



Memorandum of Cooperation

between

the Food and Agriculture Organization of the United Nations

and

the Secretariat of the Convention on Biological Diversity

on cooperation between

the Secretariat of the Convention on Biological Diversity

and

the Secretariat of the International Plant Protection Convention

The Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”) and the Secretariat of the Convention on Biological Diversity,

Recalling that:

1. *The Convention on Biological Diversity has as objectives 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, and that it includes provisions (i) to establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health, and (ii) to prevent the introduction of control or eradicate those alien species which threaten ecosystems, habitats or species;*
2. *The Cartagena Protocol on Biosafety, developed pursuant to Article 19.3 of the Convention on Biological Diversity, has the objective to contribute to ensuring an adequate level of protection in the field of the 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, taking also into account risks to human health, and specifically focusing on transboundary movements;*
3. *The Conference of the Parties to the Convention on Biological Diversity, at its Sixth Meeting (2002), has adopted Guiding principles for the prevention, introduction and mitigation of impacts of alien species that threaten ecosystems, habitats or species;*
4. *The International Plant Protection Convention, approved under Article XIV of the FAO Constitution, has the purpose of securing common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control.*

Recalling also that:

5. *The Conference of the Parties to the Convention on Biological Diversity, at its Fifth Meeting (2000), requested the Secretariat to cooperate with, inter alia, the International Plant Protection Convention and regional plant protection organizations with the aim of coordinating work on invasive alien species, to further elaborate standards and agreements, including for risk assessment/analysis, and to report on potential joint programmes;*
6. *The Conference of the Parties to the Convention on Biological Diversity, at its Sixth Meeting (2002), has requested the Subsidiary Body on Scientific, Technical and Technological Advice and other international organization to inter alia identify and explore further specific gaps and inconsistencies in the international regulatory framework from a technical perspective of the threats of invasive alien species to biological diversity, including consideration of various pathways for the transmission of invasive alien species;*
7. *The sixth Meeting of the Conference of the Parties to the Convention on Biological Diversity, in decision VI/20, (i) requested the Executive Secretary of the Convention on Biological Diversity to continue to maintain close cooperation with the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention as regards the development of standards for plant pest risk analysis involving living modified organisms, (ii) encouraged Parties to the Convention on Biological Diversity and Governments participating*

in the International Plant Protection Convention process to include experts on the Cartagena Protocol on Biosafety and the Convention on Biological Diversity in their delegations to meetings under the International Plant Protection Convention, and (iii) urged the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention to ensure that the international standards to be developed for the purpose of phytosanitary measures regarding living modified organisms are in harmony with the objectives and all relevant requirements of the Cartagena Protocol on Biosafety;

8. *The Interim Commission on Phytosanitary Measures of the International Plant Protection Convention, at its Third Meeting (2001), recognizing the overlapping objectives of the International Plant Protection Convention, and the Convention on Biological Diversity, and noting the importance of coherence and mutual support in the implementation of both Conventions, (i) called for strengthening cooperation between the Food and Agriculture Organization of the United Nations in the field of plant protection and the Convention on Biological Diversity, and (ii) identified areas for collaboration, including the elaboration of certain international standards for phytosanitary measures.*

Have agreed as follows:

Article 1. - Purpose

(a) The purposes of this Memorandum of Cooperation is to promote cooperation in relevant aspects of the activities conducted in the framework of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, and the International Plant Protection Convention, with a view to promote synergy, to avoid overlaps and unnecessary duplication, and to ensure effective cooperation in joint activities.

(b) To that effect, the Secretariat of the Convention on Biological Diversity and FAO, acting through the Secretariat of the International Plant Protection Convention, will, in particular:

- Promote cooperation through (i) regular exchange of information on relevant activities; (ii) participation of their concerned respective officers in relevant meetings, as required; (iii) cooperation in the preparation of official documents by making available drafts of relevant documents and providing comments where appropriate and feasible;
- Encourage cooperation and information exchange between the respective focal points of the Convention of the Biological Diversity and the Cartagena Protocol on Biosafety, and the International Plant Protection Convention, with a view to promote cooperation at national and international levels;
- Facilitate and encourage mutual technical support to, *inter alia*, promote capacity building at national and regional levels;
- Promote linkages between the information systems established under the International Plant Protection Convention and the Clearing House Mechanism and Biosafety Clearing House established under the Convention on Biological Diversity and the Cartagena Protocol on Biosafety;

- Facilitate, where appropriate, the participation of technical experts on issues covered respectively by the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, and the International Plant Protection Convention, in relevant aspects of the programmes of work of each other;
- Facilitate synergy between the activities of the governing bodies of the Convention on Biological Diversity, the Cartagena Protocol on Biosafety, and the International Plant Protection Convention in relevant matters including, as appropriate, the development of international standards that relate to common interests.

Article 2. - Coordination of activities

With a view to implement this Memorandum of Cooperation, the Secretariat of the Convention on Biological Diversity, and FAO, acting through the Secretariat of the International Plant Protection Convention may, from time to time, adopt work plans concerning joint activities. Such work plans, when concluded, will constitute an integral part of this Memorandum of Cooperation.

Article 3. - Financial aspects

(a) Joint activities implemented under this Memorandum of Cooperation are subject to availability of funding for that purpose. The Secretariat of the Convention on Biological Diversity and FAO will submit, as appropriate, to their respective governing bodies budgetary proposals for such joint activities to be carried out under this Memorandum of Cooperation.

(b) The Secretariat of the Convention on Biological Diversity and FAO will seek, as required, further guidance from their respective governing bodies as to how to fully utilize their capacity and resources in the effective and efficient implementation of the Convention on Biological Diversity and its Cartagena Protocol on Biosafety and the international Plant Protection Convention.

Article 4. - Reporting and further guidance

The Secretariat of the Convention on Biological Diversity and FAO, acting through the Secretariat of the International Plant Protection Convention, will report to the pertinent respective governing bodies and subsidiary bodies, as appropriate, on progress made in the implementation of this Memorandum of Cooperation and seek further guidance regarding new areas of cooperation.

Article 5. - Settlement of disputes

Any dispute between the Secretariat of the Convention on Biological Diversity and FAO arising out of the interpretation or execution of this Memorandum shall be settled by 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 6. - Focal Points

The Secretariat of the Convention on Biological Diversity and the Secretariat of the International Plant Protection Convention are the focal points for the purposes of this Memorandum of Cooperation, in particular regarding official communication and the exchange of information.

Article 7. - Review, amendment and termination

- (a) This Memorandum of Cooperation may be reviewed to assess its effectiveness and may be amended at any time by mutual agreement of the parties.
- (b) This Memorandum of Cooperation will enter into force upon signature by both parties, and may be terminated by either party giving notice in writing to the other not less than six months in advance of the effective date of termination.

Done at Montreal, Canada 25 February 2004

(original signed)

Hamdallah Zedan
Executive Secretary
Convention on Biological Diversity

(original signed)

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