



REGIONAL ANTI-CORRUPTION INITIATIVE

**COOPERATION IN ANTI-CORRUPTION EFFORTS  
AND  
CHARACTERISTICS OF A SUCCESSFUL  
ASSET RECOVERY NETWORK FOR SEE**

**REGIONAL WORKSHOP  
ON ASSET RECOVERY**

Sofia - Bulgaria  
December 2-4, 2009

# Regional Cooperation in anti-corruption efforts

- ◆ **Regional Anti-corruption Initiative (RAI, former SPAI) – 10 years of activities**
- ◆ **Increased regional leadership and ownership**
- ◆ **Closer cooperation with international relevant partners in the area**
- ◆ **Cooperation with a broad range of national stakeholders**
- ◆ **Regional Anti-corruption Resource Center**
- ◆ **Interactive platform for cooperation**
- ◆ **Facilitation, networking, assistance, support**
- ◆ **Regional focal point solely devoted to anti-corruption efforts in SEE**



# Periodical cooperation with several practitioners' networks



# SEE framework cooperation process

## South East European Cooperation Proces (SEECP)

- Launched in 2006 – Bulgaria’s initiative
- The political voice of SEE – a non-institutionalised process
- The supreme political forum for SEE
- One of the basic goals – cooperation in the area of security, democracy, justice and illegal activities
- Annual meetings of heads of states and governments and periodical meetings of ministers of foreign affairs
- Current chairmanship: Turkey; previous: Moldova

### Zagreb Summit Declaration (2007), Pomorje Declaration (2008):

“We reaffirm the need...” “...to vigourously combat all criminal phenomena, in particular corruption and all forms of organized crime.”



# Why an AR Network and Programme for SEE ?

- ◆ **Legislation implementation (capacity building needs, young institutions, recent legislation, lack of human and financial resources, language problems, time delays)**
- ◆ **Common regional context, similarities in legislation, legal tradition, legislative and institutional processes**
- ◆ **Specific regional features and challenges:**
  - EU accession process for the majority of SEE countries
  - Harmonization of international standards – under process
  - National capacities – weak and not well supported
  - Need of practical benefits, sharing of experiences and lessons learnt



## Why an AR Network and Programme for SEE ? (2)

### ◆ **Constraints in regional cooperation:**

- **International instruments, bilateral agreements;**
- **Level of informality and large use of cash**
- **Need of expertise for financial investigation, especially for law enforcement agencies**
- **Extension of databases and electronic registers**
- **Restrictive mutual recognition of evidence**
- **Lack of practice for liability of legal entities**
- **Insufficient knowledge and familiarity with international instruments**
- **Reforms in the judiciary – not followed by increased cooperation**
- **Prohibition of nationals' extradition – double nationalities**



# Why an AR Network and Programme for SEE ? (3)

## ◆ **UNCAC signature and ratification:**

- Signature: 2003-2006;
- Ratification: 2004-2007.

## ◆ **Asset Recovery (UNCAC) vs. Seizure and confiscation of proceeds of crime**

## ◆ **Asset Recovery – political will, expertise, resources, slow response/procedure, need to strengthen technical capacities, remedial procedures, complex process with several subprocesses and unique challenges:**

- Tracing/investigating
- Seizure
- Confiscation/Forfeiture
- Recovery/repatriation
- Monitoring



# Formal characteristics of an ARN for SEE

## 1. Name of the network

- **SEEARN** or **ARN** or **NARA** or **SEEARIN**
- Informal network of agencies and practitioners and cooperative group

## 2. Membership

- It is suitable to have all relevant agencies from SEECF members as Core members  
(Albania, BiH, Bulgaria, Croatia, FYROM, Greece, Kosovo, Moldova, Montenegro, Romania, Serbia, Turkey)
- Associate members may be interested states, international organizations
- Observers (without voting rights)





# Formal characteristics of an ARN for SEE (2)

## 3. Steering Group

- 2 representatives per core or associate member (relevant law enforcement agency and judiciary)

