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Seventeenth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and Fourteenth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region

Cayenne, French Guiana, 15-17 March 2017

MEMORANDUM OF UNDERSTANDING WITH THE GOVERNMENT OF BRAZIL

For reasons of economy and the environment, Delegates are kindly requested to bring their copies of the Working and Information documents to the Meeting, and not to request additional copies.

Memorandum of Understanding with the Government of Brazil

I. Background

1. At the last Intergovernmental Meeting, member States decided that the Secretariat should explore opportunities for entering into a formal agreement with the Government of Brazil regarding mutual collaboration on activities relevant to the Cartagena Convention and its Protocols.
2. Subsequently, the United Nations Environment Assembly invited “*Member States that have not done so to consider becoming parties to and/or members of regional seas conventions and action plans, and encourages the United Nations Environment Programme, through its Regional Seas Programme, to support initiatives by such Member States in that regard*” through its resolution 2/10 Oceans and seas paragraph 12. In addition, through its paragraph 13, Member States also encouraged “*the contracting parties to existing regional seas conventions to consider the possibility of increasing the regional coverage of those instruments in accordance with international law*”.
3. Adoption of an ecosystem-based management approach for the Caribbean and North Brazil Shelf Large Marine Ecosystems, as a means to ensure due protection and sustainable use of shared living marine resources, requires better coordinated and collaboration, including through strengthened and/or expanded governance arrangements, which cover all CLME+ States. It is in this context, and acknowledging the fact that currently the Cartagena Convention’s geographic scope of mandate does not include Brazil, that CLME+ countries agreed to include the following Action under Strategy 1 of the CLME+ SAP (endorsed by the UNEP CEP IGM in Cartagena, Colombia): Strategic Actions for the protection of the marine environment, Strategy 1: Enhance the regional governance arrangements for the protection of the marine environment, with the lead organization as UN Environment’s Caribbean Environment Programme. In this context, Strategy 1 proposes a series of short-term (initial 5 years after SAP endorsement) and medium-term actions (between 6-10 years from SAP endorsement).
4. As a consequence, the initial framework for initiation of the CEP discussions with the Government of Brazil is within the framework of the CLME+ project, with actions under Strategy 1 of the CLME+ Strategic Action Programme (SAP) including the establishment and operationalization of a formal agreement for coordinated action with Brazil. The CLME+ project addresses the issues of governance, habitat degradation and pollution in the LME region. Both the marine resources as well as the problems affecting these resources are shared to a very large extent by the many territories that make up this region. At the same time, highly variable progress exists across the region with regard to ocean and living marine resources governance, and capacities for shared living marine resources management vary considerably at national, sub-regional and regional levels.
5. A sub-project is envisioned on these same issues for the North Brazil Shelf that promotes collaboration among the five countries of that sub-region (Brazil, Guyana, France, Suriname and Trinidad and Tobago). Specifically, the Ecosystem Based Management sub-project under the CLME+ project and the choice of the Southern Caribbean sub-region as the focus enables us to engage in concrete activities that at the same time would help showcase how this new agreement could facilitate joint action. Through this demonstration project, the Secretariat could demonstrate more tangibly the benefits of a collaborative approach with coordinated national interventions taking place both in Brazil and the Southern Caribbean, as well as joint workshops, capacity building initiatives, among others. In effect, the objectives include enhancing cooperation in areas of mutual interest and on activities that potentially could impact across the LMEs and within our geographical scope of responsibility.
6. The proposed activities and milestones to achieve this element of the CLME+ SAP include:
 - Development and negotiation of a Memorandum of Understanding (MoU) and Terms of Reference (ToRs) establishing the modalities for, and scope of the cooperation between Brazil and the Cartagena Convention Secretariat; and
 - Review and decision regarding of the MoU and its ToRs by the Cartagena Convention Intergovernmental Meeting (IGM) and the Conferences of the Parties (COPs) of the LBS and SPAW Protocols (IGM17 and associated COPs).

7. In implementing the decision from the Cartagena Convention COP13, as well as accelerate the implementation of the CLME+ actions, the Secretariat met with the Government of Brazil on the margins of the Steering Committee Meeting of the CLME+, and provided a thorough briefing of the Cartagena Convention and its Protocols, as well as the Southern Caribbean sub-project. Arrangements made for a Sub-Project Design meeting with the five Member States were not completed due to conflicting commitments of the states' representatives. The Secretariat also utilized the platform of the 10x20 Conference to advance discussions among the relevant states slated to participate in the EBM sub-project.
8. In February 2017, the Government of Brazil agreed to a formal joint mission of the Secretariat and the CLME+ project. The CEP Coordinator and the Regional Project Coordinator for the Project met in Brasilia with representatives of the Ministries of Planning Development and Management, Foreign Affairs, Defense, Environment, as well as agencies with responsibility for Water Resources and Environmental Quality, Biodiversity Conservation, Aquaculture and Fisheries. The Inter-ministerial Commission on Marine Resources was also represented.
9. Following detailed presentations on the Cartagena Convention and its Protocols and Projects, and the CLME+ project, the areas of common interest and possible cooperation were identified as follows:

Cooperation with SPAW Protocol

- Marine protected areas (20 years of science, possible exchange of best practice and lessons learned)
- Collaboration with GEF national project on mangroves
- An emerging interest in Marine spatial planning and ecosystem based management (Capacity development needed)
- Sea turtles, shark, groundfish and shrimp (Planned No Take Zones). High priority Coral Coast No Take Zones
- Invasive species national plan

Cooperation with LBS Protocol

- Brazil is beginning a major project in pollution

Other areas of cooperation

- Application of instruments within no-take zones to ensure that Aichi Target 11 is implemented
- Brazil welcomed the opportunity to explore with Belize the possibility of exchanges

10. It was agreed that the Government of Brazil will:

- Submit a formal letter to the Secretariat, acknowledging the mission and discussions;
- Review and decide on the CLME+ SAP at the level of the Inter-Ministerial Commission;
- Review the Concept Note on the EBM Project;
- Agree on the national contact point for the EBM project; and
- Attend the intergovernmental meetings of the Cartagena Convention as an observer.

11. It was agreed that the Secretariat will:

- Formally invite Brazil to Participate in the IGM17 and COP 13.of the Convention;
- Continue the discussion on the draft MoU with Brazil; and
- Submit a formal letter to Brazil with the potential areas of collaboration as an annex, for their consideration.

II. Recommendations

12. Agree to the participation of Brazil in the initiatives of the Cartagena Convention while the modalities of the relationship are concluded
13. Agree that the Secretariat should continue its work on the modalities of such participation, and present an intersessional progress paper to the Bureau by March 2018.