

# **PARTNERSHIP OPERATING ARRANGEMENTS FOR THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT STRATEGY FOR THE SEAS OF EAST ASIA**

## **I. The Partnership**

1. Partnerships in the Environmental Management for the Seas of East Asia (PEMSEA) is a partnership arrangement involving all the stakeholders of the Seas of East Asia, including national and local governments, civil society, the private sector, research and education institutions, communities, international agencies, regional programmes, financial institutions and donors.
2. PEMSEA is also the regional coordinating mechanism for the implementation of the Sustainable Development Strategy for the Seas of East Asia (SDS-SEA).
3. PEMSEA's role is to facilitate the realization of the shared vision, mission, action programmes and desired changes of the SDS-SEA.
4. PEMSEA brings together the stakeholders to work as complements of each other, act dynamically and in a coordinated manner, and bring into full play the role of each stakeholder within the framework of the SDS-SEA.

## **OBJECTIVES**

5. The objectives of the Partnership are to:
  - a) Strengthen consensus among partners on approaches and strategies for addressing the identified threats to the environment and sustainable development of the Seas of East Asia;
  - b) Build confidence among partners through collaborative projects and programmes;
  - c) Achieve synergies and linkages in implementing the SDS-SEA among partners; and
  - d) Reduce in-country and regional disparities in capacities for sustainable coastal and ocean development and management.

## **SCOPE**

6. The Partnership addresses priority concerns challenging the sustainable development of the Seas of East Asia region, including the six large marine ecosystems, namely the Yellow Sea, the East China Sea, the South China Sea, the Sulu-Sulawesi Sea, the Indonesian Seas and the Gulf of Thailand, their associated coastal lands and waters, and their interconnections with river basins and straits.

Special attention is given to those concerns that cut across legal and administrative boundaries.

7. The Partnership encourages the active participation in, and support for, the implementation of SDS-SEA by all the stakeholders, as well as the implementation of their individual programmes and actions that are consistent with the SDS-SEA.

## II. The Partners

8. The Partners are, subject to paragraphs 14-18 on inclusion of Partners, the following:
  - a) Countries of the Seas of East Asia region;
  - b) Other countries using the Seas of East Asia region;
  - c) Local governments in the region;
  - d) Communities in the region;
  - e) Non-government organizations (NGOs) and other members of civil society in the region;
  - f) Research and educational institutions;
  - g) The private sector;
  - h) UN and international agencies that support or sponsor the implementation of the SDS-SEA;
  - i) Financial institutions that support or sponsor the implementation of the SDS-SEA; and
  - j) Other Concerned regional and global entities and programmes.
9. The Partners observe the following practices:
  - a) Work together in the spirit of partnership;
  - b) Seek actions that advance the goals of the Partnership without compromising the interests of individual Partners;
  - c) Strengthen communication and dialogue with each other regarding activities affecting the implementation of the SDS-SEA;
  - d) Undertake activities and honor schedules collectively agreed upon by the Partnership;
  - e) Act in a spirit of mutual assistance, good neighborliness and complementarity towards achieving the common goals; and
  - f) Exercise flexibility and take adaptive measures when needed.

## RIGHTS OF PARTNERS

10. Partners have the following rights:
  - a) To participate, as provided in paragraphs 25-42, in the EAS Partnership Council;
  - b) To participate in the EAS Congress, the Regional Networks, and other activities and forums of PEMSEA, subject to the rules of these activities;
  - c) To access the opportunities offered by the partnership arrangements for SDS-SEA implementation;

- d) To access PEMSEA's technical and secretariat services and information products; and
- e) To participate in PEMSEA's knowledge sharing network.

## **ROLES OF PARTNERS**

- 11. All Partners participate in the regional collaborative efforts to implement the SDS-SEA, and ensure that their individual programmes and actions are consistent with the SDS-SEA.
- 12. All Partners contribute to the regional endeavor to implement the SDS-SEA and support their respective representatives to attend the EAS Partnership Council meetings, meetings of the regional networks, and EAS Congresses, within their capacities.
- 13. The specific roles for the Partners are provided in the SDS-SEA.

