United Nations Environment Programme
25 September 2018

Subcommittee Meeting of the Committee of Permanent Representatives
4 October 2018, 9:30 a.m. to 4:30 p.m.
United Nations Office at Nairobi Gigiri
Conference Room 4

Background Document for Agenda Item 3:

Briefing from the Secretariat on launch of the Green Coalition on the Belt and Road Initiative

This note provides two responses to the Permanent Mission of the United States of America's questions outlined in their Note Verbale Ref. 18-USUN-N-07 dated on 30 April 2018.

The first response dated 29 June 2018 includes clarification on the overall position and engagement regarding the effort to green the Belt and Road Initiative.

The second response dated 21 September 2018 includes the Memorandum of Understanding between the UN Environment Programme and the Ministry of Environmental Protection of the People's Republic of China on Building a Green Belt and Road.

The note may serve as useful background information for the briefing from the Secretariat under Agenda Item 3: "Briefing from the Secretariat on launch of the Green Coalition on the Belt and Road Initiative".

No 18-USUN-N-07

The Permanent Mission of the United States of America presents its compliments to the United Nations Environment Programme and respectfully forwards the written questions from the U.S. on UNEP's Green Belt Road Initiative.

As requested the U.S. is providing in writing the questions raised in the U.S. intervention at the Green Belt and Road Initiative (BRI) briefing held at the UNEP Subcommittee meeting in Nairobi on 19 April, 2018. The U.S. found the briefing helpful and looks forward to further and more detailed discussions on the topic in the near future. The questions follow with added context where appropriate.

The Permanent Mission of the United States of America avails itself of this opportunity to renew to the United Nations Environement Programme the assurances of its highest consideration.



U.S. Permanent Mission to the UN at Nairobi

30 April 2018

Attachments: Written questions from the U.S. on UNEP's Green Belt Road Initiative

Written questions from the U.S. on UNEP's Green Belt Road Initiative

- Can we hear more about the foundational documents and initial funding for programming related to the BRI?
  - The Secretariat circulated the "Green Belt and Road Strategy" ahead of this briefing. What formal arrangements has UNEP signed with the Chinese government? If there are such agreements, do they address issues not included in the Green Belt and Road Strategy? Did UNEP reference other MOU's between China and multilateral initiatives when preparing this programming? As offered in the briefings please consider distributing the MOU(s) to Member States.
  - How will funding decisions be made and how does this compare to the standards of earmarked and no-earmarked practices followed by major donors?
  - Can UNEP provide a summary of funding made available thus far, including sources? For example, how much funding has gone in to China's South-South cooperation trust fund and how has this money been spent?

- How will UNEP align BRI work with the Program of Work and Budget?
  - How will UNEP report to Member States the use of its staff and resources for BRI related programming? In particular how much of the senior staff's and the ED's time will go into BRI related work?
  - Within the context of universal membership, will Member States be updated on the work of the "The International Coalition for Green Development on the Belt and Road?"
  - The strategy notes that UNEP's senior management team will develop a resource mobilization plan related to the BRI. Will that plan be subject to CPR oversight?

- What precedents can you provide in which an organization under a universal governance model devotes its resources to promoting a plan exclusive to an individual or smaller grouping of member states?
  - The strategy notes that UNEP will "convene a coalition of partners and mobilize capacities within its own organization to promote international policy dialogue between stakeholder groups interested in BRI." What will the PBI be for this effort?
  - What will the ultimate relationship between UNEP and the Coalition for Green Development on the Belt and Road look like? How much time will the ED spend as co-chair of this new organization? Where will the secretariat be located?
  - How will UNEP communicate information related to the project to member states and guarantee all activities will be done transparently, and in accordance with UN rules and guidelines?
  - What oversight will member states have over the Coalition for Green Development on the Belt and Road?

- In light of this partnership what considerations do UNEA Member States face in regards to trade, technology transfer and intellectual property?

