

No. 48715

**South Africa
and
Kenya**

Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Kenya on bilateral cooperation in the agricultural sector. Nairobi, 26 November 2010

Entry into force: *26 November 2010 by signature, in accordance with article 11*

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**Afrique du Sud
et
Kenya**

Mémorandum d'accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République du Kenya sur la coopération bilatérale dans le secteur agricole. Nairobi, 26 novembre 2010

Entrée en vigueur : *26 novembre 2010 par signature, conformément à l'article 11*

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[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE REPUBLIC OF
KENYA**

ON

BILATERAL COOPERATION IN THE

AGRICULTURAL SECTOR

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Kenya (hereinafter jointly referred to as the “Parties” and in singular “Party”):

DESIROUS to promote cooperation between their countries in all technical aspects in the field of agriculture and in the mutual development of the agriculture sector in both countries;

HEREBY AGREE as follows:

ARTICLE 1

SCOPE

The Parties agree that cooperation in the areas of agriculture, livestock, and aquaculture shall cover the general aspects of:

- (1) crop and livestock production and aquaculture;
- (2) food security;
- (3) agricultural research;
- (4) extension and exchange of technical information and experience; and
- (5) sharing of policies to guide implementation of programmes in the areas of:
 - (i) natural agricultural resource conservation;
 - (ii) trade in commodities and products;
 - (iii) protection of intellectual property rights;
 - (iv) development of special enterprises;
 - (v) private sector participation;
 - (vi) sanitary and phytosanitary issues;
 - (vii) research.

ARTICLE 2

COMPETENT AUTHORITIES

The Competent Authorities responsible for implementation of this Memorandum of Understanding shall be:

- (1) in the case of the Republic of South Africa, the Department of Agriculture, Forestry and Fisheries; and,
- (2) in the case of the Republic of Kenya, the Ministry of Agriculture.

ARTICLE 3

OBJECTIVES

The objectives of the Memorandum of Understanding shall be to:

- (1) promote productivity of agriculture, livestock and aquaculture in the economies of the two countries, through enhanced technical cooperation;
- (2) cooperate in animal disease diagnosis, eradication and control of particularly the trans-boundary animal diseases such as Foot and Mouth Disease (FMD), Contagious Bovine Pleural Pneumonia (CBPP), and Avian Influenza;
- (3) promote the development of new enterprises in order to diversify and increase the output in agricultural, livestock and aquaculture sectors;
- (4) promote joint ventures in the agricultural, livestock and aquaculture sectors by institutions and private sector companies of the two countries, especially in value addition processes to agricultural commodities;
- (5) facilitate the exchange of scientific information between the two Competent Authorities and among the public institutions engaged in agricultural activities in the two countries;
- (6) enhance trade in commodities and products between the two countries through harmonized sanitary and phytosanitary regulations;
- (7) facilitate capacity building in all technical areas in the fields of agriculture, livestock and aquaculture; and
- (8) share policies and programmes in order to address food security issues that affect the peoples of the two countries.

ARTICLE 4

RESEARCH

- (1) The Parties agree to share research information and establish formal collaboration between the national research institutions of the two countries.
- (2) The Parties agree that the respective research institutions shall study and exchange modalities of technology, capacity building and sustainable ways of funding research with due regard to the existing domestic law in force in their countries.

ARTICLE 5

SANITARY AND PHYTOSANITARY STANDARDS

- (1) The Parties shall facilitate trade between the two countries through harmonized legislation and regulations governing Sanitary and Phytosanitary Standards (SPS) to safeguard human, animal and plant health in accordance with the instruments provided for by the World Trade Organization SPS Agreement (WTO/SPS Agreement), International Plant Protection Convention ("IPPC"), Codex Alimentarius Commission ("CAC"), and International Standards for Phytosanitary Measures ("ISPM") and other relevant International Agreements on Agriculture to which both countries are party to.
- (2) The Parties shall develop a joint mechanism for coordination, consultations and exchange of information as regards notification and application of SPS measures in accordance with the WTO/SPS Agreement.

ARTICLE 6

TECHNICAL COOPERATION

The Parties shall strengthen their mutual cooperation by means of the following activities:

- (1) the exchange of experts in research, extension, veterinary science and aquaculture at the cost of the recipient Party unless otherwise negotiated and agreed upon;
- (2) the implementation of joint programmes in the fields of livestock production, aquaculture, veterinary science, crop production, agro-processing, and natural agricultural resource conservation and the marketing of appropriate products;