



## Asset Recovery Inter-Agency Network of Southern Africa

### ARINSA

#### Statement of Intent

##### Preface

On 23-24 March 2009 delegates from law enforcement and prosecution agencies from nine countries in the eastern and southern African region met in Pretoria to discuss the creation of a new, informal network of investigators and prosecutors.

Countries represented at the conference were: Botswana, Lesotho, Mauritius, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

It was agreed that an informal network based on the CARIN model would be of considerable help to prosecutors and investigators working on cases involving the identification, tracing, freezing, seizure, confiscation and recovery of proceeds and instrumentalities of crime, and that such a network, established in accordance with the parameters set out below, should be established without delay.

##### Introduction

1. ARINSA is an informal network of contacts and a cooperative group in all aspects of tackling the proceeds and instrumentalities of crime. ARINSA intends to develop as an informal cooperative body, to further the Aim set out in paragraph 2.

##### Aim

2. The aim of ARINSA is to increase the effectiveness of members' efforts, individually and collectively, on a multi-agency basis, in depriving criminals of instrumentalities of crime and illicit profits, through the Key Objectives, set out below.

##### Key Objectives

3. In seeking to meet its Aim ARINSA will:
  - focus on the proceeds and instrumentalities of all crimes, within the scope of international obligations;
  - establish itself as a Centre of Excellence on all aspects of tackling the instrumentalities and proceeds of crime;
  - promote the exchange of information and good practice;
  - establish a network of contact points;
  - facilitate and promote, the establishment, where possible, of national centres of excellence in all aspects of tackling the proceeds of crime;
  - make recommendations to other bodies such as the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) and SADC, relating to all aspects of tackling the proceeds of crime;
  - act as an advisory group to appropriate authorities;

- facilitate, where possible, training in all aspects of tackling the proceeds of crime;
- recognise the importance of cooperation with the private sector in achieving its aim.

#### Membership of ARINSA

4. The informal cooperative nature of the network cannot be overemphasized.
5. Membership is open to a State or a jurisdiction, which fulfills the conditions set out in this Statement of Intent. Each State or jurisdiction is entitled to have one representative from a Law Enforcement Agency and one from a Prosecution Authority
6. Observer status will be available to states, jurisdictions or 3<sup>rd</sup> parties, which do not seek to meet the conditions of membership. Observer status does not entitle the state or jurisdiction to a vote at any plenary meeting nor to membership of the steering group.
7. Each Member (or Observer wishing to take advantage of the full benefits of the Network) must fulfill the following criteria:
  - i) members should provide the network with clearly identified national contact point(s). The number of contact points should be the minimum necessary for effective operation of the network. Therefore it is recommended that no more than two national contact points are nominated. The contact point should be the central agency involved in asset tracing and confiscation. If not, this point of contact must have direct access to practitioners in this area;
  - ii) members and observers will supply an outline and summary of their legislation and practical procedural guidelines relating to asset forfeiture, (civil and criminal) for information sharing with other member states and observers and for inclusion on the proposed ARINSA website; and
  - iii) undertake to meet the objectives and criteria as set out in the Statement of Intent.
8. Commitment to ARINSA means that:
  - i) members may exchange information with each other on an informal cooperative basis;
  - ii) members should advise on and facilitate mutual legal assistance. Mutual legal assistance requests must be made through the appropriate formal legal channels;
  - iii) members should share good practices, knowledge and experiences, on their own initiative and should provide feedback to assist in research and development;
  - iv) members should raise awareness with appropriate law enforcement and prosecution authorities on the importance of developing all aspects of tackling the proceeds of crime and the dissemination of information;
  - v) members and observers will fund their own costs and expenses, other than when external funding is made available.

### Functioning of ARINSA

9. The informal nature of the network will remain a focus in its functioning. Therefore, procedural rules will be kept to the minimum necessary for effective functioning. These are set out in Annex A to this document.

### Functioning of the ARINSA

1. ARINSA's working language will be English.
2. ARINSA will consist of an annual plenary session of members and observers to be hosted by the nominated Chairperson who will be both Chairperson of the Steering Group and the Plenary for their one year term, commencing 1 January of each year.
3. ARINSA will have a Secretariat which will be based within one of its members which will:
  - i) maintain the records of the Network;
  - ii) act as a contact point for external communications addressed to the Network;
  - iii) assist in the organisation and running of the Steering Group and in the planning of plenary meetings.
4. ARINSA will initially have a steering group (of five members) comprising a representative of the country hosting the secretariat and four other representatives of member countries from which one member will be elected Chairperson.
5. Membership of the Steering Group will rotate periodically on a yearly basis to enable all partners to actively participate.
6. Each state or shall have one vote in plenary or in the Steering Group (if they are represented in the Steering Group).
7. The Steering Group will oversee the administration of the Network facilitated by the Secretariat.
8. The Steering Group will receive applications for membership status and will assess if the conditions of membership set out in the Statement of Intent are fulfilled. Applications meeting the conditions will be submitted to the annual plenary session.
9. The Steering Group will also receive applications for observer status and will decide if a state or jurisdiction can attend as an observer.
10. The Steering Group will from time to time establish working groups to examine and report on legal and practical issues.
11. The Steering Group will assist in reviewing annual conference agendas and will identify areas for consideration at plenary.
12. The Chairperson will oversee the external communication on behalf of the Network.
13. The Chairperson and Steering Group in cooperation with the Secretariat will oversee the preparation of a summary on the activities of ARINSA for the year.