries to channel financial transactions related to mining deals. 利用第三國輸送與礦業交易相關的金融交易。
Use of professional intermediaries and firms to mask parties to transactions and end users. 利用專業中介機構和公司來掩飾交易各方和最終用戶。
Use of personal accounts to purchase industrial items. 使用個人帳戶購買工業物品。
Use of non-specific, innocuous or misleading descriptions of goods or purpose of payments. 使用非特定、無害或誤導性的商品描述或付款目的。
Use of fake or fraudulent documents related to shipping, customs or payments to facilitate transactions or trade finance. 使用與運輸、海關或付款相關的虛假或欺詐性文件來促進交易或貿易融資。
Use of financial routes that are circuitous to the movement of sensitive goods or to countries not of proliferation concern. 使用迂迴的敏感貨物流動或無武擴疑慮的國家之金融路徑。
Use of vessels that do not attract proliferation concern to obtain maritime or cargo insurance products. 使用不會引起武擴疑慮之船舶獲得海事或貨物保險產品。



Use of shipping companies, brokers and agents to obtain insurance or other financial services related to maritime transport. Often combined with use of front companies with opaque ownership structures.  
利用航運公司、經紀人和代理人獲得與海運相關的保險或其他金融服務。通常結合使用所有權結構不透明的前臺公司。

**Licit and Illicit Revenue-Raising Activities**  
**合法和非法產生收入之活動**

Arms trafficking (small and conventional) used by state and non-state actors to raise revenue.  
國家和非國家行為者進行武器販運（小型和常規）用於產生收入。

Sale of non-nuclear arms, military equipment or technologies, or paramilitary equipment or technologies by proliferating states to other states.  
武擴國家向其他國家出售非核武器、軍事裝備或技術、準軍事裝備或技術。

Sale of coal used by state and non-state actors to raise revenue.  
出售國家和非國家行為者使用的煤炭以產生收入。

Construction industry and/or related trades owned or operated by or on behalf of nationals or dual citizens of North Korea or North Korean entities. Profits from payment of contracts form part of North Korea's revenue-raising activities.  
由或代表北韓或北韓實體的國民或雙重國籍國民擁有或經營的營造業及/或相關行業。來自契約付款之利潤構成北韓產生收入活動之一部分。

Cross-border smuggling of cash, gold or other high-value goods by mules to support state and non-state proliferation activities.  
跨境走私現金、黃金或其他高價值商品，以支持國家和非國家武擴活動。

Cross-border smuggling of cash, gold or other high-value goods in diplomatic bags by diplomats or consular officers to support state proliferation activities.  
透過外交官或領事官員跨境走私外交郵袋中的現金、黃金或其他高價值物品，以支持國家武擴活動。

Cybercrime, such as hacking accounts to obtain value, largely used by state actors.  
網絡犯罪，例如駭入帳戶以獲取價值，主要由國家行為者使用。

Drug trafficking by state and non-state actors, including through connections with organised criminal networks. Proceeds used to support proliferation activities.  
國家和非國家行為者的販毒活動，包括透過與組織犯罪網之聯繫。所得款項用於支持武擴活動。

Export of art or statues by North Korea or involving North Korean designated entities and individuals to raise revenue.  
北韓或涉及經指名之北韓實體或個人出口藝術品或雕像以產生收入。

Sale of minerals (gold, iron, steel, copper, zinc and so on) by North Korea or involving North Korean designated entities and individuals to raise revenue.  
北韓或涉及經指名之北韓實體或個人出售礦產（金、鐵、鋼、銅、鋅等）以產生收入。

Payments made to labourers or workers (nationals or dual citizens) from North Korea. Payments are then largely confiscated by North Korea as part of its revenue-raising activities.  
支付給北韓勞工或工人（國民或雙重國籍國民）之款項。付款隨後大部分被北韓沒收，作為其產生收入活動的一部分。

Restaurants or other small to medium-sized, largely cash-based businesses owned or operated by or on behalf of nationals or dual citizens of North Korea. Profits from businesses are sent to North Korea as part of its revenue-raising activities.

<p>由或代表北韓國民或雙重國籍國民擁有或經營的餐館或其他中小型、主要以現金為基礎的企業。企業的利潤被送往北韓，作為其產生收入活動的一部分。</p>
<p>Export of seafood originating from North Korea or involving North Korean designated entities and individuals. 源自北韓或涉及經指名之北韓實體和個人之海鮮出口。</p>
<p>Export of textiles originating from North Korea or involving North Korean designated entities and individuals. 原產於北韓或涉及經指名之北韓實體和個人之紡織品出口。</p>
<p>Wildlife trafficking by state and non-state actors including through connections with organised criminal networks. 透過國家和非國家行為者販運野生動物，包括透過與組織犯罪網之聯繫。</p>
<p>'Taxes' and 'duties' collected by terrorist groups in controlled areas, as well as donations made to terrorist groups, as part of revenue-raising activities to support procurement of WMD materials, particularly chemical or biological weapons. 恐怖組織在受控地區徵收的「稅收」和「稅負」，以及向恐怖組織提供的捐款，作為產生收入活動以支持採購大規模毀滅性武器原料之一部分，特別是化學或生物武器。</p>
<p><b>Financial and Corporate Infrastructure in Support of the Movement of Finances and Goods</b> <b>支持金融和貨物流動的金融和企業基礎設施</b></p>
<p>Use of banks and other financial institutions with foreign branches operating in countries of proliferation concern. 利用於武擴疑慮之國家設有外國分支機構的銀行和其他金融機構。</p>
<p>Use of cryptocurrencies to avoid the formal financial system. 使用加密貨幣來避免正式的金融系統。</p>
<p>Use of diplomats, consular officers or diplomatic or consular missions of North Korea to build networks, including corporate networks, within a country. These networks then facilitate a range of revenue-raising activities as well as facilitating financial products or services related to trade in goods. 利用北韓的外交官、領事官員或外交或領事使團在一個國家內建立網絡，包括公司網絡。這些網絡進而促進了一系列產生收入活動，並促進了與貨物貿易相關的金融產品或服務。</p>
<p>Use of local branches of banks and financial institutions based in countries of proliferation concern. 使用設於武擴疑慮國家之銀行及金融機構的當地分支機構。</p>
<p>Money-exchange businesses used for cash transfers in support of proliferation networks, where transfers involve individuals or entities owned or controlled by proliferation actors. Can also involve structured payments to organised crime networks involved in revenue-raising activities. 用於協助武擴網絡之現金移轉之貨幣兌換業務，其移轉涉及武擴行為者擁有或控制的個人或實體。還可能涉及向涉及產生收入活動之組織犯罪網絡的結構性付款。</p>
<p>Use of <i>hawala</i> or bartering systems of value transfer to pay and settle debts among members of a proliferation network. 使用哈瓦拉或易貨系統的價值移轉以支付和清償武擴網絡成員間之債務。</p>
<p>Use of a ledger payment system among members of a network that minimises the need for international financial transactions. Banks may be used to facilitate some end-of-term settlements between companies and/or individuals. 在網絡成員之間使用分類帳支付系統，已盡可能降低國際金融交易之需求。銀行可能被用於協助公司及/或個人間之某些期末結算。</p>

