

## MEMORANDUM OF UNDERSTANDING (MOU)

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between

Department of Environment: The Government of Niue

and

The Secretariat of the Pacific Islands Regional Environment Programme (SPREP)

(together the Parties)

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Niue is a self-governing state in free association with New Zealand; and New Zealand conducts most diplomatic relations on its behalf. Niueans are citizens of New Zealand, and Queen Elizabeth II is head of state in her capacity as Queen of New Zealand. Niue's land area is about 261km<sup>2</sup> and its population, predominantly Polynesian, was about 1,600 in 2016.

SPREP is a regional, intergovernmental organisation comprising 26 members consisting of 21 Pacific Island Countries and Territories and 5 developed countries with direct interests in the Pacific Islands Region. SPREP's mandate is to promote co-operation in the Pacific Islands Region and to provide assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations.

#### Whereas

The Parties have mutual interests in relation to the protection of the environment and developing and strengthening systems, institutions, organisations and individuals concerned with environmental protection in Niue as well as the Pacific Islands Region.

The Parties agree as follows:

#### 1. Purpose

This MOU formally recognizes the intent of SPREP and the Department of Environment of Niue to work together on environmental issues.

The purpose of this MOU is to provide a framework of cooperation between the Parties in the fields of biodiversity, waste management, environmental governance in Niue and more widely in the Pacific Islands Region on the basis of climate change equality and mutual benefit.

## **2. Objectives**

The objective of this MOU is to develop a partnership between the two organisations that will, as far as possible, and without limitation:

- Enhance the conservation and management of biodiversity.
- Enhance waste management and pollution control.
- Enhance environmental governance processes and systems.
- Enhance climate change resilience in Niue and in the Pacific Islands Region.
- Promote environmental networks within the Pacific Islands Region.
- Develop and implement projects and programmes as appropriate to meet the above objectives. In particular to implement the GEF6 "Strengthening national and regional capacities to reduce the impact of Invasive Alien Species on globally significant biodiversity in the Pacific" activities in Niue.
- Share information and resources that will improve the effectiveness of both Parties and the wider Pacific Islands Region in their attempts to conserve marine and terrestrial ecosystems and species.
- Collaborate on, participate in and support special events at regional and global levels relating to the above.

The Parties will collaborate to enhance capacity building and more broadly, assist with best practice in environmental policies and their implementation in Niue and in the Pacific Islands Region to ensure international, regional and national environmental objectives and commitments are met.

## **3. Collaborative activities**

The Parties agree, to the extent possible, but without limitation, to:

- Consult each other as appropriate on environmental matters of mutual concern.
- Exchange information on developments and current activities in relation to the environment.
- Collaborate and support awareness-raising efforts in relation to the environment.
- Collaborate on the implementation of global and regional priorities in relation to the environment.
- Collaborate and support capacity-building initiatives in relation to the environment with Pacific island countries and territories in particular with Niue.
- Exchange technical information, scientific data and practical experiences regarding biodiversity management including marine protected areas issues.
- Develop activities and projects in the area of biodiversity in Niue and in the Pacific Islands Region.

Additional fields of cooperation may be added with the agreement of both Parties.

## **4. Agreements**

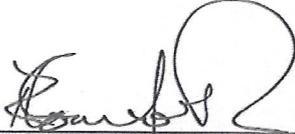
Specific work once agreed shall be embodied in separate agreements.

**5. Nature of the MOU**

- i) This MOU constitutes an expression of shared intention of the Parties to endeavor to develop foundations for achieving their shared objectives relating to the protection of the environment and strengthening the capacity of systems, institutions, organisations and individuals concerned with environmental protection in the Pacific region;
- ii) Unless otherwise agreed each Party's actions under this MOU shall be considered to be that Party's sole and separate action for all purposes, including liability, and neither Party shall claim to be acting on behalf of, or as agent for, the other Party to this MOU;
- iii) This MOU is not governed by international or domestic law and does not constitute, nor is it intended to be a legally binding arrangement, contract or relationship. It does not create any legally binding or enforceable obligations, express or implied. It serves only as a record of each Party's separate intention pending execution of specific agreements governing the undertaking of activities as contemplated by this MOU;
- iv) In executing this MOU, neither Party necessarily commits to any financial or other binding obligation in relation to activities to be carried out under this MOU.

**6. Operational Provisions**

- i) This MOU shall enter into force on the date the last Party signs.
- ii) This MOU may be amended by agreement in writing between the Parties.
- iii) The duration of this MOU shall be for five years, renewable for such further period as may be agreed between the Parties;
- iv) Any dispute, controversy or difference as to the interpretation of this MOU will be settled amicably by mutual consent between the Parties;
- v) Either Party may terminate this MOU by giving three months' written notice to the other.
- vi) Termination of this MOU will not incur liability for either Party, and will not affect any separate agreements or other legally-binding arrangements in place between the Parties.

  
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Roger Cornforth  
Acting Director General  
SPREP

  
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Pelepi Talagi  
Secretary to Government  
Niue

Date: 24/9/19

Date: 05/11/19.