

The Ninth Senior Technical Managers' Meeting  
Of the Acid Deposition Monitoring Network in East Asia  
27-29 August 2008, Niigata, Japan

## **Report on the Outcomes of the Ninth Session of the Intergovernmental Meeting (IG9) and the Sixth and Seventh Sessions of the Working Group on Future Development of EANET (WGFD6 and WGFD7)**

### **I. INTRODUCTION**

1. The Intergovernmental Meeting (IG) on Acid Deposition Monitoring Network in East Asia (EANET), held its Ninth Session in Vientiane, Lao PDR on 19 and 20 November 2007.
2. The Working Group on Future Development (WGFD) of EANET held its Sixth Session (WGFD6) in Pattaya, Thailand on 9-11 April 2008 and the Seventh Session (WGFD7) in Pathumthani Thailand on 29-31 July 2008. These two Sessions of the WGFD discuss the topics as requested by IG9 and for consideration at the Tenth Session of the Intergovernmental Meeting (IG10) in November 2008.

### **II. SUMMARY OF THE MAJOR DECISIONS DURING IG9**

#### **2.1 Consideration of the Working Group on Future Development (WGFD) Progress Report on the Instrument to Provide a Sound Basis for Contribution to EANET**

- 3 The Session was invited to consider and comment on the document and to provide guidance for further actions.
- 4 Major points of the discussion were as follows:
  - Some countries expressed the need for a legal basis to strengthen national activities and to secure financial contributions for EANET, while others preferred a non-legally binding instrument at the present stage.
  - Some countries expressed their preference for a broader scope on substances and activities while others expressed their preference to maintain the current scope.
5. The Session recalled the guidance from the Eighth Session of the Intergovernmental Meeting (IG8) that the instrument should be simple, flexible and open for future development, based on the Joint Announcement and Tentative Design, and relevant decisions at the IG meetings, and that financial provisions should not place an undue burden on participating countries. It requested the

Secretariat to produce a consolidated text by integrating the drafts of a legally binding and non-legally binding instrument, in order to focus attention on the contents of the instrument. The Session further requested the Secretariat to integrate comments received into the text and circulate it to participating countries by 21 December 2007, and requested the participating countries to provide specific comments on this text to the Secretariat by the end of February 2008.

6. The Session requested WGFD to then proceed with discussions on the instrument, based on the consolidated text to be prepared by the Secretariat and on specific comments received via the Secretariat, with the aim of reporting the results of the discussions to the Tenth Session of IG (IG10) for its consideration, as stated in the IG Decision at its Seventh Session, DECISION 1/IG.7 (The Niigata Decision).

## **2.2 Consideration of the Report on the Progress of EANET after the Sixth Session of the Scientific Advisory Committee (SAC6) and the Eighth Session of the Intergovernmental Meeting (IG8) and the Financial Report of the Secretariat and the Network Center in 2006**

7. The Session took note of the reports. The IG9 approved the project proposal on Capacity Building Workshops for Policy Makers of the Participating Countries of EANET with funding support from UNEP and to be implemented in 2008 and 2009.

## **2.3 Consideration of the Report on the Outcomes of the Seventh Session of the Scientific Advisory Committee (SAC7)**

8. The Session approved the establishment of two task forces and four expert groups, as follows:
  - 1) Task Force on Monitoring Instrumentation
  - 2) Task Force on Research Coordination
  - 3) Expert Group on Dry Deposition Flux Estimation under the existing Task Force on Dry Deposition Monitoring
  - 4) Expert Group on Preparation of Second Periodic Report on State of Acid Deposition in East Asia
  - 5) Expert Group on Revision of Technical Manual on Wet Deposition Monitoring
  - 6) Expert Group on Revision of Technical Manual on Inland Aquatic Environment Monitoring
9. After discussions under Agenda item Work Program and Budget in 2008, the Session reached consensus to recommend that SAC reconsider its proposal of the establishment of two expert groups (Expert Group to Review Substances to be Monitored

in the EANET Network, and Expert Group for Promotion on Emission Inventories and Modeling Activities).

10. It was agreed that NC would continue discussions with the Group on Earth Observations (GEO) and elaborate on the discussions at IG10.

#### **2.4 Consideration of the Revised Procedures and Guidelines for Voluntary Financial Contributions to EANET**

11. The Session suggested some revisions on the document and then adopted the Revised Procedures and Guidelines for Voluntary Financial Contribution (2008-2010) to EANET, including the revised definitions of the core budget and additional budget of the NC. The Session approved the voluntary contribution based on a flat rate amount for 3 years (2008-2010) and based on UN assessment scale burden sharing for Secretariat budget and NC core budget activities. A minimum contribution of US 50 from participating countries was decided.

#### **2.5 Consideration of the Work Program and Budget in 2008 for EANET**

12. Major points of the discussion were as follows:
  - Some countries considered it premature to decide whether or not a high-level segment should be convened at IG10. It was agreed that a high-level meeting might be convened at IG10, with the decision to be based on consultation with National Focal Points (NFPs).
  - The Secretariat and NC clarified some points on request of participating countries.
  - It was decided that the date countries are requested to submit data and information obtained through EANET monitoring activities will be by June 30, 2008.
13. The Session adopted the Work Program and Budget in 2008, subject to the stated revisions.

