

MEMORANDUM OF UNDERSTANDING AMONG THE SECRETARIAT OF  
THE BASEL CONVENTION, ON THE CONTROL OF TRANSBOUNDARY  
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL (SBC) AND  
THE SECRETARIAT OF THE VIENNA CONVENTION FOR THE  
PROTECTION OF THE OZONE LAYER AND THE MONTREAL  
PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER  
(THE OZONE SECRETARIAT) AND THE SECRETARIAT OF THE CONVENTION  
ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA (CITES)

**Preamble**

RECOGNIZING that international cooperation is essential to combat and prevent illegal traffic in hazardous and other wastes covered under the Basel Convention, ozone-depleting substances covered under the Montreal Protocol, wild fauna and flora covered under CITES;

NOTING that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes 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 the Basel Declaration adopted by the fifth meeting of the Conference of the Parties to the Basel Convention considers prevention and combat of illegal traffic a priority for the next 10 years;

NOTING that Article VIII (1) of CITES requires Parties to "take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof" and that Resolution Conf. 11.3 directs the Secretariat to pursue closer international liaison between the Convention's institutions, national enforcement agencies and existing intergovernmental bodies particularly the World Customs Organization and ICPO - Interpol:

ALSO NOTING that Goal 3 of the CITES Strategic Vision Through 2005 is to contribute to the reduction and ultimate elimination of illegal trade in wild fauna and flora;

NOTING that Article 4B of the Montreal Protocol provides for each Party to establish and implement a system for licensing the import and export of new, recycled and reclaimed controlled substances in Annexes A, B, C and E to the Protocol,

NOTING FURTHER that decision IX/8 of the Eighth Meeting of the Parties requires that the licensing system to be established by each Party should, *inter alia*, assist Parties in the prevention of illegal traffic of controlled substances, including, as appropriate, through notification and/or regular reporting by exporting countries to importing countries and/or by allowing cross-checking of information between exporting and importing countries.

BELIEVING that increased cooperation between national authorities and focal points of the Basel Convention, the Ozone Secretariat and CITES with Customs, police and other enforcement authorities (like port authorities and specialized environment authorities) will increase the implementation of, compliance with,

enforcement of and overall effectiveness of the Basel Convention, the Montreal Protocol and CITES;

NOW THEREFORE the Secretariat of the Basel Convention, the Ozone Secretariat and the CITES Secretariat have agreed as follows:

1. In order to strengthen cooperation, all three Secretariats will keep each other informed of matters of common interest, including, as necessary, organising regular or *ad hoc* meetings;
2. The three Secretariats will invite each other as observers to meetings of common interest that they may organise, including organising joint meetings on matters of common interest;
3. The three Secretariats will jointly draft and implement, each in its own field of competence, measures to improve collaboration and information between their Competent Authorities and Focal Points to combat illegal traffic in hazardous and other wastes, in ozone-depleting substances covered under the Montreal Protocol; flora and fauna covered under CITES;
4. The three Secretariats will jointly draw up publications and other promotional material to raise awareness of and inform the services responsible for combating illegal traffic, within the limits of their respective budgetary and human resources;
5. The three Secretariats will jointly organize training seminars, elaborate training materials or undertake any other joint activities to assist Parties in developing their capacity within the limits of their respective resources. Joint training activities for police, prosecutors, members of the judiciary, Customs and other enforcement officers, or personnel, will be given priority;
6. The three Secretariats will work in close cooperation to disseminate to the relevant enforcement authorities general information on the type of hazardous waste most commonly involved in illegal traffic; the most common type of substances covered under the Montreal Protocol involved in illegal trade; the most common wild animals and plants involved in illegal traffic; or the most common *modus operandi*, routes, etc., including any final results of investigations into such violations. In this regard it might be useful to share certain techniques, e.g. for gathering intelligence, analysing criminal intelligence and other information and using criminal analyses results to target the application of enforcement resources;
7. Each Secretariat may seek information from the intelligence database maintained by the other secretariats but shall not release any information obtained without the consent of the Secretariat concerned;
8. The three Secretariats will identify ways in which their activities related to policy development, legislation and the management and regulation of legal trade might help their individual and joint efforts to combat illegal trade;
9. Each Secretariat shall nominate a contact person who will be responsible for liaison between the Secretariats and who will assure implementation of this Memorandum of Understanding.

The three Secretariats resolve that nothing in this Memorandum of Understanding will exclude any individual act undertaken in the best interest of the enforcement of the Basel Convention, the Montreal Protocol and CITES and neither shall interpret this Memorandum of Understanding to alter the rules and procedures of the respective instruments and decisions of the Parties arising therefrom.

This Memorandum shall enter into force upon signature and shall have a duration of five years. At the time of expiry, it may be extended for another five years by mutual express consent of the four Secretariats. The Memorandum may be revoked by any Secretariat signatory to it by giving three months' written notification to other parties. It can be modified by mutual consent.

Signed in three original copies in English.

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Ms Sachiko Kuwabara-Yamamoto  
Executive Secretary  
The Secretariat of the Basel  
Convention

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Mr Michael Graber  
Officer-in-Charge  
Ozone Secretariat

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Mr Willem Wijnstekers  
Secretary General  
CITES Secretariat

26 April 2002