



International
Water Association



USAID
FROM THE AMERICAN PEOPLE

– MEMORANDUM OF UNDERSTANDING –

**Asian Development Bank (ADB), International Water Association (IWA), and
United States Agency for International Development (USAID)**

This Memorandum of Understanding (MOU) among Asian Development Bank, hereinafter referred to as “ADB,” International Water Association, hereinafter referred to as “IWA,” and United States Agency for International Development (USAID), hereinafter referred to as “USAID,” provides a basis for cooperation on enhancing effective regional cooperation resulting in joint planning, cooperation, and implementation of regional Water Operator Partnerships (WOPs) initiatives. USAID will generally be represented in the matters contemplated by this MOU by its Regional Development Mission in Asia (RDMA) and will cooperate through its Environmental Cooperation-Asia program, hereinafter referred to as “ECO-Asia.” Each of ADB, IWA and USAID is hereinafter referred to individually as a “Party” and collectively as the “Parties”.

A. BACKGROUND

ADB is a broad-based development institution for the Asia and Pacific region (“the Region”), committed to reduce poverty through lending and non-lending activities to support pro-poor sustainable economic growth, good governance and inclusive social development. Under a Regional Technical Assistance program funded by the Japan Special Fund, ADB is implementing the WOPs Program in Asia which includes the establishment of water utilities networks in South Asia, Central Asia and support the existing network in Southeast Asia. These networks serve as the anchor for all activities supported by the ADB under its WOPs Program such as continuous improvement benchmarking, twinning with stronger utilities and technical training on select aspects of water utility operations.

IWA is a member driven organization for water sector professionals with about 10,000 members worldwide. IWA is a non-profit organization, self-governing and responsible to its Governing Members. A Governing Assembly, Board of Directors, a Strategic Council and various committees guide and direct the Association. A fundamental part of IWA’s mission is to provide opportunities for members to learn from each other across the different subject areas and geographies. The IWA network provides opportunities for capacity strengthening and a variety of collaborations have been brokered over the years and many specialists throughout the global network have contributed with their expertise. IWA is now strengthening its efforts to promote and broker WOPs activities globally.

USAID is the United States Government agency responsible for providing U.S. economic and humanitarian assistance worldwide. Through its Regional Development Mission in Asia (RDMA), USAID works throughout Asia to sustain and replicate environmental improvements through regional cooperation. ECO-Asia, an RDMA program, promotes improved access to clean water and sanitation in support of the U.S. Government’s Paul Simon Water for the Poor

Act and the Millennium Development Goals (MDG). ECO-Asia facilitates utility-to-utility, or “twinning” partnerships aimed at promoting the adoption of best practices for improving access to water and wastewater services, especially for the urban poor. ECO-Asia also strengthens regional platforms and networks to promote the dissemination and replication of key successes and best practices.

In the 2006 Hashimoto Action Plan, the United Nations Secretary General’s Advisory Board on Water and Sanitation proposed development of WOPs as structured programs of cooperation among water operators, based on mutual support and on a not-for-profit basis. The rationale behind the WOPs is that most of the capacity for improving water and sanitation services lies with the operators, ninety percent of which are publicly managed.

In elaborating a global program for establishing WOPs based on the recommendations of the Hashimoto Action Plan, the United Nations Secretary General mandated the United Nations Human Settlements Programme (UN-HABITAT) to promote and coordinate activities related to WOPs. As a result, UN-HABITAT established a Global WOPs Alliance Centre and identified the need to establish Regional Partnership Networks for WOPs.

B. STATEMENT OF COMMON OBJECTIVES

The Parties share the common objective of achieving the MDG target to halve by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation. ADB, IWA and USAID also recognize the important catalytic value of promoting positive change in Asia by facilitating counterpart exchange between water services providers through WOPs.

In particular, the Parties are committed to cooperating with UN-HABITAT and other partners to jointly establish and support operations of a Regional Partnership Network for Asia, to be known as “WaterLinks”. Under WaterLinks, the Parties will coordinate, develop and implement joint WOPs support programs that will maximize the use of their respective resources, avoid duplication of efforts and facilitate effective cooperation between target water and sanitation operators.

In support of WaterLinks, the Parties also share the common objective of working in cooperative arrangements with other international development partners, as appropriate, to share information, and to develop and implement joint WOPs initiatives.

C. PURPOSE AND SCOPE

The purpose of this MOU is to establish a collaborative arrangement between ADB, IWA and USAID to achieve common objectives. Under this MOU, per an annual work plan, the Parties will cooperate to develop WaterLinks activities that leverage each organization’s comparative advantages to support achievement of the MDG water and sanitation targets in Asia. In particular, WaterLinks will support the development of WOPs activities by:

- Establishing and facilitating twinning partnerships for utilities and municipal agencies;
- Organizing regional capacity building activities via workshops and targeted training events; and
- Developing and maintaining a WOPs user website that will serve as an information clearinghouse, or “knowledge hub” on WOPs activities and outcomes, best practices, and capacity building materials.