## 4. Chairperson

- Elected by the Steering Group for 1 or 2 years

## 5. Secretariat

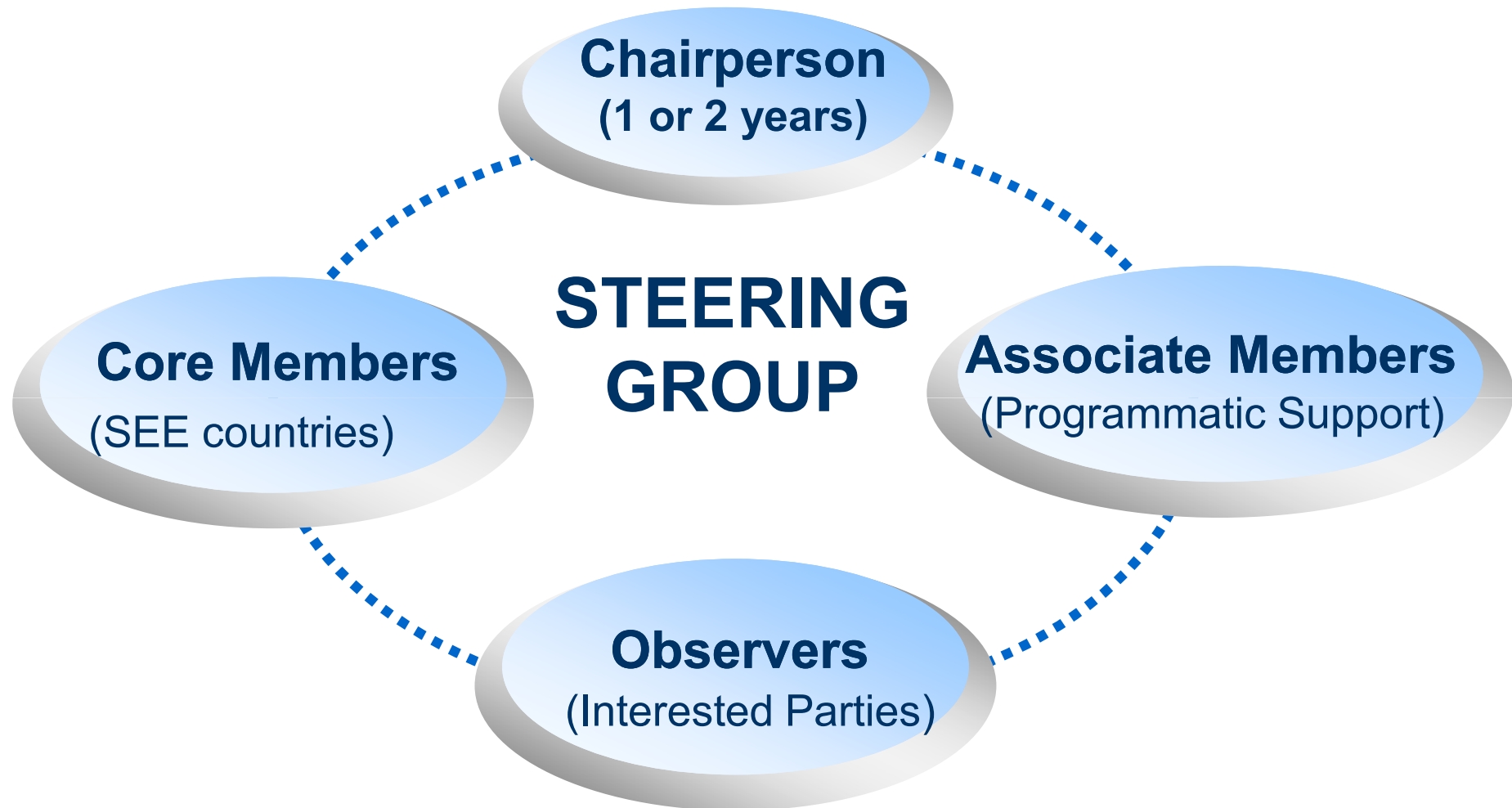
- Ensured by the relevant agency of the member country having the Chairmanship-in-Office; or
- Jointly ensured by UNODC/RPOSEE and RAI Secretariat

