

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE ARGENTINE REPUBLIC AND THE REPUBLIC OF CHILE
ON THE CONSERVATION OF THE SOUTH ANDEAN HUEMUL**

The Argentine Republic and the Republic of Chile, hereinafter referred to as “the Parties”,

Taking account of the “Specific Additional Protocol on the Conservation of Wild Flora and Fauna shared between the Argentine Republic and the Republic of Chile” signed on 2 May 2002, hereafter referred to as “the Protocol”, Article II, paragraph “a” of which requires the Parties to agree to establish a Memorandum of Understanding to elaborate and carry out programmes and projects specific to the conservation and sustainable use of shared wild fauna and its habitats;

Recalling that in Article II, paragraph “b” of the Protocol it is considered suitable for such Memoranda of Understanding to include the elements contained in Article V of the Convention on the Conservation of Migratory Species of Wild Animals”, signed in Bonn on 23 June 1979, hereafter referred to as “the Convention”; which refers to guidelines on the conclusion of agreements, in the case that the species subject to agreements under the above mentioned Article are migratory species included on the appendices of the Convention;

Acknowledging also that Article IV, paragraph 4, of the Convention invites Parties to conclude agreements for the conservation of shared populations of migratory species;

Considering that at the Tenth Meeting of the Sub-Commission for the Environment of Argentina and Chile, held on 25 and 26 September 2008, established under the Treaty on the Environment signed between the two countries on 2 August 1991, “both delegations agreed to identify areas of mutual interest for the development of joint actions, to intensify information sharing and further implement ongoing activities. It was also agreed to identify an appropriate legal instrument to formalize future bilateral cooperation activities, for which technical bodies of each country are requested to share information and action as necessary, and report thereon at the next meeting of the Subcommittee”;

Noting that some populations of the South Andean Huemul (*Hippocamelus bisulcus*) can be considered migratory because their habitat partly covers the border area between the two countries;

Acknowledging that the species in question is in danger of extinction because of the small size of its populations, its restricted area of distribution, and the numerous threats faced by its habitats and populations, in the territories of both the Argentine Republic and the Republic of Chile;

Considering that the South Andean Huemul (*Hippocamelus bisulcus*) is listed on Appendix I of the CITES Convention and Appendix I of the Convention on Migratory Species (CMS);

Conscious of the need to take immediate and concerted measures to prevent the extinction of the populations of this species;

Recognising the need to work in close collaboration in order to improve the current situation regarding the conservation of the populations of the South Andean Huemul (*Hippocamelus bisulcus*) throughout its distribution range in both countries;

Agree as follows:

ARTICLE 1

The Parties shall make efforts aimed at ensuring an effective protection of the populations of the South Andean Huemul (*Hippocamelus bisulcus*), shared by both countries, as well as at identifying and conserving those habitats which are essential for the survival of the species throughout its range, in accordance with Article III paragraphs 4 and 5 of the Convention and its Appendix I.

ARTICLE 2

The Parties shall identify and monitor the factors and processes which have a detrimental effect on the conservation status of the species (e.g. illegal hunting, degradation of habitats, introduction of diseases) and shall recommend appropriate measures to regulate, manage and/or control the said factors and processes.

ARTICLE 3

The Parties shall elaborate a Bilateral Action Plan within a period of not more than one year after the entry into force of this Memorandum of Understanding.

ARTICLE 4

The Parties shall apply the provisions of the Action Plan, and report to the Secretariat of the Convention on its implementation.

ARTICLE 5

The Parties shall facilitate the sharing of scientific, technical and legal information necessary to coordinate conservation measures and facilitate professional, technical and park ranger staff sharing, and shall cooperate with national and international specialists and organizations in the implementation of the Bilateral Action Plan.

ARTICLE 6

Each Party shall designate a focal point which shall serve as a contact for the other Party and will be responsible for the Bilateral Action Plan coordination and follow up.

ARTICLE 7

The Parties shall submit, at intervals of no more than one year, a report on the development of this Memorandum of Understanding to:

- i) the Secretariat of the Convention;
- ii) the Sub-Commission for the Environment of Argentina and Chile established in the framework of the Treaty of 2 August 1991 between the Argentine Republic and the Republic of Chile on the Environment, through the Focal Points designated in this Memorandum.

ARTICLE 8

The Parties shall hold annual meetings alternately in the territories of the Parties starting in the Republic of Chile, thus continuing the bilateral technical meetings held since 1992. In the framework of this meeting, the Action Plan implementation shall be evaluated and actions for the following year shall be planned and coordinated. Similarly, exchange of research results, as well as any other technical or legal information, which might be of benefit to the conservation of the mentioned species will be shared. During the period between meetings, the country hosting the next meeting shall serve as interim Secretariat and shall be responsible also for the organisation of the meeting.

ARTICLE 9

Any disagreement which might arise regarding the interpretation and implementation of this Memorandum of Understanding and which cannot be resolved within the framework of the Sub-Commission for the Environment of Argentina and Chile, established in the framework of the Treaty between the Argentine Republic and the Republic of Chile on the Environment, shall be submitted to the procedures set out in the Treaty of Peace and Friendship entered into between Argentina and Chile in 1984.

ARTICLE 10

This Memorandum of Understanding shall enter into force at the moment of signature and will be valid for a duration of three (3) years, renewable automatically for a similar term, unless one of the two Parties gives three (3) months' prior notice in writing to the other of its decision to terminate it.

Amendments to this Memorandum can only be effected by written consensus between the Parties. The amendments will take effect in the same way stipulated for the entry into force of this instrument. Modifications to the Action Plan, which affect only one of the Parties, can be made by the Party concerned and must be reported immediately to the other Party and the Secretariat of the Convention.

The Secretariat of the Convention shall serve as depositary of this Memorandum of Understanding and shall provide certified copies of the said Memorandum to the Parties.

The working language for all matters relating to this Memorandum of Understanding shall be Castilian.

Done at Mar del Plata, Argentina, 4th December 2010, in two original copies, each version being equally authentic.

FOR THE ARGENTINE REPUBLIC

FOR THE REPUBLIC OF CHILE

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MINISTER OF FOREIGN AFFAIRS,
INTERNATIONAL TRADE
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ALFREDO MORENO CHARME
MINISTER OF FOREIGN AFFAIRS