<p>Financial institutions with known histories of providing accounts to, or otherwise facilitating, financial activities of proliferation states. 曾向武擴國家的金融活動提供帳戶或以其他方式協助其金融活動的金融機構。</p>
<p>Use of companies to provide unlicensed money-transfer services among members of networks or to conduct ad hoc transactions. 利用公司在網絡成員之間提供未經主管機關許可的金錢移轉服務或進行臨時交易。</p>
<p>Use of professional intermediaries and corporate service providers to mask the presence of proliferation actors. 利用專業中介機構和公司服務提供者來掩蓋武擴行為者之存在。</p>
<p>Use of trade or other economic relations of countries with links or significant exposure to a proliferating country. Often facilitated by a complex corporate network. 利用與武擴國家有聯繫或有重大曝險的國家貿易或其他經濟關聯。通常由複雜的公司網絡促成。</p>
<p>Use of organised or transnational crime networks, particularly their transport corridors and intermediaries in their networks. 利用組織性的或跨國的犯罪網絡，特別是其網絡中的運輸管道和中介。</p>
<p>Establishment of corporate networks that facilitate but may not be solely involved in PF activities. Ultimate beneficial ownership, connections and control structures are opaque. 建立可協助但不單獨涉及資武擴活動的公司網絡。最終實質受益權、聯繫以及控制結構是不透明的。</p>

Source: The authors, 2019, based on Panel of Experts Reports for North Korea, <[https://www.un.org/securitycouncil/sanctions/1718/panel\\_experts/reports](https://www.un.org/securitycouncil/sanctions/1718/panel_experts/reports)> and Iran, <[https://www.securitycouncilreport.org/un\\_documents\\_type/sanctions-committee-documents/?ctype=iran&cbtype=iran](https://www.securitycouncilreport.org/un_documents_type/sanctions-committee-documents/?ctype=iran&cbtype=iran)>; also see Jonathan Brewer, 'Study of Typologies of Financing of WMD Proliferation', Project Alpha, Centre for Science and Security Studies, King's College London, October 2017.

資料來源：作者，2019年，基於對北韓（<[https://www.un.org/securitycouncil/sanctions/1718/panel\\_experts/reports](https://www.un.org/securitycouncil/sanctions/1718/panel_experts/reports)>）及伊朗（[https://www.securitycouncilreport.org/un\\_documents\\_type/sanctions-committee-documents/?ctype=iran&cbtype=iran](https://www.securitycouncilreport.org/un_documents_type/sanctions-committee-documents/?ctype=iran&cbtype=iran)）之專家小組報告；亦參Jonathan Brewer之「資助大規模毀滅性武器擴散之類型研究，Alpha計畫，科學及安全研究中心，倫敦國王學院」，2017年10月。

# Annex 4: List of Vulnerabilities

## 附件 4：弱點清單

Category 種類	Vulnerabilities 弱點
Legal and institutional factors 法律和制度性因素	<ul style="list-style-type: none"><li>• Limited enforcement capabilities 執法能力有限</li><li>• Difficulties or limitations in international cooperation 國際合作的困難與極限</li><li>• Efficacy of measures to counter organised crime networks involved in illicit activities 打擊涉及非法活動的組織犯罪網絡的措施效力</li><li>• Deficiencies in interagency coordination and information sharing 機構間協調和資訊共享方面之缺陷</li><li>• Limited financial intelligence and investigation capabilities in government 政府的金融情報和調查能力有限</li><li>• Deficiencies in controls for detection of cross-border movement of cash, precious metals and stones (particularly gold), and bearer-negotiable instruments 檢測現金、貴金屬和寶石（尤其是黃金）以及無記名可轉讓票據的跨境流動的控制措施存在缺陷</li><li>• Deficiencies in controls for detection of cross-border movements of wildlife products 檢測野生動物產品跨境流動的控制措施存在缺陷</li><li>• Limited mechanisms for reciprocal sharing of relevant data/intelligence with authorities 與相關單位互享相關數據/情報之機制有限</li><li>• Limited private sector and public outreach, guidance or awareness raising on PF, including red flag indicators and circulation of typologies 提升資武擴之私部門和公部門宣導、指導或意識有限，包括紅旗指標和類型之傳播。</li><li>• Limited private sector outreach and guidance on sanctions obligations, including sanctions-specific reporting mechanisms (as opposed to suspicious transaction reporting) 於制裁義務之私部門宣導及指導有限，包括針對具體制裁的報告機制（相對於疑似洗錢或資恐交易報告）</li><li>• Limited private sector compliance monitoring and enforcement mechanisms</li></ul>

	<p>有限的私部門法遵監理及執法機制</p> <ul style="list-style-type: none"> <li>• Weak laws, including weak proliferation and PF laws that comply with international obligations 薄弱的法律，包括薄弱的符合國際義務的武擴和資武擴法律</li> <li>• Weak regulatory frameworks, including gaps in knowledge of the market 薄弱的監管框架，包括市場知識的落差</li> <li>• Existence of a shipping registry, including one that offers flags of convenience. 航運登記處的存在，包括提供權宜船旗的登記處。</li> </ul>
<p>Legal persons and legal arrangements 法人和法律協議</p>	<ul style="list-style-type: none"> <li>• Lack of transparency of legal persons and legal arrangements, including beneficial ownership structures of businesses 法人和法律協議透明度之欠缺，包括企業的實質受益權結構</li> <li>• Lack of robustness in government procurement processes to screen against sanctions risks 政府採購流程以篩查制裁風險不穩健</li> <li>• Lack of robustness in market entry requirements for financial institutions, DNFBPs, legal persons and legal arrangements. 金融機構、指定之非金融事業或人員、法人和法律協議的市場准入條件不穩健。</li> </ul>
<p>Geographic and environmental factors 地理環境因素</p>	<ul style="list-style-type: none"> <li>• Porous land borders 可滲透的陸地邊界</li> <li>• Shared land borders or regional proximity with proliferating countries or other high-risk jurisdictions for proliferation activity (North Korea, Iran, Syria, China and Russia) 與武擴國家或其他武擴活動高風險司法管轄區（北韓、伊朗、敘利亞、中國和俄羅斯）共享國土邊界或區域鄰近</li> <li>• Offshore territories in proximity with proliferating countries 鄰近武擴國家的境外領土</li> <li>• Significant transport activity (transport hub), and thus more likely to be involved in illicit flows 重要的運輸活動（運輸樞紐），因此更有可能涉及非法流動</li> <li>• Host to wildlife or other natural products that are protected, for example under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), that are used as part of revenue-raising activities by proliferators (for example, rhino horns and elephant tusks/ivory). 擁有受保護的野生動植物或其他天然產品，例如根據《瀕臨絕種野生動植物國際貿易公約》（CITES），它們被武擴者用作產生收入活動的一部分（例如犀牛角和象牙/象牙製品）。</li> </ul>
<p>Economic and technological factors 經濟和技術因素</p>	<ul style="list-style-type: none"> <li>• Over-reliance on friendly business practices to attract foreign investment 過度依賴友好的商業慣例來吸引外國投資</li> <li>• Weak trade or trans-shipment controls 薄弱的貿易或轉運控制</li> </ul>