    - The Strategy says that UNEP will "facilitate green trade and technology transfer between Belt and Road countries, as well as from other partners." What exactly is UNEP's role in such an activity? Whose technology will be transferred?
    - Is the BRI programming at all linked to the China-Africa Environmental Cooperation Centre?
    - What mandate does UNEP have to pursue this type of trade/tech transfer/IP work?
    - If intellectual property is developed, who would control it?
- How will BRI projects be managed?
    - If UNEP appoints project managers and project teams, how will it communicate that information to Member States and guarantee all activities will be done in accordance with UN rules?
    - If programs for joint activities already exist, what projects have been submitted? Are officers within UNEP assigned to any such projects?
    - What measures will be in place to ensure a transparent, fair, and open bidding process to partners hailing from all UNEA Member States?
    - What dispute settlement mechanism, if any, will these projects be subject to?
    - What specific standards (environmental, safety, etc) will these projects adhere to, and who will monitor their compliance?

UN environment
United Nations Environment Programme

29 June 2018

Your Excellency,

On behalf of the UN Environment Programme, I would like to thank you for your *Note Verbale* dated 30 April 2018, and acknowledge receipt of the questions on the Greening the Belt and Road Initiative. We confirm our eagerness to communicate further with the United States and other Member States on this Initiative.

In the note attached, UN Environment Programme would like to clarify its overall position and engagement regarding the effort to green the Belt and Road Initiative.

UN Environment avails itself of the opportunity to renew to the Permanent Mission of United States the assurances of its highest consideration.

Gary Lewis
Director, a.i.
Policy and Programme Division

U.S. Permanent Mission to the UN at Nairobi
Kenya

UN Environment Programme response to U.S. queries on the Greening the Belt and Road Initiative

UN Environment Programme believes that its engagement with China's Belt and Road Initiative will serve the sustainable development interests of our Member States. By taking an active part in contributing to greening this unprecedented effort, our intention is not to promote the initiative itself, but rather to work within the boundaries of the existing context to ensure, insofar as we are able, that the outcomes of the initiative are as sustainable as possible. Our engagement will be guided by transparency and international best practices, standards and guidelines – such as in the areas of governance, impact assessment, public participation, decent work, gender equality, and information and data sharing.

1. Foundational documents and initial programme funding for the Belt and Road Initiative

General Assembly resolution 2997 (XXVII) of 15 December 1972 directs the UN Environment Programme "to provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment".[1] This includes providing guidance and advice on how investment and business practices can be made more sustainable. We also do this in support of the overall directive, given by our Secretary-General in May 2017 at the opening of the Belt and Road Forum, to support strengthening the links between the (Belt and Road) Initiative and the Sustainable Development Goals.[2]

Our engagement with China has arisen in response to a formal request dated 8 December 2016. On this basis, UN Environment entered into a Memorandum of Understanding with the Ministry of Environmental Protection (now Ministry of Ecology and Environment) of the People's Republic of China in which the two parties agreed to work together to promote international cooperation to green the Belt and Road Initiative. I provide a copy of this Memorandum of Understanding as an Annex to this letter.

Although the MOU is signed with China only, through our work under the Initiative, we will be serving the needs of a number of Member States based on their expressed requests. Our work with all relevant partners – including governments, NGOs, research institutions, businesses, civil society groups, and financial institutions in China and other participating countries – is to contribute to policy environments and sustainable management practices including economic, social, and environmental safeguards, green procurement, and green investment and financing frameworks.

One of the avenues for this cooperation is the fostering of an international Coalition for Greening the Belt and Road Initiative. This Coalition, which we hope to launch in the fourth quarter of 2018, will become one focus area for our work thereafter. It will also serve the primary platform for

[1] General Assembly resolution 2997 (XXVII) of 15 December 1972, operative paragraph 2e. Also see: UNEA resolution 2/5 "Delivering on the 2030 Agenda for Sustainable Development".
[2] https://www.un.org/sg/en/content/sg/statement/2017-05-14/secretary-general%E2%80%99s-remarks-opening-belt-and-road-forum-delivered.

engaging with Chinese stakeholders, and for facilitating dialogue between Chinese stakeholders and those from other countries through which the Belt and Road Initiative will pass. As we noted at the Committee of Permanent Representatives' meeting on 19 April, the Coalition is an open, inclusive partnership and welcomes all interested countries to join.

The implementation of the MOU will be fully funded by the Chinese Trust Fund. We are currently setting up the internal mechanisms to support the implementation of the MOU.

