

**STANDARD LETTER OF AGREEMENT BETWEEN
THE UNITED NATIONS DEVELOPMENT PROGRAMME AND
Higher Council for Environment and Natural Resources (HCNER) / SUDAN
ON THE IMPLEMENTATION OF THE GLOBAL ABS PROJECT
WHEN UNDP SERVES AS IMPLEMENTING PARTNER**

1. Reference is made to the consultations between the officials of the **United Nations Development Programme** (hereinafter referred to as “**UNDP**”) in Sudan and the officials of the **Higher Council for Environment and Natural Resources** (hereinafter referred to as “**HCNER**”) with respect to the implementation of the Global Project “**Strengthening Human Resources, Legal Frameworks and Institutional Capacities to implement the Nagoya Protocol**” which aims in assisting countries in developing and strengthening their **Access to Benefits Sharing (ABS) frameworks**.
2. In accordance with the Project Document and the following terms and conditions, we confirm our acceptance of the activities to be performed by **HCNER** towards the project, as specified in Attachment 1: Description of Activities (hereinafter referred to as “**Activities**”). Close consultations will be held between the Higher Council for Environment and Natural Resources and UNDP on all aspects of the Activities.
3. **HCNER** shall be fully responsible for carrying out, with due diligence and efficiency, all Activities in accordance with its Financial Regulations, rules and other directives, only to the extent they are consistent with UNDP’s Financial Regulations and Rules. In all other cases, UNDP’s Financial Regulations and Rules must be followed.
4. In carrying out the activities under this Letter, the personnel and sub-contractors of **HCNER** shall not be considered in any respect as being the employees or agents of UNDP. UNDP does not accept any liability for claims arising out of acts or omission of **HCNER** or its personnel, or of its contractors or their personnel, in performing the Activities or any claims for death, bodily injury, disability, damage to property or other hazards that may be suffered by **HCNER**, and its personnel as a result of their work pertaining to the Activities.
5. Any subcontractors, including NGOs under contract with **HCNER** shall work under the supervision of the designated official of **HCNER**. These subcontractors shall remain accountable to the **HCNER** for the manner in which assigned functions are discharged.
6. Upon signature of this Letter, UNDP will make payments (**The equivalent of USD 272,000 in Sudanese Pounds (SDG)**) to **HCNER**, according to the schedule of payments specified in Attachment 3: Schedule of Activities, Facilities and Payments. All payments shall be deposited into **following** bank account, which belongs to **HCNER**, of which the details are as follows:

Bank Name: **Bank of Khartoum – El Jamah Branch**

Account Name: **National Biodiversity Strategy**

Account Number: **50100411990**

7. **HCNER** shall not make any financial commitments or incur any expenses which would exceed the budget for the Activities as set forth in Attachment 3. **HCNER** shall regularly consult with UNDP concerning the status and use of funds and shall promptly advise UNDP any time when **HCNER** is aware that the budget to carry out these Activities is insufficient to fully implement the project in the manner set out in the Attachment 2. UNDP shall have no obligation to provide **HCNER** with any

funds or to make any reimbursement for expenses incurred by the HCNER in excess of the total budget as set forth in Attachment 3.

