

MEMORANDUM OF UNDERSTANDING BETWEEN THE GENERAL SECRETARIAT OF  
THE LATIN AMERICAN INTEGRATION ASSOCIATION (ALADI) AND THE SECRETARIAT  
OF THE CONVENTION ON BIOLOGICAL DIVERSITY

The General Secretariat of the Latin American Integration Association (hereinafter "ALADI"), duly represented by its Secretary-General a.i., César Augusto Llona Silva, with Headquarters in Cebollatí 1461, Montevideo, Oriental Republic of Uruguay, and the Secretariat of the Convention on Biological Diversity (hereinafter "SCBD"), based in Montreal, Canada, duly represented by its Executive Secretary, Braulio Ferreira de Souza Dias.

**RECOGNIZING** That Article 1 of the 1980 Montevideo Treaty states that the Latin American Integration Association (ALADI) is a regional intergovernmental organization which aims to promote the economic, social, harmonious and balanced development of the region, with the long term goal of establishing, in a gradual and progressive manner, a Latin American common market;

**NOTING** That Article 14 of the 1980 Montevideo Treaty establishes that "*Member countries may establish, through the corresponding regulations, specific rules to conclude other modalities of partial scope agreements. For this purpose, they shall take into consideration, among other matters, scientific and technological cooperation, tourism promotion and preservation of the environment*";

**ALSO NOTING** That Resolution 59 (XIII) of the Council of Ministers, which approves the "*Basis of a Program for the progressive constitution of a Free Trade Area*", in its paragraph 8º, establishes: "*In order to continue progressing towards the objective of developing and consolidating the Free Trade Area..., it is necessary to favor the harmonization and inclusion of the rules and disciplines necessary for the free trade and those matters complementing and fostering the Free Trade Area (FTA)*", and, in its 15 paragraph, states: "*Likewise, ...the Traditional Knowledge Protection... must be included*";

**FURTHERMORE** That Resolution 70 (XV) of the Council of Ministers resolves to: "*Entrust the Evaluation and Convergence Conference to submit proposals and guidelines for the adoption by the Committee of Representatives of a Program for the progressive constitution of a Free Trade Area in the ALADI...which includes the different stages, objectives and terms for the implementation of all the componentes and additional matters provided for in Resolution 59 (XIII)...*";

**RECALLING** The objectives of the Secretariat of the Convention on Biological Diversity, including the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources;

**TAKING INTO ACCOUNT** The Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets, particularly Target 4: "By 2020, at the latest, Governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits;" and Target 18, "By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels";

**HAVING IN MIND** The interests and capacities of private companies, including small and medium companies, to contribute to the conservation and sustainable use of biodiversity and ecosystem services as a source of future business, and as a necessary condition for new business opportunities and new markets;

**ACKNOWLEDGING** That all ALADI members are signatories of the Convention on Biological Biodiversity;

**AIMING** To promote institutional cooperative actions between the General Secretariat of the ALADI and the CBD Secretariat, as expressed by government representatives of the member countries, at the ALADI Meeting on Traditional Knowledge held in 2011; and

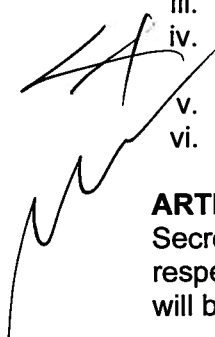
**AFFIRMING** The need to ensure complementarity in activities developed by the Secretariats of the CBD and ALADI, in pursuit of mutual goals, and the interest of both institutions to strengthen ties on technical cooperation;

Have reached the following:

### MEMORANDUM OF UNDERSTANDING

**ARTICLE 1 – Objectives.-** The objective of this Memorandum is to carry out technical cooperation, in a coordinated and collaborative manner and within respective mandates and competences, actions and/or projects in areas of mutual interest.

**ARTICLE 2 – Areas of Mutual Interest.-** For the purposes of this Memorandum, the areas of mutual interest are those described in this Article. The inclusion of other areas of cooperation will be subject to the consideration of the ALADI member countries.

