

The Working Group on Framework (WGF)
between UNEP and the EANET
15-16 June 2016, Bangkok, Thailand

REPORT OF THE SESSION

I. INTRODUCTION

1. The Working Group on Framework (WGF) between United Nation Environment Programme (UNEP) and Acid Deposition Monitoring Network in East Asia (EANET) held its session in Bangkok, Thailand on 15-16 June 2016, in accordance with its Terms of Reference.
2. Representatives of the participating countries, namely Cambodia, China, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Philippines, Republic of Korea, Russian Federation, Thailand and Viet Nam participated in the Session. Representatives of United Nations Environment Programme (UNEP)/ UNEP Regional Office for Asia and the Pacific (UNEP ROAP); the Secretariat and the Network Center (NC) for the EANET; Regional Resource Centre for Asia and the Pacific, Asian Institute of Technology (RRC.AP/AIT) as well as a resource person from Kanazawa University attended the Session. The List of Participants is attached as Annex 1.

II. OPENING OF THE SESSION (AGENDA ITEM 1)

3. The Session was opened with an opening address from Ms. Isabelle Louis, Acting Regional Director and Representative, UNEP ROAP. In her opening address, she welcomed the participants to the WGF session. She mentioned that air quality was high in the agenda during the recently concluded Second Session of the United Nations Environment Assembly (UNEA-2). She mentioned that the collaboration on air quality in the region is progressing through the Asia Pacific Clean Air Partnership (APCAP) which includes Joint Forum, Science Panel and Regional Assessment. She stated that the EANET was ahead of its time. It has laid out at the very forefront of science on air pollution as the important network to address acid deposition in East Asia for at least two decades. The network has greatly enhanced our understanding of acid deposition as well as air pollution issues in East Asia. Ms. Louis expressed that the EANET data will provide a vital resource for addressing air pollution issues in the region. She informed the meeting that the preparations for the provision of the EANET secretariat services were nearly completed. The financial arrangements have been completed and UNEP has received voluntary financial contributions from the participating countries to the EANET account at UNEP since 2015. Recruitment of the Coordinator is at the final stage of the selection process and the participating countries will be informed about the successful recruitment as soon as the selection process is complete. She emphasized the task designated to this Working Group on Framework by the 17th Session of the Intergovernmental Meeting on EANET (IG17) is to agree on a draft Framework for submission to the 18th Session of the Intergovernmental Meeting on EANET (IG18) for

consideration and endorsement and that this would complete the preparations for the provision of Secretariat services by UNEP ROAP. She concluded by expressing UNEP's commitment to supporting the participating countries of EANET and wished all participants good deliberations.

III. ELECTION OF OFFICERS (AGENDA ITEM 2)

4. The Session elected Ms. Jean N. Rosete, Chief of Air Quality Management Section, Environmental Management Bureau (EMB), Department of Environment and Natural Resources (DENR) of Philippines as the Chairperson, along with Ms. Zulhasni, Head of Sub Directorate for Ozone Depletion Substances Control, Ministry of Environment and Forestry of Indonesia and Dr. Erdenebat Eldev-Ochir, Senior Officer, National Agency for Meteorology and Environment Monitoring of Mongolia as the Vice Chairpersons.

IV. ADOPTION OF THE AGENDA (AGENDA ITEM 3)

5. The Session adopted the Provisional Agenda (EANET/ WGF 3/1), Annotated Provisional Agenda (EANET/ WGF 3/2) and Draft Programme (EANET/ WGF 3/3) proposed by the Secretariat in accordance with the Terms of Reference for the WGF.