#### **2.6 Considerations of the Set of Procedures to be followed by EANET in Preparation of Proposal for Potential Donors**

14. Major points of the discussion were as follows:
  - It was suggested that “WGFD further review, if necessary” under Phase 2 (Project Formulation and Preparation) be moved to Phase 3 (Review and Approval).
  - On Phase 3, the project will be submitted to IG for approval, as appropriate, before submission to donor agencies.
15. The Session approved the Set of Procedures to be followed by EANET in Preparation of Project Proposal for Potential Donors, as amended.

### III. OUTCOMES OF THE WGFD6

#### 3.1 Consideration of the Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET

16. Major points of the discussion included:

3. General discussion

- a. The Session was reminded by one country that the starting point and the purpose for developing the instrument is to solve the problem of financial contribution. The Session was also reminded by some countries that the instrument is to provide a sound basis for financial contribution to EANET.
- b. The title of the text of the instrument will be decided at the later stage.
- c. To make the instrument complete and stand-alone, it was emphasized by some countries that components of principles, activities and institutional arrangement need to be included into the main text of the instrument.

4. Components of the instrument

- d. It was suggested by one country including explicitly into the preamble the guidance of the Intergovernmental Meeting (IG) that the instrument should be simple, flexible and open for future development of EANET, and be based on the Joint Announcement (JA), the Tentative Design (TD) and other IG decisions.
- e. It was emphasized that the principles for the discussion of the instrument should be simple, flexible, open for future development, and based on JA and TD and relevant decisions at the IG meetings.
- f. It was also pointed out by the Chairperson that preamble usually contains background of the text to be adopted and it would not be appropriate to provide for main components of the text such as specific activities and institutional arrangements.
- g. It was expressed by one country that some elements in the Option 2 of the original draft text (EANET/WGFD 6/3/1) prepared for the preamble might be re-arranged under some of the items of the main text of the instrument.

5. Legal status

- h. It was emphasized by some countries that the legally binding instrument is important while some others preferred a non-legally binding instrument. Some emphasized the importance to strengthen the basis of EANET by upgrading the status of the instrument.

6. Scope of instrument

- i. It was emphasized by some countries that the instrument should be strictly in line with JA and TD of EANET, while some other countries mentioned that the instrument should also be flexible and open for future development of EANET.
- j. It was pointed out by some countries that the IG meetings authorized WGFD to discuss about the instrument, but not to discuss about scope of activities and monitoring substances of EANET. The issue of expanded activities of EANET and the addition of other monitoring substances would simply complicate the present situation and slow down the on-going discussion of the instrument. Some countries pointed out that WGFD should discuss the consolidated text of instrument based on the Ninth Session of the Intergovernmental Meeting (IG9) guidance and one country pointed out that the scope of instrument should be necessarily discussed as well.
- k. It was brought to the attention of the Session by one country that the instrument is to provide sound basis for contribution to EANET. All the discussions should be based on the present scope of EANET. The definition of EANET forms a basis for present discussion. Some countries expressed their intention not to use the definition of EANET as a basis of discussion and scope of instrument.

7. Financial arrangement

- l. It was stressed by one country that it is important to ensure that the instrument contains a mechanism for the formulation of rules for financial contributions in a flexible manner, in accordance with the work programs, capabilities of the participating countries and other conditions. It was also proposed to simplify the provisions on financial arrangement as much as possible.
- m. It was pointed out by a resource person that Option 3 of Article 15/Item 15 of the draft text of the instrument (EANET/WGFD 6/3/1) could be a useful basis for elaboration of financial rules in the future. It was also pointed out by one country that the content of the Option 3 is important to be included in the instrument.
- n. A preference was expressed by one country for a legally binding instrument with clear financial arrangement in Option 1 of Article 15 of the draft of the instrument (EANET/WGFD 6/3/1) based on current decision of EANET and discussions at the previous WGFD meetings. Other new options of this Article 15 may not be acceptable in the instrument to ensure financial contribution under the conditions of its national laws and budgetary regulations.

8. Others

- o. It was emphasized by some countries that it is important to continue current EANET activities. They also emphasized their preference to use the word "EANET" in the instrument. Some countries preferred not to use the word "EANET" to avoid any possible confusion.

17. The Session prepared a preliminarily revised draft text based on the discussions and decisions made on this agenda item. The revised draft includes 2 different structure of options, cited as Option A and Option B, to reflect all the comments from participating countries.

