ASSET RECOVERY INTER-AGENCY NETWORK FOR SOUTHERN AFRICA (ARINSA)

MANUAL
The History, Statement of Intent, Membership and Functioning of ARINSA.
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The History, Statement of Intent, Membership and Functioning of ARINSA
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1. THE HISTORY OF ARINSA

In October 2002, representatives of all European Union (EU) member states attended a conference in Dublin, Ireland. The objective of the conference was to present recommendations dealing with identifying, tracing and seizing the profits of crime.

One of the main issues arising from the conference was to consider the establishment of an informal network of contacts and a cooperative group dealing with criminal asset identification and recovery.

The Camden Asset Recovery Inter-Agency Network (CARIN) was officially formed at a congress held on 22-23 September 2004 in The Hague.

On 23 and 24 March 2009, asset recovery practitioners held a meeting in Pretoria, South Africa, where it was agreed to establish a Southern African network based on the CARIN model. This meeting resulted in the formation of the Asset Recovery Inter-Agency Network for Southern Africa (ARINSA). Since then, the ARINSA Network has created a permanent Secretariat in Pretoria at the National Prosecuting Authority’s (NPA) Asset Forfeiture Unit.

Representatives from the following member states attended the ARINSA launch:

- Botswana
- Lesotho
- Mauritius
- Namibia
- South Africa
- Swaziland
- Tanzania
- Zambia
- Zimbabwe

Malawi subsequently joined ARINSA as a permanent member.

1 The name Camden refers to the Camden Court Hotel in Dublin, Ireland where the Network was first discussed.
2. STATEMENT OF INTENT

2.1 Introduction

ARINSA is an informal network of contacts and a cooperative group in all aspects of tackling the proceeds of crime.

2.2 Aim

The aim of ARINSA is to increase the effectiveness of members’ efforts on a multi-agency basis, in depriving criminals of their illicit profits.

2.3 Key Objectives

In seeking to meet its aim ARINSA will:

- establish a network of contact points;
- focus on the proceeds of all crimes within the scope of international obligations;
- establish itself as a centre of expertise in all aspects of tackling the proceeds of crime;
- promote the exchange of information and good practice;
- undertake to make recommendations to bodies such as the African Union (AU) and the Southern African Development Community (SADC) relating to all aspects of tackling the proceeds of crime;
- act as an advisory group to other appropriate authorities;
- facilitate, where possible, training in all aspects of tackling the proceeds of crime;
- emphasise the importance of cooperation with the private sector in achieving its aim;
- encourage members to establish national asset forfeiture units;
- encourage members to establish national asset management policies and legal frameworks.
- encourage members to establish asset forfeiture funds.
3. MEMBERSHIP AND FUNCTIONING OF THE ARINSA NETWORK

3.1 Membership

3.1.1 Member Status
Member Status is open to any African member state. Each member state may nominate two representatives to be their ARINSA contact points. One of these may be from a Law Enforcement Agency and the other from a Prosecution Authority. Asset Forfeiture Units may represent law enforcement or the prosecution.

3.1.2 Observer Status
States and jurisdictions that do not qualify for Member Status, non-governmental organisations (NGOs) and cooperating partners that share the objectives of ARINSA will be eligible for Observer Status. Each Observer member may nominate two representatives to be the network contact points; namely one from a Law Enforcement Agency and one from a Prosecution Authority. Asset Forfeiture Units may represent law enforcement or the prosecution. Observers are not entitled to vote at any plenary meeting or to membership of the Steering Committee.

3.2 Membership Criteria

3.2.1 Criteria that Members and Observers need to fulfil include:

a) providing the Network with clearly identified national contact point(s). The minimum number of contact points should be nominated to ensure the Network functions effectively. It is recommended that no more than two national contact points are nominated. One contact point should act as the central asset tracing office involved in asset recovery and forfeiture/confiscation. If this is not feasible, the point of contact must have direct access to practitioners in the specified area;

b) supplying an outline and summary of their legislation and practical procedural guidelines relating to civil and criminal asset forfeiture/confiscation. This information will be shared with other Members and Observers and also be included on the ARINSA website;

c) undertaking to meet the objectives and functions as set out in the Statement of Intent.
3.3 What commitment to ARINSA means for Members and Observers

a) As an informal practitioner network they should facilitate requests for the exchange of information from other ARINSA Members and Observers;

b) they should advise on and facilitate requests for mutual legal assistance through the appropriate formal legal channels;

c) they should share good practices, knowledge and experiences about their own initiatives and provide feedback to assist in research and development recovery regimes;

d) they should raise awareness about the importance of developing all aspects of tackling the proceeds of crime and share information with appropriate law enforcement and prosecution authorities;

e) they should provide relevant data and statistics as requested by the Secretariat;

f) they will fund their own costs and expenses, except when external funding is available.