	<ul style="list-style-type: none"> <li>• Existence of cryptocurrencies and cryptocurrency exchanges 加密貨幣和加密貨幣交易所的存在</li> <li>• Limited knowledge of, lack of regulation of, or limited outreach to cryptocurrency exchanges 對加密貨幣交易所的了解有限、缺乏監管或宣導有限</li> <li>• Limited regulation or monitoring of internet platforms for trade 對網路交易平台的監管或監控有限</li> <li>• Chemical or petrochemical industry and/or trade 化學或石化工業及/或貿易</li> <li>• Dual-use or controlled goods industries and/or trade 軍民兩用或管制貨品產業及/或貿易</li> <li>• High-tech industry and/or trade 高科技產業及/或貿易</li> <li>• Maritime or cargo insurance or re-insurance industry 海事或貨物保險或再保險業</li> <li>• Missile component, aerospace, military or related industries and/or trade 飛彈零件、航空航天、軍事或相關產業及/或貿易</li> <li>• Significant import/export businesses and trading activity (hub), and thus more likely to be involved in related illicit financial flows 重要的進出口業務和貿易活動（樞紐），因此更有可能參與相關的非法資金流動</li> <li>• Significant trade finance industry 重要的貿易金融產業</li> <li>• Significant regional financial hub facilitating international funds transfers and access to international markets 促進國際資金轉移和進入國際市場的重要區域金融樞紐</li> <li>• Existence of free-trade zones 自由貿易區的存在</li> <li>• Significant freight-forwarding businesses. 重要的貨運代理業務。</li> </ul>
<p>Social and political factors 社會和政治因素</p>	<ul style="list-style-type: none"> <li>• Lack of political will or political priority to combat proliferation or PF 缺乏打擊武擴或資武擴的政治意願或非政治優先事項</li> <li>• Poor awareness of third-country diplomatic activities in the country 於該國對第三國外交活動之認識不足</li> <li>• Significant diasporas of nationals or dual nationals from proliferating countries with limited foreign labour and employment regulation 存在大量來自武擴國家之國民或雙重國籍國民的僑民，但相關之外國勞工和勞動法令有限</li> <li>• Visa-free regimes with proliferating countries 與武擴國家的免簽證制度</li> </ul>



	<ul style="list-style-type: none"><li>• Hosting diplomatic or consular missions of proliferating countries 接待武擴國家的外交或領事使團</li><li>• Presence of universities or other research bodies involved in subject matter potentially related to WMDs or dual-use goods training or development – particularly universities having ties with jurisdictions of proliferation concern or with foreign students from countries of proliferation concern. 大學或其他研究機構涉及可能與大規模毀滅性武器或軍民兩用物品培訓或開發相關的主題—特別是與武擴疑慮的司法管轄區或來自武擴疑慮國家的外國學生有關聯的大學。</li></ul>
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Source: The authors, 2019.

資料來源：作者，2019 年。

# Annex 5: Consequences Matrix

## 附件 5：後果模型

Consequence Level 後果級別	Description 描述
Severe 嚴重	<ul style="list-style-type: none"><li>• Impact on human life, environment or infrastructure, or 對人類生活、環境或基礎設施之影響，或</li><li>• Severe impact on international or regional security or stability, or 嚴重影響國際或區域安全或穩定，或</li><li>• Severe impact on national economy or financial system, or 對國民經濟或金融體系的影響嚴重，或</li><li>• Severe impact on industry sectors; global reputational damage. 對產業部門的影響嚴重；全球聲譽受損。</li></ul>
Moderate 中等	<ul style="list-style-type: none"><li>• Moderate impact on international or regional security or stability, or 對國際或區域安全或穩定的中等影響，或</li><li>• Moderate impact on national economy or financial system, or 對國民經濟或金融體系的中等影響，或</li><li>• Moderate impact on industry sectors; domestic reputational damage only. 對產業部門的中等影響；僅國內聲譽受損。</li></ul>
Limited 有限	<ul style="list-style-type: none"><li>• Limited impact on national economy or financial system, or 對國民經濟或金融體系的影響有限，或</li><li>• Limited impact on industry sectors; limited reputational damage only. 對產業部門的影響有限；僅有限的聲譽受損。</li></ul>

Source: The authors, 2019.

資料來源：作者，2019 年。

# Annex 6: RUSI Proliferation Financing Rapid Risk Assessment Tool

## 附件 6：RUSI 資武擴快速風險評估工 具

Developed by Anagha Joshi 開發人：Anagha Joshi



**Royal United Services Institute**  
for Defence and Security Studies

# Instructions

## 指示

FOR JURISDICTIONS THAT wish to use the RUSI Proliferation Financing Rapid Risk Assessment Tool, this Annex provides instructions on how to use it.

對於希望使用 RUSI 資武擴快速風險評估工具的司法管轄區，本附件提供如何使用之指示。

The tool comes in the form of a multi-tab spreadsheet, example images of which have been included in this Annex. The full version of the spreadsheet can be provided upon request by emailing [cpf@rusi.org](mailto:cpf@rusi.org).

該工具以多標籤表單之形式呈現，其例示圖已包含在本附件中。表單之完整版本可通過發送電子郵件至 [cpf@rusi.org](mailto:cpf@rusi.org) 索取。

Jurisdictions should use the spreadsheet tabs in numerical order, from 1 to 3. Tabs 4 and 5 are optional extras for jurisdictions that wish to undertake a more detailed sectoral analysis of risks. The spreadsheet contains pre-inserted formulas that will automatically calculate some fields as well as drop-down lists with ratings. Other fields need to be manually entered. Guidance notes are inserted into the spreadsheet itself. Users can click on a cell or heading within the spreadsheet for further information and instructions.

各司法管轄區應按數字順序使用表單標籤，從 1 至 3。標籤 4 及 5 是給希望進行更詳細的部門風險分析的司法管轄區的選擇式附加功能。該表單包含預設的公式，該等公式將自動計算若干項目以及帶有評級的落點列表。其他項目需要手動輸入。指示註記被嵌入到表單本身中。使用者可以單擊表單的單元格或標題以獲取更多資訊和指示。

### Step I: Identifying and Assessing Threats

#### 步驟一：識別和評估威脅

- Drawing upon various sources of information (see Annex 1), identify PF threats relevant to your jurisdiction. As a starting point, Annex 3 provides a non-exhaustive list of threats under the three categories of PF activities discussed in this guide.

藉由各種資訊來源（見附件 1），識別與您所在司法管轄區相關資武擴威脅。首先，附件 3 提供了本指引中討論的三類資武擴活動下之威脅的部分清單。

- When identifying potential threats, consider each threat against the following contextual factors within your jurisdiction:

於識別潛在威脅時，根據您司法管轄區內的以下背景因素考慮各種威脅：

- o Social and political  
社會和政治
  - o Economic and technological  
經濟和技術
  - o Geographic and environmental  
地理及環境
  - o Legal and institutional  
法律和制度
  - o Legal persons and legal arrangements  
法人及法律協議
  - o Sectoral.  
部門
- Undertake an analysis of the threats you have identified and give a preliminary rating for each threat. Ratings should be high, medium or low. Threat ratings should be assigned based on an assessment of the prevalence of the activity in your jurisdiction or the existence of contextual factors that may facilitate the activity. Consider also the potential volume or size of the activity. You should include potential threats that may materialise in the future and be as inclusive in your list of threats as possible.

對您已識別的威脅進行分析，並對每個威脅進行初步評級。評級應該為高、中或低。威脅之評級應取決於對您所在司法管轄區中活動普遍性之評估或可能協助該活動之背景因素之存在。亦須考慮該活動的可能數量或規模。您應該將可能在未來出現的潛在威脅列入，並儘可能包含在您的威脅清單中。

- Insert each threat into the threats column in Spreadsheet 1, starting with threats ranked high (3), then medium (2), then low (1). Under each threat, there is room to insert a brief narrative summary of the analysis which justifies the rating level. The cell containing the threat will be automatically colour coded red (high), orange (medium) or yellow (low).

將逐項威脅嵌入到電子表單 1 之威脅欄中，從評級高(3)的威脅開始，然後是中等(2)，最後是低(1)。於每個威脅下，都有空間嵌入一個分析的扼要敘述摘要，以證明評級等級為合理。包含威脅的單元格將自動以紅色（高）、橘色（中）或黃色（低）著色編碼。

## Step II: Identifying and Assessing Vulnerabilities

### 步驟二：識別和評估弱點

- Also in Spreadsheet 1, jurisdictions should consider their vulnerabilities against each identified threat. Vulnerabilities are split into two categories – national and sectoral – with each category containing a number of subcategories. National vulnerabilities have the following subcategories: social and political; economic and technological; geographic and environmental; legal and institutional; and legal persons and legal arrangements. Sectoral vulnerabilities have the following subcategories: financial institutions; designated non-financial businesses and professions; and other high-risk sectors.

