

MEMORANDUM OF UNDERSTANDING
AMONG
THE GOVERNMENTS OF THE REPUBLIC OF INDIA,
THE FEDERATIVE REPUBLIC OF BRAZIL
AND
THE REPUBLIC OF SOUTH AFRICA
ON COOPERATION IN THE AREA OF ENVIRONMENT
UNDER
INDIA BRAZIL SOUTH AFRICA (IBSA) FORUM

The Government of the Republic of India, the Government of the Federative Republic of Brazil and the Government of the Republic of South Africa (hereinafter jointly referred to as the "Parties" and separately as "Party") ;

Recognizing the global nature of many environmental issues, and the urgency of finding cost effective and lasting solutions that are coherent with the need for economic growth and the fight against poverty;

Noting that environmental degradation is among the major global challenges;

Considering the strategic role of clean technologies in addressing current global challenges and development needs;

Wishing to promote mutually beneficial cooperation in the field of environmental management and sustainable development;

Reaffirming the principles of sustainable development agreed upon at the United Nations Conference on Environment and Development and the World Summit on Sustainable Development;

Bearing in mind that this Memorandum of Understanding is intended to provide a framework for trilateral cooperation in the areas of common interest and to express the cooperative intent of the Parties;

Have agreed as follows:

Article 1

OBJECTIVE

The objective of this trilateral Memorandum of Understanding is to promote a common beneficial partnership among the Parties in the field of environmental management and sustainable development.

Article 2

FRAMEWORK FOR COOPERATION

This Memorandum of Understanding establishes the framework for trilateral cooperation amongst the IBSA countries for the following priority areas:

- a) to facilitate dialogue and interaction amongst the three countries on global environmental issues, Multilateral Environmental Agreements (MEAs), Conventions, etc;

- b) to promote cooperation aimed at mutual transfer of knowledge and promotion and development of clean technologies through joint research, projects, seminars, workshops, etc., in the field of environment and forestry, including biodiversity;
- c) to strengthen South-South cooperation on Climate Change through exchange of information and views on international climate change issues and development of common negotiating strategies and positions in the context of the United Nations Framework Convention on Climate Change;
- d) to strengthen South-South cooperation on relevant aspects of the Convention on Biological Diversity and other biodiversity relevant MEAs through exchange of information and views, particularly on the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from its utilization;
- e) to strengthen South-South cooperation on relevant aspects of the United Nations Convention to Combat Desertification through exchange of information, views and best practices on arresting and reversing land degradation and desertification;
- f) to strengthen South – South cooperation on relevant aspects of the United Nations Forum on Forests through exchange of information, views and best practices on sustainable forest management;
- g) to facilitate multi stakeholder partnerships in relevant areas by providing opportunities for discussions amongst the governments, industry, academic and research institutions and civil society in IBSA countries;
- h) to promote exchange of information and knowledge, technical expertise, best practices and cutting edge technology through undertaking study visits, participation in short-term training courses in reputed institutions of India, Brazil and South Africa to contribute to building capacity and expanding relations;
- i) to promote cooperation in other areas as mutually agreed upon.

Article 3

FORMS OF COOPERATION

Cooperation amongst the Parties under this Memorandum of Understanding may be conducted in the form of:

- a) exchange of information and documentation;
- b) exchange visits by experts, scholars and delegations;
- c) jointly organized seminars, workshops and meetings involving experts, scientists, private companies and other relevant agencies;
- d) undertaking collaborative projects subject to internal legal disposition regarding financial resources of the Parties;
- e) other forms of cooperation as mutually agreed upon subject to internal legal disposition regarding financial resources of the Parties.

Article: 4

PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

1. The Parties shall adopt the appropriate measures to protect intellectual property rights, according to national legislation and international agreements in force in the three countries, and in particular the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), the Doha Ministerial Declaration on TRIPS and Public Health and the Convention on Biological Diversity.
2. The conditions for the acquisition, maintenance and commercial exploitation of intellectual property rights over possible products and/or processes that might be obtained under this Memorandum will be defined in the specific programs, contracts and working plans approved by the Parties.
3. Without the specific written consent of the other Party, the Parties shall not disclose information which might jeopardize the acquisition, maintenance and commercial exploitation of intellectual property rights obtained under this Memorandum.

4. The specific programs, contracts and working plans shall establish the rules and procedures concerning the dispute settlement on intellectual property matters under this Memorandum.

Article 5

COORDINATION OF ACTIVITIES

1. Under the ambit of the IBSA Forum, a Trilateral Joint Working Group on Environment will be constituted to coordinate the work under this Memorandum of Understanding.
2. The Joint Working Group shall meet successively in India, Brazil and South Africa annually to review and analyze the progress of activities and shall keep their respective Ministries, duly informed of progress and achievements. The location of the trilateral meeting will alternate amongst the Parties, with each Party bearing its own costs of such visits.
3. Each Party shall designate Senior Officials to serve as its Coordinators to supervise and coordinate the planning, performance, evaluation and approval of the cooperation activities to be carried out by the Parties under this Memorandum of Understanding.

Article 6

SCOPE OF THE MEMORANDUM OF UNDERSTANDING

Nothing in this Memorandum of Understanding shall affect the obligations of the Parties deriving from any treaties, conventions, bilateral, regional or global agreements related to environmental protection.

Article 7

AMENDMENTS

This Memorandum of Understanding may be amended at any time by the mutual written consent of the Parties.

Article 8

DISPUTE RESOLUTION

Any dispute about the interpretation or implementation of this Memorandum of Understanding will be resolved through consultations amongst the Parties.

Article 9

ENTRY INTO FORCE & TERMINATION


1. This Memorandum of Understanding shall enter into force on the date of signature by the Parties.
2. Any of the three Parties may terminate this Memorandum of Understanding by means of six months written notice to the other Parties.
3. Termination will not affect activities already under implementation.

IN WITNESS WHEREOF the undersigned being duly authorized thereto by the respective Government, have signed this Memorandum of Understanding in three originals in the English, Portuguese and Hindi languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

Done at **New Delhi**, on this 15th day of **October 2008**.


Government of the
Republic of India


Government of the
Federative Republic
of Brazil


Government of the
Republic of South Africa