### **3.2 Review of the Draft Second Report for Policy Makers on EANET**

18 Discussions of major points on this topic included:

- It was clarified that RPM2 is one of the activities in the Strategy on EANET Development (2006-2010) for implementation during 2008-2009 and also included in the Work Program and Budget in 2008 for EANET approved by the Ninth Session of the Intergovernmental Meeting (IG9).
- It was pointed out that the establishment of the procedure for developing RPM2 and possible outline is very important.
- In response to the concerns expressed by some participating countries, it was clarified that the procedure to be followed are similar to the one for development and preparation of the First Report for Policy Makers and that a one-day workshop was planned in accordance with the Work Program and Budget in 2008.
- The concern was raised that the draft of RPM2 is too scientific for policy makers and that time may not be sufficient to finalize the RPM2 before IG10. The Secretariat will circulate the outline and the timetable for the preparation of this report and it requests inputs from all participating countries, after WGFD6.
- The presentation of the items, particularly the scientific and technical topics could be further improved and written in a manner more easily understandable by policy makers.
- It was suggested that a Table of Contents and numbering of main topics be included in the report.
- It was informed that the Scientific Advisory Committee will be continuously consulted from the very start of preparation of the report until its finalization.
- It was suggested to introduce the importance of the integrated assessment.
- The participating countries are requested to provide brief updates regarding their national activities and achievements.

### **3.3 Other Issues**

19. The Session discussed the possible outline of the report of the Working Group on Future Development on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET to be reported at the Tenth Session of the Intergovernmental Meeting (IG10) (EANET/WGFD 6/3/2).

20. The provisional agenda of IG10 (EANET/WGFD 6/3/3), including holding of possible High-level Segment (HLS) during IG10 was also discussed.

- It was suggested that review of the performance of EANET be undertaken and presented at IG10.
- The issue of HLS and RPM2 will be decided in consultation with the National Focal Points of the participating countries.

#### **IV OUTCOMES OF THE WGFD7**

##### **4.1 Consideration of the Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET and Consideration of the Draft Report of the Working Group on Future Development (WGFD) on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET**

21. The draft text was discussed paragraph by paragraph.

22. The Session prepared a revised draft text of Option A, attached as Annex 1 of this report, based on the discussions and decisions made by the Session.

23. Regarding option B, attached as Annex 2, one country elaborated on the development of the text of the instrument and reminded the Session of the different understanding of “a sound basis” for contribution. To facilitate the discussion and accommodate the strong desire of the Session to make one consolidated text of the instrument to submit to IG10, at the suggestion of the Chairperson, the Session requested the Secretariat to merge Option B into Option A.

24. It was suggested by the Chairperson to use some of the second page of Option B as an option 3 of Article 14 and some other parts of Option B into the Preamble of Option A.

25. The Secretariat was requested to send a consolidated text to National Focal Points/ Participants of the WGFD7 by 1<sup>st</sup> week of September 2008 for their consideration.

26. Taking into account the progress on the text of the instrument during the Session, the “Draft Report of the Working Group on Future Development (WGFD) on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET (EANET/WGFD

7/3/2)", to be presented at the Tenth Session of the Intergovernmental Meeting (IG10) in November 2008, was discussed.

27. Major points of the discussion were as follows:

- It was pointed out that the clear understanding of the terms "legally binding" or "non-legally binding" is necessary for each country. The Session agreed that careful steps should be taken in expressing and reporting the legal status of the instrument in this report.
- The Chairperson pointed out that procedures of adoption and implementation of legally binding instrument may be different in countries.
- It was suggested that the Report of the WGFD on the Text of the Instrument to IG10 should focus on contents and elements of the discussion in the sessions and that it should be summarized appropriately.
- It was also recommended that the report should identify issues that the WGFD agreed on and issues that could not be resolved in the discussion of the WGFD sessions.

28. The Secretariat was requested to prepare a timetable for the text of the instrument and WGFD Report to IG10 and the Session agreed on the timetable, attached as Annex 3.

#### **4.2 Consideration of the Report on the Progress of EANET since the Ninth Session of the Intergovernmental Meeting (IG9)\_**

29. Major discussions were as follows:

- It was suggested that it would be useful if the Secretariat and the NC could make comparison of the practices and reporting procedures on financial aspects of EANET with the ones of other international networks.
- It was clarified that the guidelines and procedures for the establishment of the Task Forces and Experts Group will be prepared by the SAC for consideration of the Intergovernmental Meeting (IG).
- Regarding the 4 priority projects approved by the IG9 for submission to potential funding organizations, it was suggested that the progress of these projects be reported.
- The Session was reminded that improvement of data quality and monitoring methodology should remain the priority for international cooperation.
- The Session was informed that China had made voluntary financial contributions of US \$30,000 for 2007 and 2008 to the Secretariat budget.
- Clarification was made regarding the Secretariat's actual expenditures on reporting cost and communications cost which are higher than the budget.
- It was also clarified that the higher expenditure for preparation of data report in 2007 for the NC was due to payment for editing of the Periodic Report on the State

of Acid Deposition in East Asia.

- It was explained that the reason why the JICA Training Course in 2008 involved only 4 countries was due to JICA budgetary constraints and prioritization of this course by countries. Japan requested the participating countries to give high priority to the JICA Area Focused Training Course on EANET in their future communications with the local JICA offices.
- The Session was informed that the audit of the Secretariat's Financial Report in 2007 is on-going and that the Audit Report will be submitted to the IG10 in November 2008.