8. **HCNER** shall submit a cumulative financial report each quarter (31 March, 30 June, 30 September and 31 December). The report will be submitted to UNDP through the UNDP Country Director or UNDP Resident Representative within 30 days following those dates. The format will follow the standard UNDP expenditure report [a model copy of which is provided as Attachment 4]. UNDP will include the financial report by the HCNER in the financial report for the (**Access to Benefits Sharing (ABS) project - 00099240**)
9. **HCNER** shall submit such progress reports relating to the Activities as may reasonably be required by UNDP
10. **HCNER** shall finish a final report within 12 months after the completion or termination of the activities, including a list of non-expendable equipment purchased by the **Council** and all relevant audited or certified financial statements and records related to such Activities, as appropriate, pursuant to its Financial Regulation and Rules.
11. Equipment and supplies that may be furnished by UNDP or procured through UNDP funds will be disposed agreed, in writing, between UNDP and **HCNER**.
12. Any changes to the project document which would affect the work being performed by **HCNER** in accordance with Attachment 2 shall be recommended only after consultation between the parties.
13. For any matters not specifically covered by this letter, the Parties would ensure that those matters shall be resolved in accordance with the appropriate provisions of the Project Document and any revisions thereof and in accordance with the respective provisions of the Financial Regulations and Rules of **HCNER** and **UNDP**.
14. The arrangements described in this letter will remain in effect until the end of the project, or the completion of activities according to Attachment 2, or until terminated in writing (with 30 days' notice) by either party. The schedule of payments specified in Attachment 3 remains in effect based on continued performance by **HCNER** unless it receives written indication to the contrary from UNDP.
15. Any balance of funds that is undispersed and uncommitted after the conclusion of the Activities shall be returned within 90 days to UNDP.
16. Any amendment to this Letter shall be effected by mutual agreement, in writing,
17. All further correspondence regarding this Letter, other than signed letters of agreement or amendments thereto should be addressed to *the UNDP Country Director/Resident Representative*.
18. **HCNER** shall keep the UNDP Country Director/Resident Representative fully informed of all actions undertaken by them in carrying out this Letter.
19. UNDP may suspend this Agreement, in whole or in part, upon written notice, should circumstances arise which jeopardize successful completion of the Activities.



20. Any dispute between the UNDP and **HCNER** arising out of or relating to this Letter which is not settled by negotiation or other agreed mode of settlement, shall, at the request of either party, be submitted to a Tribunal of three arbitrators. Each party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator, who shall be the chairperson of the Tribunal. If, within 15 days of the appointment of two arbitrators, the third arbitrator has not been appointed, either party may request the President of the Higher Court of Justice to appoint the arbitrator referred to. The Tribunal shall determine its own procedures, provided that any two arbitrators shall constitute a quorum for all purposes, and all decisions shall require the agreement of any two arbitrators. The expenses of the Tribunal shall be borne by the parties as assessed by the Tribunal. The arbitral award shall contain a statement of the reasons on which it is based and shall be final and binding on the parties.
21. If you are in agreement with the provisions set forth above, please sign and return to this office two copies of this Letter. Your acceptance shall thereby constitute the basis for your Ministry participation in the implementation of the project.

Yours sincerely,

Signed on behalf of UNDP



Name: Dr. Selva Ramachandran

Title: Country Director

Date: 16.5.2017

Signed on behalf of the **Higher Council for Environment and Natural Resources**

Name: Dr. Nouredin Abdalla

Secretary-General



Attachment 1

PROJECT DOCUMENT

Attachment 2

DESCRIPTION OF ACTIVITIES

Project number: 00099240

Project title: Strengthening Human Resources, legal frameworks and institutional capacities to implement and Nagoya Frame – Access to Benefit Sharing (ABS)

The project objective is to assist countries in the development and strengthening of their national ABS frameworks, human resources and administrative capabilities to implement the Nagoya Protocol.

Results to be achieved by: The Higher Council for Environment and Natural Resources (HCNER)

Component 1: Strengthening the legal, policy and institutional capacity to develop national ABS frameworks

Output 1.1.1 – National ABS law/regulation/policy proposals drafted and submitted for approval to competent authorities.

Deliverables

- a) Draft of the ABS national law and policy (based on the incoming amendment of the Environment Protection Act 2001).
- b) Sectoral laws and by laws are in line with the Nagoya Protocol.

Activities

- a) Hold inception workshop to present the project objectives, basics of ABS, and options for its development at the national level.
- b) Implement three (3) pilot cases (medicinal plants and agriculture) to identify how ABS activities and procedures are applied and integrated into the national ABS framework.
- c) Prepare proposals for the development of the ABS policy or legislation.
- d) Conduct consultation workshops with key stakeholders to review sectoral laws and reports about their compatibility with the Nagoya Protocol.

Output 1.1.2 – Supportive institutional framework for sui generis systems for protecting Technical Knowledge (TK), innovations and practices and customary uses of biological and genetic resources

Deliverables

- a) Information on genetic resources and TK in the country, including needs and options for protecting TK is available.

