



STATEMENT OF INTENT

FOR

ASSET RECOVERY INTER-AGENCY NETWORK for EASTERN AFRICA  
(ARIN-EA)

**JULY 2017**

*Co-operating to recover stolen assets in Eastern Africa*

## **Preamble**

The Republics of Burundi, Djibouti, Ethiopia, Kenya, Rwanda, South Sudan, Tanzania and Uganda;

**Acknowledging** that the need to trace and recover stolen assets within and beyond the Eastern African region necessitates the development of a more regionally owned and led framework for cooperation, with continued support from similar regional and international asset recovery networks;

**Recognizing** that regional cooperation is a high priority in tracing and recovering stolen assets in the Eastern African region;

**Agreeing** that regional cooperation towards asset recovery is important to the ARIN-EA members' aspirations in preventing and combating corruption and all other forms of serious crimes within the region, and an important contribution to member states' economic development;

**Acknowledging** the close collaboration and involvement in and support both technical and financial provided by a number of partners/donors including; StAR (UNODC-World Bank), CARIN, ARINSA, INTERPOL among others;

**Decides** to establish a regional network of contact points involved in asset recovery in the Eastern African region:

## **About ARIN-EA**

At a side meeting held on 4th July, 2013 at the 4th Global Focal Point Meeting on asset recovery held from 3rd to 5th in Bangkok, Thailand, a decision was taken to establish an informal Network of Agencies for Asset Recovery in Eastern Africa with the mandate to ensure efficient and effective asset tracking/tracing and subsequent recovery within the Eastern African region and to cooperate with other asset recovery networks globally. The decision was approved by the Executive Committee meeting of EAAACA held on 4 November 2013 and ratified by the AGM on 5 November 2013.

## **Aim**

The aim of ARIN-EA is to exchange information on individuals, companies, and assets at the international level with the intention of facilitating the pursuit and recovery of proceeds of unlawful activities and to deprive criminals of their illicit profits. Through this informal international network of practitioners and experts, requests for transnational cooperation will be channelled to

relevant domestic agencies directly, leading to more expeditious asset recovery. ARIN-EA recognizes the need to promote cooperation at the regional level as well as in international fora to effectively track/trace and recover stolen assets within and beyond the territorial boundaries of Eastern Africa, in collaboration with relevant partners.

## **Objectives**

Seeking to meet its aims ARIN-EA will:

- Focus on the proceeds of all crimes, within the framework of international obligations;
- Establish itself as the center of expertise and develop best practices in all aspects of tackling the proceeds of crime ;
- Promote the exchange of information and best practice;
- Establish a network of contact points;
- Form a solid international network with other related entities such as CARIN, ARINSA, RRAG, ARIN-AP; Global Focal Points on Asset Recovery.
- Facilitate and promote training and research in all aspects of tackling the proceeds of crime;
- Act as an advisory group to other appropriate authorities;
- Cooperate with the private sector and civil society in achieving its aims.

## **Principles**

Collaboration within ARIN-EA shall continue to be guided by the following principles;

- Regional ownership.
- Partnership.
- Transparency.
- Complementarity.
- Sustainability.
- Equal and active involvement of all member agencies.
- Efficiency.

## **Membership and Functioning of the ARIN-EA**

### **Membership**

Membership is open to States and jurisdictions in the Eastern African region. Each Member may nominate three focal points, one from an Anti-Corruption Agency, the Prosecutorial/Judicial/Law enforcement and Asset Recovery/Forfeiture Authority (as may be relevant to each jurisdiction) to be their ARIN-EA focal points. The focal points must be involved in asset tracing and forfeiture and/or have direct access to practitioners in this area.

## **Observer Status**

Observer status shall be available to states, jurisdictions and 3<sup>rd</sup> parties (international organisations, regional networks and entities), which do not qualify for membership status. Observer status does not entitle the state, jurisdiction or 3<sup>rd</sup> party to a vote at any plenary meeting or to membership of the Steering Group.

## **Requirements to be fulfilled by each Member and Observer:**

Prior to assuming membership or observer status, states and jurisdictions shall supply an outline and summary of their legislation and practical procedural guidelines relating to asset recovery/forfeiture, (civil and criminal), for information sharing with other Members and Observers and for inclusion on a possible ARIN-EA website by completion of the ARIN-EA membership questionnaire and application form.

The members and observers shall undertake to meet the objectives and functions as set out in the Statement of Intent.

## **What does commitment to ARIN-EA mean for Members and Observers?**

- a) they may exchange information with each other, as far as their national legislation will allow, on an informal cooperative basis;
- b) they should advise on and facilitate mutual legal assistance. Mutual legal assistance requests must be made through the appropriate formal legal channels;
- c) they should share good practices, knowledge and experiences, on their own initiative and should provide feedback to assist in research and development;
- d) they should raise awareness with appropriate law enforcement and judicial/prosecutorial authorities on the importance of developing all aspects of tackling the proceeds of crime and the dissemination of information;
- e) they will fund their own costs and expenses, other than when external funding is available.

## **Functioning of the ARIN-EA Network**

### **Language**

ARIN-EA's working language shall be English. Efforts will be made to accommodate other official languages (through translation and interpretation) where possible.

