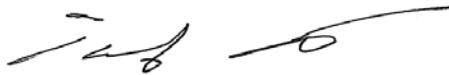


**RECORD OF DISCUSSIONS  
BETWEEN  
JAPAN INTERNATIONAL COOPERATION AGENCY  
AND  
AUTHORITIES CONCERNED OF THE GOVERNMENT OF MALAYSIA  
ON  
THE JAPANESE TECHNICAL COOPERATION PROGRAMME FOR  
BORNEAN BIODIVERSITY AND ECOSYSTEMS CONSERVATION II  
IN THE STATE OF SABAH, MALAYSIA**

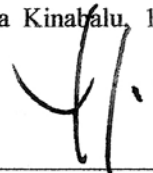
With regard to the Minutes of Meetings between the Preparatory Study Team (hereinafter referred to as "the Team") and the authorities concerned of the Government of Malaysia dated on 6 March 2007, Japan International Cooperation Agency (hereinafter referred to as "JICA") had series of discussions through the Resident Representative of JICA Malaysia Office, with Malaysian authorities concerned with respect to desirable measures to be taken by JICA and the Government of Malaysia for the successful implementation of the technical cooperation programme for Bornean Biodiversity and Ecosystems Conservation II in the state of Sabah.

As a result of the discussions, JICA and the Malaysian authorities concerned agreed on the matters referred to in the document attached hereto.

Kota Kinabalu, 11 September 2007



Mr. Takafumi Ito  
Director General  
Global Environment Department  
Japan International Cooperation Agency



Datuk Sukarti bin Wakiman  
State Secretary  
The State Government of Sabah



Prof. Datuk Dr. Mohd Noh Dalimin  
Vice Chancellor  
Universiti Malaysia Sabah

Witnessed by



Mdm. Liew Siew Lee  
Senior Director  
Environmental and Natural Resources Section  
Economic Planning Unit  
Prime Minister's Department



Dr. Mohd. Fowzi Hj. Razi  
Director  
State Economic Planning Unit  
Chief Minister's Department, Sabah

## THE ATTACHED DOCUMENT

### I. COOPERATION BETWEEN JICA AND THE GOVERNMENT OF MALAYSIA

1. The Government of Malaysia will implement the Programme for Bornean Biodiversity and Ecosystems Conservation II (hereinafter referred to as “the Programme”) in cooperation with JICA.
2. The Programme will be implemented in accordance with the Master Plan which is given in Annex I.

### II. MEASURES TO BE TAKEN BY JICA

In accordance with the laws and regulations in force in Japan, JICA will take, at its own expense, the following measures according to the normal procedures under the Colombo Plan Technical Cooperation Scheme.

#### 1. DISPATCH OF JAPANESE EXPERTS

JICA will provide the services of the Japanese experts as listed in Annex II.

#### 2. PROVISION OF MACHINERY AND EQUIPMENT

JICA will provide such machinery, equipment and other materials (hereinafter referred to as “the Equipment”) necessary for the implementation of the Programme as listed in Annex III. The Equipment will become the property of the Government of Malaysia upon being delivered C.I.F. (cost, insurance and freight) to the Malaysian authorities concerned at the ports and/or airports of disembarkation.

#### 3. TRAINING OF MALAYSIAN PERSONNEL IN JAPAN AND/OR THIRD COUNTRIES

JICA will receive the Malaysian personnel connected with the Programme for technical training in Japan and/or third countries.

