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Ministry of Foreign Affairs and Trade

MEMORANDUM OF UNDERSTANDING

BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE
GOVERNMENT THE REPUBLIC OF INDONESIA ON ENVIRONMENTAL
COOPERATION

Jakarta, 17 April 2012
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Presented to the House of Representatives

MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND
THE GOVERNMENT OF NEW ZEALAND ON ENVIRONMENTAL COOPERATION

The Government of New Zealand and the Government of the Republic of Indonesia (hereinafter referred to as “the Parties”);

DESIRING to strengthen their growing bilateral relationship;

SHARING a common aspiration to promote sound environmental policies and practices among the Parties, to promote closer and greater cooperation, and to improve the capacities and capabilities of the Parties to address environmental matters;

COMMITTED to the pursuit of sustainable development, taking into account the social, environmental, cultural and economic circumstances of the Parties, and noting 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, the Bali Road Map of the United Nations Conference on Climate Change in 2007 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; and

PURSUANT to the prevailing laws and regulations of their respective countries;

HAVE AGREED AS FOLLOWS:

Article 1
OBJECTIVES

The objectives of this Memorandum of Understanding (hereinafter referred to as “MOU”) are to:

1. Encourage sound environmental policies and practices and improve the capacities and the capabilities of the Parties, including organisations identified by each Party as relevant to environmental management, to address environmental matters;
2. Promote, through environmental cooperation, the commitments made by the Parties; and

3. Facilitate cooperation and dialogue in order to strengthen the broader relationship among the Parties.

Article 2

SHARED UNDERSTANDINGS

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. Without prejudice to paragraph 1, the Parties recognise that it is inappropriate to set or use their environmental laws, regulations, policies and practices for purposes other than environmental management and protection, and to weaken or reduce the protections afforded in domestic environmental laws, regulations, policies and practices in order to achieve non-environmental objectives.
3. This article shall be without prejudice to the rights and/or obligations arising from any International Agreements to which the Parties are parties.

Article 3

SCOPE OF COOPERATION

1. Taking account of their national priorities and available resources, the Parties shall cooperate on mutually agreed environmental issues.
2. The Parties shall encourage and facilitate, as appropriate, the following activities:
 - a. Promote an integrating approach to address climate change mitigation and adaptation efforts;
 - b. Capacity building on environmental management systems;
 - c. Capacity building on compliance and enforcement of environmental law;
 - d. Urban environmental management;
 - e. Exchange of technical information and publications;
 - f. Exchange of environmental experts and management personnel; and
 - g. Any other modes of cooperation and areas of interest agreed upon by the Parties.
3. Such cooperation 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.
4. The Parties' intention is to cooperate in environmental areas of common global or domestic concern. To facilitate this, as an initial step, Parties shall exchange lists of their areas of interest and expertise.

5. Each Party may, as appropriate, invite the participation of other organisations in identifying potential areas for cooperation.

Article 4

IMPLEMENTATION

1. The Competent Authorities responsible for the implementation of this MOU are:
 - a. For the Government of the Republic of Indonesia: The Ministry of Environment;
 - b. For the Government of New Zealand: The Ministry for the Environment.
2. With a view to guaranteeing the implementation of this MOU, to establishing a cooperation programme and to coordinating the cooperation activities referred to in this MOU, the Parties shall establish an Environment Committee comprising senior officials and other officials of their government agencies responsible for environmental matters.
3. The Committee shall meet within the first year of the date of entry into force of this MOU and subsequently thereafter as mutually agreed by the Parties. Unless the Parties decide otherwise, the venue for meetings shall alternate between the Parties.
4. Each Party shall designate a national contact point at officials' level to facilitate communication between the Parties concerning this MOU.
5. The Environment Committee and national contact points may exchange information and coordinate activities under this MOU.
6. 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 MOU; and
 - e. Providing a forum for resolving differences.
7. The Ministers of the Competent Authority in each country may meet at least once within the first two years of the operation of this MOU or otherwise as mutually agreed with a view to reviewing the operation of this MOU and resolving any differences not able to be resolved within the Environment Committee. The Ministers may seek a report of the Environment Committee to assist in their deliberations.
8. Each Competent Authority may, in accordance with the national laws and regulations and the Parties' national policies, invite the participation of other organisations, such as education and/or research institutions as well as local Governments of their respective country, in relation to the implementation of this MOU.

Article 5

INTELLECTUAL PROPERTY RIGHTS AND DISCLOSURE OF INFORMATION

1. Any activities performed under this MOU which may result in the development of intellectual property shall be regulated under separate arrangements concluded by the Parties at an appropriate time which shall form an integral part of this MOU.
2. If either Party wishes to disclose data and/or information of the other Party identified in writing as confidential resulting from activities under this MOU to any third Party the disclosing Party must obtain prior consent from the other Party before any disclosure can be made, except to the extent provided by their national laws, including in the context of judicial proceedings.

Article 6

SETTLEMENT OF DIFFERENCES

1. Any difference arising from the implementation or interpretation of this MOU shall be settled amicably through consultation or negotiation between the Parties.
2. Should any issue arise over the interpretation or application of this MOU, either Party may request consultation with the other Party, through the national contact point.
3. The matter may be communicated to the Environment Committee for further consultation.
4. If a Party seeks a meeting of the Environment Committee, which may include Ministers of the Competent Authority, 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.

Article 7

AMENDMENT

This MOU may be amended at any time through mutual consent in written form by the Parties. Such Amendments shall enter into force on such a date as may be determined by the Parties and shall form an integral part of this MOU.

Article 8

ENTRY INTO FORCE, DURATION AND TERMINATION

1. This MOU shall enter into force on the date of its signature.
2. This MOU shall remain in force for a period of 5 (five) years, at which time it shall be reviewed by the Parties, and may be extended by mutual consent of the Parties or terminated at any time by either Party by giving written notification of at least 6 (six) months prior to the date of the intended termination.

3. The termination of this MOU shall not affect the validity and duration of any on-going project or activity until the completion of such project or activity.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this MOU.

DONE in duplicate at Jakarta this 17th day of April 2012, in the English and Indonesian languages, both texts being equally authentic. In the event of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
NEW ZEALAND

TIM GROSER
MINISTER OF TRADE

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA

BALTHASAR KAMBUAYA
MINISTER OF ENVIRONMENT

[Signatures not reproduced]