同樣於表單 1 中，各司法管轄區應考慮針對每個已識別威脅之弱點。弱點區分為兩類——國家和部門——每個分類包含若干子分類。國家弱點有以下子分類：社會和政治；經濟和技術；地理和環境；法律和制度；法人及法律協議。部門弱點包含以下子分類：金融機構；指定的非金融事業和人員；以及其他高風險行業。

- Annex 4 provides a non-exhaustive list of issues that jurisdictions may wish to consider in analysing each category of national vulnerability. This list contains some generic vulnerability indicators that are also used in ML and TF risk assessments, although it is focused predominantly on issues that are particularly relevant in the PF context. Jurisdictions should not be restricted to this list when identifying and analysing their vulnerabilities and should consider all relevant vulnerabilities under the subcategories identified.

附件 4 提供了一個非詳盡的問題清單，司法管轄區在分析每一類國家弱點時可能會希望考慮這些問題。該清單包含一些通用的弱點指標，該等指標也用於洗錢及資恐風險評估，儘管它主要關注與資武擴背景下主要相關之問題。在識別和分析其弱點時，各司法管轄區不應侷限於此清單，而應考慮已識別子分類下所有之相關弱點。

- Jurisdictions should analyse each subcategory of vulnerabilities and rate each subcategory as a high (3), medium (2) or low (1) level of vulnerability. For each subcategory of vulnerability, you should balance gaps with mitigating factors so that the vulnerability rating is a residual rating. Examples of mitigating factors may be a high level of regulatory or law enforcement controls that make for a strong regime of detection and disruption of that threat.

各司法管轄區應分析弱點的每個子分類，並將每個子分類評為高(3)、中(2)或低(1)的弱點等級。對於弱點的每個子分類，您應該以抵減因素平衡落差，以便使弱點評級成為剩餘評級。抵減因素的例示可能是高等級的監管或執法控制，其形成了強大的檢測和瓦解威脅的制度。

- Sectoral vulnerabilities should be assessed by considering the exposure of each sectoral category to each threat, as well as balancing mitigating factors such as regulatory and operational controls. Alternatively, jurisdictions may wish to use the optional Sectoral Risk Workbook in Spreadsheet 4 to undertake a more detailed analysis of sectoral risks. This sectoral analysis then forms the information and data on which you can make a qualitative assessment of the sectoral vulnerability level in the national risk assessment.

應藉由考慮每個部門類別對各種威脅的曝險程度以及平衡如監管和營運控制措施等抵減因素來評估部門弱點。或者，各司法管轄區可能希望使用表單 4 中的選擇性部門風險工作手冊對部門風險進行更詳細的分析。然後，該部門分析形成資訊及數據，您可以根據這些資訊和數據對國家風險評估中的部門弱點等級進行定性分析。

- For each subcategory of vulnerability, jurisdictions should insert a brief narrative summary of the analysis which justifies the rating level. The cell will be automatically colour coded red (high), orange (medium) or yellow (low).

對於弱點的每個子分類，各司法管轄區應嵌入分析的扼要敘述摘要，以證明評級等級之合理性。單元格將自動以紅色（高）、橘色（中）或黃色（低）著色編碼。

- The rating for each subcategory of vulnerabilities has equal weight and the overall vulnerability rating is the average of all subcategories of vulnerability. The method of averaging the vulnerability ratings provides a simple measure of the overall vulnerability. However, jurisdictions should consider where the specific areas of vulnerability exist and pay particular attention to areas where the vulnerability rating is high. The spreadsheet contains a separate column that automatically calculates the overall vulnerability rating.

每個弱點子分類的評級具有相同的權重，整體弱點評級是所有弱點子分類的平均值。將弱點評級平均之方式提供了整體弱點的簡單估算。然而，各司法管轄區應考慮弱點存在的特定區域，並特別留意弱點評級等級較高的區域。該表單包含一個單獨的欄位可自動計算整體弱點評級。

- It is possible that for some threats, certain categories of vulnerabilities are simply not relevant at all. A low rating for these irrelevant vulnerabilities may result in an overall risk lower than appropriate. In this case, jurisdictions should insert 'N/A' (not applicable) in the



vulnerability field and not give a numerical rating for that vulnerability. Where no rating is given for a vulnerability, the formula will automatically amend to discount that vulnerability. An instruction is provided on this in the spreadsheet. Jurisdictions should, however, use the 'N/A' option sparingly and with caution. In most circumstances, jurisdictions should give consideration to each vulnerability category.

對於某些威脅，某些類別的弱點可能根本不相關。對這些不相關弱點的低評級可能會導致總體風險低於適當水平。於此情況下，司法管轄區應在弱點項目嵌入「不適用」，而不是對該弱點進行數字評級。如果沒有對弱點進行評級，則公式將自動修正而不考慮該弱點。表單中對此提供了說明。然而，各司法管轄區應謹慎使用「不適用」之選項。於多數情況下，各司法管轄區應考慮每個弱點分類。

### Step III: Identifying and Assessing Consequences

#### 步驟三：識別及評估後果

- Annex 5 provides a matrix to guide considerations for rating consequences. Consequence severity is rated as severe (3), moderate (2) or limited (1).

附件 5 提供了模型以引導評級後果的考量。後果之嚴重性被評為嚴重(3)、中等(2)或有限(1)。

- For each threat, jurisdictions should analyse consequences with reference to Annex 5. Consequences should be considered across three contexts: impact on human life, environment or infrastructure; impact on international or regional security or stability; and impact on national economic or financial system, including impact on industry or reputational damage.

對於每種威脅，各司法管轄區應參考附件 5 分析後果。應在三項方面考慮後果：對人類生活、環境或基礎設施之影響；對國際或區域安全或穩定之影響；以及對國家經濟或金融體系之影響，包括對產業的影響或聲譽受損。

- Within Spreadsheet 1, in the cell for consequences, jurisdictions should insert a brief narrative summary of the analysis which justifies the rating level. The cell will be automatically colour coded red (severe), orange (moderate) or yellow (limited).

在表單 1 之後果單元格中，各司法管轄區應嵌入分析的扼要敘述摘要，以證明評級等級之合理性。單元格將自動以紅色（嚴重）、橘色（中等）或黃色（有限）著色編碼。

### Step IV: Depicting Likelihood as a Heat Map

#### 步驟四：將可能性描述為熱點圖

Jurisdictions should plot the rating for each threat and its commensurate vulnerability rating in the heat map in Spreadsheet 2. The spreadsheet contains further instructions for doing this.

各司法管轄區應在表單 2 的熱點圖中劃分每個威脅的評級及其相應的弱點評級。電子表格包含執行此操作的進一步說明。

## Step V: Depicting Overall Risk as a Heat Map

### 步驟五：將整體風險描述為熱點圖

Jurisdictions should plot the likelihood rating for each threat (the combination of threats and vulnerabilities) and its commensurate consequences rating in the heat map in Spreadsheet 3. The spreadsheet contains further instructions for doing this.

各司法管轄區應在表單 3 的熱點圖中劃分每個威脅（威脅和弱點的組合）的可能性評級及其相應的後果評級。表單包含執行此操作的進一步說明。

## Instructions for Optional Sectoral Assessments

### 選擇性部門評估說明

In Spreadsheet 1, sectoral vulnerabilities are considered in three categories: financial institutions; DNFBPs; and other high-risk sectors. Each of these categories are considered at a macro level based on a top-down analysis of data and information across these sectors.

