



**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION -  
INTERPOL  
AND  
THE SECRETARIAT OF THE BASEL CONVENTION**



## PREAMBLE

RECOGNIZING that offences against a nation's criminal and other waste legislation, particularly the illegal traffic of hazardous waste, as defined by the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, are prejudicial to human health and the global environment;

RECOGNIZING also that international co-operation is essential in the prevention of and combating the illegal traffic in hazardous and other waste;

RECOGNIZING that INTERPOL is responsible for providing and developing the widest possible mutual assistance between all the criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights;

NOTING that the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal in Article 4, paragraph 3 stipulates that: "The Parties consider that illegal traffic in hazardous waste or other waste is criminal";

NOTING that the fight against illegal traffic in hazardous waste and other waste as defined in the Basel Convention necessitates that Police authorities intensify their surveillance and enforcement measures;

NOTING that in February 1996, the Secretariat of the Basel Convention made the proposal to the ICPO-Interpol General Secretariat for an Agreement of specific rules of relationship between the two secretariats and that in March 1996, the ICPO-Interpol General Secretariat accepted in principle the proposal made by the Secretariat of the Basel Convention;

TAKING INTO CONSIDERATION that the Fourth Conference of the Parties of the Basel Convention (Kuching, Malaysia, February 1998) requested the Secretariat of the Basel Convention to continue its co-operation with the World Customs Organization, the ICPO-Interpol and other appropriate bodies in order to achieve prevention, better control, monitoring and penalizing of cases of illegal traffic in hazardous waste and other waste;

BELIEVING that increased co-operation between national authorities and focal points of the Basel Convention and Police authorities will increase the effectiveness of implementation and enforcement of the Basel Convention;

The ICPO-INTERPOL and the SECRETARIAT OF THE BASEL CONVENTION have agreed as follows:

1. In order to strengthen the co-operation between them, the ICPO-Interpol General Secretariat and the Secretariat of the Basel Convention will send each other general information of common interest.
2. The two Secretariats will invite each other as observers to meetings of common interest that they organize.



3. To combat the illegal traffic in hazardous waste and other waste, the two Secretariats will jointly draft and implement, each in its own field of competence, measures to improve collaboration, co-operation and information between Police authorities and Competent Authorities and Focal Points.
4. The Secretariat of the Basel Convention will provide the ICPO-Interpol with information to help the Police to better appreciate the importance of issues related to the illegal traffic of hazardous waste and other waste and the implementation of the Basel Convention.
5. The ICPO-Interpol General Secretariat will provide the Secretariat of the Basel Convention with information to give Competent Authorities and Focal Points a better understanding of Police services' tasks and their problems.
6. The two Secretariats will jointly devise publications and other promotional material to raise the awareness of and inform the services responsible for combating illegal traffic in hazardous waste within the limits of their respective budgetary and human resources.
7. The two Secretariats will jointly devise training materials on combating illegal traffic in hazardous waste and other waste and will, within the limits of their respective resources, organize joint training activities for Police and other enforcement officers, or participate in relevant training seminars for enforcement personnel.
8. The Secretariat of the Basel Convention will send the General Secretariat of the ICPO-Interpol all the information and intelligence relating to infractions against the Convention in its possession that it considers appropriate to send. Upon receipt of the information, the specialized officers at the General Secretariat will exploit it and, if necessary, communicate it to relevant NCBs. The Secretariat of the Basel Convention reserves the right to communicate information solely for the use of the ICPO-Interpol General Secretariat which must not be released to NCBs or other agencies without the prior approval of the Secretariat of the Basel Convention.
9. The General Secretariat of the ICPO-Interpol will work in close co-operation with the Secretariat of the Basel Convention to disseminate to the relevant enforcement authorities general information on the type of hazardous waste most commonly involved in the illegal traffic and, when considered appropriate and with the prior approval of the NCBs concerned, will communicate to the Secretariat of the Basel Convention information on violations of national laws for the implementation of the Basel Convention, including any final results of investigations into such violations.
10. Any information received by the Secretariat of the Basel Convention from the ICPO-Interpol will be processed and stored by its designated staff member and will be treated as strictly confidential. Such information will not be released to any person or organization without the prior approval of the General Secretariat of the ICPO-Interpol.



11. The General Secretariat of the ICPO-Interpol may seek information from the intelligence database maintained by the Secretariat of the Basel Convention but may not release any information obtained without consent.
12. The General Secretariat of the ICPO-Interpol will assist, where appropriate and within the limits of its resources, in the collection and communication to the Secretariat of the Basel Convention of data relating to specific areas of illegal traffic in hazardous waste and other waste, to enable better targeting of enforcement efforts and the dissemination of intelligence.
13. The Secretariat of the Basel Convention will assist, where appropriate and within the limits of its resources, in the collection and communication to the ICPO-Interpol General Secretariat of data relating to specific areas of illegal traffic in hazardous waste or other waste, to enable better targeting of enforcement, to support the work of the ICPO-Interpol's Crime Analysis Section, the work of the Working Group on Crimes Related to Environmental Pollution and the general dissemination of intelligence.
14. Each organisation will nominate a contact person who will be responsible for liaison between the Secretariats and who will assure implementation of this Memorandum of Understanding.

The two Secretariats resolve that nothing in this Memorandum of Understanding will exclude any act done in the best interest of the enforcement of the Basel Convention or of the principles of the International Criminal Police Organization - Interpol, if authorized by the Executive Secretary of the Secretariat of the Basel Convention and by the Secretary General of the ICPO-Interpol, and neither shall it be interpreted to alter the rules and procedures of either body. This Memorandum may be revoked by either signatory organization by giving three month's notice to the other in writing.

Signed in two original copies in English.



Per Bakken  
Officer-in-Charge  
Secretariat of the Basel Convention

Date: 4. Nov. 1999



R.E. Kendall, Q.P.M., M.A.  
Secretary General  
ICPO-Interpol

Date: 27th October 1999