In general terms, ADB will support regional capacity building initiatives, and coordinate with USAID on jointly facilitating selected twinning partnership arrangements. IWA will support dissemination and knowledge sharing, and promote and broker the establishment of twinning and other WOPs activities through its member network. USAID, through ECO-Asia, will establish and facilitate the WOPs user website, while contributing to regional capacity building initiatives and supporting knowledge sharing and regional replication.

D. COOPERATIVE ENGAGEMENT

On an annual basis, the Parties will prepare a work plan identifying areas and activities for cooperation and the roles and responsibilities of each organization. Beginning in 2009, the Parties will agree on a process for developing and monitoring implementation of an annual work plan, including quarterly updates. The Parties will also explore opportunities to leverage other donor inputs to strengthen program impact, as appropriate.

E. TERMINATION AND MODIFICATION

Any Party herein may terminate this MOU at will upon providing to the two other Parties a notice in writing sent to the addresses indicated in section I (Notices) below. In the event of termination, the Parties will take appropriate steps to bring the activities under this MOU to a prompt and orderly conclusion.

Modifications to this MOU shall be made by mutual consent of the Parties, by the issuance of a written instrument, signed and dated by all Parties, prior to implementation of any changes.

F. USE OF NAME, EMBLEM AND MEDIA

No Party will publicly or externally use the name or emblem of another Party, or an abbreviation thereof, in connection with its business or otherwise, in relation to the matters contemplated by this MOU without the express prior written permission by a duly authorized representative of the relevant Party in each case.

No Party has the authority, express or implied, to make any public statement on behalf of another Party in relation to the matters contemplated by this MOU, and all press releases issued in relation to the matters contemplated by this MOU shall be approved in writing in advance by all Parties before being issued.

G. NON-FUND OBLIGATING DOCUMENT

This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the Parties to this instrument will be outlined in separate agreements that will be made in writing by the Parties and will be independently authorized by an appropriate authority of the funding party. This instrument does not provide such authority.

H. NON-LEGALLY BINDING COMMITMENT

The Parties acknowledge that this MOU does not constitute a legally binding commitment by any Party. The Parties are not engaged in an employee-employer, joint venture, partnership, or

agency relationship of any kind, nor do they purport to establish a legal entity. This MOU is not intended to create legally binding relations between the Parties or to impose any binding obligation on them.

No Party has the authority, express or implied, to make any financial or other obligations on behalf of another Party. No Party shall not make any commitments or take any positions on behalf of another Party without that Party's specific written consent. Any specific activities identified under the procedures contemplated by this MOU as opportunities for collaboration between the Parties will be subject to additional written agreements entered into in accordance with the practices and procedures of each Party to this MOU.

I. NOTICES

All notices and communications required or contemplated by this MOU will be made in writing in the English language and will be forwarded to the respective principal contact person for each organization:

ADB

Water & Sanitation Specialist
Southeast Asia Department
Asian Development Bank
6 ADB Avenue, Mandaluyong City, 1550 Metro Manila,
Philippines

IWA

Ryan Yuen
Director, Singapore Regional Office
International Water Association
WaterHub, 80 Toh Guan Road East, 3rd Floor Training Block
Singapore 608575
Fax Line: +65 6885 2526
Email: ryan.yuen@iwahq.org

USAID

John Pasch
Regional Water Policy Advisor
Regional Development Mission/Asia
United States Agency for International Development
Diethelm Towers A, 10th Floor, 93/1 Wireless Road
Bangkok, Thailand 10330
Direct Line: (66-2) 263-7470
Fax Line: (66-2) 263-7499
Email: jpasch@usaid.gov

ADB will nominate its principal contact person and give notice of the name and position of such person to the two other Parties.

Any notice so delivered will be deemed given when actually received by the other Party.

J. PRIVILEGES AND IMMUNITIES

Nothing in or relating to this MOU will be deemed a waiver, express or implied, of any of the privileges and immunities of any of the Parties.

No provision of this MOU will be construed so as to in any way interfere with the independent decision making autonomy of the Parties, with regard to their respective mandate, activities and operations.

This instrument in no way restricts ADB, IWA and USAID from participating in similar activities with other public or private agencies, organizations and individuals.

IN WITNESS WHEREOF, the undersigned, duly appointed representatives of ADB, IWA and of USAID, respectively, have signed three (3) copies of this MOU being equally authentic, in Stockholm, Sweden on the occasion of Asia Day at the Stockholm International Water Week, on 19 August 2008.

Ms. Amy Leung
Director – East Asia Department
Asian Development Bank

Paul Reiter
Executive Director
International Water Association

Jacqueline E. Schafer
Assistant Administrator
Bureau for Economic Growth, Agriculture and Trade
United States Agency for International Development