V. DEVELOPMENT OF A DRAFT FRAMEWORK (AGENDA ITEM 4)

6. The Secretariat presented an overview of the process and outputs in the development of a Draft Framework Document on the Arrangements of the Secretariat for EANET between UNEP and EANET (EANET/ WGF 4). The presentation included an outline of the draft June 23rd, 2015 version agreed by the EANET Participating Countries, and the October 12th, 2015 version of the draft Framework which incorporated the comments of the UNEP Legal Office. The Session was invited to review, discuss, make comments and suggestions to these and develop a Draft Framework document, for submission to IG18 for consideration and endorsement.
7. Major points of discussion leading to the final version of the draft Framework (June 16, 2016) were as follows:
 - i. The Session agreed to discuss and develop a Draft Framework document based on the June 23, 2015 version (Annex 1 of the EANET/WGF 4) taking into account the comments from the UNEP Legal Office.
 - ii. The Session confirmed that the Framework is a non-legally binding document, which is explicitly stated in the June 16, 2016 version. Accordingly, the terminology that reflects its non-legally binding nature was used throughout the document.

- iii. It was clarified that in line with the decision of the EANET IG15 requesting UNEP to provide Secretariat services to EANET and sub-contract some other services from RRC.AP/AIT (Option 1B in document EANET/IG 15/9/1), UNEP will provide Secretariat services under this Framework.
 - iv. It was also agreed to include explicit reference to “this non-legally binding Framework and thus use the words “common understanding” instead of “complete shared recognition” on the Secretariat services in the preamble of the Draft Framework document.
 - v. It was agreed to include text in the Item 1. (v) of the Draft Framework document to indicate that the feedback from the participating countries be taken into account in the performance assessment of the Coordinator that will be conducted by UNEP in line with the UN regulations, rules, issuances and procedures.
 - vi. It was clarified that both the accounting of the EANET funds and the use of the EANET funds (e.g. contracting to third parties) within the context of the Work Programme and Budget approved by the IG are subject to UN rules and regulations.
 - vii. It was clarified that a provision on privileges and immunities of the UN is necessary in the Framework as required for by the UN. Therefore it was agreed to include a text on the UN privileges and immunities in the Item 9 of the Draft Framework document.
 - viii. It was clarified that the UN required two layers of instances on settlement of controversies. Therefore, it was agreed to include the text that UNEP and EANET will seek to agree on a peaceful method to resolve any controversy in the event direct consultations fail.
 - ix. It was clarified that the framework cannot be open-ended. Therefore, the working group agreed that the Framework will be valid for five years and automatically renewed for subsequent periods of five years unless UNEP and EANET decide otherwise.
 - x. It was agreed to include the text that the chairperson of IG18 will sign the Framework on behalf of the 13 EANET Participating Countries.
8. The Working Group agreed on a Draft Framework as presented in Annex 2 resulting from this Working Group meeting. It has one word in brackets. Japan will advise the Secretariat within one month after this Working Group meeting on the possibility of removing the bracket. The Secretariat will then inform all the Working Group members and finalize the Draft Framework accordingly. This will then be part of IG18 meeting documents which will be sent to the National Focal Points one month before IG18 (22-23 November 2016) for their preparation and consideration at IG18.

**VI. CONSIDERATION AND ADOPTION OF THE REPORT OF THE SESSION
(AGENDA ITEM 5)**

9. The Report of the Session (EANET/ WGF 5) was considered and adopted.

VII. CLOSING OF THE SESSION (AGENDA ITEM 6)

10. The Session expressed its gratitude to the Chairperson and the Vice-Chairpersons, the participants, and resource person for their efforts, cooperation and contribution to the successful output of the Session.

11. The Chairperson, appreciating the hard work and collaborative spirit of participants, the Secretariat and the NC , declared the WGF session closed.

Annex 1

LIST OF PARTICIPANT

Cambodia

Mr. Heng Nareth
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General Directorate of Environmental Protection
Ministry of Environment

Mr. Thiv Sophearith
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China

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Mr. Zheng Haohao
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Official
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China-ASEAN Environmental Cooperation
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Indonesia

Ms. Zulhasni
Head of Sub Directorate for Ozone Depletion
Substances Control
Directorate of Climate Change Mitigation
Ministry of Environment and Forestry

Ms. Fitri Harwati

Head of Sub Directorate for Air Pollution Control
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Directorate General for Pollution Control &
Environmental Degradation
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Russian Federal Service for Hydrometeorology
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Mr. Jiro Sato
Senior Fellow

Secretariat for the EANET

United Nations Environment Programme
Regional Office for Asia and the Pacific

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Regional Director, a.i.

