

Memorandum of Agreement
on
Environmental Cooperation
Between
the Government of New Zealand
and
the Government of the Republic of the Philippines

The Government of New Zealand and the Government of the Republic of the Philippines (hereinafter referred to collectively as the "Parties" or individually as a "Party", unless the context otherwise requires):

Desiring to strengthen their growing economic and political relationship;

Sharing a common aspiration to promote sound environmental policies and practices between the Parties, to promote closer and greater cooperation, and to improve the capacities and capabilities of the Parties, including their respective concerned or relevant stakeholders in addressing environmental issues/matters;

Committed to the pursuit of sustainable development, taking into account the social, environmental, cultural and economic circumstances of the Parties, and noting that it is essential for economic prosperity;

Desiring to strengthen their cooperation to contribute to the development of appropriate global approaches to sustainable development issues;

Reaffirming the international commitments made at the Earth Summit at Rio de Janeiro in 1992 and at the World Summit on Sustainable Development at Johannesburg in 2002 as well as those agreed to by the Parties in multilateral environmental agreements;

Reaffirming the commitment of the Parties to develop the content of their common agenda and to share the knowledge and experience gained in the fields related to economic development and environmental protection;

Convinced that cooperation between the Parties in the above-mentioned matters will serve their mutual interests and contribute to strengthening the relations of friendship between the Parties;

HAVE AGREED AS FOLLOWS:

Article 1
Objectives

The objectives of this Memorandum of Agreement (MoA) shall be to:

- (a) encourage and promote sound environment policies and practices and improve the capacities and capabilities of the Parties, including their respective concerned or relevant stakeholders in addressing environmental issues /matters;
- (b) promote through environmental cooperation, the commitments made by the Parties; and
- (c) facilitate cooperation and dialogue in order to strengthen the broader relationships of the Parties.

Article 2
Basic Principles

1. The Parties respect their sovereign rights to set their own policies and national priorities and to set, administer and enforce their own environmental laws and regulations.

2. The Parties recognise that it is inappropriate to set or use their environmental laws, regulations, policies and practices for trade protectionist purposes.
3. The Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in domestic environmental laws, regulations, policies and practices.
4. The Parties recognise the desirability of clear and well understood sustainable development policies and practices and the value of broad consultation in formulating these policies.

Article 3

Cooperation Activities

1. Taking account of their national priorities and available resources, the Parties shall cooperate on mutually agreed environmental issues including concerns such as sustainable management of the environment, air quality management, water quality management, toxic chemicals and hazardous and solid wastes management, restoration of degraded watersheds, river basins and wetlands, and conduct of research dealing with major river basins and concerns affecting or dealing with climate change. Such cooperation shall be pursued through the interaction of government, industry, educational and research institutions between the Parties.
2. Each Party may, as appropriate, invite the participation of its non-government sectors and other organisations in identifying potential areas for cooperation.

3. The Parties may invite the participation of non-government sectors and other organisations in undertaking cooperative activities as mutually agreed between the Parties.
4. The Parties shall encourage and facilitate, as appropriate, the following activities:
 - (a) exchange of technical information and publications, including expanding networks for electronic information exchange;
 - (b) exchange of environmental experts and management personnel;
 - (c) conduct of seminars, workshops or fora of mutual interest or concern;
 - (d) collaborative research on subjects and in areas of mutual interest or concern; and
 - (e) any other modes of cooperation agreed upon by the Parties;

Such cooperation activities shall take into consideration each Party's environmental priorities and needs as well as the resources available. The funding of cooperative activities shall be agreed by the Parties on a case-by-case basis.

5. The Parties' intention is to cooperate in environmental areas of common global, regional or domestic concern. To facilitate this, as an initial step, the Parties shall exchange lists of their areas of interest.