2. Alignment with the Programme of Work of UN Environment Programme, and modalities for managing the greening of the Belt and Road Initiative

The greening of the Belt and Road Initiative directly contributes to our Medium-Term Strategy and Programme of Work, and cuts across several Sub-Programmes – most crucially, the Resource Efficiency Sub-Programme, with direct input into the following expected accomplishments:

- "Science-based approaches that support the transition to sustainable development through multiple pathways, including inclusive green economy and sustainable trade, and the adoption of sustainable consumption and production patterns at all levels"; and
- "Public, private and financial sectors increasingly adopt and implement sustainable management frameworks and practices".

Our work through the Coalition, in particular, is also closely linked to the Climate Change, Healthy and Productive Ecosystems, Environmental Governance, and Environment Under Review Sub-Programmes.

For example, the Greening the Belt and Road Initiative aims to strengthen national legal frameworks in participating countries. This will help to ensure that social and environmental safeguards are effective and that best practices in participatory processes and stakeholder engagement are in place. This will, in turn, contribute directly to the Environmental Governance Sub-Programme's Expected Accomplishment (b) "Institutional capacities and policy and/or legal frameworks enhanced to achieve internationally agreed environmental goals, including the 2030 Agenda for Sustainable Development and the Sustainable Development Goals."

All projects related to our greening of the Belt and Road Initiative will follow standard, approved UN Environment project management procedures and will report to Member States through the required quarterly and annual reporting.

3. Process for engaging and updating member states on the progress of the Greening the Belt and Road Initiative

UN Environment's effort to green the Belt and Road Initiative aims to be as transparent and open as possible to all our Member States. We have already provided a dedicated briefing to Member States on 19 April. We are at the disposal of our Member States to hold more such sessions, especially in the forum of the Committee of Permanent Representatives in Nairobi, or elsewhere, as the circumstances require. We welcome suggestions from our Member States on this matter, and look forward to providing whatever information is required.

Governance Affairs Office

United Nations
Environment Programme

Reference: PolicyProgramme/USA/BRI/1/2018

UN Environment Programme presents its compliments to the Permanent Mission of the United States of America to the UN Environment Programme and has the honor to make reference to note verbal No. 18-USUN-N-07 dated 30 April 2018 on the Greening of the Belt and Road Initiative.

In this regard, the Secretariat hereby provides supplementary responses to the questions raised by the distinguished Permanent Mission.

UN Environment Programme avails itself of this opportunity to renew its commitment to supporting the Permanent Mission of United States of America to the UN Environment Programme.

Nairobi, 21 September 2018.

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UN environment
United Nations Environment Programme

21 September 2018

UN Environment Programme supplementary response to U.S. queries on the Greening the Belt and Road Initiative

This document supplements the response by UN Environment (dated 29 June 2018) to the Note Verbale from the US Permanent Mission to the UN in Nairobi (dated 30 April 2018).

Can we hear more about the foundational documents and initial funding for programming related to the BRI?

Background:

As noted in our communication of 29 June, there are strong foundational mandates for the type of support UN Environment is providing to our Member States under this initiative to help green the Belt and Road. **General Assembly resolution 2997 (XXVII) of 15 December 1972** directs the UN Environment Programme "*to provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment*".[1] This includes providing guidance and advice on how investment and business practices can be made more sustainable.

The **Rio+20 Conference of 2012** identified **South-South Cooperation** as a key enabling tool for developing countries to work along these lines. The UN Environment Programme Governing Council highlighted the link between Green Economy and South-South Cooperation by requesting UN Environment Programme to collect initiatives and experiences on different pathways for reaching a resource-efficient, low-carbon and socially inclusive economy, and to disseminate them, and facilitate information sharing among countries, so as to support them to promote sustainable development and poverty eradication.

UN Environment's Greening the Belt and Road Initiative is also in line with the directive from the **UN Secretary-General in May 2017** at the opening of the Belt and Road Forum, to support strengthening the links between the [Belt and Road] Initiative and the Sustainable Development Goals.[2]

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[1] General Assembly resolution 2997 (XXVII) of 15 December 1972, operative paragraph 2e. Also see: UNEA resolution 2/5 "Delivering on the 2030 Agenda for Sustainable Development".

[2] https://www.un.org/sg/en/content/sg/statement/2017-05-14/secretary-general%E2%80%99s-remarks-opening-belt-and-road-forum-delivered.

In line with this overall approach, in December 2016, the UN Environment Programme entered into a **Memorandum of Understanding** (MOU) with the Ministry of Environmental Protection (now the Ministry of Ecology and Environment) of the People's Republic of China on *Building a Green Belt and Road*.

Under this MOU, the two parties agreed to work together to promote international cooperation to green the Belt and Road Initiative. The MOU establishes regular dialogue between the UN Environment Programme and the Ministry of Ecology and Environment with the provision that any subsequent activities, projects and programmes (including those involving the transfer of funds between the Parties) be executed by a separate legal instrument (Article 1.2). A copy of this Memorandum of Understanding is attached as an Annex to this note.

The UN Environment Programme also has a **Framework Agreement on Strategic Cooperation with China**. This is similar to framework cooperation agreements entered into with other Member States. In respect of this agreement, the following are identified cooperation areas:

1. Sharing and exchange of theory and practice on green development and developing capacity to contribute to the progress in building a green Belt and Road. Use of funds for this priority has been agreed and expenditures have been undertaken from the China Trust Fund.
2. Improving capacity for developing countries to fulfil obligations set out in the multi-lateral environmental agreements (MEAs) on chemicals and provision of a platform for experience sharing and technology transfer. Use of funds for this priority has been agreed and expenditures have been undertaken from the China Trust Fund.
3. Establishing an institution for enhancing capacity and sharing best practices in the use of environmental technology for the African Region – specifically the China-Africa Environmental Cooperation Centre. Use of funds for this priority has been agreed from the China Trust Fund.
4. Building capacity in the developing world to tackle water, air and soil-based pollution to boost global implementation of 2030 Agenda on Sustainable Development.
5. Improving capacity-building programmes on ecosystems and biodiversity in the ASEAN region and the Mainland Southeast Asia.

UN Environment has allocated US$1 million to each of the areas identified above for the period 2017-2020. An additional 1 million is being considered for the China-Africa Centre. This brings the total to US$6 million.

In addition, and in parallel, for the 2018-2019 programme period, an amount of US$ 500,000 has been allocated from the Norwegian Fund to support South-South Cooperation generally, not exclusively related to the Greening the Belt and Road Initiative. Some of this funding has been used to support the UN Environment Programme's engagement on Greening the Belt and Road Initiative. This latter work includes:

- Coordinating and facilitating coherent and effective adoption of South-South Cooperation in the Programme of Work and tracking its implementation;

- Promoting inter-agency linkages while monitoring and following-up on strategic and political issues related to South-South Cooperation;
- Ensuring South-South Cooperation-related policy developments and initiatives feed into programming for enhancing;
- Ensuring that the UN Environment Programme's interventions and delivery at global, regional and national levels, are effectively utilized for implementing the 2030 Agenda.

How will UNEP align BRI work with the Programme of Work and Budget?

The UN Environment Programme's general principle is that no new work is undertaken outside of the mandated areas as stipulated in our Programme of Work. The areas of work represented by our Greening of the Belt and Road Initiative falls within established work on South-South Cooperation as outlined above.

For example, the green finance work under Greening the Belt and Road Initiative aims to develop new green finance modelling and carry out assessments in 10 Belt and Road countries to understand the potential impact of Belt and Road infrastructure investments on climate change. This work is within the Resource Efficiency Sub-Programme. US$200,000 will be used to support the research and assessment work in the pilot countries. A detailed report will be launched in 2019.

Such work is aligned with, and contributes to, expected accomplishments outlined in the UN Environment Programme's **Medium Term Strategy 2018-2021**.

This particularly relates to work in the **Resource Efficiency** Sub-Programme, with direct input into the following expected accomplishments:

- "Science-based approaches that support the transition to sustainable development through multiple pathways, including inclusive green economy and sustainable trade, and the adoption of sustainable consumption and production patterns at all levels"; and
- "Public, private and financial sectors increasingly adopt and implement sustainable management frameworks and practices".