在表單 1 中，部門弱點被分為三類：金融機構；指定之非金融事業或人員；和其他高風險行業。根據對這些行業的數據和資訊的由上而下的分析，自宏觀層面考量該等分類中的每一項。

Alternatively, jurisdictions could choose to first undertake a more detailed assessment of risks in each sector. Instructions for completing detailed sectoral assessments are provided below. A new spreadsheet should be developed for each sector that is analysed. Jurisdictions should aim to cover financial institutions, DNFBPs and other high-risk sectors.

或者，各司法管轄區可以選擇先行於各別部門的風險進行一個更詳盡的評估。以下提供了完成詳細行業評估的說明。應該為每個被分析的行業開啟一個新的表單。各司法管轄區應聚焦在涵蓋金融機構、指定之非金融事業或人員和其他高風險行業。

## Step I: Identifying and Assessing Threats

### 步驟一：識別和評估威脅

- Consider the threats identified in Step I. List the threats in the left-hand column of Spreadsheet 4. For the sectoral analysis, a slightly different approach to assessing threats and vulnerabilities is taken. In order to arrive at an overall threat rating, each threat is considered and rated against the following contextual factors: products and services; volume of activity; customers; distribution; and jurisdictions. The spreadsheet gives guidance for providing a rating level for each factor. Room is provided for a short narrative justification.

考量步驟一中識別的威脅。在表單 4 的左欄中列出威脅。對於部門分析，採用稍微不同的方式來評估威脅和弱點。為了得出總體威脅評級，每個威脅都會針對以下綜合因素進行考慮和評級：產品和服務；活動量；顧客；銷售；和司法管轄區。該表單提供了為每個因素提供評級級別的指示。為簡短的敘述理由提供了空間。

- As consideration is given to the products and services provided by a sector, jurisdictions should note that some threats may ultimately not be relevant to that sector. For threats that are not applicable to that sector, jurisdictions can exclude the threat from the spreadsheet. It should be noted that a threat should not be removed simply because it has not materialised. Potential threats should be included in this process. The only threats that should be excluded are those that could not possibly occur because the products and services offered by that sector have no relation whatsoever to a particular threat.

由於考慮到一個部門提供的產品和服務，各司法管轄區應注意某些威脅最終可能與該部門不攸關。對於不適用於該部門的威脅，司法管轄區可以從表單中排除該威脅。應注意的是，不應僅由於威脅尚未實現就將其移除。在這個過程中應包含潛在威脅。唯一應該排除的威脅是那些不可能發生的威脅，因為該部門提供的產品和服務與特定威脅沒有任何關聯。

- The spreadsheet automatically calculates overall threat as an average. Jurisdictions should nevertheless pay particular attention to threat categories that are rated high.

表單自動將整體威脅計算為平均值。儘管如此，司法管轄區仍應特別留意評級較高的威脅類別。

## Step II: Identifying and Assessing Vulnerabilities

### 步驟二：識別和評估弱點

- Also in Spreadsheet 4, two categories of vulnerabilities are considered: CPF and other regulatory controls; and operational and other controls. Gaps in controls as well as mitigating factors should be balanced to arrive at a residual rating.

同樣在表單 4 中，考慮兩類弱點：打擊資武擴和其他監管控制；以及運作和其他控制。應平衡控制方面的差距以及抵減因素，以形成剩餘評級。

- The spreadsheet gives guidance for providing a rating level for each factor. Room is provided for a short narrative justification.

表單提供了為每個因素予以評級級別的指導。為簡短的敘述理由提供了空間。

- The rating for each vulnerability has equal weight and the overall vulnerability rating is the average of both categories of vulnerabilities. The spreadsheet automatically calculates overall vulnerability. Jurisdictions should nevertheless pay particular attention to vulnerability categories that are rated high.

每個弱點的評級具有相同的權重，整體弱點評級是兩類弱點之均值。表單會自動計算整體弱點。儘管如此，司法管轄區仍應特別注意評級較高的弱點類別。

## Step III: Identifying and Assessing Consequences

### 步驟三：識別及評估後果

- Annex 5 provides a table of consequence ratings. Consequences are split into the following categories: severe; moderate; and limited. Descriptions for each category are provided as a guide for determining whether the consequence of a threat can be considered severe (3), moderate (2) or limited (1).

附件 5 提供了後果評級表。後果分為以下幾種類別：嚴重的；中等；以及有限。提供對每個類別之描述，以作為決定威脅後果是否可被視為嚴重(3)、中等(2)或有限(1)的指引。

- In Spreadsheet 4, for each threat, jurisdictions should analyse consequences with reference to Annex 5.  
在表單 4 中，對於各種威脅，各司法管轄區應參考附件 5 分析後果。
- Within the spreadsheet cell for consequences, jurisdictions should insert a brief narrative summary of the analysis which justifies the rating level. The cell will be colour coded red (severe), orange (moderate) or yellow (limited), commensurate with the severity of the consequences.

在後果的表單單元格中，各司法管轄區應嵌入分析的扼要敘述摘要，以證明評級等級為合理。單元格將以紅色（嚴重）、橘色（中等）或黃色（有限）著色編碼相應於後果的嚴重性。

## Step IV: Calculating Risk

### 步驟四：計算風險

- The spreadsheet automatically calculates a risk rating per threat as well as an overall sectoral risk rating, which is the average of individual risk ratings. These overall ratings are only calculated for the purpose of summarising the findings in the quick reference table in Spreadsheet 5, described below. Jurisdictions and the private sector should consider the analysis of each threat for each sector, rather than simply relying on the final risk rating that is used only for the purpose of a broad summary of the information.

該表單會自動計算每個威脅的風險評級以及整體部門風險評級，即各別風險評級之平均值。計算這些整體評級僅用於總結表單 5 中快速參考表內的調查結果，如下所述。各司法管轄區和私部門應考慮對每個部門的各種威脅進行分析，而不是僅仰賴被用於廣泛彙整資訊的最終風險評級。

### Option: Depicting Sectoral Assessments in a Table

#### 選擇性：在表格中描述部門評估

The table in Spreadsheet 5 is intended as a quick reference table summarising the findings from the Sectoral Risk Workbook (Spreadsheet 4). Jurisdictions should list each sector analysed in order of its risk rating. For each sector, the final sectoral risk rating from Spreadsheet 4 should be inserted. The spreadsheet will then automatically calculate a risk rating per sector category (such as financial institutions). The overall ratings are only calculated for the purpose of summarising the findings of the sectoral risk assessments. Jurisdictions and the private sector should consider the analysis of each threat for each sector, rather than simply relying on the final risk ratings that are used only for the purpose of a broad summary of the information.

表單 5 中的表格旨在作為快速參考表格，其總結了部門風險工作手冊（表單 4）的調查結果。各司法管轄區應按其風險評級的順序列出所分析的每個部門。對於每個部門，應嵌入來自表單 4 的最終部門風險評級。然後該表單將自動計算每個部門類別（例如金融機構）的風險評

級。計算之整體評級僅用於總結部門風險評估的結果。司法管轄區和私部門應考慮對每個部門各種威脅之分析，而不是僅仰賴被用於廣泛彙整資訊的最終風險評級。

To use the findings of the sectoral assessments in the national Risk Assessment Workbook in Spreadsheet 1, jurisdictions should use the more detailed information, data, analysis and findings from the sectoral risk assessment to make an informed qualitative assessment of the sectoral vulnerability level in the national risk assessment.

使用表單 1 中之國家風險評估工作手冊中部門評估之結果，各司法管轄區應使用部門風險評估中更詳盡的資訊、數據、分析和結果，對國家風險評估中的部門弱點等級進行有根據的定性評估。

## Troubleshooting

### 疑難排除

On completing the rapid risk assessment outlined in this guide, a jurisdiction may find that the results are not in line with its preconceived understanding of its PF risk exposure. In this case, a few questions should be considered.

