



MEMORANDUM OF UNDERSTANDING ON ENVIRONMENTAL PRINCIPLES GOVERNING THE TUMEN RIVER ECONOMIC DEVELOPMENT AREA AND NORTHEAST ASIA 1994

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MEMORANDUM OF UNDERSTANDING ON ENVIRONMENTAL PRINCIPLES GOVERNING THE TUMEN RIVER ECONOMIC DEVELOPMENT AREA AND NORTHEAST ASIA

The Governments of the Democratic People's Republic of Korea, Mongolia, the People's Republic of China, the Republic of Korea and the Russian Federation, hereinafter referred to as the "Contracting Parties" have agreed as follows:

OBJECTIVES

The Contracting Parties affirm that an overall goal is to attain environmentally sound and sustainable development of Northeast Asia and the Tumen River Economic Development Area in particular (hereinafter "the Region") in accordance with:

- (a) the obligations undertaken by such Contracting Parties in the Agreement on the Establishment of the Consultative Commission for the Development of the Tumen River Economic Development Area and Northeast Asia;
- (b) the international consensus reached at the United Nations Conference on Environment and Development;
- (c) the requirements of national laws and regulations and of bilateral and multilateral environmental agreements; and
- (d) the environmental requirements of the multilateral development banks of which the Contracting Parties are members.

For purposes of this Memorandum of Understanding, Northeast Asia means the Tumen River Economic Development Area (as delineated in Appendix 1) and other territories of the Contracting Parties in which projects and programmes of mutual interest to the Contracting Parties will be conducted.

The Contracting Parties affirm their intention to cooperate and coordinate with each other to protect and enhance the environment of the Region and to conduct all development activities in the Region in a manner that does not damage the environment of any Contracting Party, of any other state or of areas beyond the limits of national jurisdiction. The Contracting Parties will implement this Memorandum of Understanding on the basis of the principles of international laws governing relations between states, notably mutual respect of the sovereignty and independence of all state, equality, mutual benefit and good neighborliness.

ENVIRONMENTAL ASSESSMENT, MITIGATION AND MANAGEMENT

1.1 The Contracting Parties agree to undertake national, coordinated and joint efforts to collect, collate, share make compatible and analyse pertinent environmental baseline and other data on the Region and to identify and fill in data gaps.

1.2 The Contracting Parties will conduct jointly (and periodically update) a regional environmental assessment ("E.A.") evaluating the local, national, regional and global environmental implications of contemplated development plans for the Region as a whole, and will prepare jointly a regional environmental mitigation and management plan ("EMMP") for preventing and mitigating harm to, and promoting enhancement of, the environment, based on the results of the regional EA and other relevant data.

1.3 The Contracting Parties will prepare and adopt appropriate national laws, regulations, bilateral and multilateral environment arrangements and/or policies, including regional, sub-regional and national institutional arrangements in case these laws, regulations, agreements or policies are required to attain environmentally sound and sustainable development of the Region.

1.4 The regional EMMP will include appropriate measures, including but not limited to land use management planning, and a schedule for their implementation for:

protecting land resources, particularly wetlands, fragile coastal areas, forests and sensitive ecosystems;

preservation of biodiversity, including threatened or endangered species and their habitats;

establishing nature preserves, parks and conservation areas;

protection and improvement of air and water quality;

protection of the marine environment and marine living resources;

sound disposal, management, treatment and movement of hazardous and solid wastes;

contingency planning and release prevention;

sanitation;

toxic substances use/transport;

efficient generation/ use of, energy; and

monitoring of pollution and environmental conditions.

1.5 The Contracting Parties will conduct (or cause to be conducted) project-specific EA and prepare (or cause o be prepared) a project-specific EMMP with respect to any proposal for a development project in the Region with potentially significant environmental impacts. The preparation of such project-specific EAs and EMMPs will be led by the Contracting Parties on whose territories the project is located and will include participation by experts from other affected Contracting Parties.

1.6 The Contracting Parties further agree to coordinate and cooperate with each other to ensure that the results of the regional an project-specific EAs are taken into account in development planning activities for the Region and to implement the regional and project-specific EMMPs.

1.7 All EAs and EMMPs will be conducted in accordance with internationally-accepted procedures and guidelines.

OTHER ENVIRONMENTAL RESPONSIBILITIES OF CONTRACTING PARTIES

2.1 The Contracting Parties will strive, both individually and in cooperation with each other, to meet the objectives of international environmental agreements and norms with respect to their activities in the Region.

2.2 The Contracting Parties will coordinate with each other regarding implementation of their respective national environmental laws with respect to their activities in the Region and will consider proposals for progressive harmonisation of such laws.

2.3 The Contracting Parties will cooperate with each other to strengthen capacity-building for sustainable development through exchanges of scientific and technical knowledge, technology transfer, sharing of environmental management and legal and regulatory expertise and experience, and other appropriate means.

2.4 The Contracting Parties will consult with, give access to information to, and provide opportunities for involvement by affected citizens and interested NGOs at appropriate stages of the development and environmental planning processes for the Region.

2.5 The Contracting Parties will provide or seek necessary funding for preparation of EAs and EMMPs and to carry out their other environmental responsibilities under this Memorandum of Understanding.

OTHER PROVISIONS

3.1 The Contracting Parties will agree upon institutional arrangements to implement this Memorandum of Understanding. Such institutional arrangements will be consistent with institutional arrangements specified in the Agreement on the Establishment of the Consultative Commission for the Development of the Tumen River Economic Development Area and Northeast Asia.

3.2 This Memorandum of Understanding shall be subject to the legal procedures of each Member State's domestic law and shall enter into force on the date of deposit of the last instrument of such procedure by a Contracting Party with the Secretary General of the United Nations.

3.3 The Contracting Parties, acting through consensus, may invite other interested governments in Northeast Asia to become Contracting Parties under this Memorandum of Understanding.

3.4 This Memorandum of Understanding will be valid for a period of ten (10) years from the date of entry into force and be renewed for successive periods of ten years, unless agreed otherwise by the Contracting Parties.

3.5 Any Contracting Party may withdraw from this Memorandum of Understanding by giving a written notice of withdrawal to the other Contracting Parties six (6) months in advance. At the end of such period, the withdrawal of such Contracting Party

shall become
effective.

This Memorandum of Understanding, done in the English language on
1995
in will be deposited with the Secretary General of the
United Nations, who will
transmit a certified copy to each Contracting Party and will register this
Memorandum of
Understanding with the Secretariat of the United Nations.

For the Government of the Democratic
People's Republic of Korea
Signature:

For the Government of Mongolia
Signature:

For the Government of the People's
Republic of China
Signature:

For the Government of the Republic of
Korea
Signature:

For the Government of the Russian
Federation:
Signature:

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