By strengthening national legal frameworks and helping ensure that social and environmental safeguards are effective – and that best practices in participatory processes and stakeholder engagement are in place – the Initiative will also contribute directly to our Environmental Governance Sub-Programme's Expected Accomplishment (b) "Institutional capacities and policy and/or legal frameworks enhanced to achieve internationally agreed environmental goals, including the 2030 Agenda for Sustainable Development and the Sustainable Development Goals."

Work done through the Initiative is also closely linked to the **Climate Change**, **Healthy and Productive Ecosystems**, and **Environment Under Review** Sub-Programmes.

All projects to be developed which are related to the Greening of the Belt and Road Initiative will follow standard, approved UN Environment project management procedures and will be reported to Member States through the required quarterly and annual reporting.

The Initiative is managed by the Head of the South-South Cooperation Unit (at the D1 grade) who also deals with all other aspects of South-South Cooperation in collaboration with the sub-programmes. The Executive Director provides overall direction, along with the Senior Management Team. As is customary with all initiatives, Member States will be continuously updated on the work of the Belt and Road Initiative, including through the International Coalition for Green Development on the Belt and Road (the Coalition).

The Coalition is an open, inclusive and voluntary international network which will bring together partners' environmental expertise to ensure that the Belt and Road brings long-term, planet-friendly growth in support of the 2030 Agenda for Sustainable Development. It aims to promote international consensus and collective actions on the development of a Green Belt and Road and the achievement of the Sustainable Development Goals. The Coalition will provide platforms for:

- Policy dialogue and communication.
- Knowledge and information sharing.
- Green technology exchange and transfer.

What precedents can you provide in which an organization under a universal governance model devotes its resources to promoting a plan exclusive to an individual or smaller grouping of member states?

UN Environment Programme's approach to Greening the Belt and Road Initiative is to engage with governments, NGOs, research institutions, businesses, civil society groups, and financial institutions in China and the other Belt and Road countries, and to facilitate these stakeholder groups' engagement with each other. The aim of such engagement is to help counties along the Belt and Road create policy environments that enable investments in green, sustainable, and inclusive pathways. This includes working with the public and private sectors to develop their capacity for adopting sustainable management frameworks and practices such as economic, social, and environmental safeguards and green investment and financing frameworks.

The UN Environment Programme believes that its engagement with China's Belt and Road Initiative will serve the sustainable development interests of its Member States.

By taking an active part in contributing to greening this unprecedented effort, the intention is not to promote the Initiative itself, but rather to work to ensure, as far as possible, that the outcomes of the Initiative are as low-carbon, green and sustainable as possible.

The UN Environment Programme will provide limited administrative support to the Coalition. The governance arrangements and operation modalities for the Coalition are

currently being discussed among the countries and entities which are intending to join. Details will be shared with all Member States in due course. A joint Secretariat comprised of staff from the Ministry of Ecology and Environment and the UN Environment Programme (on a part-time and as-needed basis) will be set up to administer the Coalition. The Coalition will work through a number of thematic groups, which will be open for all interested countries and organizations to join. Funding for activities under the thematic groups will be raised by the constituent members and administered through the Secretariat, which will apply UN Environment rules and regulations in the financial management of resources. Allocation of staff time and resources to the work of the Coalition will be determined once the structure and operating guidelines have been based have been set.

UN Environment Programme will provide regular briefings on the progress and developments on the Greening the Belt and Road Initiative and its related activities to Member States through the forum of the Committee of Permanent Representatives and/or other ad hoc sessions as may be required.

In addition, the Coalition's activities will be monitored and reported on in programme performance reports and in the Executive Director's quarterly reports to the Committee of Permanent Representatives.

In light of this partnership what considerations do UNEA Member States face in regard to trade, technology transfer and intellectual property?

The UNEP Governing Council/Global Ministerial Environment Forum adopted the **Bali Strategic Plan** for Technology Support and Capacity Building, at its 23rd Meeting in February 2005. The Plan provides a framework for the UN Environment Programme to strengthen the capacity of governments in developing and transitional economy countries to achieve environmentally sustainable outcomes consistent with the programmatic goals of the Council.

The Bali Strategic Plan mandates UN Environment Programme to develop and keep updated a database giving access to information on major existing technology support and capacity-building activities, such as those undertaken by UN Environment Programme, with links to the programmes of relevant partners. This activity is intended to perform a clearing house function.

