

No. 21022

**UNITED STATES OF AMERICA
and
NIGERIA**

Memorandum of Understanding on environmental protection. Signed at Lagos on 22 September 1980

Authentic text: English.

Registered by the United States of America on 15 April 1982.

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**ÉTATS-UNIS D'AMÉRIQUE
et
NIGÉRIA**

Mémorandum d'accord relatif à la protection de l'environnement. Signé à Lagos le 22 septembre 1980

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 15 avril 1982.

MEMORANDUM OF UNDERSTANDING¹ ON ENVIRONMENTAL PROTECTION BETWEEN THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE FEDERAL MINISTRY OF HOUSING AND ENVIRONMENT OF NIGERIA

Whereas, the Environmental Protection Agency of the United States of America (EPA) and the Federal Ministry of Housing and Environment of Nigeria (FMHE) share common concern and responsibilities for protecting and improving human health and the natural environments of their respective nations and share a common interest in the cause of global environmental protection;

Whereas, the United States and Nigeria share many common environmental problems relating to large and expanding urban populations, substantial industrial activity, conservation of the environment, and the rational use of natural resources; and

Whereas, cooperation in the field of environmental protection is an appropriate and important corollary to the two nations' economic and technical cooperation, and is consistent with the Agreement for Scientific and Technological Cooperation signed at Lagos, Nigeria, on September 22, 1980,

It is hereby agreed that:

Article I. COOPERATING AGENCIES

The Cooperating Agencies under this Memorandum of Understanding shall be the United States Environmental Protection Agency (EPA) and the Nigerian Federal Ministry of Housing and Environment, Environmental Planning and Protection Division, or their successor agencies.

Article II. PURPOSE

The Environmental Protection Agency (EPA) and the Federal Ministry of Housing and Environment, Environmental Planning and Protection Division, will promote and maintain bilateral cooperation in the field of environmental protection on the basis of equality, reciprocity, and mutual benefit.

Article III. OBJECTIVES

The broad program objectives of this Memorandum of Understanding are:

- (1) To assist in the development of environmental programs consistent with national policies and goals;
- (2) To provide technical support in the implementation of environmental planning and protection programs;
- (3) To exchange scientific, technological, and regulatory materials and information relating to environmental protection;
- (4) To exchange specialists, scientists, engineers, and researchers to enhance their professional development in environmental matters; and

¹ Came into force on 22 September 1980 by signature, in accordance with article XI.

- (5) To cooperate in the training of environmental professionals in all fields of environmental management, including planning, assessment, monitoring, research, and regulatory development.

Article IV. AREAS OF COOPERATION

Cooperation under this agreement may be undertaken in the areas of:

- Air pollution;
- Water pollution;
- Marine pollution;
- Noise pollution;
- Enhancement of the urban environment;
- The preservation of nature;
- Legal and administrative measures for protecting environmental quality;
- Solid waste management and resource recovery;
- Toxic substances, pesticides, and chemical product control;
- Protection from radiation;
- Studies on health, biological, and genetic effects;
- Environmental effects of energy production and use;
- And other areas of interest as may be mutually agreed upon in the course of implementing this agreement.

Article V. COOPERATION

Cooperation under this agreement may include, but not be limited to, the following forms:

- Exchange of scientists, technicians, scholars, or other experts on the relevant subjects;
- Organization of bilateral conferences, symposia, lectures, and other meetings of experts;
- Exchange of information and data in the field of environmental planning and protection;
- Joint conduct of programs, projects, and research activities in areas of mutual interest and concern; and
- Other forms of cooperation which may be mutually agreed upon in the course of implementing this agreement.

Article VI. THIRD PARTY FACILITATION

The Environmental Protection Agency and the Federal Ministry of Housing and Environment, Environmental Planning and Protection Division, will encourage and facilitate, as appropriate, cooperation between government agencies, universities, research centers, and other relevant organizations of the two countries, and the conclusion, under equitable terms and conditions, of special arrangements for the conduct of cooperative activities.

Scientists, technicians, and other experts of third countries or international organizations may be invited, upon agreement of both parties, to participate in activities carried out under this agreement.

Article VII. PROJECTS

Specific projects for environmental cooperation will be agreed upon through consultations between the Cooperating Agencies. During the period of this Memorandum, all activities mutually agreed upon for implementation by the Cooperating Agencies shall be documented and appended hereto as Project Implementation Plans. The Project Implementation Plans, which shall constitute part of the Memorandum of Understanding, shall specify the details of the activities, specific funding arrangements, and other appropriate matters. In no case will an activity be implemented prior to mutual agreement on terms and responsibilities.

All project activities shall be subject to the availability of resources and funds. An annex to this agreement shall set forth the general procedural, facilitative and financial arrangements which shall apply to activities undertaken pursuant to this Memorandum.

Article VIII. DISPOSITION OF INFORMATION

Scientific and technical information derived from cooperative activities under this agreement will be made available, unless otherwise agreed, to the world scientific community through customary channels and in accordance with the normal procedures of the participating parties.

The disposition of patents, designs, and other proprietary property derived from cooperative activities under this agreement shall be provided for in specific arrangements agreed upon by the participating parties.

Article IX. RESOLUTION OF CONFLICTS/DISPUTES

Parties to this agreement shall settle amicably, through negotiation, all disputes or differences relating to this agreement.

Article X. GENERAL PROVISIONS

Cooperative activities conducted under this agreement shall be consistent with the laws, regulations, and international commitments of each party.

Each party shall use its best efforts to facilitate the prompt entry into and exit from its territory of personnel, equipment, and materials for cooperative activities under this agreement.

Nothing in this agreement shall be construed to prejudice other agreements or future agreements with contracting parties or with third parties.

Article XI. ENTRY INTO FORCE, DURATION, TERMINATION

This Memorandum of Understanding shall enter into force upon signature and shall remain in force for five years, unless terminated earlier by either party upon six months' written notice to the other party. It may be modified or extended by mutual written agreement of the two parties. In the event of termination of the Memorandum of Understanding, arrangements shall be made for completion of the activities under way pursuant thereto.

DONE this 22nd day of September 1980 at Lagos, Nigeria.

[*Signed — Signé*]¹

For the Environmental Protection
Agency of the United States of America

[*Signed — Signé*]²

For the Federal Ministry of Housing
and Environment of Nigeria

¹ Signed by Richard M. Dowd — Signé par Richard M. Dowd.

² Signed by F. Ojikutu — Signé par F. Ojikutu.