



**MEMORANDUM OF UNDERSTANDING
BETWEEN
The United Nations Environment Programme (UNEP)
AND
ParlAmericas**

WHEREAS the United Nations Environment Programme (hereinafter referred to as UNEP) 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;

CONSIDERING that since the inception of UNEP, environmental law has been one of its priority areas of action and the role and competence of UNEP in the progressive development and promotion of environmental law has been repeatedly highlighted in various international forums;

RECALLING the essential role of parliaments in enhancing efforts to promote environmental rights and duties and sustainable development through the formulation of legislative frameworks and budgetary policies, appropriate initiatives to monitor government action, or creating awareness of public opinion and of society in general;

TAKING INTO ACCOUNT that ParlAmericas is a network of national legislatures in the 35 countries of North, Central and South America and the Caribbean committed to improving and strengthening national and hemispheric democratic processes, as a leadership forum to channel the ongoing debate on key issues that are a common concern throughout the Americas;

CONSIDERING ALSO that since 2001, ParlAmericas has been creating a professional support community for parliamentarians through regional forums, training opportunities, ongoing discussions and follow-up actions. It is a Forum where experiences and best practices are shared on topics of hemispheric relevance to strengthen ties among the countries of the region through parliamentary diplomacy;

CONSIDERING that UNEP and ParlAmericas (hereinafter collectively referred to as "the Parties") have common objectives to the promotion of the environmental protection and conservation agenda, and the fight against climate change, within their respective rules and regulations;

RECALLING the creation of the Parliamentary Climate Change Network, an initiative of ParlAmericas and the Latin American and Caribbean Parliament (Parlatino), which serves as a hemispheric body of legislative work, aimed at exchanging good practices to mitigate the environmental and socio-economic effects of climate change;

CONSIDERING that the Parties intend to conclude this Memorandum of Understanding (hereinafter

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referred to as the "Memorandum"), in order to consolidate, intensify and clearly define their cooperation and strengthen their effectiveness in achieving common objectives;

NOW, THEREFORE, UNEP AND PARLAMERICAS HAVE AGREED TO COOPERATE UNDER THIS MEMORANDUM OF UNDERSTANDING AS FOLLOWS:

**Article 1
Interpretation**

1. References to this Memorandum shall be construed as including any Annexes, as varied or amended in accordance with the terms of this Memorandum. Any Annexes shall be subject to the provisions of this Memorandum, and in case of any inconsistency between an Annex and this Memorandum, the latter shall prevail.
2. Implementation of any subsequent activities, projects and programmes pursuant to this Memorandum, 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 instruments shall be subject to the provisions of this Memorandum.
3. This Memorandum represents the complete understanding between the Parties and supersedes all prior Memorandums, communications and representations, whether oral or written, concerning the subject matter of this Memorandum.
4. Any Party's failure to request implementation of a provision of this Memorandum shall not constitute a waiver of that or any other provision of this Memorandum.

**Article 2
Duration**

1. This memorandum shall be effective upon the date of signature of the approving officials and remain in force until 31 December 2018, unless terminated in accordance with Article 15 below.

**Article 3
Purpose**

1. The purpose of this memorandum is to provide a framework of cooperation and understanding, and to facilitate collaboration between the Parties to further their shared goals and objectives to strengthen the legislative agenda for environmental sustainability as an integral dimension of sustainable development, as well as its multiple effects and manifestations in persons, communities and the planet.
2. The objectives of this Memorandum shall be achieved through:

- a. Regular dialogue and meetings between UNEP and ParlAmericas;



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- 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.
- c. The participation of the Parties in events organized by each one of them;
- d. The dissemination of activities implemented by each of the Parties, related to the matter of the present Memorandum; and
- e. The periodic evaluation of progress in the implementation of the agreements of the Present Memorandum.

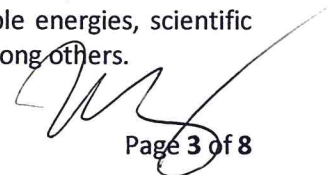
Article 4 Areas of Cooperation

1. Areas of Cooperation are agreed jointly through the cooperation mechanism in the Memorandum. Policies and priorities under this Memorandum may also be jointly reviewed every year 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 Memorandum, which form part of UNEP's mandate and programme of work. The items listed below are also priorities or ongoing activities of ParlAmericas, in accordance with its mandate. All could be strengthened through the cooperation of the Parties.

