AGREEMENT ON ENVIRONMENTAL COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

The Government of the Republic of India and the Government of the People's Republic of China (hereinafter referred to as the Parties),

Recognising that the achievement of sustainable development and enhancement of the quality of the environment are issues that affect economic growth and the well being of the people ;

Noting that scientific and technological exchanges and cooperative activities are being conducted between India and China in global environmental negotiations and in the field of mountain development;

Wishing to increase this cooperation in sectors related to the environment for mutual benefits ;

Have agreed as follows :

ARTICLE I

The Ministry of the Environment and Forests of the Government of the Republic of India and the National Environmental Protection Agency of the People's Republic of China shall be the nodal agencies for the implementation of this Agreement.

ARTICLE II

The Parties shall maintain and enhance bilateral cooperation in all fields of environmental activities on the basis of equality and mutual benefits.

ARTICLE III

Cooperation under this Agreement shall be carried out inter alia, in the following high priority areas :

1. Global environmental issues, including protection of bio-diversity, global climate change and the protection of the ozone layer ;
2. Waste management ;
3. Environmental pollution control with emphasis on clean technology, water quality protection, air quality protection, packaging, recycling of solid wastes, hazardous waste issues, and emergency response ;
4. Environmental impact assessment procedures and experience;
5. Quality control and management of environmental protection products;
6. Public awareness and education on environmental issues;
7. Wildlife conservation with specific focus on the prevention of trade in endangered species of wild fauna and flora ;
8. Environmental legislation and enforcement ;
9. Any other areas that may be agreed between the Parties.

ARTICLE IV

Cooperation under this Agreement shall be carried out inter alia through the following means :

1. Exchange of scientists, scholars, specialists and environmental management personnel ;
2. Exchange of the information in the areas listed in Article III ;
3. Cooperative research on subjects of mutual interest, in which the Parties will exchange and provide each other with samples, reagents, materials, data, instruments and components for testing, evaluation and other purposes in accordance with mutually agreed conditions ;
4. Joint organisation of symposia, seminars, lectures and training courses ;
5. Other means of cooperation as are mutually agreed upon, including entering into protocols for effecting and implementing concrete programmes of cooperation in areas identified.

ARTICLE V

The Parties shall encourage and facilitate the development of contacts and cooperation between other levels of government or organisational entities, research institutions, private sector, academia, etc. and coordinate the implementation of these activities.

ARTICLE VI

1. Each Party shall determine within its own country the allocation of intellectual property rights arising from cooperative activities under this Agreement ;
2. The Parties shall decide jointly on the allocation of intellectual rights in third countries unless otherwise provided under particular project arrangements.

ARTICLE VII

1. Unless otherwise arranged between the Parties, international travel expenses related to such exchanges and cooperative activities will be borne by the sending Party. In-country expenses will be borne by the receiving Party on a reciprocal basis ;
2. In principle, the number of persons dispatched and the duration of stay (based on persons/months) will be on an equal and reciprocal basis. In a case where the principle of reciprocity is difficult to implement, the two Parties will discuss the matter to find a satisfactory solution.

ARTICLE VIII

The terms and conditions of such exchanges and cooperative activities provided for in this Agreement will be subject to the laws and regulations of the Parties and will be established in writing between appropriate officials of the Parties.

ARTICLE IX

The Parties shall make biennial reports to the respective heads of their organisations summarising progress on cooperative projects as

presented in the work programme, and identifying possible opportunities for additional projects.

ARTICLE X

This Agreement shall enter into force upon signature. It will remain in effect for an initial period of five years. It may be terminated by either Party with six months written notice to the other. It may be renewed by mutual consent for an additional period of time agreed to by both the Parties. The termination of this Agreement shall not affect the validity or duration of specific activities or arrangements initiated under it, but not yet completed at the time of termination.

ARTICLE XI

This Agreement may be amended at any time by mutual agreement of the Parties in writing.

Done in duplicate at Beijing this 7th day of September 1993, in the Hindi, Chinese and English languages, each version being equally authentic. In case of divergence, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA

FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA