

MEMORANDUM OF COOPERATION

Between the Secretariat of the Convention for Biological Diversity (SCBD) and the Food and Agriculture Organization of the United Nations (FAO)

Concerning the collaborative development of a UN Atlas of the Oceans

Recalling that the UN agencies and programmes (hereinafter referred to "Partners" and listed in Annex 1), members of the ACC Sub-Committee on Oceans and Coastal Areas (hereinafter referred to as the "ACC/SC"), have agreed to cooperate in the development of a UN Atlas of the Oceans (hereinafter referred to as the "UN Atlas"), within their respective mandates and fields of competence, and within the limits of their financial capacity;

Recalling further that the modalities as well as the financial terms and conditions for the first two years of this cooperation are set forth in project document GCP/INT/749/FIP (hereinafter referred to as "Project Document") signed between the UNFIP (UN Fund for International Partnership) and the Food and Agriculture Organization of the United Nations (on behalf of the UN Agencies of the ACC/SC), and which constitutes an integral part of this Agreement, and that the Food and Agriculture Organization of the United Nations will coordinate the work on the UN Atlas on behalf of the Partners under the guidance of the ACC/SC;

Understanding that the overall copyright of the UN Atlas shall be jointly vested in all Partners and that the copyright to specific sections of the information contained in the UN Atlas (e.g., text, graphs, maps, video, etc.), as well as software routines and applications graciously contributed by sources other than the Partners, will remain with the originator and acknowledged in the UN Atlas;

Understanding further that each Partner shall have the irrevocable, royalty-free and world-wide right to use, publish or distribute, privately or publicly, any item or part of the UN Atlas, and that contributions from sources other than the Partners shall be accepted only if the originator explicitly recognize the irrevocable, royalty-free and world-wide right of the Partners to use, publish or distribute, privately or publicly, any item or part of its contribution;

NOW THEREFORE, the Secretariat of the Convention for Biological Diversity (hereinafter referred to as "SCBD") and the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO") have agreed as follows:

Article 1.

Institutional Cooperation

1. Subject to the availability of resources, the SCBD will provide information to the UN Atlas on the topics, which are listed in Annex 2, and for which the SCBD will have responsibility. The resulting outputs will be considered in-kind contributions to the UN Atlas.
2. The SCBD will be responsible for the timely delivery of the outputs set forth in Annex 2. The time schedule and the list of outputs can be further elaborated in the course of project implementation.
3. The SCBD may collaborate, under its own exclusive responsibility, with other institutions (e.g., academies, private companies) from outside the UN System in order to fulfil its commitments. When such collaborations have a significant impact on the outcome of the UN Atlas, and in order to avoid duplication, the SCBD will inform the FAO of any such collaboration.
4. FAO will use the funds available through the Project Document (UNFIP grant) and the UN Atlas Trust Fund exclusively for the purposes described in the Project Document. In this connection, FAO is authorized to conclude, in accordance with its own regulations and rules, agreements with

entities other than SCBD for activities, and up to the financial limits, agreed upon by the Partners. FAO will not incur any financial liability in excess of the funds actually available in the Project Document and the UN Atlas Trust Fund.

5. The SCBD will designate its representative to the UN Atlas who will consult as appropriate on the implementation of this Cooperation Agreement. The SCBD and FAO will normally meet on the occasion and within the framework of meetings of the ACC/SC.

Article 2.

Settlement of disputes

Any dispute between FAO and the SCBD arising out of the interpretation or execution of this Agreement shall be settled by mutual agreement. If FAO and the SCBD are unable to reach agreement on any question in dispute or on a mode of settlement other than arbitration, either party shall have the right to request arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL), as at present in force. FAO and SCBD agree to be bound by any arbitration award rendered in accordance with the above, as the final adjudication of any such dispute.

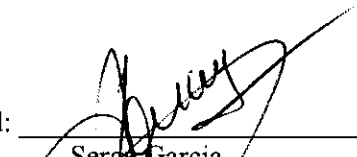
Article 3.

