

Environment Cooperation Agreement

The Ministry for the Environment of New Zealand, in the name of New Zealand and the Ministry of Environmental Protection of the People's Republic of China, in the name of the People's Republic of China (hereinafter referred to as "the Parties" or individually as a "Party", unless the context otherwise requires),

Desiring to strengthen the growing economic and political relationship between New Zealand and the People's Republic of China;

Sharing a common aspiration to promote sound environmental policies and practices and a common concern and responsibilities to enhance cooperation including to improve the capacities and capabilities of both countries, including non-government sectors, to address environmental matters; and towards the promotion of sustainable development, noting it is essential for economic prosperity;

Acknowledging the regional and global nature of environmental issues and the need to find cost-effective and long-term solutions in addressing these issues through international cooperation and the importance of coordinating joint activities of the two Parties;

Reaffirming the international commitments including those 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 bilateral agenda and to share the knowledge and experience

gained in the fields related to economic development and environmental protection; and

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 two countries,

Have agreed as follows:

Article 1

1. The Parties respect the sovereign rights of each country to set its own policies and national priorities and to set, administer and enforce its own environmental laws and regulations.

2. The Parties recognise that the primary purpose of their environmental laws, regulations, policies and practices should be to achieve environmental objectives and that these should be administered in a way that contributes to the mutual supportiveness of these and other policies to achieve sustainable development.

3. The Parties recognise the desirability of clear and well understood sustainable development policies and practices and the utility of broad consultation in formulating these policies.

Article 2

1. Taking account of their national priorities and available resources, the Parties agree to cooperate on environmental matters of mutual interest

and benefit. The Parties shall jointly decide specific environment cooperative activities.

2. Cooperative activities may be in areas including but not limited to: environmental management, environmental remediation, nature conservation, and technologies (including systems and processes) for environmental benefit. Examples could include:

- (a) Management of water environment;
- (b) Coastal ecological conservation and pollution control;
- (c) Air pollution control and monitoring;
- (d) Improvement of environmental awareness, including environmental education and public participation;
- (e) Management and disposal of waste including hazardous waste;
- (f) Environmental management of chemicals;
- (g) Environment and trade;
- (h) Biodiversity conservation; and
- (i) Other areas as mutually agreed upon.

3. Cooperative activities may be implemented through a variety of means including in the following forms:

- (a) exchange of relevant experiences, environmental information and documentation;
- (b) exchange of visits of experts, scholars and delegations;

(c) jointly organized seminars, workshops, projects, studies and meetings attended by scientists, experts, regulators and others concerned, including in conjunction with international forums and matters; and

(d) other forms of cooperation as mutually agreed upon.

4. Each Party may, as appropriate, invite the participation of other organisations in identifying potential areas for cooperation and in undertaking cooperative activities. To implement this Agreement both Parties shall encourage environmental protection organisations, enterprises and municipalities as well as research institutions and other entities on both sides to establish and develop direct contacts with each other in the field of environmental protection and sustainable development.

Article 3

1. To guarantee the implementation of this Agreement, to establish a cooperation programme to be carried out within a specified period and to coordinate the cooperation activities referred to in this Agreement, each Party shall appoint a coordinator at Director-General level in the case of China and at equivalent senior official level in the case of New Zealand within the six months following the entry into force of this Agreement to facilitate communication between the Parties.

2. The funding of cooperative activities shall be decided by the Parties on a case-by-case basis and shall depend on the budgets available and shall be governed by the laws and regulations applicable in each country.

Any specific activity or project launched by joint decision may, if necessary, be dealt with in a separate arrangement.

3. Each of the Parties shall seek to obtain the funds required to support cooperation activities and shall undertake the necessary coordination for the implementation of this Agreement.

4. The Coordinators shall organise a meeting of the Parties which shall take place within the first year after this Agreement enters into force, and then on a regular basis, every two years unless otherwise jointly decided, to:

- (a) establish an agreed cooperative programme;
- (b) oversee and evaluate cooperative activities;
- (c) serve as a channel for dialogue on matters of mutual interest or concern with a view to reaching consensus on those issues between the Parties; and
- (d) review the operation and outcomes of this Agreement.

5. Each Party may, as appropriate consult with members of its public or other organisations over matters relating to the operation of this Agreement by whatever means that Party considers appropriate.

6. The Parties may exchange information and coordinate activities between meetings using email, video conferencing or other means of communication.

Article 4

1. Should any issue arise between the Parties over the interpretation or implementation of this Agreement, the Parties will make every effort to settle it amicably through cooperation, consultation, and dialogue.
2. If a Party seeks a meeting of the Parties for consultations to assist in the resolution of any such issues, the Parties will meet as soon as practicable.

Article 5

Nothing in this Agreement shall affect the obligations of the Parties deriving from any treaties, conventions, regional or global agreements related to environmental protection.

Article 6

1. This Agreement shall enter into force sixty days after the Parties exchange written notification that any necessary domestic procedures for entry into force have been completed, or after such other period as the Parties may agree in the written notification, and shall remain in force indefinitely unless either Party gives notice of termination to the other Party with six months notice.
2. The termination of this Agreement will not affect the validity of any arrangements already made under this Agreement.

3. This Agreement shall apply equally to any successor bodies or agencies of the Ministry for the Environment and the Ministry of Environmental Protection.

Done in duplicate at Beijing and Wellington on the dates indicated, in English and Chinese languages, each version being equally authentic.

For the Ministry for the Environment in
the name of New Zealand.

For the Ministry of Environmental
Protection in the name of the
People's Republic of China.

Dated this __ day of _____ 2008.
WELLINGTON

Dated this __ day of _____ 2008.
BEIJING