## **INCLUSION OF PARTNERS**

- 14.
  - a) The countries of the Seas of East Asia region, referred to in paragraph 8 (a), will sign the Partnership Agreement.
  - b) Other Partners, referred to in paragraph 8 (b) to (j) will sign on to the Partnership Operating Arrangements.
  - c) These Partners will convene the first EAS Partnership Council Meeting.
- 15. Other countries of the East Asian Seas region can join the EAS Partnership Council by signing the Partnership Agreement.
- 16. Other stakeholders who are not yet Partners but are interested in participating in the implementation of the SDS-SEA may request for inclusion as a Partner of PEMSEA by sending a written notification to the Executive Director (as referred to in paragraph 46) of the PEMSEA Resource Facility of:
  - a) its adherence to the Partnership Agreement and the Partnership Operating Arrangements, and the policies and decisions of the Council, and
  - b) agreeing to enter into a partnership arrangement with PEMSEA through a Memorandum of Agreement or similar instrument on the implementation of the SDS-SEA.
- 17. Upon receiving the required written notification from the stakeholder, the Executive Director will submit a report concerning the request to the next meeting of the Executive Committee (as referred to in paragraphs 32 to 34), together with the relevant information on the requesting stakeholder. The Executive Committee will decide whether or not to include the requesting stakeholder as a partner of PEMSEA.
- 18. The EAS Partnership Council may modify the qualifications and procedures for the inclusion of Partners and withdrawal by Partners when it deems appropriate.

### III. Major Operating Mechanisms

19. There are four major operating mechanisms: the East Asian Seas (EAS) Congress, the East Asian Seas (EAS) Partnership Council, the PEMSEA Resource Facility, and the Regional Partnership Fund.

#### EAST ASIAN SEAS CONGRESS

20. PEMSEA holds an EAS Congress every three years, consisting of a Ministerial Forum, an International Conference and other related activities.
21. The Ministerial Forum of the EAS Congress provides policy directions and commitments for improving and strengthening the implementation of the SDS-SEA.
22. The International Conference serves as the forum for:
  - a) Monitoring and evaluating the implementation of the SDS-SEA;
  - b) Facilitating knowledge exchange, advocacy and multi-stakeholder participation, through sessions, workshops, side events and exhibitions, etc.;
  - c) Promoting the ocean agenda as a priority programme in international and regional forums;
  - d) Promoting the development of financing mechanisms and investment opportunities for sustainable coastal and marine development;
  - e) Encouraging corporate responsibility and accountability in the business community; and
  - f) Discussing specific sectoral and cross-sectoral issues and concerns, as well as partnership arrangements for the subregional seas or environmentally sensitive areas, for the implementation of the SDS-SEA.
23. The hosting and venue of the EAS Congress will be determined by the EAS Partnership Council in consultation with the Partner countries.
24. The EAS Congress presents its conclusions and recommendations to the EAS Partnership Council for implementation.

#### EAS PARTNERSHIP COUNCIL

##### *Nature of Council*

25. The EAS Partnership Council is a regular body composed of all Partners, as defined in Section II, paragraph 8 of this document.
26. The Council formulates both program and operational policy in support of the implementation of the SDS-SEA, based on policy direction, recommendations and commitments provided by the Ministerial Forum, EAS Congress, and other Partners.

### ***Council Composition***

27. The Council has an Executive Committee and two types of sessions, an Intergovernmental Session and a Technical Session.
28. The Council elects a Chair to a three-year term. The Council Chair is the Chair of the Executive Committee and will sit in the Intergovernmental Session and the Technical Session *ex officio*.
29. The Intergovernmental Session and Technical Session elect their respective Session Chairs to a three-year term, who also serve as members of the Executive Committee.
30. Nominations for the positions of Council Chair and Session Chairs will be in accordance with the criteria and guidelines as established by Council.
31. The Executive Director of the PEMSEA Resource Facility serves as the Secretary of the Council and of the Executive Committee.

### ***Executive Committee***

32. The Executive Committee, comprised of the Council Chair, the Session Chairs, and the Secretary, act as officers of the EAS Partnership Council.
33. The Executive Committee ensures and oversees the implementation of the decisions of Council, and reports to the Council.
34. The Executive Committee will develop and adopt its terms of reference.

