

MEMORANDUM OF COOPERATION

Between

The Secretariat of the Convention on Biological Diversity

And

The ASEAN Centre of Biodiversity

The Secretariat of the Convention on Biological Diversity (hereinafter referred to as “the SCBD”) and the ASEAN Centre of Biodiversity (hereinafter referred to as “the ACB”),

Collectively, they are hereinafter referred to as “the Parties”;

Recalling that Paragraph 44 of the Plan of Implementation of the World Summit on Sustainable Development in September 2002 recognizes that the Convention on Biological Diversity (hereinafter “the Convention”) is the key instrument for the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from use of genetic resources;

Recalling also the objectives of the Convention, namely 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;

Recalling also the target to significantly reduce the current rate of loss of biodiversity by 2010 adopted by the Conference of the Parties at its sixth meeting in The Hague in 2002 and reiterated by the 154 Heads of State and Government attending the 2005 World Review Summit of the United Nations General Assembly;

Recognizing the new phase of enhanced implementation that the Convention has entered into with an increased focus on awareness, action at the national level and measurable results;

Recalling further that the Convention stresses the importance of, and the need to promote international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector, as well as desires to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components;

Recognizing further that, to fulfill its leadership role in biodiversity issues, the SCBD is promoting cooperation between all relevant international instruments and processes to enhance policy coherence;

Recalling further that according to Article 24 of the Convention the SCBD was created, inter alia, to coordinate with other relevant international bodies and, in particular, to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

Recalling further that the ACB is an international institution established through an agreement among the Governments of the Member Countries of the Association of Southeast Asian Nations (ASEAN) in 2005 for the purpose of facilitating cooperation and coordination among the members of ASEAN, and with relevant national governments, regional and international organizations, on the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the use of such biodiversity in the ASEAN region;

Recognizing that the ACB will further enhance the collaboration among the ASEAN Member Countries (AMCs), specifically on policy development and coordination, human and institutional capacity development, digital knowledge management and public and leadership awareness raising while assisting AMCs to fulfill their obligations to relevant treaties on environmental conservation including the Convention;

Recognizing further that the ACB has the capacity to enter into contracts for the purpose of administering the Centre and its programs with a view to ensuring that the ACB fulfills its purpose;

Considering that the Parties mutually recognize the need to enter into a collaborative partnership for and share resources in the areas of research, capacity building and training, public education and awareness, exchange of information, policy development and coordination, technical and scientific cooperation and other areas of mutual interest for conservation and sustainable development of biodiversity in Southeast Asia;

Have agreed as follows:

Article 1 General Cooperation

1. The Parties shall cooperate to pursue and promote each other's goals and objectives for their mutual benefit and interest, specifically, in strengthening the capacities of the AMCs in implementing the Convention's objectives on the sustainable use of biodiversity resources;
2. The Parties shall collaborate and engage to implement a joint work program, consistent with their respective annual work plans in the areas of biodiversity research, capacity building and training, public education and awareness, exchange of information, policy development and coordination, and technical and scientific cooperation;

3. The Parties shall share counterpart resources on the agreed joint initiatives, which include, *inter alia*, funds, expert personnel and facilities, as appropriate and subject to availability of resources;
4. The Parties shall share relevant technical information as well as provide copies of publications and research materials and allow linking and information sharing in their respective websites;
5. The Parties shall provide opportunities for staff interaction and staff exchanges to further enhance the partnership between the Parties and their joint work programs.

**Article 2
Focal Points**

The focal points for the purposes of this Memorandum between the SCBD and ACB shall be the Executive Secretary and the Executive Director, respectively. The Parties, however, may designate other contact points in the case of specific activities. The focal points will meet and assess the implementation of this Memorandum at least once a year and arrange for its review as needed.

**Article 3
Responsibilities and Contribution of the SCBD**

1. The SCBD shall extend an invitation to the ACB and permit its participation in appropriate SCBD regional and technical meetings as an observer, subject to the Rules of Procedure of the Convention, and join side events;
2. The SCBD shall assist in promoting the ACB and facilitate partnership building and networking of the ACB with other relevant bodies, organizations and entities.

**Article 4
Responsibilities and Contribution of the ACB**

1. The ACB shall assist AMCs in complying with their commitments to the CBD;
2. The ACB shall initiate the preparation of a biennial joint work plan to be jointly reviewed by the Parties.

**Article 5
Joint Work Plan**

1. In order to promote cooperation within the context of this Memorandum, and in order to develop joint activities to address issues of common interest, either the SCBD or the ACB may propose joint activities for a biennial joint work plan, aimed at specific objects of cooperation. If agreed between the Parties, such joint work plans will be

dated and numbered serially, signed by both Parties, and regarded as annexes to this Memorandum;

2. Such joint work plans shall be reviewed as needed and may be modified by the written mutual consent of both Parties.

Article 6 Dispute Settlement

Any dispute between the SCBD and the ACB arising out of the interpretation or execution of this Memorandum shall be settled amicably through consultation or negotiation. If the Parties are unable to reach agreement through such negotiation, 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 Entry into Force, Amendment and Termination

1. This Memorandum will enter into force upon signature by the Parties;
2. Any amendment or modification of this Memorandum shall only be made upon agreement between the Parties by means of an amending or supplemental agreement;
3. This Memorandum may be terminated by either Party subject to a prior written notice of 6 months. However, ongoing collaborative activities in the joint work plans will continue to the extent necessary for the completion of agreed activities.

Signed this 14th day of January 2008 in Singapore.

For the Secretariat of the Convention on
Biological Diversity

For the ASEAN Centre for Biodiversity


DR. AHMED DJOGLAF
Executive Secretary


MR. RODRIGO FUENTES
Executive Director