#### **4.3 Consideration of the Draft Report on the Review of Performance of the Secretariat and the Network Center (2005-2007)**

30. Major points of the discussion during WGFD7 were as follows:

- The NC clarified that financial resources and human resources are insufficient to fully carry out its activities related to the Strategy on EANET Development (2006-2010).
- A question was raised on the situation on staff sent from participating countries to the NC and the NC informed that currently there is no staff sent from participating countries. It was suggested that the NC considers providing housing support for seconded staff due to high cost of living in Japan.
- It was suggested that the Secretariat and the NC conduct a comparative study regarding the salary and the number of staff with the practices of other organizations.
- The Secretariat was requested to include the action plan on its performance review.
- The NC was requested to include a sentence to inform of the new definition of the NC "core" and "additional budget" as adopted by the IG9.

#### **4.4 Consideration of the Draft Work Program and Budget in 2009 for EANET**

31. Discussions included the following major points:

- Regarding paragraph 5, the suggestion was made to add budget allocation to priority activities stated in the Strategy on EANET Development (2006-2010) at the end of the paragraph.
- Regarding paragraph 6, the following suggestions were made;
- Deletion of the phrase "subject to availability of resources".
- Insertion of the word "start" before the first two bullets.
- Deletion of bullets 4 and 6.
- The important activities funded by additional budget of the NC listed in paragraph 6 would be mentioned in a new paragraph under "Research Activities".
- It was agreed that another table comparing the core budget of the NC in 2007, 2008

and 2009 will be included.

- Clarification was requested regarding the Secretariat budget for the EANET meetings. The Secretariat will include explanation of the assumptions used for the preparation of the budget, to the extent reasonable.
- On paragraph 37, the word “early” should be deleted.
- Clarifications were provided on the budget for the high level segment.

#### **4.5 Consideration of the Activities of the Working Group on Future Development (WGFD) after 2008\_**

32. The Secretariat was requested to revise the document to include the following, for consideration by the IG.

- a) The tasks given to the WGFD which were not fully completed in the last two years;
- b) The tasks to be continued by the WGFD for the next two years; and
- c) The tasks to be done in line with the Strategy on EANET Development (2006-2010).

33. The Session agreed to the Activities of the WGFD after 2008 (Revised Draft) (EANET/WGFD 7/7rev.), attached as Annex 4.

**Annex 1**

**REVISED DRAFT TEXT OF THE INSTRUMENT  
TO PROVIDE A SOUND BASIS FOR CONTRIBUTION TO EANET**

**[REVISED OPTION A]**

*[Title*

[option 1: [Framework Agreement][Instrument] to Promote Cooperation for the [Prevention and Control][Management] of [Regional Air Pollution][Acid Deposition] in East Asia]  
[option 2: Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia]

The Participating Countries to this Instrument,

**Recognizing** that East Asia is facing increasing risks of problems related to [regional air pollution including acid deposition][acid deposition],

**Recalling** that Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992, stated that the experience of the programs on transboundary air pollution in Europe and North America needed to be shared with other regions of the world,

**Acknowledging** the successful operation of the preparatory-phase activities of the Acid Deposition Monitoring Network in East Asia (EANET), which was undertaken by ten countries in East Asia from 1998 to 2000, following the common understanding expressed at the First Intergovernmental Meeting, on 19-20 March 1998 in Yokohama, Japan,

**Recognizing** that EANET was established in January 2001 as an important initiative for regional cooperation, aiming at creating a common understanding on the state of acid deposition problems, at providing useful inputs to policy makers at various levels, and at contributing to cooperation on the issues related to acid deposition among the participating countries,

**Acknowledging** that thirteen countries in East Asia are participating in EANET and have been successfully working together to conduct acid deposition monitoring and to implement other activities for EANET, based on the Joint Announcement on Implementation of the Acid Deposition Monitoring Network in East Asia (JA) adopted by the participating countries and Tentative Design of EANET (TD) referred to in JA,

**Emphasizing** that activities of the cooperative network on the acid deposition [and other

regional air pollution] in East Asia under EANET has been developed by taking a step-wise approach by the participating countries on a voluntary basis,

**Recognizing** the need to promote cooperation for the [prevention and control][management] of [regional air pollution][acid deposition] in East Asia,

**Also recognizing** that the instrument should be simple, flexible, open for future development and be based on the JA, TD and other decisions of the participating countries,

Have agreed as follows:

#### [Article 1/Item 1]

##### Definitions

["EANET" means, for the purpose of Items 2 to [25], the cooperative network of the Participating Countries which aim to promote activities under this instrument building on Acid Deposition Monitoring Network in East Asia established in January 2001.]

[EANET means, for the purpose of this instrument, Acid Deposition Monitoring Network in East Asia.]

["Regional air pollution" means [air pollution including] acid deposition at the first stage with possible extension to other air pollution, which has regional implications as decided by the Participating Countries.]

