

[MOU/2010/XXXX]

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)

AND

INTERNATIONAL BAR ASSOCIATION WATER LAW COMMITTEE

WHEREAS the United Nations Environment Programme (hereinafter referred to as UNEP) is the leading organization within the United Nations system in the field of environment and has as a major area of focus of its global mandate, the conservation, protection, enhancement and support of nature and natural resources, including biological diversity, worldwide.

WHEREAS UNEP has the mandate to forge international partnerships to promote the sustainable management and use of water resources and to strengthen the capacity of Governments to, among other things, achieve their environmental goals, comply with international agreements, and implement the programmatic goals set by UNEP Governing Council and other agreed international standards.

WHEREAS The International Bar Association (“IBA”) Water Law Committee, hereinafter referred to as the “Water Law Committee”, is a committee of the IBA, which is the world’s leading organization of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world and supports its committees working with non-governmental organizations. It has a membership of more than 40,000 individual lawyers and

197 bar associations and law societies spanning all continents. The Water Law Committee has approximately 240 members who have considerable expertise in water law.

WHEREAS UNEP and the Water Law Committee (hereinafter collectively referred to as “Parties”) share common goals and objectives with regard to the conservation, protection, enhancement and sustainable use of water resources and wish to collaborate to further these common goals and objectives within their respective mandates and governing rules and regulations.

WHEREAS the Parties intend to conclude this Memorandum of Understanding (hereinafter referred to as “MOU”) with the aim of consolidating, developing and intensifying their cooperation to achieve the common goals and objectives in the field of environment.

NOW THEREFORE, UNEP AND THE WATER LAW COMMITTEE HAVE AGREED TO COOPERATE UNDER THIS MEMORANDUM OF UNDERSTANDING AS FOLLOWS:

ARTICLE 1

INTERPRETATION

1.1 Any Annex to this MOU shall be considered part of this MOU. Unless the context otherwise requires, references to this MOU shall be construed as a reference to this MOU including the Annex hereto, as varied or amended in accordance with the terms of this MOU.

1.2 Implementation of activities/projects/programmes pursuant to this MOU shall necessitate the execution of appropriate legal agreements between the Parties.

1.3 This MOU supersedes all prior MOUs, communications and representations, whether oral or written, concerning the subject matter thereof.

ARTICLE 2

PURPOSE

2.1 The purpose of this MOU is to provide a framework of cooperation and understanding and to facilitate collaboration between the Parties to further their shared goals and objectives in regard to the conservation, protection, enhancement and sustainable use of water resources.

2.2 The objectives of this MOU will be achieved through:

2.2.1 Regular dialogue meetings between UNEP and the Water Law Committee;

2.2.2 Execution of a separate legal instrument between the Parties to define and implement joint activities, projects and programmes pursuant to Articles 2 and 3.

ARTICLE 3

AREAS OF COOPERATION

3.1 Areas of Cooperation are agreed jointly through the cooperation mechanism in the MOU. Policies and Priorities under this MOU may also be jointly reviewed once every 6 months by the Parties pursuant to Article 4. This would allow the Parties to respond to newly emerging issues in the realm of water and sustainable development.

3.2 The Parties have agreed the following preliminary overarching themes for this

MOU:

3.2.1 To strengthen the environmental and sustainable dimension of transboundary freshwater governance and the capacity of Governments to comply with their international agreements.

3.2.2 To jointly develop a presentation for a transboundary water governance conference to be held in 2011.

3.2.3 To develop a list of projects that the parties can work jointly on in order to strengthen the capacity of Governments to comply with their international agreements.

3.3 The above list is not exhaustive and should not be taken to exclude or replace other forms of cooperation between the Parties on other issues of common interest.

ARTICLE 4

ORGANIZATION OF THE COOPERATION

4.1 The Parties shall hold regular bilateral meetings on matters of common interest, in accordance with an agenda agreed in advance by the parties, aiming also at the development/monitoring of a joint project. Such meetings will take place at least once every 12 months to:

4.1.1 discuss technical and operational issues related to furthering the objectives of this MOU;

4.1.2 review progress of work undertaken by the Water Law Committee pursuant to a separate legal instrument in the priority areas of cooperation mentioned in Article 3

above.

4.2 Within the context defined above, further bilateral meetings at desk-to-desk and at expert level will be encouraged and set up on an ad hoc basis as deemed necessary by the relevant UNEP divisions and the Water Law Committee to address priority matters of common interest regarding the preparation for implementation of activities in specific areas, countries and regions.