### III. MEASURES TO BE TAKEN BY THE GOVERNMENT OF MALAYSIA

1. The Government of Malaysia will take necessary measures to ensure that the self-reliant operation of the Programme will be sustained during and after the period of Japanese technical cooperation, through full and active involvement in the Programme by all related authorities, beneficiary groups and institutions.
2. The Government of Malaysia will ensure that the technologies and knowledge acquired by the Malaysian nationals as a result of Japanese technical cooperation will contribute to the economic and social development of Malaysia.
3. The Government of Malaysia will grant in Malaysia privileges, exemptions and benefits to the Japanese experts referred to in Annex II and their families, which are no less favourable than those accorded to experts of third countries working in Malaysia under the Colombo Plan Technical Cooperation Scheme.
4. The Government of Malaysia will ensure that the Equipment referred to in II-2 above will be utilized effectively for the implementation of the Programme in consultation with the Japanese experts referred to in Annex II.
5. The Government of Malaysia will take necessary measures to ensure that the knowledge and experience acquired by the Malaysian personnel from technical training in Japan and/or third countries will be utilized effectively in the implementation of the Programme.
6. In accordance with the laws and regulations in force in Malaysia, the Government of Malaysia will take necessary measures to provide at its own expense:
  - (1) Services of the Malaysian counterpart personnel and administrative personnel as listed in Annex IV;
  - (2) Land, buildings and facilities as listed in Annex V;

- (3) Supply or replacement of machinery, equipment, instruments, vehicles, tools, spare parts and any other materials necessary for the implementation of the Programme other than the Equipment provided by JICA under II-2 above;
  - (4) Means of transport and travel allowances for the Japanese experts for official travel within Malaysia; and
  - (5) Suitably furnished accommodation for the Japanese experts and their families.
7. In accordance with the laws and regulations in force in Malaysia, the Government of Malaysia will take necessary measures to meet:
- (1) Expenses necessary for transportation within Malaysia of the Equipment referred to in II-2 above as well as for the installation, operation and maintenance thereof;
  - (2) Customs duties, internal taxes and any other charges, imposed in Malaysia on the Equipment referred to in II-2 above; and
  - (3) Running expenses necessary for the implementation of the Programme.

#### IV. ADMINISTRATION OF THE PROGRAMME

1. The State Secretary of Sabah, as the Programme Director and Chairperson of the Programme Steering Committee (hereinafter referred to as "PgSC"), will bear overall responsibility for the administration and implementation of the Programme.
2. The Vice Chancellor of Universiti Malaysia Sabah (hereinafter referred to as "UMS"), as the Deputy Programme Director and Deputy Chairperson of the PgSC, will support the Programme Director and bear responsibility for the administration and implementation of the Programme.

3. Secretary, the Natural Resources Office (hereinafter referred to as “NRO”), Chief Minister’s Department, as the Programme Manager, will be responsible for overall coordination of the Programme.
4. Directors of Sabah Parks (hereinafter referred to as “SP”) and Sabah Wildlife Department (hereinafter referred to as “SWD”), as the Heads of Integrated Protected Area Management Component (hereinafter referred to as “IPAMC”) will be responsible for the managerial and technical matters of the Component.
5. Director of Institute for Tropical Biology and Conservation (hereinafter referred to as “ITBC”), UMS, as the Head of Research and Education Component (hereinafter referred to as “REC”) will be responsible for the managerial and technical matters of the Component.
6. Director of Science and Technology Unit (hereinafter referred to as “UST”), Chief Minister’s Department, as the Head of Public Awareness Component (hereinafter referred to as “PAC”) will be responsible for the managerial and technical matters of the Component.
7. The Japanese Chief Advisor will provide necessary recommendations and advice to the Programme Director, the Deputy Programme Director and the Programme Manager on any matters pertaining to the implementation of the Programme.
8. The Japanese experts will give necessary technical guidance and advice to the Malaysian counterpart personnel on technical matters pertaining to the implementation of the Programme.
9. For the achievement of the Output 2 described in Annex I, leading and implementing organizations listed in Annex VI will be responsible for implementation of the activities of each component.
10. NRO, ITBC and UST will act as the Secretariat, which is led by NRO, for the Programme. The Secretariat will coordinate matters pertaining to the Programme administration and logistics.

11. For the effective and successful implementation of technical cooperation for the Programme, a Programme Steering Committee will be established whose functions and composition are described in Annex VII.

## V. JOINT EVALUATION

Evaluation of the Programme will be conducted jointly by JICA and the Malaysian authorities concerned, at the middle and during the last six months of the cooperation term in order to examine the level of achievement.