["Management" means monitoring and other air pollution management activities as decided by the [Participating Countries.]

#### [Article 2/Item 2]

##### Objectives [and Scope]

The objectives and scope of this instrument are:

- (ア) to create a common understanding of the state of [regional air pollution][acid deposition] problems in East Asia;
- (イ) to provide useful inputs for decision-making at local, national and regional levels aimed at preventing or reducing adverse impacts on the environment caused by [regional air pollution][ acid deposition]; and
- (ウ) to contribute to cooperation on the issues related to [regional air pollution][ acid deposition] among the Participating Countries.

[The scope of the instrument may be extended to cover other regional air pollution, as decided by the Intergovernmental Meeting (IG).]

**[Article 3/Item 3]**

**Principles**

The Participating Countries will, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation to [prevent and control][manage] [regional air pollution][acid deposition].

The Participating Countries will be encouraged to take appropriate measures to anticipate, monitor [and prevent] [regional air pollution][acid deposition ]to minimize its adverse impacts, taking into account the precautionary principle.

The Participating Countries will promote active participation, and bilateral and multilateral cooperation for effective implementation of the activities under this Instrument.

**[Article 4/Item 4]**

**Monitoring and Reporting**

1. The Participating Countries will implement and strengthen their monitoring activities in line with this Instrument.
2. Each Participating Country will designate a national center, which is responsible for implementing the monitoring activities provided for in this Instrument.
3. Each Participating Country will develop and implement its national monitoring plan. Monitoring of acid deposition [and other regional air pollution] will be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the IG.
4. Each Participating Country will report the monitoring data and other relevant information to the Network Center (NC), in accordance with the guidelines adopted by the IG.
5. In order to obtain high quality monitoring data, the quality assurance/quality control (QA/QC) programs adopted by the Scientific Advisory Committee (SAC), will be implemented by the NC in full collaboration among the Participating Countries for monitoring activities under this Instrument.
6. The monitoring data and other information submitted by the Participating Countries will be compiled, stored and analyzed by the NC.
7. The data and other information compiled through the EANET activities will be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

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**[Article 5/Item 5]**

**Assessment**

The monitoring data and other information submitted by the Participating Countries will be analyzed, evaluated and assessed.  
Periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia will be prepared based on the data reports, disseminated and made available to the public.

**[Article 6/Item 6]**

**Research Activities**

1. The Participating Countries will promote studies on scientific issues related to [regional air pollution][acid deposition].
2. Research activities should be mutually reinforcing and supportive with existing regional, sub-regional and national initiatives in East Asia. Collaboration should be promoted with other international monitoring networks and programs.

**[Article 7/Item 7]**

**Education and Training**

The Participating Countries, in collaboration with the NC and the Secretariat, will promote and cooperate in developing and implementing education/training programs to implement this Instrument.

**[Article 8/Item 8]**

**Public Awareness**

The Participating Countries will promote and cooperate in:

- 1) development and implementation of public awareness programs on [regional air pollution][acid deposition]; and
- 2) improvement of public access to information on [regional air pollution][acid deposition] and its effects.

**[Option 1]**

**[Article 9/Item 9]**

**Exchange of Information**

The Participating Countries will promote and cooperate in the exchange of information related to [regional air pollution][acid deposition] including scientific, technological, technical, socio-economic and legal information as well as information on administrative measures,

]

**[Article 10/Item 10]****Intergovernmental Meeting**

1. An Intergovernmental Meeting is hereby established.

The IG, composed of the representatives of all Participating Countries, is the decision-making body of the EANET. The tasks of the IG include, among others, the following:

- a) review and approval of the work program and budget of the EANET, [taking into account amount of money available in the Fund];
- b) review of implementation of the work program;
- c) review and approval of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia;
- d) establishment of subsidiary bodies as necessary and appropriate;
- e) review and approval of scientific, technical, administrative and financial matters for the management of the EANET;
- f) adoption of the rules of procedures for the IG and subsidiary bodies, including the SAC;
- g) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;
- h) decision on other matters related to the management of the EANET and implementation of the work program; and
- [i) adoption of annexes, protocols and amendments to this Instrument.]

The IG will meet annually, unless otherwise decided.

**[Article 11/Item 11]****Secretariat**

1. [A Secretariat is hereby established.] [UNEP is designated as the Secretariat for this instrument by the Participating Countries.]

The Secretariat, designated by the IG for the effective management of the EANET and to facilitate cooperation among the Participating Countries in a transparent manner, will carry out the following tasks under the guidance of the IG:

- necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;
- necessary administrative and financial arrangements for managing the EANET;
- communication and cooperation in administrative and policy aspects as the focal point of the EANET;
- promotion of capacity building and public awareness in cooperation with the NC; and
- other necessary tasks as requested by the IG.