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Programme Officer

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RRC.AP

Regional Resource Centre for Asia and the
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Working Draft as revised by the WGF (16 June 2016)

**FRAMEWORK
BETWEEN
THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
AND
THE ACID DEPOSITION MONITORING NETWORK IN EAST ASIA (EANET)
ON ARRANGEMENTS FOR
UNEP'S PROVISION OF SECRETARIAT [SERVICES] TO THE EANET**

The Acid Deposition Monitoring Network in East Asia (hereinafter referred to as "EANET"), represented by the Chairperson of the Intergovernmental Meeting of the EANET (hereinafter referred to as "IG") on behalf of the 13 participating countries (Cambodia, China, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Philippines, Republic of Korea, Russian Federation, Thailand and Viet Nam), and the United Nations Environment Programme (hereinafter referred to as "UNEP"), represented by the Executive Director:

WHEREAS UNEP is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment;

WHEREAS EANET is a regional inter-governmental cooperative initiative to create a common recognition of the state of acid deposition problems in East Asia, to provide useful inputs for policy makers at the local, national and regional levels aimed at preventing or reducing adverse impacts on the environment caused by acid deposition, and to contribute to cooperation on issues related to acid deposition among the EANET Participating Countries;

WHEREAS EANET was formally established in 2001 by the Joint Announcement on the Implementation of the EANET along with the Tentative Design of the EANET at the Second Session of its Intergovernmental Meeting (IG2), and was further enhanced by the Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia (hereinafter referred to as "the Instrument"), which was signed by all EANET Participating Countries during and after the 12th Session of the Intergovernmental Meeting (IG12) on the EANET, in November 2010 and thereafter;

WHEREAS EANET Decision 1/IG.15, of the 15th Session of the Intergovernmental Meeting (IG15) on the EANET, held in December 2013 affirmed UNEP as the Secretariat for EANET and requested the amendment of the 2002 Framework on the Establishment of the Secretariat of the Acid Deposition Monitoring Network in East Asia (EANET) which sets out the modalities for UNEP's provision of Secretariat [services] to EANET.

NOW, THEREFORE, UNEP AND EANET HAVE DECIDED TO COOPERATE UNDER THE PRESENT FRAMEWORK AS FOLLOWS:

This non legally binding Framework represents the common understanding between UNEP and EANET for the provision of Secretariat [services] [functions] by UNEP in line with Decision 1/IG.15 and supersedes the Framework on the Establishment of the Secretariat of the Acid Deposition Monitoring Network in East Asia dated 3 July 2002.

1. (i) UNEP will provide Secretariat [services] [function] following Decision 1/IG.15 reconfirming that UNEP will provide Secretariat [services], in consultation with the