在完成本指引中概述的快速風險評估後，各司法管轄區可能會發現該結果與其對其資武擴風險暴險的預設理解的不一致。於此情況下，應該考慮幾個問題。

It is possible that a jurisdiction has underestimated or overestimated the presence of PF-related threats and vulnerabilities within its economy or has miscalculated their impact on the economy and society. The risk assessment may thus be helpful in adjusting national perceptions and responses to PF-related risk.

一個司法管轄區可能低估或高估了其經濟中與資武擴相關的威脅和弱點的存在，或者錯估了它們對經濟和社會的影響。因此，風險評估可能有助於調整國家對資武擴相關風險的認識及反應。

Alternatively, an unexpected result may be the product of an inaccurate or incomplete assessment of threats and vulnerabilities. Jurisdiction-specific threats and vulnerabilities that are not covered in Annexes 3 and 4 should have also been considered and included where necessary.

或者，未預期之結果可能是對威脅和弱點的不準確或不完整評估的產物。附件 3 和附件 4 中未涵蓋的特定司法管轄區的威脅和弱點也應予以考慮並在必要時含括在內。

Finally, it is possible that the consequences of PF activity were not evaluated accurately. Jurisdictions should ensure that all potential impacts have been considered, particularly as they relate to the three contexts identified in this guide, as well as to jurisdiction-specific factors. The consequences of a specific PF activity may not be obvious at first and may require further analysis of potential downstream impacts on the economy and society.

最後，可能沒有準確評估資武擴活動的後果。各司法管轄區應確保已考慮所有潛在影響，尤其是當它們與本指引中識別的三個背景以及該司法管轄區的特定因素相關時。特定資武擴活動的後果起初可能並不明顯，可能需要進一步分析後續對經濟和社會的潛在影響。

## Spreadsheet 1: Risk Assessment Workbook

表單 1：風險評估工作手冊



Threats 威脅	Vulnerabilities 弱點						
	National Vulnerabilities 國家弱點						
	Political and Social 政治及社會	Economic and Technological 經濟及技術	Geographic and Environmental 地理及環境	Legal and Institutional 法律及制度	Legal Persons and Legal Arrangements 法人及法律協議	Financial Institutions 金融機構	
3	1	3	3	3	3	2	
<p>For example, use of front companies, shell companies or brokers to obtain trade finance products and services or as parties to clean payments (known previous cases) 例如，利用前臺公司、空殼公司或中間人獲得貿易金融產品和服務或作為清潔付款的一方（已知的先前案例）</p>	<p>For example, strong political will to combat CPF; no social factors relevant 例如，打擊資武擴之強烈政治意願；沒有相關的社會因素</p>	<p>For example, existence of significant dual-use goods industry and trade 例如，存在重要的軍民兩用物品產業及貿易</p>	<p>For example, trade of dual-use goods is conducted with countries of PF diversion 例如，與資武擴轉移的國家進行軍民兩用商品交易</p>	<p>For example, no CPF laws or regulations, supervisory oversight does not consider PF issues 例如，沒有反資武擴之法律法規，監管未考慮資武擴之問題</p>	<p>For example, lack of transparency of legal persons and legal arrangements, including ultimate beneficial ownership 例如，法人和法律協議欠缺透明度，包括最終實質受益權</p>	<p>For example, banks provide a moderate level of trade finance products, regulatory and operational controls high, however, little CPF-specific awareness 例如，銀行提供中等等級之貿易融資產品，監管和運作控制較高，但卻對反資武擴的特定意識欠缺</p>	
1	1	2	1	1		1	
<p>For example, cybercrime, such as hacking accounts to obtain value, largely used by state actors 例如，網絡犯罪，如駭入帳戶以獲取價值</p>	<p>For example, strong political will to combat cybercrime, no social factors relevant 例如，打擊網路犯罪之強烈政治意願；沒有相關的社會因素</p>	<p>For example, no known cases of cyber attacks, however, growing regional prevalence 例如，沒有已知的網路攻擊案例，但是，區域流行性增高</p>	<p>For example, no known concerns 例如，沒有已知的問題</p>	<p>For example, strong cybercrime laws and special cybercrime operational taskforce is highly capable 例如，強大的網路犯罪法律和專門的網路犯罪運作專案</p>	<p>For example, N/A 例如，不適用</p>	<p>For example, no known cases of cyber attacks, financial institutions have strong cybercrime controls 例如，沒有已知的網路攻擊案例，金融機構</p>	

值，主要由國家行為者使用				小組是非常有能力的		構有強大的網絡犯罪控制
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Threat and Vulnerability Rating Levels 威脅及弱點評級等級	Consequences Rating Levels 後果評級等級	Mitigation Strategy Options 抵減策略選項	Colour Coding Guide for Overall Vulnerability and Likelihood 整體弱點及可能性的顏色編碼指引
High – 3 高-3	Severe 嚴重	Prevent 預防	2.1–3 High 2.1-3 高
Medium – 2 中等 – 2	Moderate 中等	Mitigate 抵減	1.1–2.09 Medium 1.1 -2.09 中等
Low – 1 低-1	Limited 有限	Accept 採納	0–1.09 Low 0-1.09 低

		Likelihood 可能性	Consequences 後果	Mitigation Strategies 抵減策略
Sectoral Vulnerabilities 部門弱點		Overall Vulnerability Rating 整體弱點評分		
Designated Non-Financial Businesses and Professions 指定之非金融 事業或人員	Other High-Risk Sectors 其他高風險部 門			
<b>2</b>	<b>1</b>	<b>2.25</b>	<b>2.63</b>	<b>3</b>
For example, company service providers may be used in operation of front companies involved in imports/exports 例如，公司服務提供者可能會被用於涉及進口/出口之前臺公司的經營	For example, no exposure 例如，沒有曝險		For example, products directly related to procurement of sensitive goods, banks are a key industry, severe security and reputational impact 例如，與採購敏感商品直接相關的產品，銀行是重點行業，嚴重的安全和聲譽影響	For example, bank supervisor responsible for: legislative amendments required to impose CPF preventative measure; issuance of CPF guidance to banks; CPF focus in future compliance 例如，銀行監管者負責：實施反資武擴預防措施所需的法律修訂；向銀行發佈反資武擴指引；反資武擴專注於未來的合規性
	<b>1</b>	<b>1.17</b>	<b>1.08</b>	<b>2</b>
				<b>Accept 採納</b>

<p>For example, N/A 例如，不適用</p>	<p>For example, one regional case of hacking of government systems for ransom by a proliferation actor 例如，一武擴行為者入侵政府系統索取贖金的地區性案例</p>			<p>For example, no direct link to proliferation activity, small attacks limited financial and reputational impact, large attack moderate to severe implications 例如，與武擴活動沒有直接相關，微幅有限的衝擊金融和聲譽影響，大型衝擊中等至嚴重影響</p>	<p>For example, cybercrime controls are adequate and should be maintained 例如，網絡犯罪控制是足夠的，且應予維持</p>
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### Instructions on Use of N/A