The Bali Strategic Plan has established **South-South Cooperation** as one of the primary mechanisms for the implementation of the capacity building and technology support objectives set forth in the plan. This approach acknowledges that many developing countries now possess a wide range of proven environment and development solutions, experience and expertise that can be shared with other countries. It recognizes that South-South Cooperation is a valuable and essential complement to the more traditional "North-South" cooperation in implementing capacity building and technical support programmes to achieve national and international environmental goals.

In this regard, the Coalition will provide a platform for dialogue, technology transfer, capacity building and knowledge exchange among other things. It will bring together private sector organizations, civil society and academic institutions all resulting in an extensive platform for countries on the Belt and Road to tap into exchange of best practices, technology transfer, technical research and capacity building based on expressed needs and actual in-country contexts will be key features of the thematic groups. UN Environment Programme as a part of the Secretariat will facilitate the interactions and collaborations of partners.

How will BRI Project be managed?

The projects and activities under the Initiative are yet to be determined. This will happen following a consultative process. The consultation will involve countries who are involved in the Belt and Road initiative, particularly those who are recipients of project investment under the Belt and Road, international and local institutions and organizations, financial and banking sectors, business sectors and civil society. All UN Environment Programme projects are submitted to the Project Review Committee and must meet the criteria set out in the organization's Environment, Social Economic and Sustainability Framework and the Gender Policy – both adopted in 2014. All projects also undertake a risk assessment and stakeholder analysis as part of the criteria of the project review.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED NATIONS ENVIRONMENT PROGRAMME
AND
MINISTRY OF ENVIRONMENTAL PROTECTION OF THE PEOPLE'S REPUBLIC OF CHINA
ON
BUILDING A GREEN "BELT AND ROAD"

WHEREAS the United Nations Environment Programme (hereinafter referred to as "UN Environment"), is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment;

WHEREAS UN Environment has the mandate to keep the state of the world environment under review in order to enable appropriate and timely consideration of environmental challenges by decision makers at the national and international levels;

WHEREAS the Ministry of Environmental Protection of the People's Republic of China (hereinafter referred to as "MEP") is the central governmental body with roles and functions in coordination, overall regulation, monitoring, legislation implementation, and public services relating to environmental policy, pollution prevention and control, nature and ecological conservation, nuclear safety supervision, safeguarding public health and environmental safety, environmental monitoring and early warning to response to emergency issues;

WHEREAS UN Environment and MEP (hereinafter collectively referred to as "Parties") share common objectives with regard to the coherent implementation of the environmental dimensions of sustainable development, 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 detailing their cooperation and effectiveness to achieve the common objectives in the field of environment;

CONSIDERING the "Belt and Road Initiative" aims to build a green, harmonious, and win-win "Belt and Road", which is fully in accordance with UN Environment's goal to promote regional and global sustainable development.

Parties' initials:

EJ

NOW, THEREFORE, THE PARTIES HAVE AGREED TO COOPERATE UNDER THIS MEMORANDUM OF UNDERSTANDING AS FOLLOWS:

Article 1
Interpretation

1. References to this MOU shall be construed as including any Annexes, as varied or amended in accordance with the terms of this MOU. Any Annexes shall be subject to the provisions of this MOU, and in case of any inconsistency between an Annex and this MOU, the latter shall prevail.

2. Implementation of any subsequent activities, projects and programmes pursuant to this MOU, including those involving the transfer of funds between the Parties, shall necessitate the execution of appropriate legal instruments between the Parties. The terms of such legal agreements shall be read in parallel with the provisions of this MOU.

3. This MOU represents the complete understanding between the Parties and supersedes all prior MOUs, communications and representations, whether oral or written, concerning the cooperation of the Parties related to the subject matter mentioned in Article 4 of this MOU.

4. Any Party's failure to request implementation of a provision of this MOU shall not constitute a waiver of that or any other provision of this MOU.

Article 2
Duration

1. This MOU shall be effective upon the last date of signature of the approving officials and remain in force until December 31, 2022, unless terminated in accordance with Article 15 below.

Article 3
Purpose

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 jointly enhance international cooperation on ecological conservation and environmental protection for a green "Belt and Road", to promote sustainable development along the "Belt and Road Initiative" region.