Activities

- a) Compile and analyze the current state of TK associated with genetic resources held by local communities in the country, including options for its protection.
- b) Conduct workshop to validate the current state of TK in the country with the direct involvement of local communities.
- c) Develop options for the protection of TK.

Output 1.2.1. Improved capacities of National Competent Authorities and related agencies on processing access applications, developing model contractual clauses under mutually agreed terms, including the negotiation and tracking of ABS agreements and bio-discovery projects to ensure compliance.

Deliverables

a) The National Competent Authorities and related agencies are capable of issuing permits negotiating ABS agreements/contracts (20 people trained).

Activities

a) Conduct training activities on ABS procedures, in particular issuing permits and negotiation of contracts.
b) Conduct a mid-term workshop on national and sectoral procedures (i.e., processing access applications and developing model contractual clauses under mutually agreed terms).

Output 1.3.1. Mechanisms institutionalized to facilitate: a) a CHM for countries that have a national ABS framework and are willing to advertise such framework and other ABS information in the CHM; b) Understanding at the ministerial level of the importance of genetic resources as a source of innovation in the national economy and the need to support research and development for the valuation of biodiversity; c) Dialogue and collaboration between policy makers and stakeholders (including research institutions, private sector, and ILCs) to ensure certainty and clarity for users and providers of genetic resources; and d) access to information and support compliance under the national law and the Nagoya Protocol.

Deliverables

c) ABS information, including legislation and procedures, is available within the national biodiversity CHM.

Activities

a) Upload ABS information and procedures into the national biodiversity CHM with the support of the Higher Council for Environment and Natural Resources (HCENR).
b) Discuss ABS policy, procedures, opportunities, and challenges through a physical and/or online forum.
c) Hold bilateral meetings and direct collaboration established between HCENR and other national ABS-related agencies

Component 2: Building trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts

Output 2.1.1. Existing and emerging partnerships for bio-discovery between users and providers of genetic resources to generate 'success stories' and practical lessons, as well as reinforce trust

Deliverables

a) Information on users and providers of genetic resources and potential bio-discovery opportunities is available.
b) At least one partnership for bio-discovery is established.

Activities

a) Identify users of genetic resources and research capacities of those users. Compile information about bio-discovery (or potential) initiatives in the country.
b) Conduct workshops to learn about bio-discovery initiatives and to promote partnerships.
c) Identify necessary elements to attract investment in bio-discovery

Output 2.2.2. Ethical codes of conduct or guidelines for research on TK and genetic

Deliverables

a) Draft guidelines for research on TK and genetic resources.

Activities

a) Develop draft guidelines for research on TK and genetic resources based on the experience of the pilot cases.

Output 2.2.3. Campaign to raise awareness on the ABS national frameworks, CBD and Nagoya Protocol targeting policymakers, researchers, indigenous and local communities (ILCs), and relevant industry

Deliverables

a) Campaign to raise awareness on the ABS national frameworks, the CBD, and the Nagoya Protocol underway.

Activities

- a) Hold special sessions at parliament and ministries to build awareness on ABS national frameworks, the CBD, and the Nagoya Protocol.
- b) Conduct regional workshops for ILCs, women, researchers, and relevant industry on ABS, the CBD, and the Nagoya Protocol, including bio-discovery.

Component 3. Strengthening the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol

Output 3.1.1. Campaign increases ILCs awareness on the importance of genetic resources and TK associated with genetic resources, and related access and benefit-sharing issues, including the need to participate in the national ABS policy-making process

Deliverables

a) ILCs, including women, are aware of the importance of genetic resources and TK.

Activities

- a) Develop communications materials on ABS, emphasizing the relationship between TK and the use of genetic resources, to be used by ILCs and women.
- b) Conduct three (3) workshops in different regions for ILCs, including women, on ABS.