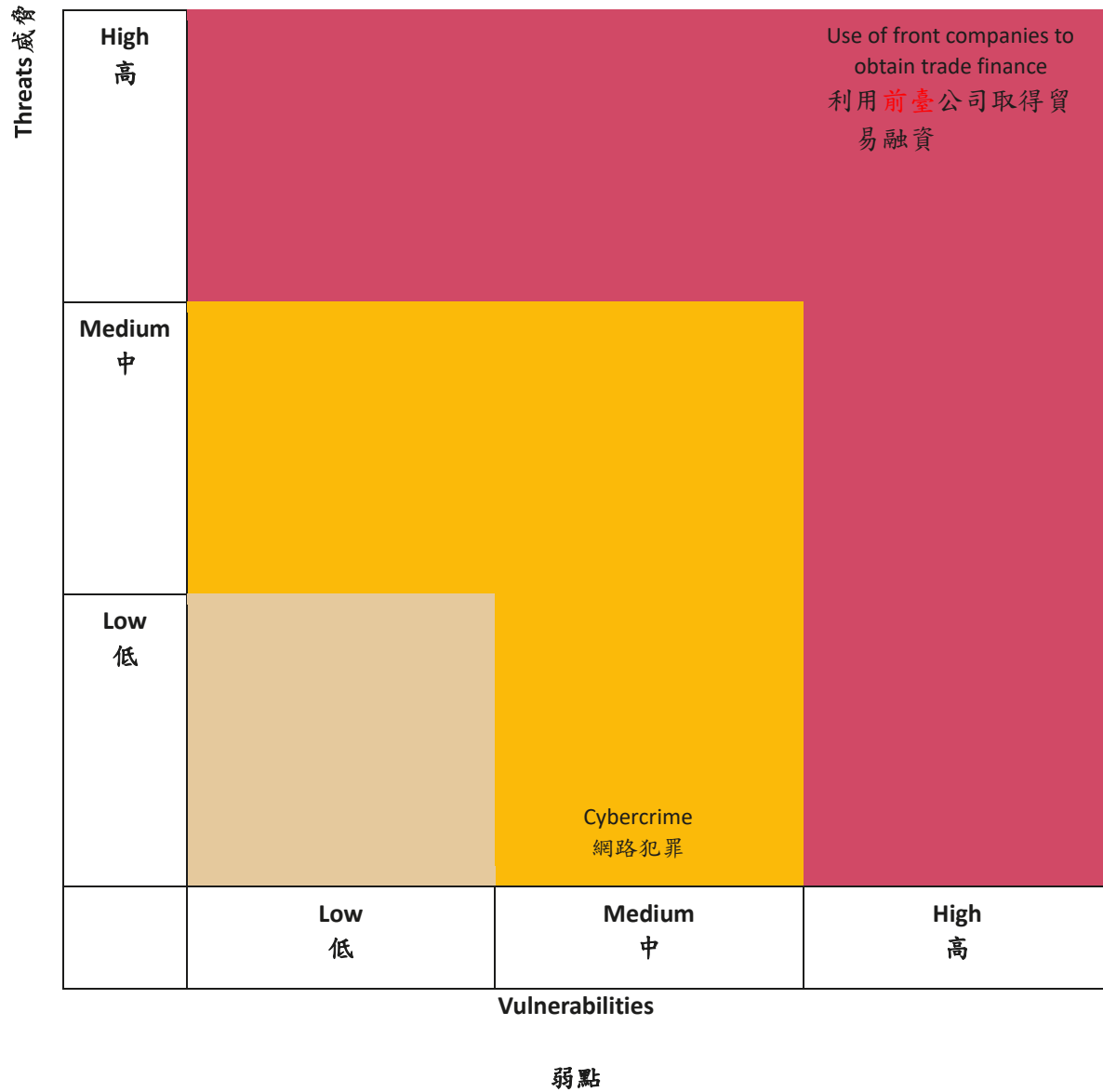
#### 不適用之使用說明

For some threats, certain vulnerability categories may simply not be relevant. Countries may use N/A and give no rating for that category. It is suggested that this option be cautiously used and only where the final result does not seem an appropriate reflection of the findings. N/A should only be used in relation to vulnerabilities. When N/A is used, the formula in column J calculates the average of the vulnerabilities that are actually rated.

對於某些威脅，某些弱點類別可能根本不攸關。國家可以使用「不適用」並且對該類別不給出評級。建議謹慎使用此選項，並且僅在最終結果似乎不能適當反映調查結果的情況下使用。「不適用」應僅用於與弱點相關之情況。當使用「不適用」時，J欄中的公式計算實際評級弱點之平均值。

## Spreadsheet 2: Likelihood Heat Map

### 表單 2：可能性熱點圖



### Instructions

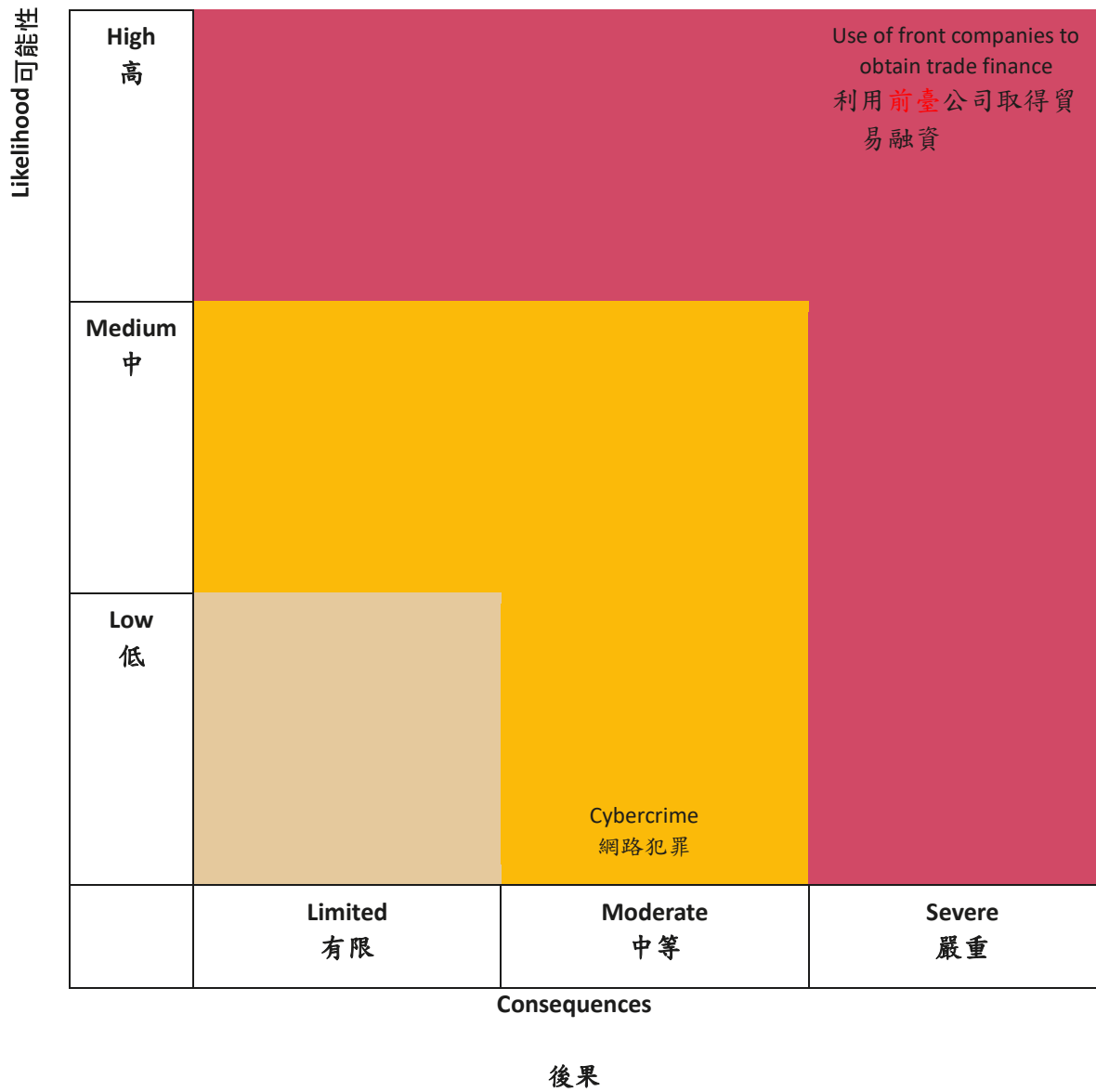
#### 指示

This spreadsheet provides an easy visual reference of the likelihood of different risks materialising. For each threat, take the threat rating and plot against the vertical axis. Then take the overall vulnerability rating for that threat and plot against the horizontal axis. Insert the threat into the cell where the two axes meet.

