



SPREP

Secretariat of the Pacific
Regional Environment
Programme

PROE

Programme régional
océanien de
l'environnement

AP 1/6/1

27 May, 2005


Klaus Toepfer
Executive Director
United Nations Environment Programme
PO Box 30552
NAIROBI
Kenya
Fax : (254 2 217119

Memorandum of Understanding : SPREP and UNEP

Dear Klaus,

I have today signed the two original copies of our MoU and I too am very much looking forward to mutual implementation to strengthen our relationship.

Yours sincerely,


Asterio Takesy
Director

FRAMEWORK MEMORANDUM OF UNDERSTANDING

Between The Pacific Regional Environment Programme and The United Nations Environment Programme Concerning Strengthening of Collaboration in the Pacific Region

THE Pacific Regional Environment Programme (hereinafter "SPREP") and the **United Nations Environment Programme** (hereinafter "UNEP"), hereinafter referred to as "the PARTIES":

Considering the Agreement Establishing SPREP as an intergovernmental organisation to promote co-operation in the Pacific region and to provide assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations, and the ongoing commitment of SPREP Member governments to this goal;

Recalling the mission of UNEP to provide leadership and encourage partnerships in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations;

Recalling further the decision by UNEP's Governing Council at its twenty-second session in February 2003, emphasising the need to strengthen the institutional capacity of Small Island Developing States;

Highlighting the valuable collaboration to date between The PARTIES, including in the areas of biodiversity conservation, biosafety, data enhancement, environmental assessment, environmental education, environmental law, environmental monitoring and reporting, marine and coastal management, ozone related issues and waste and chemical management;

Recognising the common concerns of Pacific islands in relation to the environment and sustainable development, the SPREP Action Plan 2005-2009 that contains agreed regional priorities and SPREP's strategic programmes which are the means of implementing these priorities;

Desiring to enter into a Memorandum of Understanding (hereinafter Memorandum);

HAVE AGREED as follows:

ARTICLE 1 – OBJECTIVE

The objective of this Memorandum is to further strengthen and consolidate the cooperation between the PARTIES, in support of environmental protection and the sustainable development of the Pacific islands region.

ARTICLE 2 – AREAS OF COOPERATION

The PARTIES shall:

- a) Increase cooperation in areas of mutual interest and expertise and endeavour to jointly develop and implement activities in areas identified in a Joint Programme of Work as referred to in Article 4;
- b) Endeavour to exchange information pertaining to environmental issues in the Pacific region as well as globally which is of shared interest;
- c) Endeavour to increase the capacity of Pacific islands to access and manage financial and human resources including through the Global Environment Facility; and
- d) Endeavour to promote the visibility of their respective organisations in the Pacific region.

ARTICLE 3 – INSTITUTIONAL AND OPERATIONAL ARRANGEMENTS

- 1) The initial focal points to ensure the implementation of the Memorandum are:
 - a) At SPREP: Asterio Takesy, Director.
 - b) At UNEP: Veerle Vandeweerd, Coordinator of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and Head Regional Seas and Surendra Shrestha, Director, Regional Office for Asia and the Pacific.
- 2) The PARTIES shall jointly establish and implement a UNEP position at SPREP in order to facilitate cooperation and the implementation of joint activities.
- 3) The PARTIES shall, where appropriate, and subject to funding, participate in each other's meetings and conferences.

ARTICLE 4 – JOINT PROGRAMME OF WORK

The PARTIES shall develop and implement a Joint Programme of Work for the purpose of this Memorandum. The first Joint Programme of Work for the year 2005 is contained in the Annex to this Memorandum. The first Joint Programme of Work is subject to evaluation by the PARTIES at the end of 2005.

- 2) For the year 2006 and beyond, the PARTIES shall consult and develop a new Joint Programme of Work on the basis of evaluation, to be conducted at the end of each year, of the Joint Programme of Work of the preceding year. The new Joint Programme of Work, thus developed and agreed upon by the PARTIES, shall replace the Joint Programme of Work of the preceding year, and it may be presented in a separate written text in the form of exchange of letters or other form as mutually agreed between the PARTIES.

ARTICLE 5 – FINANCIAL MATTERS

Indicative financial resources to implement the activities associated with the areas of cooperation shall be determined on a biennial basis by the PARTIES.

2) Sources of funding for these activities may include:

- Cash and in-kind contributions from UNEP;
- Cash and in-kind contributions from SPREP;
- Resources to be mobilised by the PARTIES from donor countries and multilateral funding agencies, particularly the Global Environment Facility.

3) This Memorandum shall not be deemed to constitute financial obligation to either of the PARTIES.

ARTICLE 6 – CORRESPONDENCE

All correspondence between the PARTIES regarding this Memorandum and Joint Programme of Work should be addressed to:

at SPREP:

Asterio Takesy
Director, SPREP
P.O. Box 240
Apia, Samoa
Tel: +685 21929
Email: asteriot@sprep.org.ws

at UNEP

Surendra Shrestha
Director, Regional Office for Asia and the Pacific
United Nations Building
Rajdamnern Nok Avenue
Bangkok 10200, Thailand
Tel: +66 2 288 1870-4
Fax: +66 2 280 3829
Email: Surendra.Shrestha@rrcap.unep.org

and

Veerle Vandeweerd
Coordinator, UNEP/GPA Coordination Office and Head Regional Seas
P.O. Box 16227, 2500 DE
The Hague, The Netherlands
Tel: +31 70 311 4461
Fax: +31 70 345 6648
E-mail: v.vandeweerd@unep.nl

All correspondence regarding administrative and financial matters should be addressed to:

Henk Verbeek
Administrative Officer
Regional Office for Asia and the Pacific
United Nations Building
Rajdamnern Nok Avenue

Bangkok 10200, Thailand
Tel: +66 2 288 1870-4
Fax: +66 2 280 3829
Email: verbeekh@un.org

Alex Vreman
Administrative Officer
UNEP/GPA Coordination Office
P.O. Box 16227, 2500 BE
The Hague, The Netherlands
Tel: +31 70 311 4465
Fax: +31 70 345 6648
E-mail: a.vreman@unep.nl

With a copy to the Chief, Budget and Financial Management Service:

Chief, Budget and Financial Management Service
United Nations Environment Programme
P.O. Box 30552, Nairobi, Kenya
Tel: +254 2 62 3637
Fax: +254 2 62 3755

ARTICLE 7 – INDEMNITY

- 1) Each PARTY shall be responsible for dealing with any claims which may be brought against the other PARTY and its staff, and shall indemnify the other PARTY and its staff non-liaible in case of any claims or liabilities resulting from activities carried out by the PARTY under this Memorandum, except that such claims or liabilities arise from gross negligence or misconduct of the staff of the other PARTY.
- 2) Nothing in this Agreement shall be deemed a waiver of any of the privileges and immunities of the United Nations or UNEP.

ARTICLE 8 – MUTUAL CARE

Each PARTY shall refrain from any action, which may adversely affect the other PARTY, and shall fulfill its commitments with the fullest regard for the interest of the other PARTY.

ARTICLE 9 – MODIFICATIONS TO MEMORANDUM

The Memorandum and Annexes may be modified by agreement in writing signed by both PARTIES.

ARTICLE 10 – ARBITRATION

Any controversy or claim arising out of or in accordance with this Memorandum or breach thereof, shall, unless it is resolved by direct negotiations, be settled in accordance with UNCITRAL Arbitration Rules as at present in force. The PARTIES shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy or claim.

ARTICLE 11 – ASSIGNMENT

Prior written communication between the Parties shall make no change in or modification of this Memorandum. Neither PARTY shall assign, transfer, pledge, sub-contract or make other disposition of this Memorandum or any part thereof, or of any of the other PARTY'S rights, claims, or obligations under this Memorandum except with the prior written consent of the other PARTY.

ARTICLE 12 – ENTRY INTO FORCE

- 1) This Memorandum shall enter into force on the date on which the last PARTY signs. It shall remain in force until it is terminated pursuant to Article 14.
- 2) Upon entering into force, this Memorandum shall replace the Memorandum of Understanding signed by the PARTIES in March 2000 and any prior arrangements, shall govern all future collaborative arrangements between the PARTIES.

ARTICLE 13 – TRANSITIONAL

Any existing arrangement between SPREP and UNEP, howsoever arising, shall be recorded on a list which shall appear as an Annex to this Memorandum.

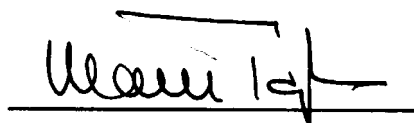
ARTICLE 14 – TERMINATION

This Memorandum may be terminated by either PARTY giving the other 30 days written notice.



Signed on behalf of SPREP
Asterio Takesy
Director of SPREP

Date: 27/05/05



Signed on behalf of UNEP
Klaus Töpfer
Executive Director of UNEP

Date: 16.05.05

ANNEXES:

1.A.: Joint Programme of Work 2005

1.B.: Preliminary list of existing cooperation arrangements between SPREP and UNEP

**ANNEX 1A:
JOINT PROGRAMME OF WORK 2005
SPREP – UNEP**

I. GENERAL OBJECTIVE

The general objective is to further strengthen and consolidate the cooperation between SPREP and UNEP, and to support the sustainable development of the Pacific Islands with an initial focus on the protection of the coastal and marine environment in the South Pacific Region.

