

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENTS OF THE MEMBER STATES OF THE
ASSOCIATION OF SOUTHEAST ASIAN NATIONS
AND
THE FOOD AND AGRICULTURE ORGANIZATION OF
THE UNITED NATIONS
ON STRENGTHENING COOPERATION IN AGRICULTURE
AND FORESTRY**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, The Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, as Member States of the Association of Southeast Asian Nations (hereinafter referred to as individually as "ASEAN Member State" or collectively as "ASEAN Member States" of the one part, and the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO") of the other part;

CONSIDERING that the FAO was established for the purpose of raising levels of nutrition and standards of living of the people; securing improvements in the efficiency of the production and distribution of all food and agriculture products; enhancing the conditions of rural populations and thus contributing toward an expanding world economy and ensuring humanity's freedom from hunger;

CONSIDERING that the objectives of the Association of Southeast Asian Nations (ASEAN) include the maintenance and enhancement of peace, security and stability in the region; the alleviation of poverty and narrowing the development gap within the ASEAN Member States and the

enhancement of well-being and livelihood of the peoples of ASEAN;

BEING MINDFUL of their common interest in supporting the efforts of ASEAN Member States to promote regional cooperation, the attainment of food security for all, within the framework of sustainable agriculture development and the struggle against hunger and malnutrition,

HAVE reached the following understandings:

SECTION I OBJECTIVE

1. The objective of this Memorandum of Understanding is to strengthen the collaboration between FAO and ASEAN Member States in the fields of agriculture¹ and forestry through consultation, coordination of efforts, mutual assistance and joint action and in accordance with the objectives and principles of FAO and ASEAN.

2. In particular, the objectives of this Memorandum of Understanding are as follows:

- a) To provide ASEAN Member States with greater access to information services and other programmes offered by FAO;
- b) To increase technical assistance in the fields of agriculture, forestry, and food security in order to promote development activities in those fields; and
- c) To enhance and strengthen existing cooperation between ASEAN Member States and FAO.

¹ For the purpose of this Memorandum of Understanding, the term 'agriculture' shall include fisheries and livestock.

SECTION II CONSULTATION

FAO and ASEAN Member States shall consult on all matters mentioned in Section 1 that are of mutual interest to them.

SECTION III PARTICIPATION OF PARTIES

1. FAO may be invited, in accordance with the rules, procedures and practices of ASEAN, to be represented at and participate in conferences and other meetings of ASEAN which deal with subject matters falling within the competence, activities and expertise of FAO.
2. ASEAN Member States may be invited to send observers to FAO meetings, and to participate in debates on subject matters falling within ASEAN's fields of interest in accordance with the applicable rules, decisions and practices of the competent FAO bodies. Any voting rights of ASEAN Member States shall be determined in accordance with the applicable rules of FAO.

SECTION IV EXCHANGE OF INFORMATION AND DOCUMENTS

ASEAN Member States and FAO shall, subject to the laws of each ASEAN Member State and to the mandate, policies and procedures of FAO respectively, and to the extent possible and so far as practicable, fully ensure the exchange of information and documents concerning matters of common interest.

SECTION V
TECHNICAL COOPERATION AND JOINT ACTION

1. Whenever desirable, FAO and ASEAN Member States may seek each other's technical cooperation with a view to promote the development of activities in the fields of common interest as stated under Section 1 of this Memorandum of Understanding.
2. In order to implement this Memorandum of Understanding, FAO and ASEAN Member States may, through their competent organs or appropriate channels, conclude special agreements and/or arrangements for joint actions with the aim of attaining mutual objectives.
3. The financial arrangements to cover expenses for the activities undertaken within the framework of this Memorandum of Understanding shall be mutually agreed upon by FAO and ASEAN Member States on a case-by-case basis subject to the availability of funds.
4. The activities under this Memorandum of Understanding shall be subject to the availability of resources.