- a. **Agenda 2030 and the Sustainable Development Goals:** Promote, through parliamentary dialogue and cooperation, the implementation of an integrated approach to the implementation of Agenda 2030 and the Sustainable Development Goals, recognizing the links and interrelationships between them and ensuring the integrity of the Agenda.
- b. **Climate Change:** Prioritize the phenomena associated with climate change, as well as their social, economic and environmental impacts, and strategies in public and legislative policies, to address them taking into account their cross-cutting nature, the parties will promote:
 - Parliamentary diplomacy and international cooperation to stop climate change including the ratification of the Paris Agreement signed by 174 countries in New York on 22 April 2016.
 - Strengthening legislation that provides a long-term response and sufficient legislative action to achieve compliance with nationally determined contributions (NDCs).
 - The development and implementation of legislative measures to promote transformational change in development, encouraging changes in production and consumption patterns towards sustainability, promoting renewable energies, scientific innovation in the area of climate change and electric transport, among others.

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- c. **Gender mainstreaming:** Promote the consideration of women's experiences, perspectives and knowledge, and ensure their equal participation in the planning, formulation, implementation and evaluation of environmental protection policies in order to incorporate the gender perspective in all programmes on the environment and sustainable development, and to consider the gender implications and their differential approaches in the design of legislation.
 - d. **Access to Information and Public Participation:** Promote access to information and citizen participation in the development of legislation and in the monitoring of parliamentary and governmental policies on environment and sustainable development, particularly of the groups that are most vulnerable to its effects.
 - e. Promote and improve mechanisms for transparency, recognizing the work carried out by various civil society organizations, including the Latin American Network for Legislative Transparency.
 - f. Encourage the exchange of innovative practices in legislation and citizen participation.
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 (12) months to:
 - a. discuss technical and operational issues related to furthering the objectives of this Memorandum; and
 - b. review progress of work undertaken 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 UNEP divisions and ParlAmericas 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 Memorandum, due regard shall be given to ParlAmericas' geographic coverage; capacity for implementation and experience in the related field.
4. Where ParlAmericas is organizing a meeting with external participation at which policy matters related to the aims of this Memorandum shall be discussed, ParlAmericas shall, as appropriate, either

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invite UNEP to participate in the meeting or update UNEP on relevant policy matters discussed at the meeting. Each Party undertakes to share knowledge and information in its area of operations and expertise relevant to the Memorandum with the other Party.

5. The Parties will also promote the coordination of joint activities with national parliaments and with parliamentary networks in the region, such as the Parlantino, seeking to strengthen mutual cooperation and joint activities.

Article 6
Status of the Parties and their Personnel

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

2. Neither Party shall be entitled to act or make legally binding declarations on behalf of the other Party. Nothing in this Memorandum 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 Memorandum.

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 Memorandum 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 a particular activity, project or programme to be carried out under this MEMORANDUM, the Parties shall negotiate and agree on terms of its ownership and use in the relevant legal instrument concluded as per Article 1.2.

**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 UNEP name or emblem be granted for commercial purposes.
2. ParlAmericas acknowledges that it is familiar with the independent, international and impartial status of the UN and UNEP, 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 UNEP.
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 Memorandum 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.
3. For UNEP, 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 MEMORANDUM.
2. ParlAmericas shall indemnify, hold and save harmless and defend at its own expense, the United

Nations and UNEP, 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 MEMORANDUM due to any actions or omissions attributable to ParlAmericas.

**Article 13
Dispute Settlement**

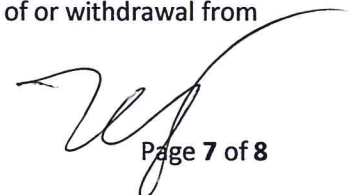
1. The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this Memorandum. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then prevailing, 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 Memorandum 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 Memorandum.
2. The Parties may amend this Memorandum by mutual written agreement, which shall be appended to this Memorandum and become an integral part of it.

**Article 15
Termination**

1. Either Party may terminate this Memorandum by giving months two [2] months' prior written notice to the other Party.
2. Upon termination of this Memorandum, the rights and obligations of the Parties defined under any other legal instrument executed pursuant to this Memorandum shall cease to be effective, except as otherwise provided in this Memorandum.
3. Any termination of the Memorandum 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 Memorandum or legal instrument executed pursuant to this Memorandum.
4. The obligations under Articles 8-13 do not lapse upon expiry, termination of or withdrawal from this Memorandum.



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**Article 16
Additional Parties**


1. Another entity seeking to become a Party to this Memorandum must notify the other Parties in writing of its wish, providing its reasons and intended contributions. Following consultation, should all the Parties agree in writing to the requesting entity's accession to the Memorandum, UNEP, acting on behalf of the other Parties, shall effectuate the accession as a Party to the MEMORANDUM by exchanging letters with the requesting entity.

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

For United Nations Environment Programme

For ParlAmericas


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Leo Heileman
Regional Director and Representative


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Marcela Guerra Castillo
President
Senator, Mexico

Date: 6-12-2016

Date: 6-12-2016


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