Entry into force, Amendment and Termination

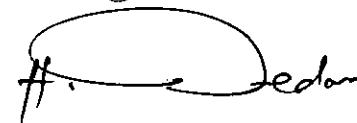
1. The present Memorandum of Cooperation will enter into force upon signature by the Executive Secretary of the Convention on Biological Diversity and the Director, Fishery Resources Division, of the Food and Agriculture Organization of the United Nations.

2. Any amendment to this Memorandum of Cooperation will be effected only on the basis of written consent of the SCBD and the FAO.

3. After completion of the two-year project phase, the present Memorandum of Cooperation may be terminated by either Party by giving two months written notice.

Signed: 
Sergio Garcia
on behalf of the
Food and Agriculture Organization
of the United Nations

Date: 16/02/2001

Signed: 
Hamdallah Zedan
on behalf of the
CBD Secretariat

Date: 22/2/2001

Annex 1

UN agencies and programmes that have agreed to co-operate in the development of a UN Atlas of the Oceans

United Nations Environment Programme (UNEP)

Food and Agriculture Organization of the United Nations (FAO)

Intergovernmental Oceanographic Commission (IOC)
of the United Nations Educational, Scientific and Cultural Organization (UNESCO)

World Meteorological Organization (WMO)

International Maritime Organization (IMO)

International Atomic Energy Agency (IAEA)

Secretariat for the Convention on Biological Diversity (CBD)

Inputs to be provided by SCBD

UN Atlas of the Oceans		
Other/All Ocean Uses (Cross-cutting) ¹		
<i>Integrated Marine and Coastal Area Management (IMCAM)</i>		
Instruments	Existing mechanisms and instruments relevant to the implementation of IMCAM at the local, national, regional and international level	3 rd quarter 2001
Focal Points	Focal points for the implementation of IMCAM at the regional and global level	3 rd quarter 2001
Socio-economic sectors	Socio-economic sectors adversely impacting the marine and coastal environment	3 rd quarter 2001
Sea-Based Pollution	Sea-based sources of pollution	3 rd quarter 2001
Sustainable Use	Examples of non-consumptive uses of marine and coastal biological diversity based on local and traditional knowledge in context of IMCAM	3 rd quarter 2001
Indicators	Indicators on which to base decision-making in context of IMCAM	3 rd quarter 2001
<i>Marine and Coastal Living Resources</i>		
Uses	Examples of uses of marine and coastal living resources at the genetic, species and ecosystem levels, including fisheries, mining, tourism and other non-consumptive uses	4 th quarter 2001
Roles	Roles of marine and coastal living resources in ecosystem functioning	4 th quarter 2001
Threats	Key threats to marine and coastal living resources, including over-exploitation, habitat destruction, pollution and alien invasive species	3 rd quarter 2001
Coral Reefs	Information on key issues, threats and status; global and regional monitoring and assessment programs, including early warning systems for coral bleaching	2 nd quarter 2001

¹ This information will be particularly useful to policy makers. An important source is the national reports.

<i>Marine and Coastal Protected Areas (MCPAs)</i>		
Global Data	Information on MCPAs, including numbers, extent and regional distribution	2 nd quarter 2001
Protected Areas	List of MCPAs	2 nd quarter 2001
Instruments	Regional and global initiatives establishing MCPAs	2 nd quarter 2001
Criteria	Criteria important for the selection of MCPAs	2 nd quarter 2001
<i>Mariculture</i>		
Data	Data on mariculture production and global distribution of activities	4 th quarter 2001
Guidelines	Criteria, methods and techniques which avoid the adverse effects of mariculture on marine and coastal biological diversity	4 th quarter 2001
Literature	Bibliographical references relevant to best practice of successful sustainable mariculture	4 th quarter 2001
<i>Alien Species and Genotypes</i>		
Introductions	Data and case studies on introductions of alien species and genotypes in marine and coastal habitats	2 nd quarter 2001
Instruments	Existing national and international instruments to address the threats of alien invasive species and genotypes	2 nd quarter 2001
Guidelines and Procedures	Information on existing guidelines and procedures to counteract the introduction of and the adverse effects of alien invasive species on marine and coastal biological diversity	2 nd quarter 2001
<i>General</i>		
Database of Experts	Roster of experts on issues relevant to marine and coastal biological diversity	2 nd quarter 2001