**[Article 12/Item 12]**

**Scientific Advisory Committee**

1. A Scientific Advisory Committee is hereby established.

The SAC, composed of scientific and technical experts from the Participating Countries, will advise and assist the IG with various scientific and technical matters related to EANET activities as mandated to it by the IG. These matters will include the following: scientific and technical aspects for EANET; development and revision of the monitoring guidelines and technical manuals; matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats; matters related to collection, evaluation, assessment and analysis of monitoring data; preparation of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia, based on, but not limited to the data compiled by the NC; matters related to studies on [regional air pollution][acid deposition]; and other scientific matters as requested by the IG.

If the Committee considers necessary for fulfilling its objectives, experts from countries other than the Participating Countries may be invited to assist the Committee.

**[Article 13/Item 13]**

**Network Center**

1. [A Network Center (NC) is hereby established.] [The Acid Deposition and Oxidant Research Center, based in Japan is designated as the NC for this instrument by the Participating Countries.]

The NC, to handle scientific and technical matters of the EANET activities, and to facilitate cooperation among the Participating Countries in a transparent manner, will carry out the following tasks under the guidance of the IG:

- central compilation, evaluation, storage and analysis of monitoring data and related information;
- preparation of data reports on [regional air pollution][acid deposition] in East Asia;
- dissemination of monitoring data and other relevant information;
- provision of technical assistance to the Participating Countries in implementing the EANET activities;
- implementation and coordination of QA/QC activities;
- development and implementation of education/training programs for those engaged in the EANET activities;
- implementation of research activities on [regional air pollution][acid deposition];
- provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;
- promotion of capacity building and public awareness in cooperation with the Secretariat; and
- other tasks as requested by the IG.

*[Option1]*

**[Article 14/Item 14]**

**Financial Arrangement**

1. A Fund is hereby established for the implementation of this Instrument.]
2. The administrative and operational cost of the national monitoring within each country will be borne by each country.
3. The administrative and operational costs of the Secretariat [and the NC core] activities will be financed by voluntary contributions by the Participating Countries, while efforts should be made to mobilize existing funding sources and seek new ones.
4. The voluntary financial contribution of the Participating Countries will be based on the flat rate amount and burden sharing according to the latest UN assessment scale. Contribution will be the minimum amount needed to operate the Secretariat [and the NC core] activities. The Participating Countries may provide additional financial and in-kind contributions on a voluntary basis.
5. Financial and in-kind contribution may be made by international and regional organizations, non-governmental organizations (NGOs) and other sources, subject to approval by the IG.

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*[Option2 (simplified)]*

**[Article 14/Item 14]**

**Financial Arrangement**

The administrative and operational cost of the national activities within each country will be borne by each country within the respective budgetary appropriations.  
Contributions will be paid in accordance with the respective laws and regulations and within the respective budgetary appropriations of each Participating Country, based on the financial rules and other relevant decisions adopted by the IG.

]

**[Item 15**

**Amendments**

- 7) Any Participating Country may propose amendments to the instrument after five years of the date of signature by the government of the Participating Countries.
- 8) The text of any proposed amendments to the instrument will be signed by the government of the Participating Countries. ]

**[Item 16**

**Withdrawal**

A Participating Country may withdraw from the [EANET] at any time by giving written notice of withdrawal to the Secretariat.]

**[Item 17**

**Admission**

Countries in East Asia, which includes Northeast Asia and Southeast Asia, not originally participating in the EANET, may subsequently submit to the Secretariat an application for participation, which is subject to approval by the IG.]

[The Instrument will be approved in accordance with national procedures of each of the participating countries and will become effective on the 30<sup>th</sup> day after the date of submission of diplomatic note [or other written notice] to the Secretariat indicating such approval.

In witness whereof the undersigned, being duly authorized thereto by their respective governments, have signed this Instrument.

Name of country, signature.... ]

Note: Article 15-24 are considered as specific for legally binding text.

**Article 15**

**Amendments**

1. Any Participating Country may propose amendments to the instrument after five years of the date of signature by the government of the Participating Countries.
2. [Five years later after the date of entry into force of the Agreement, the IG shall review the text of the Agreement and may propose amendments to the subsequent meeting, if necessary.]
- 9) The text of any proposed amendments to the Agreement [will be signed by the government of the Participating Countries] shall be communicated to the Parties by the Secretariat at least six months before a meeting of the IG at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Agreement.
- 10) Amendments shall be adopted by consensus of the representatives of the Parties at the meeting of the IG.  
[Amendments shall be adopted by two-thirds majority of the representatives of the parties present and voting at the meeting of the IG.]
- 11) The adopted amendments shall be communicated by the Secretariat to the Depository, who shall circulate it to all Parties for their acceptance.
- 12) The amendments shall enter into force for the Parties which have accepted it on the sixtieth day after the date on which [two-thirds] of the Parties have deposited their instruments of acceptance with the depository.
- 13) Thereafter, the amendments shall enter into force for any other Party on the sixtieth day after the date on which that Party deposits its instrument of acceptance of the amendment.

