



Agreement Recognizing the International Legal Personality of the Partnerships in Environmental Management for the Seas of East Asia

THE PARTIES TO THIS AGREEMENT,

RE-AFFIRMING that the Haikou Partnership Agreement on the Implementation of the Sustainable Development Strategy for the Seas of East Asia (the Haikou Partnership Agreement) and the Partnership Operating Arrangements for the Implementation of the Sustainable Development Strategy for the Seas of East Asia (the Partnership Operating Arrangements), adopted and signed at the Ministerial Forum held in Haikou, China on 15 December 2006, transformed the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) from a project-based arrangement to the regional mechanism mandated for the implementation of the Sustainable Development Strategy for the Seas of East Asia (SDS-SEA);

RECOGNIZING that this mandate requires PEMSEA to carry out its responsibilities through contractual relations and collaborative arrangements and to manage and conserve its property and resources in accordance with best practices, as it provides technical advice and assistance and promotes bilateral and multilateral cooperation in the region;

AWARE that PEMSEA, supported by the Global Environment Facility, implemented through the United Nations Development Program and executed by the International Maritime Organization and United Nations Office for Project Services, has been playing a critical role in establishing stakeholder partnerships and building confidence to address the increasing environmental challenges in the Seas of East Asia Region since 1993;

RECALLING that the States of the Seas of East Asia Region, through the Putrajaya Declaration signed in Putrajaya, Malaysia on 12 December 2003 adopted the SDS-SEA as a common platform for regional cooperation and as a framework for policy and programme development and implementation;

CONSCIOUS that the signatory countries to the Haikou Partnership Agreement and the Partnership Operating Arrangements (Partner Countries) established the organizational structure of PEMSEA to ensure the effective implementation of the SDS-SEA;

MINDFUL, that the non-country signatories to the Partnership Operating Arrangements (Other Partners) act in synergetic and cooperative unity with the Partner Countries to carry out the broad-ranging functions set forth in the Haikou Partnership Agreement;

ACKNOWLEDGING that PEMSEA, represented by its Interim Executive Director, and the Department of Environment and Natural Resources of the Philippines (DENR), represented by its Secretary, entered into a Memorandum of Agreement in July 2007 under which the latter commits to host PEMSEA and provide office facilities for its use located within the DENR Compound, Visayas Avenue, Diliman, Quezon City;

HEREBY AGREE AS FOLLOWS:

**ARTICLE I
RECOGNITION OF INTERNATIONAL LEGAL PERSONALITY**

1. The international legal personality of PEMSEA is hereby recognized. PEMSEA shall have the legal capacity to contract, hold and dispose of property, and such capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Other than recognition of the international legal personality of PEMSEA, this Agreement imposes no obligation on any of the Parties, and in particular, imposes no obligation to provide any form of financial contribution or support to PEMSEA or to guarantee any of the liabilities, debts and other financial obligation incurred by PEMSEA.

3. PEMSEA shall have its seat in Metro Manila, Philippines.

**ARTICLE II
ORGANIZATIONAL STRUCTURE**

1. The EAS Partnership Council provides the policy and operational guidance for PEMSEA. The Council is composed of the Intergovernmental Session and the Technical Session.

a. The Intergovernmental Session, composed of the duly designated representatives of the Partner Countries, considers and decides on the recommendations of the Technical Session, and provides policy guidance, coordination and evaluation of the progress of the SDS-SEA implementation.

b. The Technical Session, composed of the duly designated representatives of the Partner Countries and Other Partners, discusses matters related to the scientific, technical and financial aspects of SDS-SEA implementation and makes appropriate recommendations to the Intergovernmental Session.

2. The Executive Committee, comprised of the Council Chair, the Session Chairs, and the Executive Director as its Secretary, ensures and oversees the implementation of the decisions of the Council. The Members of the Executive Committee shall be the officers of the Council.

3. The PEMSEA Resource Facility serves as the secretariat providing technical and secretariat services for the implementation of the SDS-SEA and is headed by its Executive Director. The PEMSEA Resource Facility is responsible to the Council through the Executive Committee.

**ARTICLE III
DEPOSITARY**

The Executive Director of the PEMSEA Resource Facility shall be the depositary of this Agreement and of the instruments of notification and of accession.

**ARTICLE IV
ENTRY INTO FORCE**

1. This Agreement shall enter into force on the date on which at least three Parties, including the Host Country, have expressed their consent to it.

2. Subject to the internal legal requirements of the Parties, consent to this Agreement may be expressed by signature, ratification or accession. With respect to ratifying or acceding Parties, this Agreement shall enter into force on the date of deposit of the instrument of ratification or of accession with the Depositary.

**ARTICLE V
WITHDRAWAL**

After this Agreement has entered into force, a Party may withdraw from it by giving written notice of withdrawal to the depositary. The withdrawal shall be effective one year from the date the notice is received by the Depositary.

**ARTICLE VI
AMENDMENTS**

Any Party may propose an amendment to this Agreement. The amendment shall take effect upon approval by all of the Parties.

**ARTICLE VII
DISSOLUTION**

This Agreement shall lapse once PEMSEA is dissolved or when, as a result of withdrawals and denunciations, less than three (3) Parties remain.

**ARTICLE VIII
TEXT OF THE AGREEMENT**

The authentic text of this Agreement shall be in English.

**ARTICLE IX
TRANSITORY PROVISION**

Pending the entry into force of this Agreement, the Executive Director of the PEMSEA Resource Facility, as currently existing, shall act as the depositary.

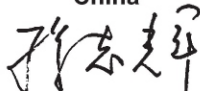
IN WITNESS WHEREOF, the undersigned have signed this Agreement in Manila, Philippines.

The Kingdom of Cambodia



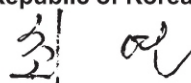
H.E. Dr. Mok Mareth
Senior Minister
Minister
The Ministry of
Environment

**The People's Republic of
China**



Hon. Sun Zhihui
Administrator
State Oceanic
Administration

**The Democratic People's
Republic of Korea**



Hon. Choe Yon
Vice Minister
Ministry of foreign Trade

Republic of Indonesia



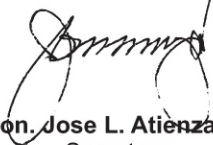
Hon. Masnellyarti Hillman
Deputy Minister
The Ministry of Environment

**Lao People's Democratic
Republic**



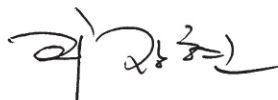
Hon. Sisavath Vithaxay
Deputy Head
Water Resource and
Environmental
Administration and Vice Chair of
Lao National Mekong
Committee

Republic of the Philippines



Hon. Jose L. Atienza Jr.
Secretary
Department of
Environment and Natural
Resources

Republic of Korea



Hon. Choi, Jang-Hyun
Vice Minister
Ministry of Land, Transport
and Maritime Affairs

**The Democratic Republic of
Timor-Leste**



Hon. Mariano Sabino Lopes
Minister
Ministry of Agriculture and Fisheries

Done this 26th day of November 2009

PEMSEA Resource Facility

**Partnerships in Environmental Management
for the Seas of East Asia (PEMSEA)**

P.O. Box 2502, Quezon City 1165, Philippines
Tel: (632) 929-2992
Fax: (632) 926-9712
E-mail: info@pemsea.org
Website: www.pemsea.org