Article 4

Institutional Arrangements

1. With a view to guaranteeing the implementation of this MoA, establishing a cooperation programme to be carried out within a specified period and coordinating the cooperation activities referred to in this MoA, the Parties shall establish an Environment Committee which may include senior officials of their government agencies responsible for environmental matters or such other persons as deemed appropriate by each Party. The Committee shall meet within the first year of the date of entry into force of this MoA and subsequently thereafter as mutually agreed by the Parties. Unless the Parties decide otherwise, the venue for meetings will alternate between the Parties. The host country will Chair the meeting.
2. Each Party shall designate a national contact point in the relevant department at the appropriate level to facilitate communication between the Parties concerning this MoA.
3. The Environment Committee and national contact points may exchange information and coordinate activities under this MoA

between meetings using email, video conferencing or other means of communication.

4. The functions of the Environment Committee shall include:
 - (a) establishing an agreed work programme of cooperative activities;
 - (b) overseeing and evaluating the cooperative activities;
 - (c) serving as a channel for dialogue on matters of mutual interest;
 - (d) reviewing the operation and outcomes of this MoA; and
 - (e) providing a forum for resolving differences.
5. In carrying out its work the Environment Committee may consult or seek the advice of relevant stakeholders in each country and may decide to invite their attendance at meetings of the Environment Committee.
6. Each Party may provide an opportunity for relevant stakeholders to

submit views or advice to that Party on matters relating to the operation of this MoA.

Article 5
Consultation

1. Should any issue arise over the interpretation or application of this MoA, either Party may request consultation with the other Party, through the national contact point. The Parties shall make every effort to reach a consensus on the issue/s of concern through cooperation, consultation and dialogue.
2. If a Party seeks a meeting of concerned Parties to assist in the resolution of any such issues the Parties shall meet as soon as practicable and, unless otherwise mutually agreed, no later than 90 days following the request.
3. The matter may be communicated to the Environment Committee which may include Ministers, for consultations.

Article 6
Disclosure of Information

1. No Party shall disclose any information provided by the other Party under this MoA and claimed by the other Party to be confidential

without the other Party's approval, except where required to do so under the laws governing the Party that received the information, subject to a court order.

2. Nothing in this MoA shall be construed to require a Party to furnish or allow access to information the disclosure of which it considers would be contrary to the public interest or the laws governing that Party.

Article 7

Entry into Force, Amendment and Termination

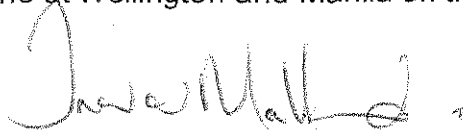
1. This MoA shall enter into force on the date of the later notification by the Parties, through the diplomatic channel, indicating completion of their respective domestic requirements for entry into force.
2. Either Party may propose in writing, through the diplomatic channel, amendment to this MoA. Any amendments agreed in writing by the Parties shall enter into force in the same manner as set out in the preceding paragraph.
3. This MoA shall remain in force for a period of three (3) years from the date of its entry into force and shall automatically renew for further periods of three (3) years unless one Party notifies the other

Party of its intention to terminate this MoA by notice in writing, through the diplomatic channel, at least six (6) months prior to the intended date of termination.

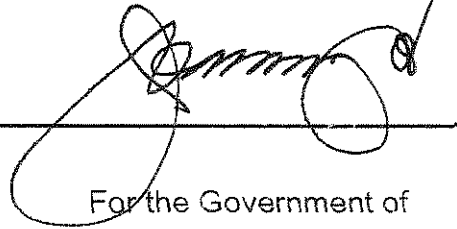
4. Notwithstanding Paragraph 3 and unless the Parties otherwise agree, this MoA shall continue as if in force in relation to programmes and/or projects begun prior to termination.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Memorandum of Agreement.

Done at Wellington and Manila on the dates indicated.




For the Government of
New Zealand



For the Government of
the Republic of the Philippines

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
IN REPLYING, PLEASE
SENLR-017816



Dated this 4 day of November 2008
WELLINGTON

Dated this 12 day of DECEMBER 2008
MANILA