

**DRAFT MEMORANDUM OF UNDERSTANDING ON FORESTRY ISSUES
BETWEEN
THE FORESTRY DEPARTMENT OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED
NATIONS (FAO)
AND
THE SECRETARIAT OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA (CITES)**

This Memorandum of Understanding is entered into between the Forestry Department of the Food and Agriculture Organization of the United Nations, hereinafter referred to as "FAO Forestry" and the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as "the CITES Secretariat." FAO Forestry and the CITES Secretariat hereinafter are jointly referred to as the Participants.

Introduction

Both CITES and FAO Forestry recognize the potential benefit of an effective framework for cooperation on forestry issues which takes into account the important work of both organizations with regard to biological conservation and sustainable use of forest resources. FAO Forestry and the CITES Secretariat are resolved to cooperate and coordinate on matters of mutual interest regarding forest issues, provided that all cooperation is to be consistent with their respective objectives, mandates and functions.

Purpose

The purpose of this Memorandum of Understanding is to establish a framework for cooperation between FAO Forestry and the CITES Secretariat in the area of biological conservation and sustainable use of forest resources with a view to encouraging complementarity in their work, and better serving the member States/Parties of the FAO Committee on Forestry and CITES.

Exchange of Information

1. FAO Forestry and the CITES Secretariat are encouraged to communicate, as necessary and appropriate, to share information regarding their relevant activities on forest issues and timber species of mutual interest.
2. The CITES Secretariat is encouraged to provide FAO Forestry with information to give its members a better understanding of CITES implementation.
3. FAO Forestry is encouraged to provide the CITES Secretariat with information to give CITES Parties a better understanding of FAO's role in the conservation and management of forest and timber species under its purview.
4. The CITES Secretariat and FAO Forestry are encouraged to remind CITES Parties and FAO Member States of the importance of cooperation between CITES and FAO at the national level, and to promote improved communication, collaboration, and information exchange among national representatives to FAO and national CITES authorities.

Cooperation

The CITES Secretariat and FAO Forestry are encouraged to invite each other to participate as observers in meetings of common interest that they each may organize. Additional cooperation under this Memorandum of Understanding may include:

1. Encouraging regular exchange of information on relevant forest issues and activities, including relevant decisions of the Conference of the Parties to CITES, of FAO governing bodies, and of the governing bodies of relevant international instruments within the framework of FAO.
2. Subject to the approval of their member States/Parties, establishing specific arrangements under this Memorandum of Understanding covering specific areas of work or joint work programmes related to forest issues.
3. Cooperating, consistent with each Participant's respective mandate, in the implementation of jointly decided activities and joint programmes of work, subject to the oversight of their respective governing bodies.
4. Cooperating, where appropriate and possible, and where consistent with each Participant's mandate, in activities undertaken within their separate programmes of work, with a view to ensuring the conservation and sustainable use of timber and forest species.
5. Cooperating, as appropriate, to facilitate capacity building, especially in developing countries and countries with economies in transition, on forestry issues, including regarding timber and forest species of mutual interest which are listed or may become listed in the CITES Appendices. The determination whether such species merit listing in a CITES Appendix is understood to be beyond the mandate of FAO Forestry and is governed exclusively by CITES.

Joint Activities and Joint Programmes of Work

1. In order to promote cooperation within the context of this Memorandum of Understanding, and in order to develop joint actions to address issues of mutual relevance, either FAO Forestry or the CITES Secretariat may propose joint activities or joint programmes of work, subject to the approval of their respective governing bodies of member States/Parties, aimed at specific objects of cooperation. Such joint activities or joint programmes of work are to specify the objectives, areas of work, planned outputs, timetable, responsibilities and financial contributions of each organization, and specify any other sources of funds, as well as staffing responsibilities. In implementing such joint activities and joint programmes of work, FAO Forestry and the CITES Secretariat may jointly decide to cooperate with other organizations and agencies, including funding agencies, subject to approval by their member States/Parties.
2. Such joint activities and joint programmes of work may be modified by the written mutual consent of FAO Forestry and the CITES Secretariat, subject to the approval of each Participant's governing body of member States or Parties.

Non-Legally Binding Character, and Financial Implications

1. This Memorandum of Understanding is non-legally binding and does not give rise to any legal rights or obligations.
2. Any expenditure relating to the implementation of this Memorandum of Understanding is to be borne by the Participant incurring that expenditure. Any such expenditure is expected to be minor and ordinary.
3. Unless otherwise agreed, neither Participant is to be legally or financially liable in any way for activities carried out jointly or independently under this Memorandum of Understanding. Separate letters of agreement or other arrangements, with specific budgets and resource identification, may be concluded for individual activities involving the commitment of financial resources by either Participant in accordance with the Participants' respective mandates and budgetary processes.

Implementation of this Memorandum of Understanding

1. The Assistant Director-General of the FAO Forestry Department and the Secretary-General of CITES may make the arrangements necessary for ensuring satisfactory implementation of this Memorandum of Understanding, including through the development of specific areas of work or joint work programmes related to forest issues, subject to the approval of the CITES Parties and the FAO member States.
2. The CITES Secretariat and FAO Forestry will regularly report to their governing bodies and subsidiary bodies on their implementation of this Memorandum and seek further guidance and endorsement regarding any existing or proposed new areas of cooperation.

Focal Points

The Assistant Director-General of the FAO Forestry Department and the Secretary-General of CITES are the focal points for the purposes of this Memorandum of Understanding, in particular for official communications and the exchange of information.

Arrangements with Other Organizations

This Memorandum of Understanding is without prejudice to arrangements entered into by either Participant with other organizations, or programmes within the United Nations System.

Duration

This Memorandum of Understanding becomes operative upon signature by the Director-General of FAO and the Secretary-General of CITES. It remains operative unless replaced by another arrangement between the Participants or discontinued by either Participant, in which event that Participant should endeavor to provide 90 days' written notice. This Memorandum of Understanding may be modified by mutual decision of the Participants in writing, subject to the approval of their respective governing bodies.

On behalf of the Food and Agriculture Organization of the United Nations

Date:

On behalf of the Secretariat of the Convention on International Trade in Endangered Species of Wild
Fauna and Flora

Date: