



OPCW

Technical Secretariat

Secretariat for the Policy-Making Organs
S/547/2006
7 February 2006
ENGLISH only

NOTE BY THE DIRECTOR-GENERAL

**MEMORANDUM OF UNDERSTANDING
ON COOPERATION BETWEEN THE TECHNICAL SECRETARIAT
AND THE COMMISSION OF THE AFRICAN UNION**

1. As Member States are aware, the OPCW has been engaging in a growing number of joint activities with various regional and international organisations that have been actively supporting the action plan for the universality of the Chemical Weapons Convention (hereinafter “the Convention”) (EC-M-23/DEC.3, dated 24 October 2003)—organisations such as the European Union, the Organization of American States, and the African Union (AU). This increased cooperation has, *inter alia*, led to a greater number of regionally focussed activities in pursuit of the goals of the action plan, and has generally improved the effectiveness of universality-related efforts.
2. Over the last two years, the Technical Secretariat (hereinafter “the Secretariat”) has been working jointly with the AU Commission on a memorandum of understanding that would serve as a basis for ongoing and future cooperation between the two Secretariats in pursuance of the objectives of the Convention and in line with the AU’s decision on its implementation and its universality (AHG/Dec.182 (XXXVIII), annexed to C-7/NAT.2, dated 23 July 2002).
3. Member States will recall that, during his official visit to OPCW headquarters in June 2005, His Excellency Chief Olusegun Obasanjo, Chairman of the AU, referred to efforts in pursuit of universality and to other interests shared by the AU and the OPCW, and expressed his hope that further cooperation agreements would be reached in the collective endeavour to make the world a safer place for humanity (EC-41/NAT.1, dated 28 June 2005).
4. In this connection, the Director-General is pleased to bring to the attention of Member States a recently concluded memorandum of understanding on cooperation between the Commission of the AU and the Secretariat. A copy of the memorandum is annexed hereto.

Annex:

Memorandum of Understanding (MOU) on Co-Operation between the Commission of the African Union and the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons





MOU/AU-OPCW/P&S/04-2004

**MEMORANDUM OF UNDERSTANDING (MOU) ON
CO-OPERATION BETWEEN THE COMMISSION OF THE
AFRICAN UNION AND THE TECHNICAL SECRETARIAT
OF THE ORGANISATION FOR THE PROHIBITION OF
CHEMICAL WEAPONS**

**MEMORANDUM OF UNDERSTANDING ON CO-OPERATION
BETWEEN THE COMMISSION OF THE AFRICAN UNION AND THE
TECHNICAL SECRETARIAT OF THE ORGANISATION FOR THE
PROHIBITION OF CHEMICAL WEAPONS**

Preamble:

The Commission of the African Union (AU), (hereinafter referred to as "the Commission") and the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW) (hereinafter referred to as "the Technical Secretariat");

Whereas the Chemical Weapons Convention (CWC) adopted in Geneva in 1992, called for the total and indiscriminate ban on the development, production, stockpiling and use of chemical weapons and their destruction;

Whereas decision AHG/Dec. 181 (XXXVIII) adopted by the 38th Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held in Durban, South Africa, in July 2002, welcomed the recommendation for an effective implementation of the CWC in Africa through sustained technical assistance from the Technical Secretariat;

Whereas the conclusions and recommendations of the OPCW Workshop devoted to Africa, on the implementation of the Chemical Weapons Convention, held in Khartoum, Sudan, from 9 to 11 March 2002, recognized and stressed the importance and the universality of the CWC and its effective implementation in Africa;

Whereas the Statute of the Commission of the African Union mandates the Commission to, inter alia, represent the Union and defend its interests under guidance of and as mandated by the Assembly and the Executive Council, as well as to implement decisions taken by other organs of the Union; and **Bearing in Mind** that the Department for Peace and Security is responsible for coordinating the activities of the Commission in the areas of peace, security and stability, and to, among other things, implement the decisions of the Union on arms control, disarmament and non-proliferation, through the development of strong partnerships with the United Nations and its Agencies, international organizations and institutions as well as with civil society organizations;

Whereas the Technical Secretariat of the OPCW has the primary responsibility to follow up and ensure the implementation of all aspects of the Chemical Weapons Convention;

Whereas the international cooperation programmes of the Technical Secretariat are of direct economic and technological benefit to AU Member States;

Convinced that the shared objectives of the AU and the OPCW in the field of peace, security and disarmament are fundamental for the achievement of economic and technological development of Member States of the two Organizations, and recognizing the imperative for the AU and OPCW to strengthen bilateral cooperation

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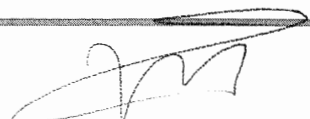
and mutually reinforcing activities in the implementation of decisions adopted by the two bodies on disarmament, particularly in the area of chemical weapons;

Desirous of establishing an effective mechanism for collaboration and joint actions between the Commission and the Technical Secretariat in all areas of mutual interests;

Have agreed as follows:

