MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

ON

CO-OPERATION IN THE FIELDS OF WETLAND AND DESERT ECOSYSTEMS AND WILDLIFE CONSERVATION
PREAMBLE

The Government of the Republic of South Africa and the Government of the People’s Republic of China (hereinafter referred to as the “Parties” and in the singular as a “Party”);

HAVING recalled the spirit and objectives of the Pretoria Declaration on the Partnership between the Republic of South Africa and the People’s Republic of China, signed on 25 April 2000 in Pretoria, South Africa;

DESIRING to further strengthen the friendly relationship between the two Parties on the basis of equality, mutual benefits and mutual respect;

RECOGNISING that the Parties are facing common challenges with respect to wetland and desert ecosystems and wildlife conservation;

REAFFIRMING the goals and principles stated in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Biological Diversity (CBD), United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD), the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), and other relevant international conventions, as well as relevant applicable legislation in both countries;

AWARE of the regional and global nature of wetland and desert ecosystems and wildlife conservation, and the urgency to find cost-effective and long-term solutions in addressing these issues through international co-operation and the importance of coordinating joint activities of the Parties; and

CONVINCED that co-operation between the Parties in the fields of wetland and desert ecosystems and wildlife conservation is of mutual benefit, has significant potential for
bilateral technical, managerial, institutional and economic co-operation, and will further promote the friendly relations between their respective countries;

HEREBY AGREE as follows:

ARTICLE 1
OBJECTIVE

The objective of this Memorandum of Understanding (hereinafter referred to as “MoU”) is to extend the co-operation between the Parties in the fields of wetland and desert ecosystems and wildlife conservation, and to establish a long-term co-operative relationship on the basis of equity and mutual benefit.

ARTICLE 2
FIELDS OF CO-OPERATION

The Parties agree to co-operate in the fields of wetland and desert ecosystems and wildlife conservation, including but not limited to, relevant policies and regulations, compliance monitoring and enforcement, research and development, institutional capacity building and personnel training, which shall involve specific aspects as follows:

(a) the formulation of strategies, policies and planning concerning wetland and desert ecosystems and wildlife conservation;
(b) promoting equitable and sustainable development and management of wetland and desert ecosystems and wildlife resources;
(c) assisting and supporting each other to address issues of mutual concern, including wildlife trafficking and law enforcement, the development and management of nature reserves, national parks and other protected areas, and botanical gardens, conservation,
rehabilitation, and sustainable utilisation of wetlands, the monitoring of wetlands of international importance, and the sustainable utilisation of desert ecosystems;

(d) gathering information and sharing relevant expertise and technologies relating to management of wetlands, desert ecosystems and wildlife conservation;

(e) promoting respect for the rights of communities and facilitating their participation in the policy planning, development, and management relating to wetland and desert ecosystems and wildlife resources, with particular attention to the need for ecological conservation and to the enforcement of relevant legislative provisions;

(f) supporting technical exchanges and capacity building between academic, research and training institutions of the respective countries;

(g) exchanging experiences, views and information regarding the implementation and enforcement of relevant international conventions; and

(h) other areas of mutual interest as agreed to by the Parties.

ARTICLE 3
FORMS OF CO-OPERATION

The Parties shall co-operate by –

(a) exchanging information and literature in the fields mentioned in Article 2;

(b) exchanging visits for policy dialogue and project negotiation;

(c) conducting exchange visits by researchers, experts and scholars, and jointly implementing research projects;

(d) organizing technical training, seminars or study tours on subjects of mutual interest; and

(e) jointly carrying out publicity and public education activities:
ARTICLE 4
IMPLEMENTATION

(1) The Competent Authorities responsible for the implementation of this MoU shall be –
   (a) in the case of the People’s Republic of China, the State Forestry Administration; and
   (b) in the case of the Republic of South Africa, the Department of Environmental Affairs.

(2) Each Party shall designate a focal point within the respective Competent Authorities to be responsible for coordinating and implementing this MoU.

(3) The Parties will hold working group meetings in the People’s Republic of China and the Republic of South Africa by rotation every two years, to determine the biennial co-operative plan and supervise its implementation. The biennial co-operative plan will include detailed contents, fields and forms of co-operation.

(4) The Parties will discuss and develop special action plans regarding specific species conservation of mutual interest, and determine the funding sources through negotiation. The special action plans will be annexed to the biennial cooperative plan, once adopted by the working group meeting.

ARTICLE 5
FUNDING FOR CO-OPERATIVE ACTIONS

(1) Each Party shall finance the costs of international travel, accommodation, food, salaries and daily subsistence of its own delegations to meetings, while the host party shall cover the meeting expenses.
(2) Funding for co-operative actions shall be decided through mutual consultation between the Parties in accordance with the specific nature and activity, and subject to available funding.

(3) The Parties shall endeavour to jointly mobilize resources for the identified and agreed-upon activities.

ARTICLE 6
OBLIGATIONS

The implementation of this MoU shall be subject to the domestic laws of the respective countries of the Parties as well as to the international agreements, conventions and treaties to which they are both parties to.

ARTICLE 7
SETTLEMENT OF DISPUTES

Any dispute arising between the Parties on the interpretation and implementation of this MoU shall be settled amicably through negotiation between the Parties.

ARTICLE 8
AMENDMENTS

This MoU may be amended upon mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channels.
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 and shall be automatically renewed for another five (5) years, unless either Party gives written notice six (6) months in advance to the other Party through the diplomatic channels of its intention to terminate this MoU.