SECTION VI
PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

1. Subject to the privileges and immunities granted to the FAO by the relevant ASEAN Member States, the protection of intellectual property rights shall be enforced in conformity with the respective national laws, rules and regulations of the ASEAN Member States and with other international agreements to which the ASEAN Member States are parties.
2. The use of the name, logo and/or official emblem of ASEAN or FAO on any publication, document and/or paper is prohibited without the prior written approval of either Party.

3. Notwithstanding anything in paragraph 1 above, the intellectual property rights in respect of any technological development, products and services development, carried out:

- (a) jointly by ASEAN Member States and FAO or research results obtained through the joint activity effort of ASEAN Member States and FAO, shall be jointly owned by ASEAN Member States and FAO in accordance with the terms to be mutually agreed upon; and
- (b) solely and separately by the Party or the research results obtained through the sole and separate effort of the Party, shall be solely owned by the Party concerned.

SECTION VII CONFIDENTIALITY

1. Each ASEAN Member State and FAO shall undertake to observe the confidentiality and secrecy of documents, information and/or other data received from or supplied to any other Party during the period of the implementation of this Memorandum of Understanding or any other agreements made pursuant to this Memorandum of Understanding.

2. ASEAN Member States and FAO agree that the provisions of this Section shall continue to be binding between them notwithstanding the termination of this Memorandum of Understanding.

SECTION VIII SUSPENSION

Each ASEAN Member State reserves the right for reasons of national security, national interest, public order or public health to suspend temporarily, either in whole or in part, the implementation of this Memorandum of Understanding which suspension shall take effect immediately after notification has been given to FAO through diplomatic channels or the ASEAN Secretariat.

SECTION IX SETTLEMENT OF DISPUTES

1. Any difference or dispute between ASEAN Member States and FAO concerning the interpretation and/or implementation and/or application of any of the provisions of this Memorandum of Understanding shall be settled amicably through mutual consultations and/or negotiations between ASEAN Member States and FAO through diplomatic channels, without reference to any third party or international tribunal.
2. Nothing in this Memorandum of Understanding, or in any document, agreement or activity related thereto, shall be construed as a waiver of the privileges and immunities granted to the FAO by the relevant ASEAN Member States.

SECTION X REVISION, MODIFICATION AND AMENDMENT

1. Either FAO or ASEAN Member States may request in writing a revision, modification or amendment of all or any part of this Memorandum of Understanding.

2. Any revision, modification or amendment mutually agreed to by FAO and ASEAN Member States shall be reduced into writing and shall form part of this Memorandum of Understanding.

3. Such revision, modification or amendment shall come into force on such date as may be determined by FAO and ASEAN Member States.

4. Any revision, modification or amendment shall not prejudice the rights and obligations arising from or based on this Memorandum of Understanding before or up to the date of such revision, modification or amendment.

SECTION XI ENTRY INTO FORCE, DURATION AND TERMINATION

1. This Memorandum of Understanding is subject to ratification or acceptance by all ASEAN Member States. The instruments of ratification or letters of acceptance shall be deposited with the Secretary-General of ASEAN, who shall promptly inform each ASEAN Member State of such deposit.

2. This Memorandum of Understanding shall enter into force on the date of the deposit of the last instrument of ratification or letter of acceptance by ASEAN Member States with the Secretary-General of ASEAN. It shall remain in force for an initial period of five (5) years, and shall automatically be extended for a period of five years each, subject to the mutual agreement of FAO and ASEAN Member States.

3. This Memorandum of Understanding may be terminated by either FAO or ASEAN Member States, by providing six months' written notice to the other Parties of the intention to terminate this Memorandum of Understanding.

IN WITNESS WHEREOF the undersigned, being duly authorized of FAO and the respective Governments of ASEAN Member States thereto, have signed, in two originals, the present Memorandum of Understanding.

DONE at New Delhi, India on this Seventeenth of October in the Year Two Thousand and Twelve, in two original copies in the English language.