3.4 Functioning of the ARINSA Network

3.4.1 General

a) ARINSA’s working language will be English;

b) ARINSA will hold an Annual General Meeting (AGM) hosted by the nominated Presidency for its Members and Observers. The hosts may invite representatives of other Asset Recovery Networks to the AGM;

c) The ARINSA Secretariat will host and administer a dedicated website for the Network.
3.4.2 Steering Group

a) ARINSA will have a Steering Group comprising of up to eight Members from which one Member will be elected President.

b) Every Steering Group Member country should make every effort to have at least one female representative.
c) The Steering Group shall comprise of:

i) Six permanent Members, namely; Botswana, Mauritius, Namibia, South Africa, Tanzania, Zimbabwe; and

ii) Two non-permanent Members.

d) The two non-permanent Members shall be elected in alphabetical order at the end of each President’s term.

e) The Steering Group will oversee the administration of the network.

f) Following nominations from a Member or Observer, the Steering Group will receive applications for Member, Observer and Associate status and will decide if the application meets the eligibility criteria.

g) The Steering Group may establish working groups to examine and report on legal and practical issues.

h) The Steering Group will assist in the preparation of the annual AGM agenda and will identify areas for consideration at plenary.

i) The Steering Group will promote ARINSA and the ARINSA concept in meetings, conferences and other events.

j) The Steering Group will be responsible for revising the ARINSA Manual following suggestions from and consultation with ARINSA Members.
3.4.3 The Presidency

a) The Steering Committee will elect the Presidency.

b) Each Presidency will be elected at least two years in advance.

c) The term of the Presidency will run for two years from June and conclude in May two years later.

d) The Presidency, in conjunction with the Secretariat, will manage:

i) external communication with other networks and organisations on behalf of the Network;

ii) internal communication with Network members.

e) The Presidency and Steering Committee in cooperation with the Secretariat will manage the compilation of ARINSA’s Annual Report, which details its activities for the year under review by 31 January. The Annual Report should be distributed by 28 February every year.

f) The ARINSA Annual General Meeting shall be held in the country that is holding the Presidency for two years.

g) The Presidency will represent and promote the ARINSA Network in meetings, conferences and other events to which the Network is invited.

h) The Presidency shall report to the Steering Committee and the ARINSA AGM on its activities for the preceding year.
3.4.4 The Secretariat

a) The Asset Forfeiture Unit at the National Prosecuting Authority in South Africa and the United Nations Office on Drugs and Crime (UNODC) will provide a Secretariat function.

b) The Secretariat will provide effective administrative support to the Presidency, ARINSA Members and Observers to ensure they are able to carry out their prescribed functions.

c) The Secretariat will support and assist the Presidency and the Steering Committee to manage the ARINSA website.

d) The Secretariat will maintain the ARINSA Contacts list.

e) The Secretariat will prepare documents related to ARINSA activities and action plans to implement the Network’s outcomes and recommendations.

f) The Secretariat will keep an up-to-date record of projects and decisions taken by the Steering Committee.

g) The Secretariat will provide support to the Presidency in organising the AGM as well as meetings of the Steering Committee and working group.

h) The Secretariat will establish and maintain relations with other international and regional bodies and structures in the fields of money laundering, asset recovery and proceeds of crime.

i) The Secretariat will promote the ARINSA Network and concept in meetings, conferences and other events to which it is invited.
# ARINSA Members

## Countries, States, Jurisdictions and Organisations

<table>
<thead>
<tr>
<th>Country, Jurisdiction or Organisation</th>
<th>Membership Status</th>
</tr>
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<tbody>
<tr>
<td>Angola</td>
<td>Member Status</td>
</tr>
<tr>
<td>ARIN-AP (Asset Recovery Inter-Agency Network Asia-Pacific)</td>
<td>Observer Status</td>
</tr>
<tr>
<td>ARIN-WA (Asset Recovery Inter-Agency Network for West Africa)</td>
<td>Observer Status</td>
</tr>
<tr>
<td>ARIN-WCA (Asset Recovery Inter-Agency Network for West + Central Asia)</td>
<td>Observer Status</td>
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<tr>
<td>Botswana</td>
<td>Member Status</td>
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<td>CARIN (Camden Assets Recovery Inter-Agency Network)</td>
<td>Observer Status</td>
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<td>DRC (the Democratic Republic of the Congo)</td>
<td>Observer Status</td>
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<tr>
<td>Kenya</td>
<td>Member Status</td>
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<td>Lesotho</td>
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<td>Malawi</td>
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<td>Mauritius</td>
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<td>Namibia</td>
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<td>Mozambique</td>
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<td>Country</td>
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<tr>
<td>Madagascar</td>
<td>Member Status</td>
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<td>Seychelles</td>
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<td>Uganda</td>
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<td>United Nations Office on Drugs and Crime (UNODC)</td>
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<td>The World Bank</td>
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<td>Zambia</td>
<td>Member Status</td>
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<td>Zimbabwe</td>
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UNODC Southern Africa
1059 Francis Baard Street, 2nd Floor
P.O. Box 12673, Hatfield 0028, Pretoria, South Africa
T: +27 12 432 0820 | F: +27 12 342 2356
fo.southafrica@unodc.org
www.unodc.org/southernafrica

NPA South Africa
VGM Building (Corner Westlake & Hartley)
P/Bag X752, 123 Westlake Avenue, Weavind Park,
Silverton, 0184, Pretoria, South Africa
communication@npa.gov.za
www.npa.gov.za

Published: June 2019

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