## 6. Funding Documents

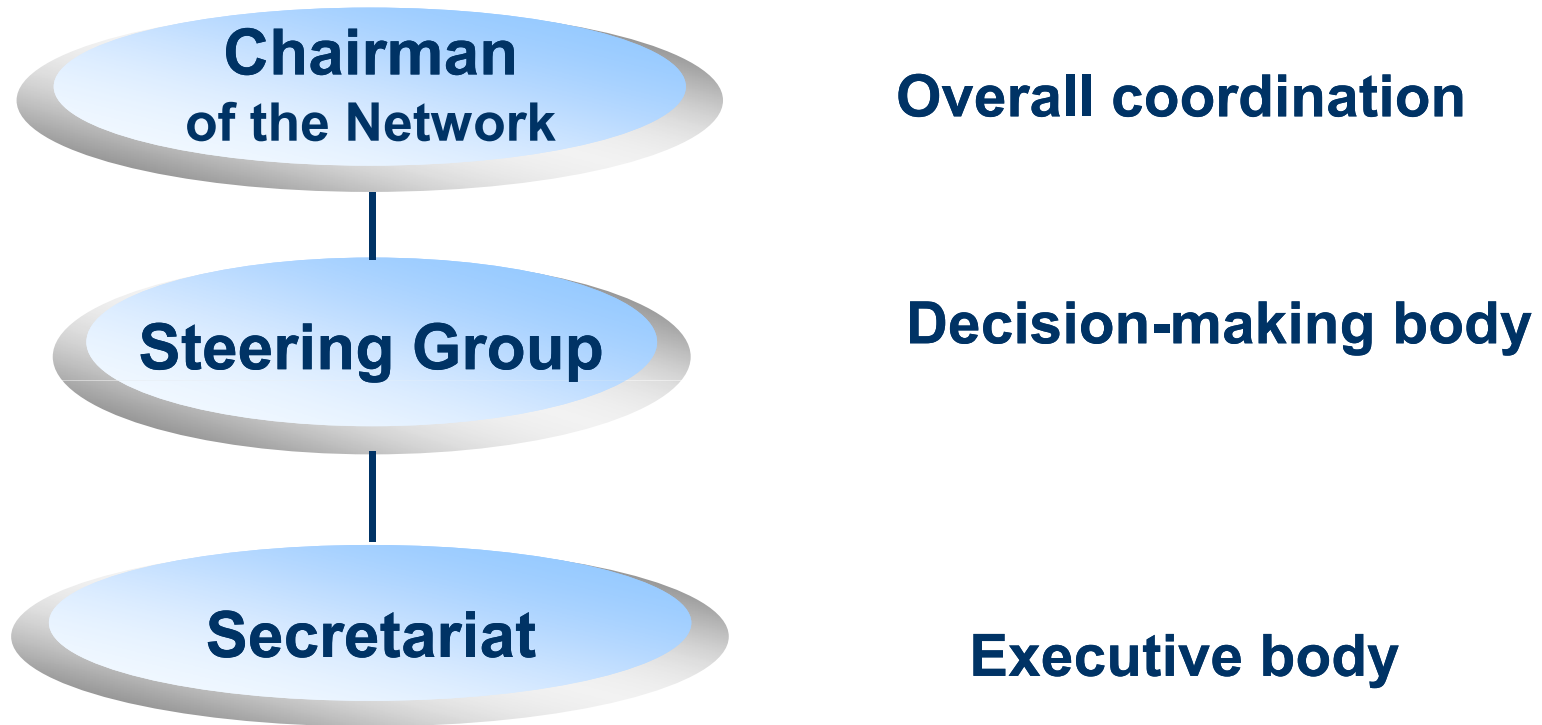
- Initial funding document (Constitution, Statute or Declaration)
- Procedure's Rules



## Platform for coordination



# *Institutional Framework*



# Substantial characteristics of an ARN for SEE

## 1. Mandate

Efficiency of members' efforts in criminal assets identification and recovery

### Goals:

- Network of contact points (at least 2 focal points)
- Focus of work: proceeds of all crimes within the scope of international standards
- Functioning as a center of expertise and platform of practitioners from SEE region
- Promotion of exchange of information
- Exchange of practice and lessons learnt
- Advisory group to other appropriate authorities
- Training and capacity building facilitation
- Cooperation with the private sector
- Supporting members to establish national asset recovery authorities



# ARN's Mission

**Domestic  
implementation  
of international  
standards**

**Exchange of  
knowledge,  
experience,  
information,  
best practices,  
lessons learnt**

**Efficiency of  
members' efforts  
in detecting,  
seizing and  
confiscating  
proceeds from  
crime**

**Dialogue,  
assistance  
and support**

**Practically oriented  
approach**



# Substantial characteristics of the ARN for SEE

## 2. Viability

- Support from relevant organisations and donors
- Periodical meetings (at least once per year) of ARN SG
- Undertaking to make recommendations to SEECP bodies, EU bodies and international monitoring authorities relating to all aspects of tackling the proceeds of crime



# Substantial characteristics of the ARN for SEE

## 3. Funding

- Each party bears its own costs and expenses, excepting when donors support is available
- Donors should be approached to support projects and technical assistance

## 4. Relations with CARIN

- The support of CARIN would be an asset
  - Advice, assistance
  - Training support
  - Assistance for operational aspects
- Membership in CARIN



# Substantial characteristics of the ARN for SEE

## 5. Added values

- Priorities for SEE countries – targeting critical crimes typologies (OC, ML...)
- Special focus on financial investigation
- Cross-border and inter-agency cooperation
- Exchange of information in accordance with national legislation
- Providing special curricula on asset recovery issues
- Transfer of knowledge, good practices and experiences on methodologies and techniques for cross-border identification, freezing, seizure and confiscation of the proceeds from crime.
- Feedback and assistance in research and development
- Raising awareness with relevant agencies, decision-makers, international community and donors





