

PARLIAMENT RESOLUTION No. 12/2009

of 6 May

ADOPTING, FOR THE PURPOSE OF ACCESSION, THE COOPERATION AGREEMENT BETWEEN THE MEMBER STATES OF THE COMMUNITY OF PORTUGUESE-SPEAKING COUNTRIES ON THE FIGHT AGAINST MALARIA (*ACORDO DE COOPERAÇÃO ENTRE OS ESTADOS MEMBROS DA COMUNIDADE DOS PAÍSES DE LÍNGUA PORTUGUESA SOBRE O COMBATE À MALÁRIA-PALUDISMO*)

The National Parliament, acting on a proposal from the Government and pursuant to article 95(3)(f) of the Constitution of the Republic, adopts for the purpose of accession the Cooperation Agreement between Member States of the Community of Portuguese-Speaking Countries on the Fight against Malaria (*Acordo de Cooperação entre os Estados Membros da Comunidade dos Países de Língua Portuguesa Sobre o Combate à Malária-Paludismo*), which was signed in São Tomé and Príncipe on 26 July 2004. The text of the Cooperation Agreement in its Portuguese language version is attached hereto.

Approved on 24 March 2009.

The Acting President of the National Parliament,

Vicente da Silva Guterres

To be published.

On 28 April 2009.

The President of the Republic,

José Ramos-Horta

COOPERATION AGREEMENT BETWEEN THE MEMBER STATES OF THE COMMUNITY OF PORTUGUESE-SPEAKING COUNTRIES ON THE FIGHT AGAINST MALARIA (*ACORDO DE COOPERAÇÃO ENTRE OS ESTADOS MEMBROS DA COMUNIDADE DOS PAÍSES DE LÍNGUA PORTUGUESA SOBRE O COMBATE À MALÁRIA-PALUDISMO*)

The Republic of Angola, the Federative Republic of Brazil, the Republic of Cape Verde, the Republic of Guinea-Bissau, the Republic of Mozambique, the Portuguese Republic, the Democratic Republic of São Tomé and Príncipe and the Democratic Republic of Timor-Leste:

Whereas the General Agreement on Cooperation within the Framework of CPLP was signed on 17 July 1998 in Praia, at the II Conference of CPLP Heads of State and Government;

Whereas the Maputo Declaration, released on 18 July 2000 at the III Conference of CPLP Heads of State and Government noted in its 19th paragraph “ the concern [of the Heads of State and Government] with the persistence of malaria as one of the major causes of death in developing countries, and appeal to the international community, and particularly to developed countries, to give priority to coordinated efforts to prevent and fight HIV/AIDS and malaria”;

Whereas the Brasilia Declaration, released on 1 August 2002 at the IV Conference of CPLP Heads of State and Government stressed, in its paragraph 3(f) “the commitment of CPLP to the eradication of endemic diseases in Member States, particularly of malaria and tuberculosis”;

Whereas the recommendation issued by the I Meeting of the Community of the Community of Portuguese-Speaking Countries on Malaria , which took place in São Tomé and Príncipe between 23 and 25 March 2004, that a Memorandum of Understanding be signed between CPLP Member States on the fight against malaria;

Whereas there is a need to promote the development of a mutually advantageous cooperation based on the principles of equality between sovereign States, primacy of democracy, rule of law and the respect for human rights and social justice;

Whereas there is an interest in strengthening the existing cooperation between Member States aimed at the development and progress of their respective peoples;

Whereas the endemic nature of malaria over the last decade, particularly in Africa, has turned it not only into a serious public health concern but also into a barrier to development;

Bearing in mind the Objectives spelled out in CPLP’s Constitutive Declaration;

Have agreed on the following:

Article 1

1. To declare the fight against malaria, in the context of the reduction of absolute poverty, as one of the objectives for cooperation between CPLP Member States.
2. To collaborate in the implementation of National Programmes in Member States, within the framework of CPLP’s Programme to Fight against Malaria.
3. To define the following as priority areas for the CPLP’s Programme to Fight against Malaria:

- (a) to support to the design and implementation of National Programmes to Fight Malaria, with a special focus on the strengthening of epidemiological surveillance systems;
- (b) to support to the implementation of health care structures that can provide quick diagnosis and correct treatment that is economically within the possibilities of populations and adequate within 24 hours after the onset of the symptoms;
- (c) to support the development of basic health care structures that will allow those at risk of getting malaria, especially children below the age of 5 and pregnant women, to benefit from individual and community protection measures, such as insecticide-treated mosquito nets and other accessible and economically feasible measures to avoid infections and suffering;
- (d) to support the strengthening of basic health care services in order to expand the access to prophylactic treatment and preventive treatment for pregnant women;
- (e) to train and build the capacity of health care professionals and other national agents so that they may incorporate new practices in the fight against malaria; and
- (f) to provide information and engage in education and communication initiatives with a view to fully involve communities and to pass on family and individual skills in the prevention and fight against malaria.