II. SPECIFIC OBJECTIVES

- 1) Coordinate and follow-up on GPA-related activities, such as National Programmes of Action (NPAs), training courses on sanitation and municipal wastewater management, the GPA Clearing-House Mechanism (GPA-CHM), the Global Regional Seas Programme and projects related to waste management;
- 2) Liaise with, promote cooperation and follow-up on various GEF projects and other donor supported projects in the South Pacific region dealing with the International Waters Project (IWP), IWRM and Regional Seas;
- 3) Initiate, liaise, follow-up or further support on any other projects in the South Pacific region of relevance to UNEP, implemented either by UNEP or by other bodies, such as the White Water To Blue Water initiative and coral reef associated activities, such as the International Coral Reef Action Network (ICRAN) and the Regional Initiative for the Protection and Sustainable Management of Coral Reefs in the South Pacific (CRISP), initiated by France;
- 4) Liaise with Regional Offices and relevant UNEP programmes and divisions, ensure coordinated delivery of UNEP supported programmes in the South Pacific region, strengthen further areas of collaboration, and perform other duties as might be requested by UNEP or SPREP.

III. ACTIVITIES

Objective 1:

Coordinate and follow-up on GPA-related activities, such as National Programmes of Action (NPAs), training courses on sanitation and municipal wastewater management, the GPA Clearing-House Mechanism (GPA-CHM), the Global Regional Seas Programme and projects related to waste management.

Related activities:

- 1) Follow-up and assist in the development of NPAs in Vanuatu, Tonga, Kiribati and Palau, as well as in the implementation of the case studies selected by each of these countries;
- 2) Provide assistance in the delivery of the training courses on sanitation and municipal wastewater management;
- 3) Support the establishment of the Pacific regional node of the GPA-CHM and coordinate the input provided; identify synergies between the regional node of the GPA-CHM and other Pacific regional environmental clearing houses, such as the Pacific regional node of the Biosafety Clearing House (BCH) and the Pacific Environmental Information Network (PEIN);

- Promote and follow-up on Global Regional Seas meetings as they pertain to the South Pacific region and the decisions of relevant South Pacific regional inter-governmental bodies;
- 5) Support and follow-up on any future projects on waste management initiated in the South Pacific region;
 - 6) Coordinate regional delivery of donor supported programmes (e.g. USA contribution channelled *via* UNEP to SPREP), and ensure timely and effective reporting to donors.

Objective 2:

Liaise with, promote cooperation and follow-up on various GEF projects and other donor supported projects in the South Pacific region dealing with IWRM and Regional Seas.

Related activities:

- 1) Liaise with, follow-up on and represent UNEP in contacts with the GEF International Waters Project (IWP), implemented by UNDP and SPREP;
- 2) Liaise with, follow-up on and represent UNEP in contacts with the GEF and SOPAC;
- 3) Liaise with, follow-up on and represent UNEP in contacts with the GEF project "Marine Bioprospecting in SIDS addressing Monitoring and Managing Needs", to be implemented by ICRAN and SPREP.

Objective 3:

Initiate, liaise, follow-up or further support on any other projects in the South Pacific region of relevance to UNEP, implemented either by UNEP or by other bodies, such as the White Water To Blue Water initiative and coral reef associated activities, such as the International Coral Reef Action Network (ICRAN) and the Regional Initiative for the Protection and Sustainable Management of Coral Reefs in the South Pacific (CRISP), initiated by France.

Related activities:

- 1) Collaborate with relevant partners to facilitate the initiation of the White Water To Blue Water (WW2BW) initiative in the South Pacific region, along the lines of the pilot project in the Caribbean;
- 2) Follow-up on and liaise with ICRAN and CRISP projects being implemented in the region;
- 3) Initiate, support, follow-up on and liaise with any other project of relevance to UNEP and its current and next work programmes;
- 4) Initiate, develop and submit project proposals to donors, e.g. as follow-up to the H₂O: Hilltops-2-Oceans Partnership Conference, held in Cairns, Australia 10-14 May 2004.

Objective 4:

Liaise with Regional Offices and relevant UNEP programmes and divisions, ensure coordinated delivery of UNEP supported programmes in the South Pacific region, strengthen further areas of collaboration, and perform other duties as might be requested by UNEP or SPREP.