Parties' initials:

2. The objectives of this MOU will be achieved through:

   a. Regular dialogue meetings between UN Environment and MEP; and

   b. Execution of a separate legal instrument between the Parties to define and implement any subsequent activities, projects and programmes pursuant to Article 1.2.

Article 4
Areas of Cooperation

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 annually by the Parties pursuant to Article 5 to allow the Parties to respond to newly emerging issues in the realm of environment and sustainable development.

2. The Parties have agreed to the following preliminary and overarching themes for this MOU, which form part of UN Environment's mandate and programme of work that have been approved by United Nations Environment Assembly of the United Nations Environment Programme. The items listed below are also priorities or ongoing activities of MEP, in accordance with its mandate. All could be strengthened through the cooperation of the Parties.

   a. Share concepts and practices of ecological civilization and green development, to promote sustainable development, together with countries along the "Belt and Road";

   b. Enhance the communication and linkage on policies, laws, regulations and standards of ecological conservation and environmental protection, to achieve a win-win cooperation under the framework of "Belt and Road Initiative";

   c. Conduct joint research on promoting regional green development through China's "One Belt and One Road" initiative, proposing policy recommendations and jointly launching the research report as appropriate;

   d. Organize and participate international dialogues and meetings related to greening "Belt and Road Initiative" and South-South Cooperation;

   e. Enhance the information and data exchange between UN Environment and MEP on ecological and environmental issues, and support to the information sharing platform with countries along the "Belt and Road".

Parties' initials:

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 5
Organization of the Cooperation

1. The Parties shall hold regular bilateral meetings on matters of common interest, in accordance with an agenda agreed to in advance by the Parties, for the purpose of developing and monitoring collaborative projects. Such meetings shall take place at least once every twelve months to:

    a. Discuss technical and operational issues related to furthering the objectives of this MOU; and

    b. Review progress of work undertaken by the Parties pursuant to a separate legal instrument in the priority areas of cooperation mentioned in Article 4 above.

2. Within the context defined above, further bilateral meetings at desk-to-desk and at expert level shall be encouraged and set up on an ad hoc basis as deemed necessary by the relevant UN Environment offices and MEP to address matters of common interest for the implementation of activities in specific areas, countries and regions.

3. In implementing activities, projects and programmes in the agreed priority areas, the Parties shall execute a separate legal instrument appropriate for the implementation of such initiatives in accordance with Article 1.2 above. In identifying the areas of cooperation under this MOU, due regard shall be given to MEP's geographic coverage, capacity for implementation and experience in the related field, including existing policies on the subject, if any.

4. Where one Party is organizing a meeting with external participation at which policy matters related to the aims of this MOU shall be discussed, the Party shall, as appropriate, either invite the other Party to participate in the meeting or update the other Party on relevant policy matters discussed at the meeting. Each Party undertakes to share the public knowledge and information in its area of operations and expertise relevant to the MOU with the other Party.

Parties' initials:

UNEP

MEP

Article 6
Status of the Parties and their Personnel

1. The Parties acknowledge and agree that MEP is an entity separate and distinct from the United Nations, including UN Environment. The employees, personnel, representatives, agents, contractors or affiliates of MEP, including the personnel engaged by MEP for carrying out any of the project activities pursuant to this MOU, shall not be considered in any respect or for any purpose whatsoever as being employees, personnel, representatives, agents, contractors or affiliates of the United Nations, including UN Environment, nor shall any employees, personnel, representatives, agents, contractors or affiliates of UN Environment be considered, in any respect or for any purpose whatsoever, as being employees, personnel, representatives, agents, contractors or affiliates of MEP.

2. Neither Party shall be entitled to act or make legally binding declarations on behalf of the other Party. Nothing in this MOU shall be deemed to constitute a joint venture, agency, interest grouping or any other kind of formal business grouping or entity between the Parties.

Article 7
Fundraising

1. To the extent permitted by the Parties' respective regulations, rules and policies, and subject to sub-article 2, the Parties may engage in fundraising from the public and private sectors to support the activities, projects and programmes to be developed or carried out pursuant to this MOU.