**[Article 16**

**Annexes**

2. Annexes to this Agreement shall form an integral part of the Agreement and, unless otherwise expressly provided, a reference to the Agreement constitutes at the same time a reference to the annexes thereto.
3. Annexes shall be adopted by consensus at the meeting of the IG.
4. Any Party may propose amendments to an Annex.
5. Amendments to an Annex shall be adopted by consensus at the meeting of the IG.
6. Annexes to this Agreement and amendments to Annexes shall be subject to acceptance. The Depository shall circulate the adopted Annex or the adopted amendment to an Annex to all Parties for their acceptance. The Annex or the amendment to an Annex shall enter into force on the thirtieth day after the deposit with the Depository of the instruments of acceptance of all Parties.]

**[Article 17  
Protocols**

The IG may, at any session, adopt protocols to the Agreement.

The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a session.

The requirements for the entry into force of any protocol shall be established by that instrument.]

**Article 18  
Signature**

The Agreement shall be opened for signature at [the United Nations Office at Bangkok] [from ## to ## ##### 2009] by [States][Countries] listed in Annex I.

**[Article 19  
Settlement of Disputes**

Any dispute between Parties as to the interpretation or application of, or compliance with, this Agreement or any protocol thereto, shall be settled amicably by consultation or negotiation]

**Article 20  
Ratification, Acceptance, Approval and Accession**

The Agreement shall be subject to ratification, acceptance, approval or accession by [States][Countries] [listed in Annex I]. It shall be open for accession by such [Member] [Participating] Countries from the day after the date on which the Agreement is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

**Article 21  
Entry into force**

- a) The Agreement shall enter into force on the sixtieth day after the deposit of the [seventh][ninth] instrument of ratification, acceptance, approval or accession.
- b) For each Party ratifying, accepting, approving or acceding to the Agreement after the deposit of the [seventh][ninth] instrument of ratification, acceptance, approval or accession, the Agreement shall enter into force on the sixtieth day after the deposit by such Party of its instrument of ratification, acceptance, approval or accession.

**Article 22  
Application for Accession**

Any country[ not listed in Annex I] may submit its application for accession to this Agreement to the Secretariat, which shall be subject to approval by the IG.  
Once its application is approved, the State may deposit its instrument of ratification, acceptance, approval or accession with the Depositary.

**Article 23**

**Withdrawal**

At any time after three years from the date on which the Agreement has entered into force for a Party, that Party may withdraw from the Agreement by giving written notification to the Depositary.

Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

**Article 24**

**Depositary**

[The Secretary-General of the United Nations] shall be the Depositary of the Agreement.

**Article 25**

**Authentic Text**

The present Agreement shall be drawn up in the English language, and shall be the authentic text.

]

**Annex 2**

**[OPTION B]**

*[Title*

Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia

The Participating Countries to this instrument,

**Recognizing** that East Asia is facing increasing risks of problems related to [acid deposition],

**Acknowledging** the successful operation of the preparatory-phase activities of the Acid Deposition Monitoring Network in East Asia (EANET), which was undertaken by ten countries in East Asia from 1998 to 2000, following the common understanding expressed at the First Intergovernmental Meeting, on 19-20 March 1998 in Yokohama, Japan.

**Recognizing** that EANET was established in January 2001 as an important initiative for regional cooperation, aiming at creating a common understanding on the state of acid deposition problems, at providing useful inputs to policy makers at various levels, and at contributing to cooperation on the issues related to acid deposition among the participating countries,

**Emphasizing** that activities of the cooperative network on the acid deposition in East Asia under EANET has been developed by taking a step-wise approach by the Participating Countries on a voluntary basis,

**Determined** to renew their commitment to continuing the activities of EANET as set out in Tentative Design,

**Recognizing** that the Intergovernmental Meeting of EANET composed of the representatives of all the participating countries, is the decision-making body of the Network and that it continues to exercise the functions as described in the Tentative Design,

**Expressing** their support for the work of the Secretariat of EANET as set out in the Tentative Design.

**Noting** also the work of the Scientific Advisory Committee and of the Network Center of EANET as set out in the Tentative Design,

**Recognizing** the importance of appropriate financial arrangement for the sound operation of the EANET with a view to sustaining the development of EANET and enhancing capacity building of acid deposition monitoring for all the participating countries of EANET,

Have thus decided to make financial contribution to the EANET.

#### **Objectives of the financial arrangement**

The objectives of this financial arrangement are

1. to provide a sound basis for financial contribution to EANET;
2. to help sustain the development of EANET;
3. to strengthen the financial arrangement mechanism of EANET;
4. to ensure sufficient financial resources to enhance capacity building on acid deposition monitoring for participating countries of EANET.

#### **Principles for financial contribution**

The participating countries will be guided by the following principles in the implementation of this instrument:

1. The use of financial contribution will produce effective outcome;
2. The related executive body will take necessary measures to improve efficiency of contribution;
3. All the participating countries are encouraged to make voluntary contribution to network;
4. Network will be open to financial and in-kind contribution from other source, including international and regional organization, NGO and etc subject to the approval of IG or National Focal Points.

