

MEMORANDUM OF UNDERSTANDING

on

**COOPERATION IN THE FIELD OF CLIMATE CHANGE
VULNERABILITY, RISK ASSESSMENT, ADAPTATION AND
MITIGATION**

between

**THE MINISTRY OF ENVIRONMENT, NATURE CONSERVATION AND
SUSTAINABLE DEVELOPMENT OF THE DEMOCRATIC REPUBLIC OF
THE CONGO**

and

**THE MINISTRY FOR THE ENVIRONMENT, LAND AND SEA
OF THE REPUBLIC OF ITALY**

The Ministry of Environment, Nature Conservation and Sustainable Development of the Democratic Republic of the Congo and the Ministry for the Environment, Land and Sea of the Republic of Italy, hereafter referred to as “the Signatories”;

RECALLING that the Democratic Republic of the Congo and the Republic of Italy are Parties to the United Nations Framework Convention on Climate Change (UNFCCC), to the Kyoto Protocol, and have signed the Paris Agreement on April 22nd, 2016;

RECALLING that the 21st Meeting of the Parties to the UNFCCC has adopted the Paris Agreement to combat climate change;

EMPHASIZING that the Paris Agreement, in enhancing the implementation of the UNFCCC, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty;

TAKING INTO ACCOUNT Article 4 of the Paris Agreement, and Decisions 1/CP.19, 1/CP.20 and 1/CP.21 of the Conference of the Parties to the UNFCCC, which invite all Parties to identify and communicate their Intended Nationally Determined Contributions;

EMPHASIZING that enhanced action and international cooperation on mitigation and adaptation is urgently required to enable and support the implementation of actions aimed at reducing greenhouse gas emissions and climate change vulnerability and building resilience;

EMPHASIZING the importance of international cooperation on development and on the fight against climate change for developing country Parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable;

TAKING INTO ACCOUNT the Decisions 1/CP.16, 9-15/CP.19, 17/CP.21 and 18/CP.21 of the Conference of the Parties to the UNFCCC, which provide a framework for undertaking actions aimed at reducing emissions from deforestation and forest degradation (REDD+), promoting sustainable forest management and enhancing forest carbon stocks;

Have entered into the following Memorandum of Understanding:

Article 1

Objective

The purpose of this Memorandum of Understanding, within the competences of the Signatories, is to strengthen and coordinate the efforts to combat global climate change and address its adverse effects, to support mechanisms to reduce climate change vulnerability and enhance risk assessment, to promote secure, clean and efficient energy, to stimulate the transition towards a sustainable low-carbon economy and to implement adaptation actions and opportunities to protect the environment and natural resources.

Article 2

Areas of cooperation

The Signatories will cooperate, in particular, in the following areas of common interest:

- a) collection, analysis and dissemination of meteorological data relevant to the observation of climate change and the measurement of its impact on the potentially vulnerable economic sectors;
- b) implementation, monitoring, reporting and communication of the Nationally Determined Contributions (NDCs);
- c) reduction of deforestation and forest degradation, enhancement of forest carbon stocks and sustainable management of forests;
- d) promotion of sustainable crop and livestock production practices for greater food security and greenhouse gas emissions reduction, also through the application of the climate-smart agriculture approach (CSA);
- e) access to electric power generation from renewable energy sources and promotion of renewable energies in order to achieve the target established by the Democratic Republic of the Congo;
- f) access to drinking water and sustainable integrated water management;
- g) sustainable waste management;
- h) promotion of measures to enhance vulnerable coastal ecosystems preservation.

Further areas of cooperation, within the limits of this Memorandum, will be included upon approval by the Signatories.

Article 3

Activities

The cooperation between the Signatories will be conducted in the following means:

- realization of joint projects;
- capacity building, technology transfer and technical assistance;
- exchange of information and documents related to environment, including programs, publications, expertise and study results;
- exchange of experts and trainees, organization of delegation visits;
- joint organization of workshops, seminars and other meetings;
- promotion of private sector participation and activities to implement Public Private Partnerships;
- enhancement of cooperation with non-governmental organizations with regard to programs and initiatives in the field of environment and sustainable development;
- enhancement of public education and awareness campaigns on measures for adaptation to climate change;
- development of fund raising capacities with regard to global climate and sustainable development.

Further activities of cooperation, within the limits of this Memorandum, will be included upon approval by the Signatories.

Article 4

Coordination

4.1 In order to ensure the efficient implementation of the provisions of this Memorandum of Understanding, the Signatories will establish a Joint Committee.

4.2 The Joint Committee will be composed by two (2) representatives from the Ministry of Environment, Nature Conservation and Sustainable Development of the Democratic Republic of the Congo, and two (2) representatives from the Ministry for the Environment, Land and Sea of the Republic of Italy.

4.3 The Italian Ministry for the Environment, Land and Sea will be represented by the Director General of the *Directorate for Sustainable Development, Environmental Damage, European Union and International Affairs*, and one (1) expert.

