

MEMORANDUM OF UNDERSTANDING
between
the International Atomic Energy Agency
and
the Permanent Commission for the South Pacific

Considering that the Permanent Commission for the South Pacific (CPPS), created in 1952, acts as the Executive Secretariat of the Plan of Action for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Plan of Action) approved in 1981 by the Governments of Chile, Colombia, Ecuador, Panama and Peru;

Taking into account that several intergovernmental meetings of the Plan of Action recommended to the Executive Secretariat to establish co-operation with the International Atomic Energy Agency (IAEA);

Considering that the IAEA is an intergovernmental organization within the United Nations system, the main objectives of which are to accelerate and enlarge the contribution of peaceful applications of nuclear energy to peace, health and prosperity throughout the world;

Taking into account that the IAEA Marine Environment Laboratory in Monaco, is the only marine laboratory of the United Nations system, founded in 1961 to investigate the radioactive contamination of the oceans and its activities relating to non-nuclear pollutants, such as heavy metals, pesticides, petroleum hydrocarbons, polychlorinated biphenyls (PCBs) and sterols;

Recalling that the Plan of Action as well as the Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (1981, Lima Convention) established the bases for achieving regional co-operation between Chile, Colombia, Ecuador, Panama and Peru to protect the marine and coastal environment;

Noting that the South-East Pacific region is carrying out in the framework of the Plan of Action, the Co-ordinated Programme on Marine Pollution Monitoring and Control in the South-East Pacific (CONPACSE), with the collaboration of international organizations including the IAEA, which covers a wide range of pollutants, such as oil hydrocarbons, heavy metals, pesticides, PCBs and sewage in general;

Noting furthermore that the Member Countries of the Plan of Action signed the Protocol for the Protection of the South-East Pacific Against Radioactive Contamination in 1989, which entered into force in 1994, the principal purpose of which is to prohibit all dumping of radioactive wastes and other radioactive substances in the sea and/or on the seabed within the area where the protocol applies, and which, *inter alia*, includes measures for avoiding pollution, scientific and technological co-operation, exchange of

information, monitoring programmes, co-operation in cases of emergencies, and training programmes;

Recalling the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency, the Supplementary Protocol to the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency, the Protocol for the Protection of the South-East Pacific against Pollution from Land-based Sources, the Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific, and the Protocol for the Protection of the South-East Pacific Against Radioactive Contamination;

Recognizing that the CPPS in its role of Executive Secretariat of the Plan of Action and the IAEA propose to co-operate in the strengthening of CONPACSE and the implementation of the Protocol for the Protection of the South-East Pacific Against Radioactive Contamination, have reached the following understandings:

I. Mutual Consultation

1. The IAEA and the CPPS may consult, as needed, on policy issues and matters of common interest for the purpose of realizing their objectives and co-ordinating their respective activities.
2. When appropriate, consultations may be arranged at the required level between representatives of the IAEA and the CPPS to agree upon the most effective way to organize particular activities and to optimize the use of their resources in accordance with their respective mandates.

II. Exchange of Information

3. Subject to paragraph five below, the IAEA and the CPPS will strengthen their efforts to make available to the other organization information relevant to marine pollution including, *inter alia*, the results of the research and monitoring programmes on marine pollution and information about the status of implementation of the Protocol.
4. The IAEA and the CPPS may exchange information in all the fields and projects that are of mutual interest and will review the information received with a view to promoting effective co-ordination.
5. However, nothing in this Memorandum of Understanding (MOU) will be construed as requiring either the IAEA or the CPPS to furnish such information as would, in the judgement of the organization possessing the information, constitute a violation of the confidence of any of its Members or of any third party from whom it has

received such information, or otherwise interfere with the orderly conduct of its operations.

III. Reciprocal Representation

6. Appropriate arrangements may be made for reciprocal representation at the IAEA and the CPPS meetings convened under their respective auspices which consider matters in which the other party has an interest or technical competence.

IV. Co-ordination and Support of Activities

7. The IAEA and the CPPS will, subject to the availability of funds, endeavour to support CONPACSE and the implementation of the Protocol by:
 - executing intercomparison exercises between CONPACSE's laboratories;
 - supplying certified reference materials to laboratories participating in CONPACSE, for a certain number of analyses, including oil hydrocarbons, heavy metals, pesticides, PCBs, etc;
 - supporting training programmes in analytical techniques to improve analytical performance, harmonize methods to obtain data and better quality assurance;
 - assisting in the Project design, sample collection and handling at the potential sources of pollution and sampling stations, analysis of contaminants, organization of quality assurance, interpretation of data and assessment of contamination;
 - co-operating in the implementation of the Protocol for the Protection of the South-East Pacific Against Radioactive Contamination including *inter alia*:
 - co-ordinating the design and execution of the monitoring programme of radioactive contamination in the South-East Pacific.
 - formulating and executing training programmes to maintain optimum efficiency in carrying out the regional co-operation activities.
 - organizing and executing an emergency programme to prevent any incident that may result from dumping of radioactive wastes and other radioactive substances.
 - jointly mobilizing funds for collaborative projects concerning the implementation of CONPACSE and the aforementioned Protocol through the presentation of such projects to the Global Environmental Facility.

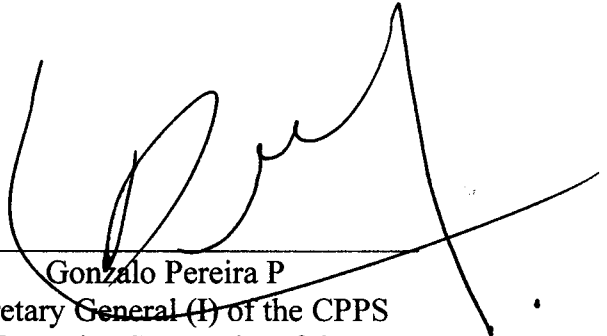
V. General Provisions

8. This MOU may be modified by mutual consent expressed in writing. Either Party may also revoke it by giving six month's notice to the other Party.

9. Each Party shall be responsible for the acts and omissions of its staff, employees and agents.
10. Nothing in the present MOU shall be construed to imply a waiver of the privileges and immunities accorded to any of the Parties by its Member States.
11. The Parties mutually undertake to make every effort to settle by mutual agreement any differences concerning the interpretation or application of the present MOU.
12. This MOU will come into effect on the date on which it is signed by the Deputy Director General of the IAEA and the Secretary General of the Executive Secretariat of the CPPS, whichever is later.
13. The MOU is signed in two originals in English, all of which are equally authentic.



Werner Burkart
Deputy Director General
International Atomic Energy Agency



Gonzalo Pereira P
Secretary General (D) of the CPPS
Executive Secretariat of the
South East Pacific Action Plan

Date: 8/31 2004

Date: May 26, 2004

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