此表單為不同風險實質之可能性提供了一個簡單的具體參考。對於每個威脅，獲取威脅等級並針對縱軸繪製圖表。然後對該威脅進行整體弱點評級，並針對橫軸繪製圖表。將威脅嵌入到兩軸相交之單元格中。

### Spreadsheet 3: Risk Heat Map

表單 3：風險熱點圖



#### Instructions

#### 指示

This spreadsheet provides an easy visual reference of overall risk, taking into account consequences. For each threat, take the likelihood rating and plot against the vertical axis. Then take the consequences rating for that threat and plot against the horizontal axis. Insert the threat into the cell where the two axes meet.

此表單提供了整體風險的簡單具體參考，並將後果納入考量。對於每個威脅，獲取可能性評級並針對縱軸繪製圖表。然後對該威脅進行後果評級，並針對橫軸進行繪製。將威脅嵌入到兩軸相交之單元格中。



## Spreadsheet 4: Sectoral Risk Workbook

表單 4：部門風險工作手冊

	Threats 威脅					
	Products and Services 產品及服務	Volume of Activity 活動量	Customers 客戶	Distribution Channels 銷售管道	Jurisdictions 司法管轄區	Overall Threat Rating 整體威脅評級
For example, use of front companies, shell companies or brokers to obtain trade finance products/services or as parties to clean payments 例如，利用前臺公司、空殼公司或中間人獲得貿易金融產品和服務或作為清潔付款的一方	3	2	3	3	3	2.80
	For example, trade finance, clean payments. Known prior cases 例如，貿易融資、清潔支付。已知的先前案例	For example, small volume of trade finance, moderate volume of clean payments 例如，少量的貿易融資，中等的清潔支付	For example, companies, businesses 例如，公司、企業	For example, email, internet and via agents or brokers 例如，電子郵件、網路以及透過代理人或經紀人	For example, international: SE Asia, including China 例如，國際：東南亞，包括中國	
For example, cybercrime, such as hacking accounts to obtain value, used by state actors	2	1	1	1	1	1.20

例如，網絡犯罪，如駭入帳戶以獲取價值，由國家行為者使用						
	For example, deposit accounts 例如，存款帳戶	For example, low total value, and low value of individual accounts 例如，總價值低，以及價值低之個人帳戶	For example, individual 例如，自然人	For example, face to face 例如，面對面	For example, domestic 例如，國內	

Threat and Vulnerability Rating Levels 威脅及弱點評級等級	Consequences Rating Levels 後果評級等級	Mitigation Strategy Options 抵減策略選項	Colour Coding Guide for Overall Vulnerability and Likelihood 整體弱點及可能性的顏色編碼指引
High – 3 高-3	Severe 嚴重	Prevent 預防	2.1–3 High 2.1-3 高
Medium – 2 中等-2	Moderate 中等	Mitigate 抵減	1.1–2.09 Medium 1.1-2.09 中等
Low – 1 低-1	Limited 有限	Accept 接受	0–1.09 Low 0-1.09 低

Vulnerabilities 弱點			Likelihood 可能性	Consequences 後果	Risk Rating 風險評級	Mitigation Strategies 抵減策略
CounterProliferation Financing and Other Regulatory Controls 反資武擴及其他規管控制	Operational and Other Controls 運作及其他控制	Overall Vulnerability Rating 整體弱點評級				
<b>2</b>	<b>3</b>	<b>2.50</b>	<b>2.65</b>	<b>3</b>	<b>2.83</b>	<b>Mitigate 抵減</b>
For example, products provided by well regulated and supervised banks, no specific CPF preventative measures are required or guidance provided 例如，由受良好監管及監督的銀行提供之產品，不需要特定的反資武擴預防措施或提供指導	For example, no CPF operational controls applied, AML/CTF controls are adequate 例如，沒有適用反資武擴運作控制，洗錢防制及打擊資助恐怖主義控制就足夠了			For example, products directly related to procurement of sensitive goods, banks a key industry, severe security and reputational impact 例如，與採購敏感商品直接相關的產品，銀行是重點部門，嚴重的安全和聲譽影響		For example, bank supervisor responsible for: legislative amendments required to impose CPF preventative measures; issuance of CPF guidance to banks; CPF focus in next compliance monitoring. Timeframe: 4–9 months 例如，銀行監管者負責：實施反資武擴預防措施所需的法律修訂；向銀行發佈反資武擴指引；打擊資助武擴專注於下一次合規性監控。時

						間範圍：4-9 個月
<b>1</b>	<b>1</b>	<b>1.00</b>	<b>1.10</b>	<b>1</b>	<b>1.05</b>	<b>Accept</b> <b>接受</b>
For example, strong regulatory controls on banks as deposit-taking institutions 例如，對作為存款機構的銀行實施強有力的監管控制	For example, strong anti-cyber attack/hacking operational controls in place; no known cases of cyber 例如，強大的反網路攻擊及駭客運作控制；沒有已知的網路案例			For example, no direct link to proliferation activity, limited financial and reputational impact 例如，與武擴活動沒有直接聯繫，金融及聲譽影響有限		For example, continue awareness raising and promotion of anti-cyber attack controls 例如，持續提高意識並促進反網路攻擊控制

### Instructions

#### 指示

A new spreadsheet should be created for each sector such as banking, insurance etc.

應該為每個部門（例如銀行、保險等）創建一個新的表單。

#### Note

#### 備註

N/A should not be used in this spreadsheet.

於此表單中不應使用「不適用」

## Spreadsheet 5: Sectoral Risk Table

### 表單 5：部門風險表

Sector 部門	Risk Rating 風險評級
<b>Financial Institutions</b> 金融機構	<b>2.31</b>
Banking 銀行	1.94
Insurance 保險	3.00
Money-transfer services 金錢移轉服務	2.00
<b>Designated Non-Financial Businesses and Professions</b> 指定之非金融事業或人員	<b>0.00</b>
Company service providers 公司服務提供者	
Real-estate agents 不動產代理人	
<b>Other High-Risk Sectors</b> 其他高風險部門	<b>0.00</b>
Vessel dealers 船舶經銷商	

#### Instructions

#### 指示

This table is intended as a quick reference table summarising the findings from the Sectoral Risk Workbook in Spreadsheet 4. This table needs to be completed manually. For each sector, insert the final sectoral risk rating, which is the average of the risk ratings across all threats. Colour code the rating cell accordingly. The spreadsheet will automatically calculate the rating for financial institutions, DNFBPs and other high-risk sectors. An example is given above.

此表格為總結表單 4 中部門風險工作手冊調查結果之快速參考表。此表格需手動完成。對於每個部門，嵌入最終的部門風險評級，它是所有威脅風險評級的平均值。相應地對評級單元格進行顏色編碼。該表單將自動計算金融機構、指定之非金融事業或人員和其他高風險部門之評級。範例如上述。

*DISCLAIMER: To access the Excel spreadsheets, please email [CPF@rusi.org](mailto:CPF@rusi.org).*

免責聲明：如擬索取 Excel 表單，請電郵至 [CPF@rusi.org](mailto:CPF@rusi.org)。