4.4 The Ministry of Environment, Nature Conservation and Sustainable Development of the Democratic Republic of the Congo will be represented by the Director-Chief of service of the Directorate for Sustainable Development, and one (1) expert, UNFCCC focal point.

4.5 The Joint Committee will provide general direction and guidance for the cooperation activities, approve the Work Plan, supervise and support the cooperation activities and take financial decisions.

4.6 During its first meeting, the Joint Committee will adopt the following framework documents:

- *Rules of Procedure;*
- *Financial Document;*
- *Guiding Principles for Bilateral Cooperation Mechanism.*

The Joint Committee will also establish the frequency of the meetings and approve the medium term Work Plan, including projects and activities, as applicable.

4.7 In the subsequent meetings, the Joint Committee will:

- approve detailed activities and projects, including project budget and schedule, to be implemented and financed, under the framework of this Memorandum of Understanding;
- coordinate the implementation of the activities in the areas specified in Article 2;
- systematically review and assess the status, progress, results achieved, and lessons learned of the cooperation activities.

4.8 The Joint Committee will meet within six (6) months after the signature of the present Memorandum of Understanding.

Article 5

Work Plan, Projects and Activities

5.1 Upon signature of this Memorandum of Understanding, the Signatories will appoint the experts who will prepare a medium term Work Plan identifying sectors of intervention, to be submitted to the Joint Committee for approval, as stipulated in Article 4.5.

5.2 In the implementation of the programs, projects and activities, consideration will be given to the participation of the public, private and non-profit sectors, including, where appropriate, universities, scientific and technical research bodies, non-governmental organizations, as well as institutions on both sides.

5.3 Taking into account the legal framework of each of the Signatories and their respective national obligations, the implementation of programs, projects and activities will be based on the principles of impartiality, equality, reciprocity and common interest.

Article 6

Means of implementation

6.1 The Ministry for the Environment, Land and Sea of the Republic of Italy will co-finance the implementation of the projects and activities under this Memorandum of Understanding in an amount not exceeding € 2.000.000 (two million euro).

6.2 The contribution from the Ministry of Environment, Nature Conservation and Sustainable Development of the Democratic Republic of the Congo will be decided at a later stage and notified to the other Signatory during the first meeting of the Joint Committee.

6.3 The Signatories will jointly submit project proposals to various multilateral organizations (*inter alia* the European Commission, the International Financial Institutions, the United Nations organization, the World Bank Group), in order to assist the Democratic Republic of the Congo to fulfill its commitments under the UNFCCC and its instruments.

Article 7

Contributions

7.1 Any costs regarding the subject matter including the programs, activities, and projects under this Memorandum of Understanding will be borne by the Signatories as advised by the Joint Committee and in conformity with their respective national legislation. Such costs will be met with the available budgeted resources of the Signatories and will not, in any event, create additional expenditures for the Government of the Democratic Republic of the Congo and the Government of Italy.

7.2 The Signatories will agree on the financial coverage for the activities and establish a mechanism, under the provisions of the respective national law, for granting transparency of expenditures, accounting and audit.

7.3 The Signatories agree that all the financial resources allocated by the Ministry for the Environment, Land and Sea of the Republic of Italy to the programs, activities and projects, developed under the provisions of this Memorandum of Understanding, are not liable to tax, in accordance with the legislation of the Democratic Republic of the Congo or any other applicable laws.

Article 8

Law in force

8.1 This Memorandum of Understanding will not affect or prevent rights and obligations of the Signatories to third parties.

8.2 This Memorandum of Understanding will be implemented in conformity with international law principles, international conventions and protocols signed by the Signatories, national legislation of the Democratic Republic of the Congo and Italy, as well as any other obligation arising from the membership of the Republic of Italy in the European Union.

Article 9

Final Provisions

9.1 The present Memorandum of Understanding becomes effective on the date of the signature and will remain effective for five (5) years, unless one of the Signatories notifies the other in writing, at least six (6) months in advance, of its intention to terminate it.

9.2 The provisions of this Memorandum of Understanding may be amended by written agreement between the Signatories.

9.3 Any dispute arising from interpretation and implementation of this Memorandum of Understanding will be solved by the Signatories amicably through consultation or negotiations between the Signatories.

9.4 Termination of the present Memorandum of Understanding will have no effect on ongoing cooperation projects, and/or on initiatives already agreed upon by the Signatories.

Done in Marrakech, on November 17 2016, in two (2) original copies, in English, French and Italian language, all texts being equally authentic. In case of divergence of interpretation, the English text will prevail.

**For the Ministry of Environment, Nature
Conservation and Sustainable Development of
the Democratic Republic of the Congo**

The Minister

Dr. Robert Bopolo Mbongeza

**For the Ministry for the Environment,
Land and Sea of the Republic of Italy**

The Minister

Dr. Gian Luca Galletti