Related activities:

- 1) Support, liaise and collaborate with Regional Offices, particularly the Regional Office for Asia and the Pacific, with regards to their projects in the region;
- 2) Support, liaise and collaborate with relevant UNEP divisions and programmes active in the region, initially as they relate to coasts and oceans;
- 3) Represent UNEP at relevant meetings in the region, liaise with various regional and international bodies present in the South Pacific, and establish links and mechanisms to collaborate on issues of mutual interest;
- 4) Prepare and provide substantive input to various reports and documents as requested, and provide UNEP input to the SPREP Work Programme and Budget, the

SPREP Action Plan for Managing the Environment of the Pacific Islands Region 2005-2009 and the SPREP Strategic Programmes 2004-2013;

- 5) Coordinate with the UNEP programme officer based at SPREP and dealing with biosafety;
- 6) Ensure that GPA/RS and coral reef activities contribute to the Pacific Ocean Strategy.

IV. EXPECTED OUTPUTS

Objective 1:

Coordinate and follow-up on GPA-related activities, such as National Programmes of Action (NPAs), training courses on sanitation and municipal wastewater management, the GPA Clearing-House Mechanism (GPA-CHM), the Global Regional Seas Programme and projects related to waste management;

Expected outputs:

- 1) At least two NPAs developed and launched, and successful completion of the four case studies;
- 2) Training courses delivered and replicated across the region;
- 3) Pacific node of the GPA-CHM up and running, with timely and coherent input provided, and synergies and links established with other regional environmental clearing houses, such as the regional node of the BCH and PEIN;
- 4) Active participation at Global Regional Seas meetings by representatives of the South Pacific region;
- 5) Waste reduction addressed through a dedicated project in the region, if external funds become available.

Objective 2:

Liaise with, promote cooperation and follow-up on various GEF projects and other donor supported projects in the South Pacific region dealing with IWRM and Regional Seas;

Expected outputs:

- 1) Enhanced collaboration between UNEP and the IWP, timely and accurate information on the implementation of the project made available, and follow-up on defined activities provided;
- 2) Enhanced collaboration between UNEP and SOPAC, timely and accurate information on the implementation of the project made available, and follow-up on defined activities provided;
- 3) Cooperation between UNEP and the Bioprospecting project, timely and accurate information on the implementation of the project made available, follow-up on defined activities provided.

Objective 3:

Initiate, liaise, follow-up or further support on any other projects in the South Pacific region of relevance to UNEP, implemented either by UNEP or by other bodies, such as the White Water To Blue Water initiative and coral reef associated activities, such as the International Coral Reef Action Network (ICRAN) and the Regional Initiative for the Protection and Sustainable Management of Coral Reefs in the South Pacific (CRISP), initiated by France.

Expected outputs:

- 1) Pilot activities of the WW2BW initiative successfully initiated and implementation well underway;
- 2) Timely and accurate information on ICRAN and CRISP projects in the region provided;
- 3) Other relevant projects in the region supported and links established;

- 4) Project proposals developed and submitted to potential donors, several projects funded through successful proposals.

Objective 4:

Liaise with Regional Offices and relevant UNEP programmes and divisions, ensure coordinated delivery of UNEP supported programmes in the South Pacific region, strengthen further areas of collaboration, and perform other duties as might be requested by UNEP or SPREP.

Expected outputs:

- 1) Effective collaboration between SPREP and Regional Offices, in particular the Regional Office for Asia and the Pacific;
- 2) Effective collaboration between and coordinated delivery of UNEP supported programmes in the South Pacific region.
- 3) UNEP represented and promoted in various meetings across the region, and mechanisms of collaboration with various bodies established;
- 4) Substantive, timely and accurate input provided to various reports and documents, and coordinated and timely input provided to SPREP Work Programme, Action Plan and Strategic Programmes;
- 5) Effective collaboration and communication between the two UNEP officers based at SPREP;
- 6) GPA/RS and coral reef activities contribute to the Pacific Ocean Strategy in an elaborate and realistic manner.

**ANNEX 1B:
PRELIMINARY LIST OF EXISTING COOPERATION ARRANGEMENTS
BETWEEN SPREP AND UNEP¹**

1. Collaboration with UNEP/GPA on National Programmes of Action for the Protection of the Marine Environment from Land-based Activities - Case Studies in the Pacific
2. Collaboration with UNEP/Regional Seas
3. Collaboration with UNEP/ROAP on Environmental Education and Awareness
4. Collaboration with UNEP-WCMC and ICRAN on Coral Reefs
5. Collaboration with UNEP/DTIE on Persistent Organic Pollutants
6. Collaboration with UNEP/GEF on Biosafety
7. Collaboration with UNEP/DEWA on the SIDS Pacific State of the Environment Report and collection of environmental information

¹ To be updated by SPREP and UNEP after the MoU is signed.