WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

INCB

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE WORLD CUSTOMS ORGANIZATION

AND

THE INTERNATIONAL NARCOTICS CONTROL BOARD

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AND
THE INTERNATIONAL NARCOTICS CONTROL BOARD

The World Customs Organization (WCO) and the International Narcotics Control Board (INCB), referred to hereinafter as "the Parties" :

RECOGNIZING that the INCB's mandate is to monitor the implementation of the Single Convention on Narcotic Drugs, 1961; the Convention on Psychotropic Substances of 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

RECOGNIZING that the WCO has the responsibility for assisting Customs administrations worldwide to implement drug control policy and drug law enforcement programmes which contribute to the fight against the illicit trafficking of narcotic drugs, psychotropic substances and precursor chemicals through its focus on prevention, inspection, investigation and prosecution;

BEARING IN MIND the requirements of international drug control treaties as well as other applicable agreements, resolutions and declarations within the Parties' respective mandates;

WISHING to formalize existing co-operation with a view to enhancing international drug control efforts;

AWARE that such co-operation should be developed in the light of experience and practical action;

HEREBY AGREE AS FOLLOWS :

ARTICLE I
Objective

The Parties shall work to promote close co-operation and consultation on matters of common interest in order to harmonize their efforts in the complementary discharge of their respective mandates.

[1] Established in 1952 as the Customs Co-operation Council.

ARTICLE II
Scope of co-operation

Within the scope of their respective mandates, the Parties agree to undertake the following :

- To support State Parties to the United Nations international drug control treaties and Members of the WCO in ensuring the legitimate trade and use of internationally controlled substances in their respective territories and to prevent attempts at diversion thereof;

- To assist each other in the effective implementation of Security Council, ECOSOC and Commission on Narcotic Drugs Resolutions calling upon the INCB and/or the WCO to take specific action in the area of narcotic drugs, psychotropic substances and precursor control;

- As appropriate, to consult each other in the elaboration of joint strategies for the swift detection and taking of prompt action in addressing known and emerging forms of diversion of internationally controlled substances and of substances not (yet) subject to international control;

- To support international initiatives, initiated by either Party, aimed at monitoring international trade in narcotic drugs, psychotropic substances and precursor chemicals, as well as targeted operations for the identification of diversions and attempts at trafficking of these substances;

- To promote technical assistance and training programmes and to facilitate universal co-operation for the control of narcotic drugs, psychotropic substances and precursor chemicals, notably through the sharing of 'best practices' regarding administrative controls of licit trade and law enforcement investigations of suspicious orders, attempted diversions and seizures of those substances;

- To the extent possible and subject to such restrictions as may be considered necessary by each of the Parties to preserve the confidential nature of certain information and documents, to share information on matters of common interest such as :

    - emerging patterns in licit trade in internationally controlled substances and internationally non-controlled substances found to be abused by drug-users or used in the illicit manufacture of substances of abuse;

    - abuse, diversions and seizures of narcotic drugs and psychotropic substances and other substances of abuse not (yet) subject to international control;

    - trends in diversion and trafficking of precursors and other chemicals used in the illicit manufacture of drugs, and seizures of these substances.

- To undertake any other actions deemed appropriate in furtherance of the objectives of this Memorandum of Understanding.

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ARTICLE III
Financial obligations

Nothing in this Memorandum of Understanding shall be taken as creating any financial obligation for either Party without such obligation being mutually and expressly agreed in writing.

Any expenditure arising from the implementation of this Memorandum of Understanding that is routine and of negligible amount shall be borne by the Party concerned.

ARTICLE IV
Representation at meetings

The Parties shall invite each other to their meetings of common interest and also grant each other observer status at meetings in accordance with the rules of procedure for granting of such status by each Organization.

The participation of representatives at such meetings shall be financed by each Party unless a Party offers to finance the participation of the other Party.

ARTICLE V
Joint training activities

Wherever possible, the WCO Secretariat and the INCB Secretariat shall, within the limits of the resources available to them, co-ordinate joint training activities for Customs officers.

ARTICLE VI
Programme of activities

The Parties shall communicate to each other their programme of activities relating to prevention of the diversion of internationally controlled substances.

ARTICLE VII
Entry into force

This Memorandum of Understanding shall enter into force on the date of its signature.

ARTICLE VIII
Amendments

This Memorandum of Understanding shall be reviewed upon the request of either the Secretary General of the WCO or the President of the INCB, and may be amended by mutual agreement in writing.

ARTICLE IX
Termination

Either Party may terminate this Memorandum of Understanding at any time by giving the other Party written notice of six months.

The termination of the Memorandum of Understanding shall come into effect on the expiry of the notice period of six months, unless the Parties agree on a specific date of termination.

ARTICLE X
Effect of termination

The termination of this Memorandum of Understanding shall in no way affect obligations assumed during the duration of this Memorandum of Understanding.

ARTICLE XI
Dispute resolution

Any dispute over the interpretation or application of any provision herein shall be settled through negotiations or by such other means as the Parties shall mutually agree.

IN WITNESS WHEREOF, the undersigned legal representatives of the Parties hereto have duly affixed their signatures on the two originals of this Memorandum of Understanding in the English and French languages, both texts being equally authentic.

Kunio Mikuriya
Secretary General
World Customs Organization

Date : 30 March 2012

Hamid Ghodse
President
International Narcotics Control Board

Date : 30th March 2012