4.3 In implementing activities/projects/programmes in the agreed priority areas, the Parties shall execute a separate legal instrument appropriate for the implementation of such initiatives. In identifying the areas of cooperation under this MOU, due regard shall be given to the Water Law Committee's geographic coverage; capacity for implementation and experience in the related field.

4.4 Where the Water Law Committee is organizing a meeting with external participation at which policy matters related to the aims of this MOU will be discussed, the Water Law Committee shall, where appropriate, invite UNEP.

ARTICLE 5

STATUS OF THE PARTNER AND ITS PERSONNEL

5.1 The Parties acknowledge and agree that the Water Law Committee is an entity separate and distinct from the United Nations, including UNEP. The employees, personnel, representatives, agents or contractors of the Water Law Committee or its members, including the personnel engaged by the Water Law Committee for carrying out any of the project activities pursuant to this MOU, shall not be considered in any respect or for any purposes whatsoever as

being employees, personnel, representatives, agents, contractors or other affiliates of the United Nations, including UNEP, not shall any employees, personnel, representatives, agents and other affiliates of UNEP be considered, for any purposes whatsoever, as being employees, personnel, representatives, agents or other affiliates of the Partner.

5.2 No agents or employees of the Water Law Committee shall be considered in any respect as agents or staff members of UNEP and UNEP shall not be responsible for any salaries, wages, insurance or other benefits due or payable to the partner's personnel. UNEP shall entertain no claims and have no liability whatsoever in respect thereof.

ARTICLE 6

FUNDRAISING

6.1 Neither party shall engage in fund raising with third parties for activities to be carried out within the framework of this MOU in the name of or on behalf of the other.

ARTICLE 7

DISPUTE SETTLEMENT

7.1 Any dispute arising out of or in connection with this MOU shall be settled amicably between the two parties. Should attempts at amicable negotiation fail, any such dispute shall, upon request by either party, be referred to arbitration in accordance with the UNCITRAL arbitration rules then prevailing.

ARTICLE 8

OFFICIAL EMBLEMS AND LOGOS

8.1 Neither Party shall use the name, emblem or trademarks of the other Party, its subsidiaries, affiliates, and/or authorized agents, or any abbreviation thereof, in publications and documents produced by the Parties, without the express prior written approval of the other Party in each case.

8.2 In no event will authorization of the UNEP name or emblem, or any abbreviation thereof, be granted for commercial purposes.

ARTICLE 9

INTELLECTUAL PROPERTY RIGHTS

9.1 The Parties shall consult with each other regarding the Intellectual Property Rights as appropriate relating to any project or benefits derived thereof in respect of activities carried out under a separate legal instrument pursuant to this MOU.

ARTICLE 10

NOTIFICATION AND AMENDMENTS

10.1 Each Party shall notify one another in writing, within 2 months of any proposed or actual changes that the Party deems necessary for the execution of this MOU.

10.2 Upon receipt of such request, the other Parties shall consult each other with a view to reaching an agreement on any actual or proposed measure(s) suggested by the other Party under Article 10(1).

10.3 This MOU may be amended only by mutual agreement of the Parties reflected in writing.

ARTICLE 11

UNITED NATIONS PRIVILEGES AND IMMUNITIES

11.1 Nothing in or relating to this MOU shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

ARTICLE 12

TERMINATION

12.1 This MOU may be terminated by either party by giving 3 months prior notice to the other Party in writing.

12.2 Unless agreed otherwise, upon termination of this MOU, the rights and obligations of the Parties defined under any other legal instrument pursuant to this MOU, will cease to be effective.

ARTICLE 13

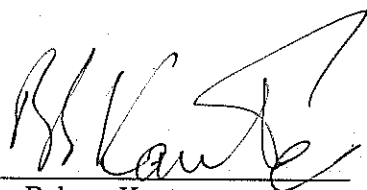
DURATION

13.1 This MOU shall be effective upon the last date of signature of the approving officials and remain in force until terminated in accordance with Article 12 above.

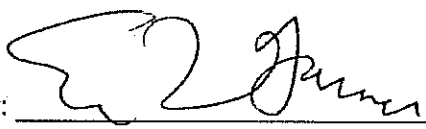
IN WITNESS WHEREOF, the duly authorized representatives of the Parties affix their signatures below.

For United Nations Environment Programme

For the Water Law Committee

By: 

Mr. Bakary Kante
Director
Division of Environmental Law and Conventions
UNEP

By: 

Name: Eric L. Garner
SEERIL Council Member
Water Law Committee
IBA

Date: _____

Date: April 12, 2011