- EANET Participating Countries, in line with the work programmes approved by IG and within the respective mandates and governing rules of UNEP and EANET;
- (ii) The Secretariat will be located at the UNEP Regional Office for Asia and the Pacific;
 - (iii) Contributions to UNEP for EANET will be administered in a separate EANET account in line with the UN Financial Regulations and Rules and in line with the annual work programme and budget approved by IG of EANET under the guidance of IG;
 - (iv) The Coordinator of EANET will be hired at the P-4 level by UNEP in line with the applicable UN regulations, rules and procedures under Terms of Reference taken note of by IG of EANET;
 - (v) The Performance Assessment of the Coordinator will be conducted by UNEP in line with the applicable UN regulations, rules, administrative issuances and procedures. UNEP will take into consideration in its final assessment of the Coordinator any feedback received from the participating countries; and
 - (vi) In line with Decision 1/IG.15, certain services (logistical services, among others) will be implemented through Regional Resource Centre for Asia and the Pacific, Asian Institute of Technology (AIT/RRC.AP), as considered appropriate by UNEP, under supervision of UNEP.
2. UNEP will specifically ensure that Secretariat [services provided] fulfill the following functions for the effective management of EANET and for the facilitation of cooperation among the EANET participating countries in a transparent manner:
 - (i) Necessary administrative arrangements for the meetings of IG, the Scientific Advisory Committee, and other subsidiary bodies;
 - (ii) Necessary administrative and financial arrangements for managing EANET;
 - (iii) Communication and cooperation in administrative and policy aspects;
 - (iv) Consultation with National Focal Points on policy direction and other substantive issues;
 - (v) Promotion of capacity building and public awareness in cooperation with the Network Center(s) of EANET, (hereinafter referred to as “NC(s)”)
 - (vi) Communication and cooperation with NC(s), and
 - (vii) Other necessary tasks as requested by IG, and in line with the applicable UN regulations, rules and procedures.
 3. UNEP will ensure that Secretariat is fully operational and capable of providing services including the dissemination of information and facilitating liaison and networking between the relevant government agencies and institutions.
 4. UNEP will ensure that Secretariat provides the information required by the participating countries, the IG, the Scientific Advisory Committee, and other EANET subsidiary bodies, as defined by Secretariat functions and the mandate of UNEP.
 5. The IG of EANET will approve EANET work programme and budget and take actions to secure necessary financial resources for the Secretariat’s implementation of its functions and the relevant EANET activities in each calendar year, in line with applicable UN regulations and rules.
 6. UNEP will proceed with disbursements from the EANET account in line with the annual work programme and budget approved by IG of EANET and in line with UN rules and regulations.
 7. Fundraising
 - (i) To the extent permitted by their respective regulations, rules and policies, and subject to sub-item (ii) below, UNEP and EANET may engage in fundraising with the public and private sectors to support the activities, projects and programmes to be developed or carried out pursuant to this Framework.
 - (ii) Neither UNEP nor EANET will engage in fundraising with third parties in the name of or on behalf of the other, without the prior written approval of the other.

8. Audits

Audits of Secretariat's operations and activities will be conducted in line with the applicable United Nations regulations and rules.

9. United Nations Privileges and Immunities

Nothing in or relating to this Framework will be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

10. Settlement of Controversies

(i) In the event of controversies arising out of or relating to this Framework, UNEP and EANET will make their best efforts to promptly settle such controversies through direct consultation.

(ii) If any controversy arising out of this Framework cannot be settled amicably in line with sub-item (i) above, UNEP and EANET will seek to agree on a peaceful method for the settlement of the controversy.

11. Notification and Modifications

(i) UNEP and EANET will promptly notify each other in writing of any anticipated or actual material changes that will affect the execution of this Framework.

(ii) UNEP and EANET may modify this Framework by mutual written consent.

12. Duration

This Framework will be effective upon the last date of signature of the approving officials and, unless terminated in line with Item 13 below, will remain effective for five years, with reviews by UNEP and EANET if necessary. This Framework will be automatically renewed for subsequent periods of five years unless UNEP and EANET decide otherwise.

13. Termination

Either UNEP or EANET may terminate this Framework with a notice of 90 days. UNEP and EANET will discuss and decide on the orderly completion of any ongoing activity, on pending rights and obligations under this Framework, and on the closure or transfer of Secretariat as applicable.

14. This Framework was endorsed by the 18th Session of the Intergovernmental Meeting (IG18) on the EANET and signed by the Executive Director of UNEP and the Chairperson of IG18 on the EANET.

For United Nations Environment Programme

**For Acid Deposition Monitoring Network
in East Asia**

Name: Mr. Erik Solheim
Title: Executive Director

Name:
Title: Chairperson of the 18th Session of the
Intergovernmental Meeting on the EANET on
behalf of the 13 participating countries

Date:

Date: