



STATEMENT OF INTENT

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

Co-operating to recover stolen assets



March 2022

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1) 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 and beyond;

Agreeing that regional cooperation towards asset recovery is important to the ARINEA members' aspirations in preventing and combating corruption and all other forms of 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), INTERPOL, CARIN, ARINSA, RRAG among others;

Further Acknowledging the support of the Eastern Africa Association of Anti-Corruption Authorities (EAAACA) and the ARINEA Member institutions;

Decided to establish a regional network of contact points involved in asset recovery called "Asset Recovery Inter-Agency Network for Eastern Africa (ARIN-EA) in the Eastern Africa region:

We further acknowledge the support of GIZ, ARINWA, ARIN-WCA, ARIN-AP, AML/THB and Basel Institute on Governance for advancing the Network.

2) 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 beyond: 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 EAAACA AGM on 5 November 2013.

3) Aim

The aim of ARIN-EA is to exchange information on individuals, companies, and assets at the regional and 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 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.

4) Objectives

In seeking to meet its objectives ARIN-EA will:

- i) Focus on recovery of proceeds of all unlawful activities, within the framework of international obligations;
- ii) Establish a network of contact points;
- iii) Promote the exchange of information and best practice;
- iv) Form a solid regional and international network and cooperate with other networks and related entities;
- v) Establish itself as the center of expertise and develop best practices in all aspects of tackling the proceeds of unlawful activities;
- vi) Facilitate and promote training and research in all aspects of asset recovery and tackling proceeds of unlawful activities;
- vii) Act as an advisory group to other appropriate authorities;
- viii) Cooperate with the stakeholders in achieving its aims.

5) Principles

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

- i) Regional ownership.
- ii) Partnership.
- iii) Transparency and Accountability.
- iv) Complementarity.
- v) Sustainability.
- vi) Equal and active involvement of all member agencies.
- vii) Efficiency and effectiveness

6) Membership

Membership is open to States in the Eastern Africa region (as defined under the EAAACA Constitution) .

Each Member state shall nominate three representatives; one from an Anti-Corruption Agency, and two from either the Prosecutorial/Judicial/Law enforcement/Financial Intelligence Unit or the Asset Recovery Agency (as may be relevant to each jurisdiction) to be their ARIN-EA focal points. The focal points must be involved in asset recovery and/or have direct access to practitioners in this area.

i) Observer Status

Observer status will be open to states, and third parties (international organisations, regional networks and relevant entities), which do not qualify for membership status. An Observer will not have Membership to the Steering Group and does not have voting rights

ii) Requirements to be fulfilled by a Member and Observer:

- a) A member or observer will be required to fill in the ARIN-EA membership questionnaire and application form (which can be accessed from the ARINEA Website www.eaaaca.com and upload an outline and summary of their legislation and practical procedural guidelines relating to asset recovery (civil and criminal), for consideration by the Steering Group and approval by the AGM. .
- b) The members and observers shall undertake to meet the objectives and functions as set out in the Statement of Intent.

iii) 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, to ARINEA related activities, other than when external funding is available.

7) Functioning of the ARIN-EA Network

a) Language

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

b) Communication

- i) There will a website for ARINEA hosted by EAAACA and administered by the Secretariat. Information about the Network will be uploaded on the Website regularly.
- ii) The details of all ARINEA members will be updated in the contact list which will be availed to the members .
- iii) Communication on requests will be through the secure platform.

8) Governance Structure for ARINEA

a. AGM

The Annual General Meeting (AGM) is the highest governing organ for the Network.

- i) There shall be an Annual General meeting of members and Observers held every year in November hosted by the President.
- ii) Notice of the Annual General Meeting shall be issued by the President two month prior to the said meeting.
- iii) The Quorum for the Annual General meeting shall be two thirds of the Members.
- iv) Each member Country shall have one vote at the Annual General Meeting and voting shall be on the basis of simple majority.

b. Steering Group

ARIN-EA will have a Steering Group to provide operational guidance to the members.

- The Steering Group shall comprise of, The President, Vice President who will be from the anti-corruption agency and three other members, two of whom shall be from the anti-corruption.

- The President, Vice President and two members of the Steering Committee shall be Lead focal persons.
- The President shall chair the Steering Group Meeting,
- In the absence of the President, the Vice President shall perform the functions of the President. In the absence of the President and Vice President, the members of the steering Group shall appoint one of the Members to perform the functions of the President.
- 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.
- Membership of the Steering Group will rotate periodically with at least two members offering to stand down, every two years, taking into account where possible term of service within the Steering Group, to enable other Members to join the Steering Group. If the number of candidates exceeds the vacancies there will be a vote at the AGM.
- A Steering Group member shall not serve more than two consecutive terms.
- Where the position of the three focal persons in the steering group falls vacant before expiry of the two year term, the respective Authority shall replace him or her as soon as possible and communicate his/her particulars to the President and the Secretariat.
- Where the position of the President falls vacant before the expiry of the two-year term, the Vice President shall perform the functions of the President until the substantive President is elected in accordance with this statement of intent.
- Where the position of the Vice President falls vacant, the longest serving Lead focal person in ARINEA shall assume the position of Vice President until the AGM.
- The nominated person replacing the exited member will automatically become the fifth focal person of the Steering Group.
- The Steering Group will oversee the administration of the network.

- The Steering Group will receive applications for membership and observer status to the Network and will determine if the applicant meets the requirements and give recommendation to the AGM.
- EAAACA will have permanent observer status in the Steering Group.
- The Steering Group may establish working groups to examine and report on legal and practical issues.
- The Steering Group will assist in the preparation of the AGM and will identify areas for consideration at plenary.
- The Steering Group may amend the Statement of Intent for adoption by the AGM.
- The Steering Group may develop operational guidelines for smooth running of the network for approval by the AGM.
- The business activity of the Steering Group will run from 1 January of the first year and conclude on 31 December of the second year.
- 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.
- The Decision shall be by voting on the basis of a simple majority.
- The Steering Group will prepare the election of the Presidency
- The report on the proposals, recommendations and resolutions of the Steering Group meetings shall be presented at the Annual General Meeting for approval.
- 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.
- The Steering Group will oversee the administration of the network and may establish working groups to undertake specific assignments as deemed necessary.

- The Steering Group will receive applications for membership and observer status and will determine if the applicant meets the requirements.
- EAAACA will have permanent observer status in the Steering Group.
- The Steering Group may amend the statement of intent for adoption by the Annual General Assembly.
- The Steering Group may develop Operational Guidelines for smooth running of the network.
- The Steering Group will assist in the preparation of the Annual General Meeting and will identify areas for consideration at plenary.

c) The Presidency

- i) The Presidency will be elected during the AGM.
- ii) Each member Country has one vote.
- iii) The Presidency shall hold office for a period of two years renewable once.
- iv) The term shall commence on 1 January of the first year and end on 31 December of the second year. Save that where the AGM shall not take place on the date provided for by the statement of intent, the election of the President will take place at a Special General Meeting of focal persons not later than four months. The General Secretary shall call the Special General Meeting
- v) The Presidency will oversee the external communication on behalf of the Network.
- vi) The Presidency and Steering Group will oversee the preparation of a summary on the activities of ARIN-EA for the year.
- vii) The President will give quarterly updates to the members on the activities of the network.
- viii) The President may request to meet the EAAACA ExCOM on matters of the Network through the General Secretary.

d) Vice President

- i) There shall be a Vice President of the network.
- ii) The Vice President shall not come from the same country as the President.
- iii) The Vice President shall be elected at the AGM.
- iv) The term of the Vice President shall commence on 1 January of the first year and end on 31 December of the second year. Save that where the AGM shall not take place on the date provided for by the statement of intent, the election of the Vice President will take place at a Special General Meeting of focal persons not later than four months.
- v) The General Secretary shall call the Special General Meeting.
- vi) The Vice President shall perform the functions of the President in the absence of the President.
- vii) The Vice President shall perform any other duties as may be assigned by the President.

9) Focal Persons

Every country shall have three (3) focal persons. The lead focal person shall be from the anti-corruption agency.

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

a) Roles of Focal Persons

The Lead Focal Person.

Roles of the Lead Focal Person are as follows:

- i) A lead Focal Person qualifies to be a member of the steering group.
- ii) Coordinate activities of the Focal Persons in the country (meetings, trainings, reports, etc)
- iii) Act as a link between the in-country structures with the regional network.

- ii) Make quarterly reports and or any report to the secretariat
- iv) Notify Secretariat of any changes of FPs
- v) And any roles as may be assigned at the AGM
- vi) In the absence of the Lead Focal Person, he/she will has the duty to ensure secondment of another person to perform the functions of the lead focal persons.

The Focal Person

- i) Make regular reports and communication to their Heads of Institutions on key activities and programmes of ARINEA
- ii) Hold at least two meetings with Country Focal Persons and provide a report to the secretariat.
- vii) Send and service informal requests through the secure platform.
- viii) Participate at the Annual General Meetings
- ix) Regularly create awareness and sensitisation about the mandate of ARINEA to their institutions and stakeholders.
- x) To ensure secondment of another person to perform the functions of the focal persons

10) The Secretariat

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 development partners to staff the Secretariat.

- The General Secretary of the Secretariat shall report to the ARIN-EA President on all ARIN-EA Activities.
- The Secretariat will provide administrative support, the required professional experience, history and continuity for the network to function effectively.
- The Secretariat will support and facilitate the Presidency and the Steering Group.

- The Secretariat will manage the website established for ARIN-EA, the ARIN-EA directory, database, and social media accounts.
- The Secretariat will convene special meetings for the Network.
- The Secretariat will draft documents, minutes, presentations related to ARIN-EA activities and prepare action plans for implementation.
- The Secretariat will keep an up to date record of projects and decisions of the Network.
- The Secretariat will provide support to ARIN-EA meeting in relation to the organisation of the Steering Group, plenary and sub-working group meetings.
- The Secretariat will establish and maintain relations with other bodies and Stakeholders in the field of asset recovery.
- The Secretariat will promote ARIN-EA in meetings, conferences and other events.
- The Secretariat will facilitate initial contact between ARIN-EA Members, Observers and other similar Asset Recovery Inter-agency networks and the Global Focal Points on Asset Recovery.
- The secretariat will share information on statistics and or any other information that maybe required upon request with approval of the President.

Asset Recovery Inter-Agency Network (ARIN-EA)

Jubilee Insurance Building

Parliament Avenue

P.O Box 1274, Kampala Uganda,

East Africa Tel: +256-414-346-185

Fax: +256-414-346-185

www.eaaaca.com

e-mail: presidentarinea@eaaaca.org

generalsecretary@eaaaca.com