### **Meetings**

#### **a) Annual General Meetings**

There shall be one Annual General meeting of members and Observers held every year in November hosted by the President.

The Quorum for the General meeting shall be two thirds of the Member Countries of ARIN-EA.

Notice of the Annual General meeting shall be issued by the President One Months prior to the said meeting.

Each Member Country shall have one vote at the Annual General Meeting and voting shall be on the basis of simple majority.

#### **b) Other Meetings**

The President may call for any other meetings with sufficient notice to the Members.

### **Communication**

It is envisaged to establish a web-site under the umbrella of the EAAACA website, administered by the Secretariat.

The details of all ARIN-EA Members and Observers will be included on a regularly updated contact list which will be placed on the ARIN-EA web-site secure area and distributed to Members and Observers.

### **Steering Group**

- a) ARIN-EA will have a Steering Group comprising of each member country. The Steering group shall comprise of a representative from each member state and the President.
- b) The President shall chair the Steering Group Meeting and shall not hold any vote unless there is a tie in the voting.
- c) In the absence of the President, the steering Group shall appoint one of the members to perform the functions of the President.

- d) The Focal Point serving in the steering group shall be deemed the Lead Focal Person of the said Country, duly appointed by his/her country.
- e) The business activity of the Steering Group will run from 1 January each year and conclude on 31 December.
- f) The Steering Group shall hold a minimum of two meetings every year. The Quorum of the meeting shall be two thirds of the Steering Group members.
- g) The Decision shall be by voting on the basis of a simple majority.
- h) The report of the Steering Group meetings shall be presented at the Annual General Meeting.
- i) Membership of the Steering Group shall be annual, but for purpose of continuity at any given time four out of the 8 Member countries must serve a Minimum of two years.
- j) A Steering Group member shall not serve more than two consecutive terms. Where a steering group member resigns/ dies the relevant country shall replace him or her as soon as possible and communicate his/her particulars to the President and the Secretariat.
- k) Before expiry of the two year term, a new member shall be elected to replace him/her in the following AGM or such other special meeting.
- l) The Steering Group will oversee the administration of the network and may establish working groups to undertake specific assignments as deemed necessary.
- m) The Steering Group will receive applications for membership and observer status and will decide if the applicant meets the requirements.
- n) EAAACA will have permanent observer status in the Steering Group.
- o) The Steering Group may amend the statement of intent for adoption by the Annual General Assembly.
- p) The Steering Group may develop Operational Guidelines for smooth running of the network.
- q) The Steering Group will assist in the preparation of the Annual General Meeting and will identify areas for consideration at plenary.

### **Focal Persons**

Every country shall have three (3) focal persons at the regional level, and shall elect one lead Focal person among the three who shall coordinate the in country processes and act as a link with the regional network.

All three Focal Persons shall establish in country networks with relevant institutions in Asset tracing and Recovery and coordinate in country networking initiatives.

### **The Presidency**

- a) The Steering Group will prepare the election of the Presidency. The Presidency will be elected by all Members of ARIN-EA present during the AGM. Each Member state or jurisdiction has one vote
- b) The Presidency period will commence on 1 January of the first year and conclude on 31 December of the second year.
- c) The Presidency will oversee the external communication on behalf of the Network.
- d) The Presidency and Steering Group in cooperation with the Secretariat will oversee the preparation of a summary on the activities of ARIN-EA for the year.

### **The Secretariat**

- a) The EAAACA Secretariat will provide a Secretariat function until further resolution. The Secretariat will be located on the premises of EAAACA and will draw on the resources of EAAACA and /or Other Donors to staff the Secretariat.
- b) The person managing the ARIN-EA Secretariat shall report to the ARIN-EA President on all ARIN-EA Activities.
- c) As the administering unit of ARIN-EA, the Secretariat will provide the necessary professional experience, history and continuity for the network to function effectively.
- d) The Secretariat will provide effective administrative support to the ARIN-EA members and Observers thus allowing them to undertake to meet the objectives and functions as set out in the Statement of Intent.
- e) The Secretariat will support and facilitate the Presidency and the Steering Group and manage any website established for ARIN-EA.
- f) The Secretariat will manage the ARIN-EA directory.
- g) The Secretariat will draft documents related to ARIN-EA activities and prepare action plans to implement ARIN-EA outcomes and recommendations.
- h) The Secretariat will keep an up to date record of projects and decisions taken.
- i) The Secretariat will provide support to ARIN-EA meeting hosts in relation to the organisation of the Steering Group, Plenary and sub-working group meetings.

- j) The Secretariat will establish and maintain relations with other bodies and structures in the field of asset recovery.
- k) The Secretariat will promote ARIN-EA and the general ARIN-EA concept in meetings, conferences and other events.
- l) The Secretariat will facilitate initial contact between ARIN-EA Members, Observers and other similar networks such as CARIN (Camden Asset Recovery Inter-Agency Network), ARINSA (Asset Recovery Inter-Agency Network Southern Africa), RRAG (Red de Recuperacion de Activos de GAFISUD – Latin American Asset Recovery Network), ARIN-AP (Asset Recovery Interagency Network Asia Pacific), and the Global Focal Points on Asset Recovery. Operational data will be exchanged between ARIN-EA Members and Observers and other ARIN-EA style networks within the International legal frameworks available.