

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF
VIET NAM**

AND

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

ON

**COOPERATION IN BIODIVERSITY CONSERVATION
AND PROTECTION**



PREAMBLE

The Government of Republic of South Africa and the Government of the Socialist Republic of Viet Nam (hereinafter jointly referred to as the "Parties", and separately as a "Party");

RECOGNIZING the goals and principles stated in the Convention on Biological Diversity (hereinafter referred to as "CBD"), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as "CITES") and National Forestry, Environmental, Biodiversity, CITES and Wildlife Legislation in both countries;

AWARE of the regional and global nature of biodiversity management, conservation and protection, compliance, and law enforcement issues and the urgency to find cost-effective and long-term solutions in addressing these issues through international cooperation and the importance of coordinating joint activities of the Parties;

NOTING that illegal wildlife trafficking remains a global challenge;

IN THE SPIRIT of cooperation and collaboration in CITES and the CBD;

SHARING the common concerns and responsibilities of the Parties to enhance cooperation in the field of biodiversity management, conservation and protection, law enforcement and compliance with CITES;

CONVINCED that cooperation between the Parties in the field of biodiversity conservation and protection, law enforcement and compliance with CITES is of mutual benefit and will further promote the friendly relations between their respective countries.

HEREBY AGREE to the following:

ARTICLE 1 OBJECTIVE

The objective of this Memorandum of Understanding (hereinafter referred to as the "MoU") is to promote cooperation between the Parties in the field of biodiversity management, conservation and protection, law enforcement, compliance with CITES, and other relevant legislation and Conventions on the basis of equality and mutual benefit.

ARTICLE 2
AREAS OF COOPERATION

The following areas have been identified by the Parties as priority areas of cooperation:

- (a) Biodiversity management, conservation and protection;
- (b) Compliance with CITES and other relevant internationally binding Conventions;
- (c) Forestry and biodiversity law enforcement and compliance with domestic frameworks and applicable conventions;
- (d) Strengthen the cooperation on the above through exchange of information, best practice and research;
- (e) Technology use, transfer and development;
- (f) Natural resource management, wildlife trade, protected areas management, community development, sustainable livelihoods; and
- (g) Other areas related to the objective referred to in Article 1 as agreed upon by the Parties.

ARTICLE 3
FORMS OF COOPERATION

The Parties shall cooperate by:

- (a) exchanging relevant information and documentation on biodiversity conservation and protection, law enforcement and compliance;
- (b) exchanging visits of experts and delegations;
- (c) jointly organizing seminars, workshops and meetings attended by scientists, experts, policy makers, regulators, law enforcers and others concerned;
- (d) undertaking collaborative projects, subject to the Parties domestic legislation and available funding;
- (e) other forms of cooperation as shall be mutually agreed upon by the Parties subject to the Parties domestic legislation and available funding.

ARTICLE 4
COMPETENT AUTHORITIES

The competent authorities responsible for the implementation of this MoU shall be:

- (a) in case of the Government of the Republic of South Africa, the Department of Environmental Affairs and the Department of Agriculture, Forestry and Fisheries of the Republic of South Africa; and
- (b) in case of the Government of the Socialist Republic of Vietnam, the Ministry of Agricultural and Rural Development of the Socialist Republic of Vietnam.

ARTICLE 5
IMPLEMENTATION

1) To implement this MoU, the Parties shall encourage their respective environmental protection organizations, law enforcement agencies, and research institutions, to establish and develop direct contacts with each other in the field of biodiversity management, conservation and protection, law enforcement and compliance with CITES and other related Conventions and legislation.

2) Each competent authority shall appoint a coordinator for the purpose of implementing the MoU.

3) The venues and times of coordinators' meetings shall be agreed upon in writing between the coordinators.

4) Each Party shall bear its own costs and expenses arising from the implementation of this MoU.

ARTICLE 6
OBLIGATIONS

The provisions of this MoU shall not affect the rights and obligations of the Parties deriving from any treaty, convention, regional or global agreement related to biodiversity, wildlife trade or law enforcement and this MoU shall be implemented in accordance with the domestic law in force in their respective countries.

ARTICLE 7
SETTLEMENT OF DISPUTES

Any dispute between the Parties arising out of the interpretation or implementation of this MoU shall be settled amicably through consultation and negotiations between the Parties.

**ARTICLE 8
AMENDMENTS**

This MoU may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

**ARTICLE 9
ENTRY INTO FORCE, DURATION AND TERMINATION**

1) This MoU shall enter into force on the date of signature thereof.

2) This MoU shall remain in force for a period of five (5) years after which it shall be extended for a further period with the prior written consent of both Parties and on such terms as the parties may then agree unless it is terminated in terms of sub-Article (2).

3) This MoU may be terminated by either Party giving six months written notice in advance to the other Party of its intention to terminate it.

4) The termination of the MoU shall not affect any arrangement or activity that has already been made or commenced before the termination, unless otherwise agreed upon by the Parties in writing.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed and sealed this MoU in two originals in the English and Vietnamese languages, all texts being equally authentic.

DONE at Ha Noi on 10 December, 2012.



H. E. Dr. Cao Duc Phat
Minister of
Agricultural and Rural Development

**FOR THE GOVERNMENT OF
SOCIALIS REPUBLIC OF VIET NAM**



H. E. Ms. Edna Molewa
Minister of
Water and Environmental Affairs

**FOR THE GOVERNMENT OF
REPUBLIC OF SOUTH AFRICA**