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- i. Trade and Biodiversity.
  - ii. Articles 8(j) of the CBD and its related provisions –Traditional Knowledge-.
  - iii. Article 10(c) of the CBD on Customary Sustainable Use.
  - iv. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.
  - v. Sustainable Use of Biodiversity.
  - vi. Economic and other valuations of Biodiversity.

**ARTICLE 3 – Activities and Specific Projects.-** For the purposes of this Memorandum, the Secretariat of the ALADI and the CBD Secretariat may develop, within the framework of their respective competences, the actions described in this Article. The inclusion of new actions will be subject to the consideration of the ALADI member countries:

- a) The design and implementation of studies and research projects, as well as joint or collaborative publications, conferences, lectures, seminars and other activities on specific topics that are considered of common interest, with a focus on the ALADI member countries;
- b) Exchange of information related to activities including in particular, the dissemination of the decisions of the Conference of Parties to the CBD, to promote implementation;
- c) Providing the ALADI member countries with general and technical information and to the extent possible, technical assistance on issues of mutual interest;
- d) Facilitating the exchange of technical expertise in areas of mutual interest;
- e) Implementing coordinated actions through horizontal cooperation with other agencies or institutions, as agreed, in order to support efforts to promote trade and cooperation; and

- f) Promoting the dissemination of activities and projects carried out or performed under this Memorandum of Understanding, through the communication channels of both Institutions.

**ARTICLE 4 - Financial Aspects.-** The actions, work and/or projects agreed upon, will be formalized through specific agreements, which set out the objectives, terms of reference, methodology of work and responsibilities of each institution, on an annual basis and annexed to this Memorandum of Understanding, which will stand for three (3) years. The results will be submitted to the consideration of the ALADI member countries, evaluated by the relevant bodies and in the manner determined for each case. All collaborative activities are subject to the availability of human and financial resources.

**ARTICLE 5 – Focal Points.-** The Programme Officer for Article 8(j) –Traditional Knowledge and related provisions- of the CBD will act as the CBD Secretariat focal point and the competent authority of the Secretariat of ALADI that will act as focal point for the implementation of activities under this Memorandum of Understanding will be the Chief of Department of Agreements and Negotiations.

**ARTICLE 6 - Use of Logos, Confidential Information and Intellectual Property.-** The Secretariat of the ALADI shall only use the CBD logo or name with the prior consent of the SCBD and only in connection with joint activities. The CBD shall only use the ALADI logo or name with the prior consent of ALADI and only in connection with joint activities. The CBD name or logo, or the name or logo of ALADI or any abbreviation shall not be used for commercial or political purposes.

SCBD and the Secretariat of the ALADI may freely use any information exchanged under this Memorandum, except in cases where the Party that provided it has established restrictions or reservations in its use or dissemination. A Party may not transfer confidential information under this Memorandum, in any circumstances, to a third party without the prior written consent of the other Party.

**ARTICLE 7 - Periodic Review -** This Memorandum will be reviewed after three (3) years.

**ARTICLE 8 - Resolution of Differences.-** Any dispute which may arise between the Parties concerning the scope, effects, interpretation or matters related to this Memorandum will be settled amicably by direct negotiation between the Parties.

**ARTICLE 9 - On-going projects.-** The total or partial amendment or the termination of this Memorandum of Understanding will not affect on-going projects, unless otherwise stated.

**ARTICLE 10 - Entry into Effect, Amendment and Termination .-** This Memorandum will enter into effect upon signature by the CBD Executive Secretary and the Secretary General of ALADI and will remain in effect up to three (3) years unless terminated earlier by written notice three (3) months in advance by either Party. This Memorandum may be amended by common agreement when the Parties deem it convenient. Amendments must be formalized in writing, specifying the date of entry into effect.


In witness whereof, the CBD Executive Secretary and the General Secretariat of the Latin-American Integration Association (ALADI), duly represented, sign this Memorandum , in four (4) originals, two (2) in English and two (2) in Spanish, in Montevideo, on July 15th of the year two thousand and thirteen.

On behalf of the Secretariat of the  
Convention on Biological Diversity

On behalf of the General Secretariat of the Latin American  
Integration Association (ALADI)



Bráulio Ferreira de Souza Dias  
Executive Secretary



César Augusto Llona Silva  
Secretary-General a.i.