## VI. CLAIMS AGAINST JAPANESE EXPERTS

The Government of Malaysia undertakes to bear claims, if any arises, against the Japanese experts engaged in technical cooperation for the Programme resulting from, occurring in the course of, or otherwise connected with the discharge of their official functions in Malaysia except for those arising from the willful misconduct or gross negligence of the Japanese experts.

## VII. MUTUAL CONSULTATION

There will be mutual consultation between JICA and the Government of Malaysia on any major issues arising from, or in connection with this Attached Document.

## VIII. MEASURES TO PROMOTE UNDERSTANDING OF AND SUPPORT FOR THE PROGRAMME

For the purpose of promoting support for the Programme among the people of Malaysia, the Government of Malaysia will take appropriate measures to make the Programme widely known to the people of Malaysia.

## IX TERM OF COOPERATION

The duration of the technical cooperation for the Programme under this attached document will be five (5) years from 1 October 2007.

ANNEX I	MASTER PLAN
ANNEX II	LIST OF JAPANESE EXPERTS
ANNEX III	LIST OF MACHINERY AND EQUIPMENT
ANNEX IV	LIST OF MALAYSIAN COUNTERPART AND ADMINISTRATIVE PERSONNEL
ANNEX V	LIST OF LAND, BUILDINGS AND FACILITIES
ANNEX VI	COMPOSITION AND FUNCTION OF COMPONENTS
ANNEX VII	PROGRAMME STEERING COMMITTEE

## ANNEX I      MASTER PLAN

### 1. Programme Title

Programme for Bornean Biodiversity and Ecosystems Conservation (BBEC) II

### 2. Overall Goal

Biodiversity and ecosystem conservation in Sabah is strengthened and internationally recognised as a conservation model.

### 3. Programme Purpose

A system for biodiversity and ecosystems conservation in Sabah is strengthened and Sabah state becomes a centre for extension of knowledge and information to other areas of Malaysia and foreign countries.

### 4. Output of the Programme

#### Output 1:

Functions and implementation capacity of Sabah Biodiversity Council/Centre are enhanced.

1-1 Sabah Biodiversity Council (the Council) is activated.

1-2 Sabah Biodiversity Centre (the Centre) is established and activated.

1-3 Basic activities for biodiversity and ecosystems conservation in Sabah state are coordinated, promoted and implemented by the Centre.

#### Output 2: Biodiversity and ecosystems conservation activities are implemented.

2-1 Protected areas such as state parks, wildlife reserves, and forest reserves are managed under relevant policies of Sabah.

2-2 Research and education activities for protected area management are strengthened.

2-3 Sabah environmental education policy (EE policy), which was formulated under BBEC Phase I, is implemented and monitored.

#### Output 3: Extension services and training capability related to the biodiversity and ecosystems conservation are enhanced.

3-1 Sabah state agencies, UMS and related organizations are able to conduct trainings on biodiversity and ecosystems conservation to both foreign and local trainees, based on the experience of BBEC.

3-2 Knowledge and information concerning biodiversity and ecosystems conservation activities are made available in Malaysia and foreign countries.



## ANNEX II LIST OF JAPANESE EXPERTS

Experts for the Programme will be dispatched as follows:

### 1. Long-term experts

- (1) Chief Advisor
- (2) Programme Coordinator
- (3) Integrated Protected Area Management
- (4) Institutional Capacity Building

### 2. Short-term experts

Experts in specific fields will be dispatched upon mutual agreement.

### ANNEX III LIST OF MACHINERY AND EQUIPMENT

Equipment necessary for the effective implementation of the Programme will be provided upon mutual agreement.

