

MEMORANDUM OF UNDERSTANDING

Between

The Secretariat of the Convention on
Biological Diversity

and the

African Centre for Technology Studies (ACTS)

February, 2001

MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY AND THE AFRICAN CENTRE FOR TECHNOLOGY STUDIES

Preamble

The Secretariat of the Convention on Biological Diversity (hereinafter referred to as the Secretariat) and the African Centre for Technology Studies (hereinafter referred to as ACTS),

Recalling Article 22 of the Cartagena Protocol on Biosafety (hereinafter the Protocol) which, *inter alia*, enjoins Parties to cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety for the purpose of the effective implementation of the Protocol in developing country Parties, among others, including through existing global, regional, subregional and national institutions and organisations;

Recalling also decision EM-1/3 adopted by the first extraordinary meeting of the Conference of the Parties to the Convention on Biological Diversity which, *inter alia*, called on Parties, States and regional economic integration organisations to provide technical assistance, including training, to interested Parties and States in the field of regulating living modified organisms;

Recognising that urgent measures need to be instituted through national, regional and international cooperation to furnish countries with the kind of knowledge and analytical skills needed for the implementation of the Protocol and its integration into national laws and policies;

Recognising further the importance of strengthening Africa's capacity to participate in and contribute to future international processes on the Protocol;

Aware of the importance of imparting knowledge to African policy makers on matters arising from the Cartagena Protocol on Biosafety;

Aware also of the importance of establishing and maintaining programmes for scientific and technical education and training in measures for conservation and sustainable use of biological diversity and providing support for such education and training for the specific needs of African countries;

Determined to promote the achievement of the Protocol's objectives through its implementation to ensure "an adequate level of protection in the field of safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity;

Determined further to promote and undertake capacity building initiatives, conduct policy research, provide advisory services and disseminate information on ways of implementing the provisions of the Protocol, with particular emphasis on the needs of African countries,

Understanding that it is important that ACTS maintains and builds a continuous interactive process among stakeholders and contribute to the development and promotion of knowledge and resources on the Protocol in particular to African countries;

Have agreed as follows:

Article 1. Cooperation

The Secretariat and ACTS will cooperate in order to contribute to the effective building of the capacity of African policy-makers in the area of biosafety by imparting knowledge and skills in policy analysis of the Protocol and issues associated thereto.

Article 2: Obligations of ACTS

ACTS will,

- (a) Provide training for policy-makers in the African region in policy analysis, in the form of modules, which shall endeavour to cover all topics relevant to the Protocol;
- (b) Develop all training materials;
- (c) Meet all the financial costs associated with the training;
- (d) Meet all the financial costs accruing from the travel and accommodation of the Secretariat staff associated and/or participating in the training sessions; and
- (e) Meet all financial costs associated with the travel, research and the subsistence of the interns sent to the Secretariat.

Article 3: Obligations of the Secretariat

The Secretariat:

- (a) Will provide for each of the training courses, material/information/reports available within the Secretariat to ACTS for use in the training courses;
- (b) Will participate in the provision of resource persons and expertise, at ACTS expense, for the courses, as appropriate; and
- (c) Will endeavour to provide for internship positions at the Secretariat for the trainees, after completion of the course for a period of two months, at ACTS expense.

Notwithstanding the generality of the foregoing obligations, each issue requiring cooperation shall be subject to further negotiation between the Parties to this Memorandum.

Article 4: Coordination and overall leadership at training sessions

Without prejudice to the obligations set out in Articles 2 and 3 above, ACTS will have the main responsibility of coordinating and providing overall intellectual and administrative leadership and supervision in the training sessions.

Article 5: Publications

- (a) ACTS will coordinate all reports and publications relating to work done in pursuit of its mission. All publications, news releases and advertisements shall bear the name of ACTS;
- (b) ACTS will however appropriately acknowledge the contribution of the Secretariat.

Article 6: Settlement of disputes.

Any dispute between the Secretariat and ACTS arising out of the interpretation or execution of this Memorandum shall be settled by negotiation. If the Parties are unable to reach agreement, the dispute shall be settled through arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) as at present in force.

Article 7: Execution.

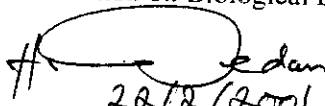
- (a) The execution of this Memorandum will be effected through annexures relating to specific activities agreed upon by the Parties.
- (b) Such annexures will form an integral part of this Memorandum.

Article 8: Entry into force, amendment and Termination.


- (a) The present Memorandum will enter into force upon signature by the Executive Secretary of the Convention on Biological Diversity and the Executive Director of ACTS.
- (b) Any amendment to this Memorandum will be effected only on the basis of written consent of the Secretariat of the Convention on Biological Diversity and ACTS.
- (c) This Memorandum may be terminated by either Party giving six-months written notice.

Signed this.....day of.....2001,

For and on behalf of the
Convention on Biological Diversity


20/2/2001
Dr. Hamdallah Zedan
Executive Secretary

For and on behalf of the
African Centre for Technology Studies (ACTS)


26/2/2001
Dr. John Mugabe
Executive Director