(3) The termination of this MoU shall not affect the finalization of the engagements undertaken in terms of this MoU.

Done in... on this... day of... 2013, in duplicate, in the English and Chinese languages, all texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA

FOR THE GOVERNMENT OF
THE PEOPLE’S REPUBLIC OF CHINA
南非共和国政府与中华人民共和国政府
关于湿地与荒漠生态系统和野生动植物保护合作的
谅解备忘录

序 言

南非共和国政府与中华人民共和国政府（以下简称双方，如仅提及一方，称一方）：

忆及二〇〇〇年四月二十五日在南非比勒陀利亚签订的《南非共和国与中华人民共和国关于伙伴关系的比勒陀利亚宣言》的精神和宗旨；

愿意在平等、互利和相互尊重的基础上进一步加强双方友好关系；

认识到双方在湿地与荒漠生态系统和野生动植物保护领域面临着共同挑战；

重申《濒危野生动植物种国际贸易公约》（CITES）、《生物多样性公约》（CBD）、《联合国关于在发生严重干旱和/或荒漠化的国家特别是在非洲防治荒漠化的公约》（UNCCD）、《关于特别是水禽栖息地的国际重要湿地公约》（RAMSAR Convention）以及其他相关的国际公约，和两国相关适用法律所确立的目标和原则；

意识到湿地与荒漠生态系统和野生动植物保护的区域和全球意义，迫切需要通过国际合作采取应对以上事宜的经济、长效措施，以及协调双方开展合作活动的重要性；

相信双方在湿地与荒漠生态系统和野生动植物保护领域的
合作符合双方共同利益，有着广阔的双边技术、管理、制度和经济合作潜力，并将进一步推动两国友好关系；

为此，达成共识如下：

第一条 宗旨

本谅解备忘录旨在推动南非共和国与中华人民共和国在湿地与荒漠生态系统和野生动植物保护领域的合作，在平等互利的基础上建立长期合作关系。

第二条 合作领域

双方同意在在湿地与荒漠生态系统和野生动植物保护领域开展合作，包括但不限于，相关政策与规定、履约监督与执法、研究与开发、机构能力建设与人才培训等。具体合作内容包括：

（一）制定湿地与荒漠生态系统和野生动植物保护的战略、政策和规划；

（二）促进湿地与荒漠生态系统和野生动植物资源的平等、可持续开发和管理；

（三）帮助并支持对方应对双方共同关注的问题，包括野生动植物非法贩运和执法，自然保护区、国家公园及其他保护区域、植物园的建设和管理，湿地保护、恢复和可持续利用，国际重要湿地监测，荒漠生态系统的可持续利用；

（四）收集湿地与荒漠生态系统管理和野生动植物保护管理的信息，分享相关专业技能和技术；

（五）尊重社区权利，鼓励社区参与湿地与荒漠生态系统和
野生动植物资源相关政策的制定、规划与管理，注重生态保护的需求，强调执行相关法律条款；

（六）支持两国学术、科研和培训机构开展技术交流和能力建设；
（七）交流相关国际公约履约和执法的经验、观点和信息；
及
（八）双方同意的其他共同感兴趣的领域。

第三条 合作形式
双方采取如下方式开展合作：
（一）在本谅解备忘录第二条提及的领域内开展信息和文献交流；
（二）互派代表团，进行政策对话和项目磋商；
（三）开展科研人员、专家和学者交流，合作开展研究项目；
（四）就共同感兴趣的议题组织技术培训、研讨会或考察；
及
（五）联合开展公众宣传和教育活动。

第四条 执行
一、负责执行本谅解备忘录的主管机构是：
（一）南非共和国环境部代表南非共和国政府；及
（二）中华人民共和国国家林业局代表中华人民共和国政府。

二、各方将在主管机构内指定联络部门负责本谅解备忘录的
协调与执行。

三、双方将每两年在南非共和国和中华人民共和国轮流举行工作组会议，商定两年期合作计划并监督实施。年度合作计划内容应包括具体的合作内容、领域和形式。

四、双方将研究制定共同感兴趣的特定物种保护的特别行动方案，并协商确定经费来源。经工作组会议确认后，特别行动方案将作为两年期合作计划的附件。

第五条 合作活动的资金来源

一、双方各自负担访问团组的国际旅费、食宿、工资及日常生活费，会议费用由承办方负担。

二、合作活动的资金来源应根据活动具体内容和性质，在可用资金的范围内，通过双方间相互磋商来解决。

三、双方将共同努力为确定及达成一致的合作活动筹集资金。

第六条 权利与义务

本谅解备忘录的执行必须遵守双方国内的现行法律，及双方均为缔约方的国际协议、协定和条约。

第七条 争议解决

双方若产生任何涉及本谅解备忘录解释和实施的争议，应通过友好协商解决。
第八条 修改

经双方同意，并通过外交途径交换照会，双方可对本谅解备忘录进行修改。

第九条 生效、有效期限及终止

一、本谅解备忘录自签字之日即生效。

二、本谅解备忘录有效期为5年。除非一方提前6个月通过外交途径以书面形式通知另一方终止本谅解备忘录，本谅解备忘录自动延长5年。

三、本谅解备忘录的终止不影响根据本谅解备忘录正在实施的活动的完成。

二〇〇〇年

本谅解备忘录于二〇一〇年三月二十七日在北京签订，一式两份，每份均用中文和英文写成，两种文本同等作准。

南非共和国政府
代表

中华人民共和国政府
代表