### ***Intergovernmental Session***

35. The Intergovernmental Session is composed of the duly designated representatives of the Partner countries of the Seas of East Asia region.
36. The Intergovernmental Session may formulate guidelines concerning the participation of other Partners in the Session, as it deems appropriate.
37. The Intergovernmental Session considers the recommendations of the Technical Session, and provides policy guidance, coordination, and evaluation of the progress of the SDS-SEA implementation.

### ***Technical Session***

38. The Technical Session is composed of the duly designated representatives of the Partners.

39. The Technical Session, preceding the Intergovernmental Session, discusses issues, submissions and topics related to the scientific, technical and financial aspects of SDS-SEA implementation, partnership opportunities, collaborative research, capacity building and knowledge sharing, and makes recommendations to the Intergovernmental Session as appropriate.

### ***Council Meetings***

40. The Council convenes every eighteen months, and makes decisions on a consensus basis.
41. The Council formulates and adopts rules of procedure, including consensus building and conflict resolution.
42. The Technical Session and Intergovernmental Session will develop their respective terms of reference.

### **PEMSEA RESOURCE FACILITY**

43. The PEMSEA Resource Facility (PRF) has two functions:
- a) Providing Secretariat Services; and
  - b) Providing Technical Services.
44. The PRF Secretariat Services performs the following functions:
- a) Providing secretariat support to the EAS Partnership Council, the Executive Committee, the Ministerial Forum, the Regional Partnership Fund and the EAS Congress;
  - b) Facilitating knowledge transfer and capacity building;
  - c) Preparing proposals for new initiatives, and mobilizing resources for their implementation, taking into account as appropriate the business plan and marketing strategy of the Technical Services for the implementation of the SDS-SEA;
  - d) Preparing and submitting to the Council a consolidated report of the programme development and implementation, including financial statements;
  - e) Monitoring and reporting on the implementation of the SDS-SEA;
  - f) Coordinating the updating of the SDS-SEA, taking into account changing conditions, emerging issues and other related factors, on a periodic basis; and
  - g) Performing such other functions as may be assigned to it by the EAS Partnership Council.
45. The PRF Technical Services performs the following functions:
- a) Developing and implementing a dynamic business plan and marketing strategy for the implementation of the SDS-SEA, in coordination with the PRF Secretariat Service in terms of project proposal development;

- b) Providing technical, financial, investment and management services for specific projects and programmes, as appropriate;
  - c) Developing and implementing a process for recognizing and certifying good practices in the implementation of the SDS-SEA;
  - d) Recommending the operation and management of the Regional Partnership Fund to the EAS Partnership Council, and implementing the Council's decision; and
  - e) Implementing projects approved by the EAS Partnership Council.
46. The PRF is headed by the Executive Director. The Executive Director ensures the coordination between the Secretariat and Technical Services particularly in terms of programme development and implementation.
47. The PRF Secretariat Services is funded by voluntary contributions from the Partner countries of the Seas of East Asia region and from other available sources. The PRF Technical Services are funded through sponsored projects and programmes.

#### **REGIONAL PARTNERSHIP FUND**

48. The Regional Partnership Fund, set up by the EAS Partnership Council, receives voluntary financial contributions from countries, international agencies, donors, institutions, individuals and any other entity for the implementation of the SDS-SEA.
49. The depositary of the Fund will be a sponsoring UN Agency for PEMSEA.
50. The Executive Committee ensures the best use of the Fund towards achieving the shared vision, mission and desired changes of the SDS-SEA by:
- a) Developing policies and operational guidelines governing the identification of activities to be funded, its disbursement, replenishment, management, audit, and the guidance for the countries to consider their voluntary contributions to ensure that it serves its objectives;
  - b) Ensuring that earmarked funds are properly managed for its purpose; and
  - c) Appointing a fund manager as appropriate. The appointment is reviewed every three years.
51. The Council may organize fund-raising activities, such as donors' meetings.

#### **IV. SUPPLEMENTAL MATTERS**

52. The official language of PEMSEA is English.
53. These Partnership Operating Arrangements and any terms of reference, operating mechanisms, and rules of procedure referred to herein may be amended, modified, superseded or terminated in whole or in part by the EAS Partnership Council.

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