

*MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FLEMISH GOVERNMENT
AND
THE GOVERNMENT OF MOZAMBIQUE
IN THE AREA OF HEALTH*

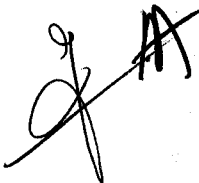
PREAMBLE

Considering that the Flemish Government started to cooperate in the field of development cooperation with the Government of Mozambique since 2002 and this within the framework of PARPA, the poverty reduction programme of the Government of Mozambique;

Considering that the Government of Mozambique and the Flemish Government, both hereinafter referred to as " the parties", wish to strengthen their cooperation in the field of development cooperation and health, in particular, the cooperation in the field of the HIV/Aids problem;

Considering that the Flemish Government has approved a programme proposal for the cooperation with Mozambique for the years 2003 and 2004, and has informed the Government of Mozambique of this;

The Parties have come to the following agreement:

Handwritten signature or initials in black ink, consisting of a stylized 'G' and 'A'.

ARTICLE 1
DEFINITIONS

For the implementation of this Memorandum of Understanding (hereinafter referred to as "MOU"), the following terms are defined as indicated below:

1. Direct cooperation: direct cooperation between the parties;
2. Indirect cooperation: project or cooperation proposals of non-governmental organizations or institutions (eg. universities) from Flanders and/or Mozambique, which are wholly or partly funded by Flanders;
3. Project: all development activities which are carried out in Mozambique and are wholly or partly funded by Flanders;
4. PARPA: poverty reduction action plan of Mozambique (Plano de Acção para a Redução da Pobreza Absoluta);
5. Project **implementation document**: document describing all the essential details relating to the projects or programmes, such as problem analysis, strategy, objectives, activities, responsibilities for the implementation, duration, monitoring, evaluation, transfer of funds, donor contributions, and the use made of them, reporting procedures, entry into effect, termination, amendments, settlement of disputes. The Project Business Plan, comprising the logical framework, its implementation plan and the related budget, will be attached to the **project implementation document**. This document is only used for direct cooperation;
6. Foreign personnel: personnel who does not have Mozambican nationality or is not a permanent resident of Mozambique, and who is employed to implement the projects covered by this MOU.



ARTICLE 2
AIM OF THE MOU

The aim of this Memorandum of Understanding is to provide a framework for the implementation of cooperation between the Parties in the field of development cooperation.

ARTICLE 3
AREAS OF COOPERATION

1. All the projects between the Parties must take place within the framework of the PARPA. The cooperation will mainly focus on the problems caused by the HIV/Aids epidemic. In this respect the national strategic plan of Mozambique with regard to combating HIV/Aids/Health Sector 2004 – 2008 will form the framework for all activities to be carried out.
2. The Parties can also define other areas of cooperation that will be determined following mutual consultation and agreement.

ARTICLE 4
FORMS AND INSTRUMENTS OF COOPERATION

1. The cooperation covered by MOU can be implemented through direct or indirect cooperation.
2. In the case of direct cooperation, the Ministry of Health of Mozambique decides in consultation with the Ministry of the Flemish Community to entrust the implementation of the projects to a national, regional or local government structure or to non-governmental organizations. The Ministry of Health does continue to have final responsibility.
3. In the case of indirect cooperation, the Ministry of the Flemish Community undertakes to inform the Government of Mozambique of



the projects that will be supported by the Flemish Government. The indirect cooperation will be implemented according to the existing rules and regulation of the Government of Mozambique. The indirect actors hold the final responsibility for the indirect cooperation.

ARTICLE 5

FUNDING

1. The Flemish Government will publish the budget allocated to Mozambique on a yearly basis and will draft a multiannual program for each project to be financed.
2. The funding for the direct cooperation will be managed by the Ministry of Health of Mozambique.

ARTICLE 6

PRIVILEGES AND IMMUNITIES

1. For holders of diplomatic and official passports, the Vienna Convention relating to diplomatic and consular relations will be applicable.
2. For foreign personnel, their partners and dependents, responsible for the implementation of or working with the projects covered by the present MOU, the Law nr. 5/93 of December 28th, of which a copy in annex, will be applicable.

ARTICLE 7

DELEGATIONS OF COMPETENCIES

1. For the implementation of this MOU the Foreign Affairs Administration of Flanders shall be competent to represent the Government of Flanders and the Government of Mozambique shall be represented by the Ministry of Foreign Affairs and Cooperation. They shall hereinafter be referred to as the competent authorities.



2. There shall be regular consultations between the representatives of the competent authorities. These consultations shall take place on an annual basis or when considered necessary by the parties.
3. The Director General of the Foreign Affairs Administration of Flanders shall be authorized to sign the project **implementation document** on behalf of the Flemish Government.
4. The Ministry of Foreign Affairs and Cooperation shall be authorized to sign the project **implementation document** on behalf of Mozambique.

ARTICLE 8

ENTRY INTO EFFECT, DURATION, AMENDMENT AND TERMINATION

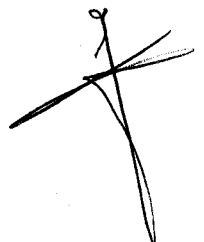
1. This MOU enters into effect on the date that it is signed.
2. This MOU shall continue to apply for a period of 5 years, unless it is discontinued by one of the parties who have informed the other party in writing of its intention to discontinue the MOU, at least six months in advance.
3. This MOU can be amended or supplemented with mutual agreement of the Parties, following an exchange of letters.

ARTICLE 9


DISPUTES

Disputes related to the interpretation and implementation of this MOU shall be resolved by means of consultation and negotiation. In the case that a dispute cannot be resolved within one year, either of the Parties will be able to submit it for arbitration.

Drawn up in Maputo on ^{2/3/04}..... In two original copies in Dutch, Portuguese and English. In the case of doubts about the interpretation, the English text will prevail.



For the Flemish Government,
The Flemish Minister for Environment, Agriculture and
Development Cooperation

 OTIMEI 2004
Jef Tavernier

For the Government of Mozambique,
The Vice-Minister for Foreign Affairs and Cooperation


Frances Rodrigues