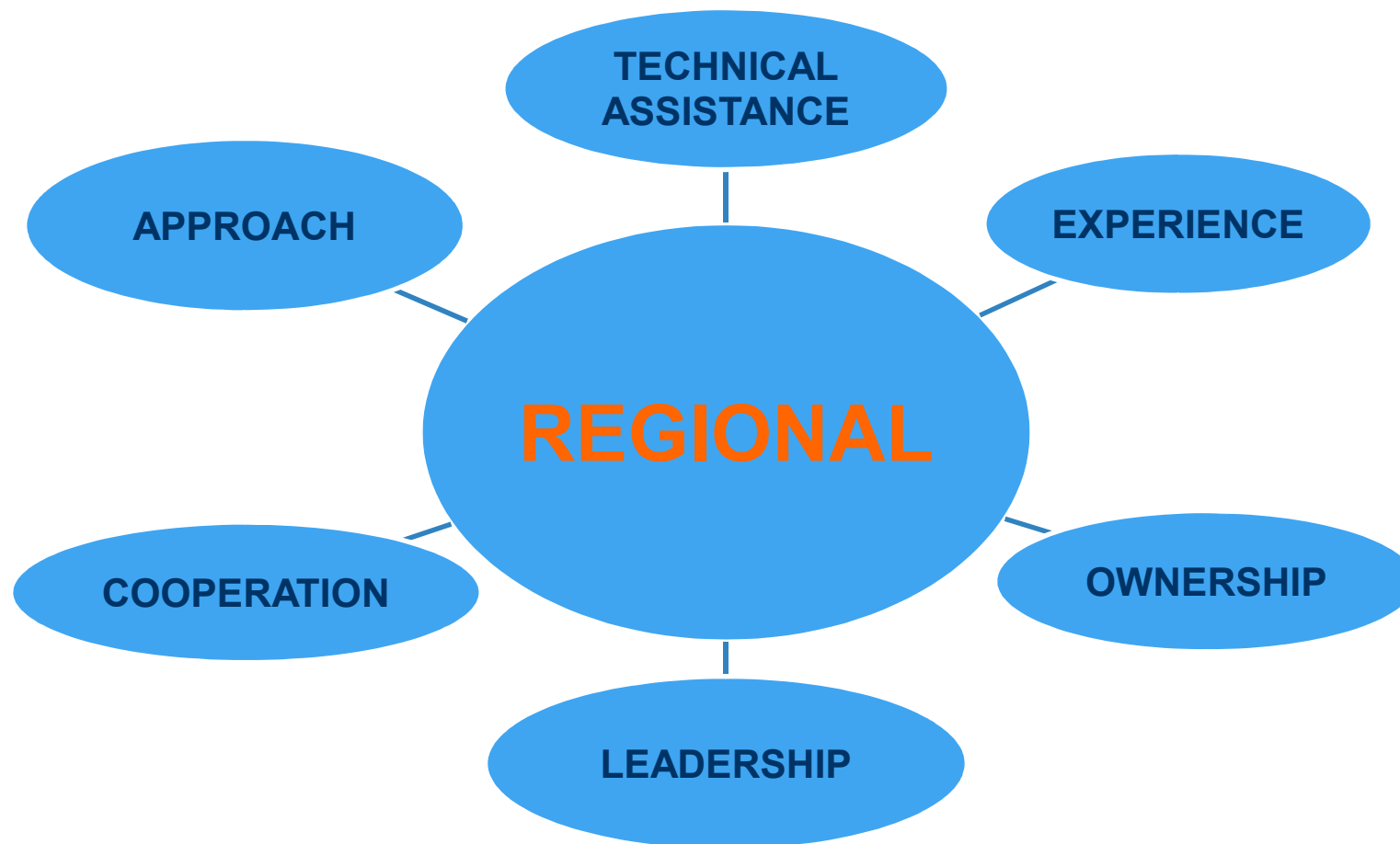
# Functioning of the ARN for SEE

- Working language
- At least one general meeting per year
- Each member – one vote. Decision-making process – through consensus, otherwise simple majority
- One special website for the ARN – maintained by its Secretariat
- Creation of working groups in order to research and examine legal or practical issues



# CONCLUSION

**The key word that guides so many efforts and values**



# Thank you for your attention!



REGIONAL ANTI-CORRUPTION INITIATIVE  
◦ SECRETARIAT ◦

---

**Edmond DUNGA**  
Head of Secretariat

Mis Irbina 6, 71 000 Sarajevo - Bosnia and Herzegovina

Tel: +387 33 258 990; 258 992

Fax: +387 33 258 991

E-mail: [edunga@rai-see.org](mailto:edunga@rai-see.org)

Website: [www.rai-see.org](http://www.rai-see.org)

---

# QUESTIONS