#### **Contribution**

1. The contributions of the Participating Countries shall be in the form of voluntary contributions.
2. Contribution may be made in convertible currency, non-convertible currency, or in kind;
3. The voluntary contribution in cash will be deposited in a fund or other place by approval of participating countries;
4. The amount of financial contribution by the participating countries will be made in accordance of the IG decision.
5. All payments by the Participating Countries are encouraged, taking into account their economic and social circumstances, to contribute either on the basis of IG decision or above it or maintain their contributions at the top historical level.
6. The contribution refers to the contribution to the Secretariat at present stage, and the discussion of possible contribution to the Network Center would be made after reviewing its performance.

#### **Expenditure of contribution**

1. The contribution will be administered by the EANET Secretariat under the guidance of IG;
2. The core activities that will be covered by contribution should be agreed on by participating countries.
3. The use of the income from contribution should finance the activities of general interest.

**Supervision**

1. The annual financial report with specific format will be reported by the Secretariat to IG.
2. The financial efficiency of the Secretariat will be audited by the independent auditing agency and the Secretariat shall submit, as soon as practicable, the audited accounts for the financial period.

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**Annex 3**

**Timetable for the Text of the Instrument and WGFD Report to IG10**

- Text of the Instrument
  - Circulate/ send the merged text of Option A and B of Article/Item 14 to National Focal Points/WGFD members/participants of WGFD7: first week of September
  - Get response from countries: end of September
  - Revising the text by the Secretariat and send again to NFPs: end of October
  - Special Session of the WGFD: third week of November
  
- WGFD Report to IG10 on the Instrument
  - Second Draft to be sent to the countries/NFPs/Participants of WGFD7: middle of August
  - Comments from countries: middle of September
  - Third Draft to be sent to the countries: middle of October
  - Response by the countries: end of October
  - Fourth Draft to be sent to the countries: first week of November

**Annex 4**

EANET/WGFD 7/7 rev

**ACTIVITIES OF THE WORKING GROUP ON FUTURE  
DEVELOPMENT (WGFD) AFTER 2008  
(Revised Draft)**

1. In line with the decision at the Fifth Session of the Intergovernmental Meeting (IG5) on the Acid Deposition Monitoring Network in East Asia (EANET) held in Pattaya, Thailand, on 27-28 November 2003, the Working Group on Future Development of EANET (hereinafter referred to as the “WGFD”) was established on an ad hoc basis.
2. Upon the expiration of the Terms of Reference (TOR) of the WGFD for 2004-2006, adopted by the Sixth Session of the Intergovernmental Meeting (IG6), a new TOR for the WGFD was adopted in 2006 by the Eighth Session of the Intergovernmental Meeting (IG8) for the period 2007-2008.

**Progress in implementation of the tasks assigned to WGFD (2007-2008)**

3. The tasks assigned to the WGFD for 2007-2008 are to:
  - (ア) discuss and develop an appropriate instrument and its legal status to provide a sound basis for financial contribution for EANET and report the results of the discussion to the Tenth Session of the Intergovernmental Meeting (IG10) for its consideration;
  - (イ) review the performance of the Secretariat and the Network Center (NC) during the year 2005-2007, including the financial aspect, for future development of the EANET and submit the review report to the IG10 in 2008;
  - (ウ) guide the Secretariat and the NC to carry out capacity building activities; and
  - (エ) carry out other tasks requested by the Intergovernmental Meeting (IG)
4. Two Sessions of the WGFD were convened per year in 2007 and 2008. Task (i) is not fully completed as of July 2008. As requested by the Ninth Session of the Intergovernmental Meeting in November 2007, the WGFD will submit a Report of the Working Group on Future Development (WGFD) on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET, for consideration of the IG10, as stated in the IG Decision at its Seventh Session (Decision 1/IG7 (The Niigata Decision)).

**Proposal for continuation of the WGFD for the next 2 years**

5. There are still remaining tasks relating to future development of EANET after 2008 and the IG may wish to consider the continuation of the WGFD for the next two years to continue its tasks, under the guidance of the IG.

**Proposed tasks of WGFD (2009-2010)**

6. The tasks to be undertaken by the WGFD may include providing guidance on activities in line with the Strategy on EANET Development (2006-2010) including the preparation of two important documents for future development of EANET which are the Medium Term Plan (2011-2015) and the next Report of the WGFD for Future Development of EANET, if necessary.
7. The IG, may wish to consider the following tasks of the WGFD in 2009-2010, under the guidance of the IG:
  1. Review the performance of the Secretariat and the NC in the period 2008-2009;
  2. Guide the Secretariat and the NC to carry out capacity building activities;
  3. Review the implementation of the Strategy on EANET Development (2006-2010);
  4. Develop the next Medium Term Plan (2011-2015), in collaboration with the Scientific Advisory Committee (SAC);
  5. Prepare the next Report of the WGFD for Future Development of EANET, if necessary; and
  6. Carry out other tasks as requested by the IG.

The IG10 Session may wish to consider and make a decision on the future name, roles and status of the WGFD.

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