Work to be performed by the *Higher Council for Environment and Natural Resources (HCNER)*

1. Explain the activities to be carried out by Higher Council for Environment and Natural Resources (HCNER).
2. Has a leading role in coordinating and implementing country-level project activities in consultation with other stakeholders: i.e. Ministry of Agriculture and Irrigation; Forest National Corporation; Range and Pasture General Directorate (RPGD); Wildlife Conservation General Administration (WCGA); Ministry of Animal Resources; Customs Authority; Medicinal and Aromatic Plants and Traditional Medicine Research Institute; Institute of Environmental Studies, University of Khartoum; Animal Production Research Center, NGOs and private sector.
3. Responsible for coordinating policies and measures in the field of the environment.
4. Participation in the preparation of sectoral policies and plans.
5. Present the ABS national law and policy to parliament and competent authorities and ensures their approval and endorsement.
6. Implement the detailed activities mentioned under each output above to eventually lead to the intended outputs and results

Description of inputs:

Outcome/ Activity	Fund ID	Donor	Account Code	Budget Description	Amount (USD) Year 1	Amount (USD) Year 2	Amount (USD) Year 3	Total (USD)
Outcome 1: Strengthening the legal, policy and institutional capacity to develop national ABS frameworks	62000	GEF	71300	National Consultants	31,000.00	17,000.00	-	48,000.00
			72100	Contractual Services Companies	-	120,000.00	-	120,000.00
			75700	Training, Workshops and Confers	16,000.00	13,000.00	5,000.00	34,000.00
			Sub-Total		47,000.00	150,000.00	05,000.00	202,000.00-
OUTCOME 2: Building trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts	62000	GEF	71300	National Consultants	2,000	2,000	4,000	8,000
			72100	Contractual Services Companies	-	-	-	-
			75700	Training, Workshops and Confers	7,000	12,000	23,000	42,000
			Sub-Total		09,000.00	14,000.00	27,000.00	50,000.00
OUTCOME 3: Strengthening the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol	62000	GEF	72300	National Consultants	-	10,000	10,000	20,000
			Sub-Total			10,000.00	10,000.00	20,000.00
			Grand Total		56,000.00	174,000.00	42,000.00	272,000.00

Scheduled of Activities, Facilities and Payments

Outcome 1: Strengthening the legal, policy and institutional capacity to develop national ABS framework works

Outputs	Planned activities for coming year	Budget Description	Chronogram		Budget 2017	Budget 2018	Budget 2019	TOTAL BUDGET
			Start (month/year)	End (month/year)				
Output 1: National ABS laws/regulations/policy proposals drafted and submitted for approval to competent authorities	Hold inception workshop to present the project objectives, basics of ABS, and options for its development at the national level.	National consultants Training workshops	May 2017	May 2017	6,000.00			6,000.00
	Conduct consultation workshops with key stakeholders to review sectoral laws and reports about their compatibility with the Nagoya Protocol.	Training workshops	June 2017	Oct. 2017	15,000.00			15,000.00
	Prepare proposals for the development of the ABS policy or legislation	National Consultants	August 2017	Dec. 2017	20,000.00			20,000.00
	Implement three (3) pilot cases (medicinal plants, wildlife and agriculture) to identify how ABS activities and procedures are applied and integrated into the national ABS framework.	National consultants Contractual Service companies	Jan. 2018	June 2018		120,000.00		120,000.00
Output 1.1.	Compile and analyze the current state of TK associated with genetic resources held by local communities in the country, including options for its protection.	National consultants	July 2017	Nov. 2018	4,000.00	6,000.00		10,000.00
	Conduct workshop to validate the current state of TK in the country with the direct involvement of local communities	Training workshops	Nov 2018	Nov. 2018		5,000.00		5,000.00
	Develop guidelines for the protection of TK Guidelines to protect TK w/shop	National consultants	Dec. 2018	March 2019				
Subtotal output 1.1					45,000.00	131,000.00		176,000.00

