

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE INTERNATIONAL CRIMINAL POLICE
ORGANIZATION-INTERPOL**



AND

THE COMMISSION OF THE AFRICAN UNION



PREAMBLE

The **International Criminal Police Organization-INTERPOL** (hereinafter referred to as "INTERPOL") on the one hand,

and

The **Commission of the African Union** (hereinafter referred to as "the Commission") on the other hand,

Hereinafter collectively referred to as the "Parties",

Recognizing that INTERPOL is responsible for ensuring and promoting 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,

Recognizing that one of the objectives of the African Union (AU) is to promote international co-operation, having due regard to the Constitutive Act of the African Union, the Charter of the United Nations, the African Charter on Human and Peoples' Rights and the Universal Declaration of Human Rights,

Considering the threat posed by transnational organized crimes to the national security, social cohesion, financial stability and economic development of African countries, their peoples, and the continent as a whole,

Taking into account the escalating acts of transnational organized crimes across the continent, including the emergence of new types of crime hitherto unknown or uncommon on the continent,

Bearing in mind the growing importance of Africa as an entry port and transition point for illicit drug trafficking,

Mindful of the United Nations (UN) Convention against Transnational Organised Crime (2000), The United Nations Security Council (UNSC) Resolution 1566 (2004), the Organization of the African Unity (OAU) Convention on the Prevention and Combating of Terrorism, The Protocol to the OAU Convention on the Prevention and Combating of Terrorism (2004), and the AU Plan of Action on Drug Control and Crime Prevention (2007-2012)

Recognizing the intrinsic nexus between organized crime, illicit trafficking and terrorism, and the threat they represent to the security and stability of African Countries,

Affirming the desirability of co-operation between INTERPOL and the Commission within the fields of their respective competences in combating criminal activities and terrorism in the African Continent, as well as any criminal activities directed towards Africa,

Do hereby agree as follows:

Article 1
Objectives

In conformity with the rules, regulations and policies of the Parties, the objectives of this Memorandum of Understanding (MOU) shall be to:

- a) Provide for an appropriate framework which enables the Parties to facilitate and co-ordinate co-operation between them in the areas of mutual interest and particularly in the area of combating criminal activities in the African Region;
- b) Set up the appropriate channels for communication and exchange of information in order to ensure close consultations and exchange of views between the Parties in order to facilitate the achievement of the objectives set out in paragraph 1 of this Article.

Article 2
Co-operation

In order to achieve the objectives set out in Article 1, the Parties shall develop close co-operation on the basis of regular consultations in the fields of common interest and in conformity with the terms of this MOU as well as the provisions and modalities of the Constitutive Instruments of the Parties. For this purpose, the Parties shall:

- a) Invite each other, in conformity with their respective rules and procedures, to attend relevant meetings and missions at which issues of common interest shall be under discussion or exploration;
- b) Consult regularly on questions, policy issues and matters of common interest for the purpose of realizing their objectives and co-ordinating their activities;
- c) Arrange consultations, when appropriate, at the required level between representatives of the Parties to agree upon the most effective way to organize specific activities and to optimize the use of their resources in compliance with their respective mandates;
- d) Co-ordinate their positions during international conferences and meetings on questions of common interest in conformity with the present MOU;
- e) Take the necessary actions in order to invite to their respective consultations and meetings the African Regional Economic Communities, and relevant specialized agencies and institutions involved in the specific areas of co-operation identified in the MOU;
- f) Endeavour, as far as is appropriate within their own framework, to respond favourably to specific requests for assistance in accordance with this MOU.

Article 3
Specific areas of co-operation

Within the context of their activities, the Parties shall:

- a) Co-operate through their appropriate representatives on issues relating to all forms of transnational crimes, terrorism and corruption;
- b) Prioritize the areas of capacity building; (which includes training and development, and forensics policing), and encourage access to I-24/7 beyond the National Central Bureaus (NCBs).

Article 4
Exchange of information

1. The Parties shall, to the fullest extent possible, combine their efforts to achieve the best use of all available information relevant to the fight against transnational criminal activities on the African Continent.
2. Subject to their respective internal rules and policies for the safeguarding of confidential information, the Parties, as may be necessary, shall ensure full and prompt exchange of information and documents concerning matters of common interest.
3. Communication of information by the Commission to INTERPOL shall be subject to the provisions of the Commission's internal regulations.
4. Communication of information by INTERPOL to the Commission shall be subject to INTERPOL's internal regulations. If an item of information communicated by INTERPOL to the Commission is modified or deleted, INTERPOL shall inform the Commission so that the latter may keep its own archives up-to-date.
5. The Parties shall not be liable in the event that the use of communicated information is prejudicial to an individual's or entity's interests, if the Parties have previously informed each other that the information has been transmitted to third parties.
6. Information communicated between the Parties shall be used exclusively for the purposes of prevention or suppression of transnational ordinary law crime, with due respect for national laws and international treaties.