Article 2

For a successful implementation of CPLP's Programme to Fight against Malaria, the Member States have also agreed on the following:

- (a) to focus and coordinate their efforts and resources to fight against malaria;
- (b) to take part in the implementation of CPLP's Programme to Fight against Malaria, maximising and combining their own national resources and those of CPLP;
- (c) to make available, to the extent possible, any available national skills for the benefit of other CPLP Member States;
- (d) to give priority to specific and integrated initiatives within the framework of CPLP's Programme to Fight against Malaria aimed at ensuring national self-sustainability and self-sufficiency;
- (e) to develop an active and coordinated international negotiation strategy for procuring anti-malaria drugs, mosquito nets, insecticides for use as public health drugs, as well as other goods and services recommended in the fight against malaria;

(f) to reduce or waive import taxes and duties applicable to the aforementioned products;
and

(g) to develop an active and coordinated international negotiation strategy aimed at procuring additional financial resources for CPLP's Programme to Fight against Malaria.

Article 3

CPLP's Programme to Fight against Malaria shall be sensitive to and guided by gender-related concerns.

Article 4

CPLP's Programme to Fight against Malaria shall pay particular attention to pregnant women and to children under the age of 5.

Article 5

CPLP's Programme to Fight against Malaria shall stimulate Member States to promote transversal initiatives cutting across several areas of government, as well as the active involvement and participation of civil society in national responses to malaria.

Article 6

CPLP's Programme to Fight against Malaria shall be reviewed every two years by the signatory Member States of this Agreement.

Article 7

CPLP's Programme to Fight against Malaria shall establish a permanent CPLP database with data on malaria.

Article 8

CPLP's Executive Secretariat, together with the competent authorities in the fight against malaria in Member States and CPLP's Cooperation Focal Points shall coordinate the design, implementation, monitoring and evaluation of CPLP's Programme to Fight against Malaria.

Article 9

It shall be incumbent upon the competent authorities in the fight against malaria in Member States to implement CPLP's Programme to Fight against Malaria in their respective countries.

Article 10

The competent authorities in the fight against malaria in Member States, CPLP's Cooperation Focal Points and CPLP's Executive Secretariat shall review CPLP's Programme to Fight against Malaria on an annual basis.

Article 11

CPLP, represented by its Executive Secretariat, may establish agreements with other organisations or international partners with a view to implementing CPLP's Programme to Fight against Malaria.

Article 12

CPLP's Special Fund (*Fundo Especial da CPLP*) shall include a special budget line on malaria.

Article 13

This Agreement is without prejudice to other existing agreements or the establishment of other agreements between Member States on this matter.

Article 14

1. Any differences of opinion on the interpretation or implementation of this Agreement shall be clarified amongst the competent authorities in the fight against malaria in Member States.
2. In case any differences of opinion cannot be settled through negotiation, every Member State may request that they be submitted to a decision by CPLP's Council of Ministers, after having sought the advice from CPLP's Standing Committee on Conciliation.

Article 15

1. This Agreement may be amended upon a proposal by a Member State.
2. The proposed amendment shall be the object of a negotiation between the Member States with a view to producing a final text.
3. The Text resulting from the aforementioned negotiation shall be submitted to the Council of Ministers where it shall be adopted by consensus.
4. Any amendments shall enter into force pursuant to the provisions in article 17.

Article 16

1. Any Member State may terminate this Agreement by serving a notice to the Executive Secretariat which shall in turn inform other Member States immediately.

2. Any termination of the Agreement will become effective 60 days after the notice was served.

Article 17

1. This Agreement shall come into force on the first day of the month after the date when three CPLP Member States have deposited with the Executive Secretariat at CPLP's headquarters their respective instruments of ratification or equivalent documents expressing their accession to the Agreement.

2. For any Member State that deposits its instrument of ratification or an equivalent document expressing its accession to the Agreement with the Executive Secretariat at CPLP's headquarters at a later date, the Agreement shall come into force on the first day of the month following the day of deposit.

Article 18

The original text of this Agreement shall be deposited at CPLP's headquarters with the Executive Secretariat, which shall provide all Members States with authenticated copies thereof.

Signed in São Tomé, on 26 July 2004.

_____ for the Government of the Republic of Angola
_____ for the Government of the Federative Republic of Brazil
_____ for the Government of the Republic of Cape Verde
_____ for the Government of the Republic of Guinea-Bissau
_____ for the Government of the Republic of Mozambique
_____ for the Government of the Portuguese Republic
_____ for the Government of the Democratic Republic of São Tomé and
Príncipe
_____ for the Government of the Democratic Republic of Timor-Leste