Planned activities for coming year	CIVICOR Grant		Budget 2017		2018		2019		BUDGET	
	Start (month/year)	End (month/year)	GEF	GEF	GEF	GEF	GEF	GEF	GEF	GEF
Output 1.2 Conduct training activities on ABS procedures issuing permits and negotiation of contracts Conduct a mid-term workshop on national and sectoral procedures (i.e., processing access applications and developing model contractual clauses under mutually agreed terms).	Jan. 2018	Apr 2018	-	0	0	-	0	-	0	0
	June 2018	June 2018	-	11,000.00	11,000.00		11,000.00		11,000.00	11,000.00
Subtotal output 1.2										
Output 1.3 Upload ABS information and procedures into the national biodiversity CHM with the support of the Higher Council for Environment and Natural Resources (HCENR). Discuss ABS policy, procedures, opportunities, and challenges through a physical and/or online forum Hold bilateral meetings and direct collaboration established between HCENR and other national ABS-related agencies	Dec.2017	Dec.2017	2,000.00							2,000.00
	July. 2018	July. 2018	-	5,000.00	5,000.00				5,000.00	5,000.00
	Jan. 2018	Sep. 2019		3,000.00		5,000.00		5,000.00	8,000.00	8,000.00
Subtotal output 1.3										
			2,000.00	8,000.00	5,000.00	5,000.00	15,000.00	15,000.00	202,000	
TOTAL budget outcome 1			47,000.00	150,000	05,000.00	05,000.00	202,000			

Outcome 2: Building trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts

Outputs	Planned activities for coming year	Chronogram	End (month/year)	Budget 2017	Budget 2018	Budget 2019	TOTAL BUDGET
Output 2.1. Existing and emerging partnership for bio-discovery between users and providers for genetic resources;	Identify users of genetic resources and research capacities of those users. Compile information about bio-discovery (or potential) initiatives in the country	National consultants	Dec.2017	5,000.00			8,000.00
	Conduct workshops to learn about bio-discovery initiatives and to promote partnerships.	Training workshops	Dec.2017		2,000.00	04,000	6,000.00
	Identify necessary elements to attract investment in bio-discovery	Meetings		2,000.00			2,000.00
		Oct. 2017	Dec.2017	07,000.00	02,000.00		16,000.00
	Subtotal output 2.1						
Output 2.2.	Compile information about potential ABS initiatives in various sectors.	Trainings	covered by output 2.1.1				
	Conduct workshops and seminars to inform key stakeholders about potential ABS opportunities in the country.	Workshops	covered by output 2.1.1				
	Identify relevant business models jointly with key industries.	Meetings/training	covered by output 2.1.1				
Output 2.2.1	Develop draft guidelines for research on TK and genetic resources based on the experience of the pilot cases.	National Consultants	Jul-18		10,000.00		10,000.00

Output 2.2.2	awareness on ABS national frameworks, the CBD, and the Nagoya Protocol	workshops	Nov.2017	Dec.2017	Budget 2017	Budget 2018	Budget 2019	9,000.00
	Conduct regional workshops for ILCs, women, researchers, and relevant industry on ABS, the CBD, and the Nagoya Protocol, including bio-discovery.	workshops	Jan-18	Aug.2019			2,000.00	23,000.00
TOTAL budget outcome 2					09,000.00	14,000.00		50,000.00

Outcome 3: Strengthening the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol

Outputs	Planned activities for coming year	Chronogram	Budget 2017	Budget 2018	Budget 2019	TOTAL BUDGET
		Start (month)	End (month)	GEF	GEF	GEF
Output 3.1 Awareness-raising campaign on the importance of genetic resources and TK	Develop communications materials on ABS, emphasizing the relationship between TK and the use of genetic resources, to be used by ILCs and women	Jan. 2018	Jul-19	0.00	10,000.00	20,000.00
		covered by output 2.2.3	covered by output 2.2.3	0.00		
		Subtotal output 3.1		0.00	10,000.00	20,000.00
TOTAL budget Component 3					10,000.00	20,000.00
Total budget				56,000	174,000	272,000

- Upon signature of this agreement, UNDP will make a first advance of USD 56,000 to the HCENR to implement the 2017 plan as indicated on the schedule of activities above. HCENR should submit, on a quarterly basis, a narrative and financial report to UNDP on the progress of the projects interventions i.e. July and November 2017.
- From 2018 on, advances will be issued on quarterly basis upon clearance of at least 80% of the previous quarterly advance Adjustments within each of the sections may be made in consultation between UNDP and HCNER such adjustments may be made if they are in keeping with the provisions of the Programme Support/Project Document and if they are found to be in the best interest of the project.

