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Asset Recovery Inter-Agency Networks (CARIN-Style Networks)

CONCEPT NOTE ON ESTABLISHING A CARIBBEAN ASSET RECOVERY NETWORK

This document outlines the considerations to be taken into account to establish an informal asset recovery inter-agency network of practitioners for the Caribbean region. It is based on the premise that such a network will follow the CARIN¹ model and that of other asset recovery inter-agency networks worldwide. For the purposes of this document the network will be referred to as ARIN-CA (Asset Recovery Inter-Agency Network – Caribbean).

1. Background and Context

Global recognition for the need to target criminally derived assets in order to disrupt crime and protect the legal economy has been gathering momentum throughout the last two decades. This has manifested itself in the adoption of new national, regional and international laws and standards providing for tracing, freezing, seizure and confiscation or forfeiture of criminal proceeds. However in 2002, at an asset recovery conference hosted by the Irish Criminal Asset Bureau at the Camden Court Hotel in Ireland, a group of law enforcement and judicial asset recovery practitioners concluded that, although important, new legislation was not enough to increase international cooperation in this area. It was agreed by the practitioners that, in a technically complicated judicial field such as asset recovery, lacking in standard national approaches to legislation, policy and procedures, a network of law enforcement and judicial specialists from relevant agencies was needed to apply existing laws and policy quickly, appropriately and therefore effectively. The resulting ‘informal’ practitioners network, CARIN, was the first asset recovery inter-agency network to be established. CARIN is now recognised globally as a leading law enforcement and judicial tool used in targeting organised crime gangs with particular reference to financial deprivation. Membership of CARIN has improved cross-border and inter-agency cooperation as well as asset recovery information exchange within and outside the European region.

Following on from the success of CARIN, which is mainly but not exclusively European in nature, five other regions have since established informal asset recovery inter-agency networks mirroring the CARIN model². Although autonomous in structure and functioning, the six asset recovery networks cooperate effectively through their respective network Secretariats, within the scope of international laws and obligations.

¹The Camden Asset Recovery Inter-agency Network

² ARIN-AP (Asia Pacific), ARIN-EA (Eastern Africa), ARIN-SA (Southern Africa), ARIN-WA (West Africa), RRAG (Latin America)

2. Objective, Structure and functioning of Asset Recovery Inter-Agency Networks (ARINs)

Objective

The primary objective of an ARIN is to facilitate the operational process of asset identification, asset freezing and seizure, asset management where needed, asset confiscating and/or forfeiture and finally any victim compensation or asset share. ARINs focus on the proceeds of ALL crimes. The combined expertise of ARIN contacts from each ARIN member jurisdiction provides specialist knowledge on the complete asset recovery process possibilities within their own jurisdiction. When called upon to engage in international asset recovery action, these contacts are able to quickly provide information on what is legally and procedurally possible in their own jurisdictions and which agency to call on to get assistance. The informal nature of the network cannot be over-emphasized.

Structure and Functioning

Each ARIN member jurisdiction nominates the appropriate number of representatives for the effective functioning of the Network to be their ARIN contact points: Contacts should be from both law enforcement (usually a police agency but can also be customs, with access to relevant data bases needed for the process of asset tracing) and from a judicial agency (likely a prosecutor and/or assistant Attorney General). The judicial legal contact point should be involved in seeking freezing and confiscation orders.

Where they exist, national asset recovery offices can represent either law enforcement or judicial contacts.

The objective is not to bypass any national procedures (the use of Interpol for information exchange for example) or international legal requirements (mutual legal assistance treaties) but to use the asset recovery specialist in each ARIN member jurisdiction to more effectively facilitate international action.

In addition, the ARIN has a Secretariat and may have a Steering Group and a rotating President.

The Secretariat provides the necessary professional experience, history and continuity for the network to function effectively. Where they exist, a Steering Group may oversee the administration of the network, while a Presidency may oversee any external communication on behalf of the network.

The strategic benefit of bringing specialist practitioners together as a network has not been lost within the ARIN family. The regional ARINs meet regularly at annual or bi-annual meetings to discuss barriers and best practice towards effective asset recovery.

3. CARIN-Style Networks established to date

The following ARINs (modeled on CARIN) have been established through regional cooperation:

- ARIN-AP (Asia Pacific)
- ARIN-EA (Eastern Africa)
- ARIN-SA (Southern Africa)
- ARIN-WA (West Africa)
- RRAG (Latin America)

4. Considerations to be taken into account in the Caribbean

The Caribbean experiences similar asset recovery challenges to other regions. A broad variation of laws and experience exists and in many Caribbean countries no assets have been confiscated yet, allowing criminals to retain the vast 'profits' from their illegal activities. Where asset recovery experience and specialist knowledge does exist this has been fostered by a number of agencies and initiatives providing technical assistance and mentoring. The establishment of ARIN-CA would complement these initiatives, building on operational capacity specifically in the field of asset recovery. The OAS CICAD, through the provision of donor funding, could support the process of establishing an informal asset recovery inter-agency network in the Caribbean.

5. Proposed Steps Towards a ARIN for the Caribbean

The first phase could involve inviting two to three confiscation practitioners from each of 27 Caribbean jurisdictions to a meeting to discuss the importance of an ARIN and the benefits that could be obtained through the creation of a network for the Caribbean. This could take place under the coordination of the OAS DTOC and specialists from other ARINs. These asset confiscation practitioners could share their experiences and perspectives on the creation of their network with a view to informing Caribbean practitioners of the benefits of informal asset recovery networks and advise on relevant set up considerations.

In the second phase (assuming a successful first phase) volunteers would be sought from Caribbean jurisdictions to form an ARIN-CA Committee tasked with overseeing the administration of the network. This group may later form the Steering Group. A network President could also be elected at this stage from the Committee for the initial year, if the group felt this was needed. This phase could also involve consideration on the location for a network Secretariat

The third phase would involve an inaugural Meeting of ARIN-CA. This could allow the Caribbean points of contacts to meet each other and start building working relationships to set objectives for the Network. The delegates could also discuss possible strategies for promoting the effective use of the ARIN by all participant jurisdictions.