ANNEX IV LIST OF MALAYSIAN COUNTERPART AND ADMINISTRATIVE PERSONNEL

1. Programme Director and Chairperson of the Programme Steering Committee:  
State Secretary of Sabah
  
2. Deputy Programme Director and Deputy Chairperson of the Programme Steering Committee:  
Vice Chancellor of UMS
  
3. Programme Manager:  
Secretary, NRO
  
4. Counterparts for Japanese experts
  
5. Administrative personnel and supporting staff:  
Administrative and clerical staff, drivers and others to support the Programme activities

ANNEX V LIST OF LAND, BUILDINGS AND FACILITIES

Necessary facilities for the Programme (building, room, equipment, telephone line etc.)

## ANNEX VI COMPOSITION AND FUNCTION OF COMPONENTS

1. The leading and implementing organizations of the components listed under each component below will jointly implement the activities to pursue the purpose and objectives of respective components.

(1) Integrated Protected Area Management Component (IPAMC)

- Sabah Parks (leading organization)
- Sabah Wildlife Department (leading organization)
- Sabah Forestry Department
- Sabah Environmental Protection Department
- Sabah Fishery Department
- Sabah Agricultural Department
- Lands and Surveys Department, Sabah
- Department of Irrigation and Drainage, Sabah
- Sabah Foundation
- Universiti Malaysia Sabah (UMS)
- District Offices

(2) Research and Education Component (REC)

- ITBC, UMS (leading organization)
- Science and Technology Unit (UST)
- Sabah Parks
- Sabah Wildlife Department
- Sabah Forestry Department
- Department of Irrigation and Drainage, Sabah
- Sabah Foundation

(3) Public Awareness Component (PAC)

- Science and Technology Unit (UST) (leading organization)
- Universiti Malaysia Sabah (UMS)
- Sabah Education Department
- Sabah Parks
- Sabah Wildlife Department
- Sabah Forestry Department
- Sabah Environmental Protection Department
- Sabah State IT Advancement Unit
- Sabah Foundation
- District Offices

2. The Secretary of NRO, the Japanese Chief Advisor and the Programme Coordinator will be the members of all components.

3. NGOs and other organizations may be invited to join upon the recommendation of the components and approval of the PgSC.

4. Each component will implement the activities to achieve the Output 2 in Annex I as follows:

- IPAMC: Output 2-1
- REC: Output 2-2
- PAC: Output 2-3

5. Both the leading and implementing organizations will allocate and assign sufficient number of qualified staff, administrative personnel, budget and facilities necessary.

6. Working groups will be formed according to needs of components. The functions of the working groups are to coordinate planning, implementation, monitoring and other necessary matters to bring the best result of each component with maximum effectiveness and efficiency. The working groups will meet at least once in every six (6) months.

## ANNEX VII PROGRAMME STEERING COMMITTEE

### 1. Function

The Programme Steering Committee (PgSC) will meet at least once in every six (6) months or whenever necessity arises. The main functions of PgSC are:

- (1) To approve the annual Plan of Operation formulated by the Programme in accordance with the Record of Discussions;
- (2) To review the overall progress of the Programme and activities carried out under the above mentioned annual Plan of Operation in particular; and
- (3) To review and exchange views on major issues arising from/or concerning the Programme.

### 2. Composition

(1) Chairperson: State Secretary of Sabah

(2) Deputy Chairperson: Vice Chancellor of UMS

(3) Malaysian side:

a) Members

- Director, Environment and Natural Resources Section, Economic Planning Unit, Prime Minister's Department
- Director, Public Service Department
- Representative, Ministry of Natural Resources and Environment
- Permanent Secretary, Ministry of Tourism, Culture and Environment
- Director, State Economic Planning Unit
- Director, Lands and Surveys Department, Sabah
- Director, Sabah Forestry Department
- Heads of the Components
- Director of Water Resources, Sabah

b) Secretary:

- Secretary, Natural Resources Offices
- Director, ITBC, UMS
- Director, UST

(4) Japanese side:

- Chief Advisor
- Programme Coordinator
- Experts in specific fields
- Representative, JICA Malaysia Office
- Personnel dispatched by JICA, if necessary

Note:

Official(s) of the Embassy of Japan may attend the PgSC Meeting as observer(s).  
The Chairperson can request and admit attendance of other relevant personnel.