Article 5
Establishment of offices of representation

In order to strengthen the ties between the Parties and to implement the agreed areas of co-operation, the Parties may establish offices of representation to their respective organizations.

Article 6
Meetings and reciprocal representation

1. In conformity with Article 4 of this MOU, the Parties may consult each other and exchange information on the best ways and means for the realization of their common objectives.
2. The Parties undertake to meet at least once a year at the level of experts and decision makers or their representatives with a view to having consultations on the common areas of interest.
3. The Parties shall make arrangements for reciprocal representation at INTERPOL and Commission meetings which are convened under their respective auspices and which consider matters in which the other Party has an interest or technical competence in conformity with their respective rules and regulations.

Article 7
Technical co-operation

1. INTERPOL and the Commission may, in the interest of their respective activities, seek each other's expertise to optimize the effects of such activities.
2. By mutual agreement, the Commission may associate itself in the development and execution of programmes, projects and activities relating particularly to crimes and offences concerning transnational crimes, including the emergence of new types of crimes.
3. Joint activities to be conducted under this MOU may be subject to the approval of individual project documents by the Parties, and shall be monitored under an agreed mechanism.
4. INTERPOL and the Commission shall co-operate in evaluating such programmes, projects, and activities of common interest, subject to mutual agreement on a case-by-case basis.

Article 8
Exchange and training of personnel

Subject to their relevant internal regulations, the Parties may examine the possibility of organizing the exchange and training of personnel on a temporary basis. The Parties shall enter into special supplementary arrangements if necessary, for that purpose.

Article 9
Financial obligations

Financial obligations incurred by the parties as a result of this MOU or of the exchange of letters issued on the basis of this MOU shall be subject to the decisions taken by their governing bodies as to the availability of funds and to their budgetary and financial regulations.

Article 10
Focal point

The Parties may each designate a person to act as a focal point with a view of ensuring the implementation of the provisions of this MOU.

Article 11
Assignment or transfer to third parties

The responsibilities of the Parties under this MOU are not assignable or transferable except as provided herein. Any attempt to assign or transfer, including by operation of law, is void unless there is prior written approval of the Parties.

Article 12
Privileges, immunities and facilities of the parties

Nothing in this MOU may be interpreted or construed as a waiver or a modification of the privileges, immunities and facilities, which INTERPOL and the Commission enjoy by virtue of the international agreements and national laws applicable to the organizations.

Article 13
Applicable law

This Memorandum of Understanding shall be governed by international law.

Article 14
Settlement of disputes

Any dispute that may arise over the interpretation or application of this MOU shall be settled by direct negotiations between the Parties. Should this not provide a solution satisfactory to the Parties, they shall submit the dispute to an arbitration procedure agreed upon by them.

Article 15
Amendments

1. The Parties may set additional arrangements which are in conformity with this Memorandum and its objectives.
2. The articles of this Memorandum may be subject to review or amendment at any time and upon the request, in writing, of either Party.
3. Any instrument containing amendments may be appended to and become an integral part of this MOU.
4. Any review and/or amendment of this MOU should have the consent of both Parties.
5. The amendments referred to above shall enter into force upon signature by the legal representatives of the Parties.

Article 16
Cancellation of the 2001 Memorandum of Understanding

This MOU supersedes and replaces the previous Memorandum of Understanding signed by INTERPOL and OAU on 28 September 2001.

Article 17
Termination

1. Each Party has the right to terminate this agreement in writing by giving advance written notice to the other Party. The MOU shall terminate sixty (60) days after the date of such notice.
2. Notwithstanding the termination of this MOU under this article, the provisions of this MOU shall survive to the extent necessary to permit an orderly settlement of accounts between the Parties and to bring ongoing activities to a proper close.

Article 18
Entry into force

The present MOU shall be approved by the ICPO-INTERPOL and the Commission of the African Union. Both Parties shall notify each other of their approval of the present MOU which shall enter into force on the first day of the second month after receipt of the notification.

IN WITNESS THEREOF the undersigned have placed their signatures to this Memorandum of Understanding.

**For the International Criminal Police
Organization-INTERPOL**

**For the Commission of the African
Union**



**Ronald K. Noble
Secretary General**



**Okechukwu Emmanuel IBE
Executive Secretary**

on 19th July 2011 (date)

in Lyon (place)

on 12th July 2011 (date)

in Lyon (place)