Article I
Areas of Cooperation

1. The Commission and the Technical Secretariat, constituting the Parties to this MoU, agree that in order to facilitate effective cooperation, they shall act in close consultation with each other in all areas of mutual interests with due regard to the objectives and principles set out in their respective constitutional frameworks.
2. The Commission shall recognize the responsibilities of the Technical Secretariat as set out in the CWC and in various decisions adopted by the Conference of the States Parties (CSP) and the Executive Council (EC) of the OPCW.
3. The Technical Secretariat shall recognise the responsibilities of the Commission as set out in the Constitutive Act of the African Union and in the various decisions adopted by the organs of the AU.
4. The Commission and the Technical Secretariat shall cooperate in order to achieve an effective utilisation of existing expertise whenever this is appropriate in the light of their respective responsibilities.
5. The Commission and the Technical Secretariat shall cooperate closely and undertake joint actions in the implementation of the Chemical Weapons Convention and decision AHG/Dec. 181 (XXXVIII), the Decisions on the Plan of Action Regarding the Implementation of Article VII Obligations (C-8/DEC.16 of 24 October 2003) adopted by the Eighth Session of the CSP and the Action Plan on Universality of the CWC (EC-M-23/DEC.3 of 24 October 2003), which emphasise, among other things, the urgency of achieving the universality of the CWC and its full and effective implementation, as well as other decisions that may be adopted by the policy organs of the two institutions relating to arms control and chemical weapons disarmament. In this context, the Technical Secretariat shall provide the necessary expertise.
6. The Commission shall facilitate, as required and wherever feasible, the organisation of joint workshops/briefings aimed at sensitising the AU Organs and Member States, on the implementation and universality of the CWC in Africa. These facilities will include, wherever feasible, conference room and interpretation services. The Parties shall jointly issue letters of invitation.



Article II
Consultations, Conferences and Seminars

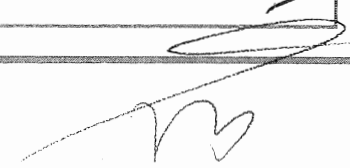
1. The parties shall consult each other on all projected activities and initiatives related to the implementation of this MoU;
2. The Parties shall meet as often as deemed necessary, in working sessions to decide and plan how best to implement the objectives of this MOU;
3. The Parties shall, to the extent possible, invite each other to participate in conferences, seminars and workshops relating to the implementation of the instruments mentioned in Article 1 above;
4. Each party shall designate a Focal Point for the maintenance of close and continuing collaboration and coordination of activities relating to the implementation of this MOU.

Article III
Exchange of information and documents

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the Parties shall keep each other informed of all projected activities and programmes of work which are of mutual interest.
2. The Parties shall safeguard confidential and privileged information furnished to them. They therefore agree that nothing in this MOU shall be construed as requiring either of them to furnish such information as would, in the judgement of the party possessing the information, constitute a violation of the confidence of any of its Members or anyone from whom it has received such information, or otherwise interfere with the orderly conduct of its operations.
3. The exchange of information shall be in the areas of capacity-building, expertise, and initiatives relating to the implementation of this MoU for the two Organisations, to enable them provide efficient and effective technical assistance to their Member States in areas of mutual interest.

Article IV
Mutual Assistance

1. The Parties shall, upon request of either party, agree that where appropriate they shall assist one another in undertaking technical studies on subjects of interest to both parties.

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2. Any such request for assistance shall be examined by both parties and, where feasible, they shall use their best endeavours to provide assistance in such forms and on such conditions as shall be agreed upon between them.

Article V **Funding**

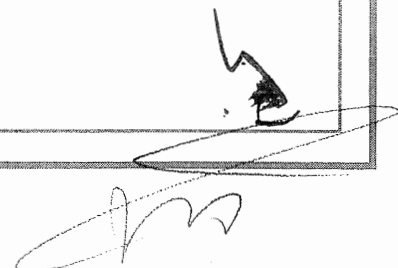
1. This MoU sets out a framework for cooperation by the Parties and does not obligate any funds. The parties recognize the importance of the availability of financial resources in funding projects under this MOU. They shall document and agree in writing to specific projects and any associated funding or resources.
2. The Parties shall negotiate and agree on modalities for funding projects under specific agreements.
3. Nothing in this MoU shall obligate either of the Parties to appropriate funds or enter into any contract, agreement or other obligation except as they may mutually agree.

Article VI **Administrative Arrangements**

The Chairperson of the Commission and the Director-General of the Technical Secretariat or their duly authorized representatives, may, from time to time, agree on administrative arrangements designed to promote effective collaboration and liaison between their respective organizations.

Article VII **Entry Into Force, Amendment and Duration**

1. This MOU shall come into force as soon as it has been signed by the Chairperson of the Commission and by the Director-General of the Technical Secretariat.
2. This MOU may be amended with the consent of both Parties.
3. This MOU may be terminated by mutual consent or may be terminated by either Party after giving the other party a six-month's notice in writing.



IN WITNESS WHEREOF, THE UNDERSIGNED, BEING DULY AUTHORIZED THERE TO, HAVE ON BEHALF OF THEIR ORGANIZATIONS HERETO SIGNED THIS MOU IN ENGLISH, ON THE DATE AND PLACE INDICATED HERE BELOW:



FOR THE AU COMMISSION

Alpha Oumar Konaré
Chairperson



FOR THE TECHNICAL SECRETARIAT

Rogelio Pfirter
Director-General

SIGNED ON this ^{29th} day of ^{January} Two Thousand and Six.

PLACE: Khartoum, The Sudan.