2. Neither Party shall engage in fundraising with third parties in the name of or on behalf of the other, without the prior express written approval of the other Party in each case.

Article 8
Intellectual Property Rights

1. Nothing in the MOU shall be construed as granting or implying rights to, or interest in, intellectual property of the Parties, except as otherwise provided in Article 8.2.

2. In the event that the Parties foresee that intellectual property that can be protected shall be created in relation to any project or programme, or activity to be carried out under this MOU, the Parties shall negotiate and agree on terms of its ownership and use in the relevant legal instrument concluded as per Article 1.2.

Parties' initials:

ES

UNEP

Article 9
Use of Name and Emblem

1. Neither Party shall use the name, emblem or trademarks of the other Party, its subsidiaries and/or affiliates, or any abbreviation thereof, in connection with its business or for public dissemination without the prior expressly written approval of the other Party in each case. In no event shall authorization of the UN or UN Environment name or emblem be granted for commercial purposes or for use in any manner that suggest an endorsement by UN Environment of MEP's products, business practices or services.

2. MEP acknowledges that it is familiar with the independent, international and impartial status of the UN and UN Environment, and recognizes that their names and emblems may not be associated with any political or sectarian cause or otherwise used in a manner inconsistent with the status of the UN and UN Environment.

3. The Parties agree to recognize and acknowledge this partnership, as appropriate. To this end, the Parties shall consult with each other concerning the manner and form of such recognition and acknowledgement.

Article 10
United Nations Privileges and Immunities

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 11
Confidentiality

1. The handling of information shall be subject to each Party's corporate confidentiality policies.

2. Before disclosing internal documents, or documents that by virtue of their content or the circumstances of their creation or communication must be deemed confidential, of the other Party to third parties, each Party shall obtain the express, written consent of the other Party. However, a Party's disclosure of another Party's internal and/or confidential documents to an entity the disclosing Party controls or with which it is under common control, or to an entity with which it has a confidentiality agreement, shall not be considered a disclosure to a third party, and shall not require prior authorization.

Parties' initials:

3. For UN Environment, a principal or subsidiary organ of the United Nations established in accordance with the Charter of the United Nations shall be deemed to be a legal entity under common control.

Article 12
Responsibility

1. Each Party will be responsible for dealing with any claims or demands arising out of its actions or omissions, and those of its respective personnel, in relation to this MOU.

2. MEP shall indemnify, hold and save harmless and defend at its own expense, the United Nations and UN Environment, their officials, personnel and representatives, from and against all suits, claims, demands and liability of any nature or kind which may arise in relation to this MOU due to any actions or omissions attributable to MEP.

Article 13
Dispute Settlement

1. The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this MOU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then prevailing, or according to such other procedure as may be agreed between the Parties.

2. Any dispute, controversy or claim between the Parties arising out of this MOU which is not settled amicably in accordance with the foregoing sub-article may be referred by either Party to arbitration under the UNCITRAL Arbitration Rules then in force. The arbitral tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

Article 14
Notification and Amendments

1. Each Party shall promptly notify the other in writing of any anticipated or actual material changes that will affect the execution of this MOU.

2. The Parties may amend this MOU by mutual written agreement, which shall be appended to this MOU and become an integral part of it.

Parties' initials:

Article 15
Termination

1. Either Party may terminate this MOU by giving three months' prior written notice to the other Party.

2. Upon termination of this MOU, the rights and obligations of the Parties defined under any other legal instrument executed pursuant to this MOU shall cease to be effective, except as otherwise provided in the MOU.

3. Any termination of the MOU shall be without prejudice to (a) the orderly completion of any ongoing collaborative activity and (b) any other rights and obligations of the Parties accrued prior to the date of termination under this MOU or legal instrument executed pursuant to this MOU.

4. The obligations under Articles 8-13 do not lapse upon expiry, termination of or withdrawal from this MOU.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties affix their signatures below in the English and Chinese versions, in duplicate, and both language versions are equally authentic. For purposes of interpretation and in case of conflict, the English text should prevail.

For UN Environment

.....
Erik Solheim
Executive Director

Date: 08 12 16

For Ministry of Environmental Protection of P. R. China

.....
Chen Jining
Minister for Environmental Protection
P.R. China

Date: .....

Parties' initials: