

Working Draft as of 12 October 2015

**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 THE SECRETARIAT TO THE ACID DEPOSITION MONITORING
NETWORK IN EAST ASIA (EANET)**

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 the United Nations Environment Assembly Resolution 1/7. *Strengthening the role of the United Nations Environment Programme in promoting air quality* Recalled with appreciation the important contributions that initiatives such as the Acid Deposition Monitoring Network in East Asia have made to sharing information and best practices and called on the Executive Director of UNEP "To facilitate the operation of existing United Nations Environment Programme-supported intergovernmental programmes on the assessment of air quality issues";

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 (the Kingdom of Cambodia, the People's Republic of China, the Republic of Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Korea, the Russian Federation, the Kingdom of Thailand and the Socialist Republic of Viet Nam;

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, which was signed by all EANET participating countries during and after the 12th Session of the Intergovernmental Meeting of EANET, in November 2010;

WHEREAS UNEP and EANET (hereinafter collectively referred to as "Parties") share

common objectives with regard to air quality and wish to collaborate to further these common goals and objectives within their respective mandates and governing rules and regulations;

WHEREAS EANET Decision 1/IG.15, of the 15th Session of the Intergovernmental Meeting of EANET, held in December 2013 affirmed UNEP as the Secretariat for EANET and requested that the Parties modify 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 the Secretariat to EANET;

WHEREAS the Parties intend to conclude the present Framework with the aim of consolidating, developing and detailing their cooperation and effectiveness to achieve the common objectives in the field of air quality;

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

1. Interpretation

(1) The implementation of any projects programmes and activities pursuant to this Framework and requiring the transfer of funds from the Secretariat, shall necessitate the execution of appropriate legal instruments.

(2) This Framework represents the complete understanding between the Parties and supersedes all prior agreements, communications and representations, whether oral or written, concerning the subject matter of this Framework.

(3) Any Party's failure to request implementation of a provision of this Framework shall not constitute a waiver of that or any other provision of this Framework Agreement.

2. Duration

(1) This Framework shall be effective upon the last date of signature of the approving officials and, unless terminated in accordance with Article 10 below, shall remain in force for five years with reviews by the Parties taking place every two years,

3. Purpose

(1) The purpose of this Framework is to provide a framework of cooperation and understanding for the provision by UNEP of the Secretariat of EANET.

4. Areas of cooperation and organization of the cooperation

(1) UNEP shall assume the role of the Secretariat of EANET as follows:

- (i) UNEP will provide the Secretariat function following the Decision 1/IG.15 of the 15th Session of Intergovernmental Meeting of EANET, held in December 2013, affirming UNEP as the Secretariat, as endorsed by the UNEP governing body,

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and in consultation with the EANET participating countries, in line with the work programmes adopted by the Intergovernmental Meeting of EANET (hereinafter referred to as "IG");

- (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 line with the UN financial regulations and rules and in accordance with the annual work programme and budget approved by the IG of EANET;
- (iv) The Coordinator of the EANET will be hired by UNEP in accordance with the applicable UN regulations, rules and procedures under Terms of Reference taken note of by the IG of EANET.
- (v) The Performance Assessment of the Coordinator will be conducted by UNEP in accordance with the applicable UN regulations, rules, administrative issuances and procedures; and
- (vi) In line with Decision 1/IG.15, certain services will be implemented through AIT/RRC.AP, as considered appropriate by UNEP and under supervision of UNEP

(2) In accordance with the applicable UN regulations, rules, procedures and practices, UNEP will specifically ensure that the Secretariat fulfills the following functions for the effective management of EANET and to facilitate cooperation among participating countries in a transparent manner.

- (i) Necessary administrative arrangements for the meetings of the IG , the Scientific Advisory Committee, and its subsidiary bodies;
- (ii) Necessary administrative and financial arrangements for managing the 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, hereafter referred to as NC(s)
- (vi) Communication and cooperation with the NC(s), and
- (vii) Other necessary tasks as requested by the IG, and in accordance with the applicable UN regulations, rules and procedures.

(3) UNEP will ensure that the 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 of the EANET participating countries.

(4) UNEP will ensure that the Secretariat provides the information required by the participating countries, the IG, the Scientific Advisory Committee, and other EANET subsidiary bodies as defined by the Secretariat functions and the mandate of UNEP.

(5) The IG of EANET will approve its work programme and budget and take actions to secure

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necessary financial resources for the Secretariat's implementation of its functions and the relevant EANET activities in each calendar year, in accordance with applicable UN regulations and rules.

5. Fundraising

(1) To the extent permitted by the Parties' respective regulations, rules and policies, and subject to sub-article 2, the Parties may engage in fundraising from the public and private sectors to support the activities, projects and programmes to be developed or carried out pursuant to this Framework.

(2) Neither Party shall engage in fundraising with third parties in the name of or on behalf of the other, without the prior express written approval of the other Party in each case.

6. Audits

(1) Periodic audits of the Secretariat's operations and activities shall be undertaken in accordance with the applicable United Nations regulations and rules.

7. United Nations Privileges and Immunities

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

8. Dispute Settlement

(1) The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this Framework. Where the Parties wish to seek such amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then prevailing, or according to such other procedure as may be agreed between the Parties.

(2) Any dispute, controversy arising out of this Framework which is not settled amicably in accordance with the foregoing may be referred by either Party to arbitration in accordance with the UNCITRAL Arbitration Rules then in force. The Arbitration Tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

9. Notification and Amendments

(1) Each Party shall promptly notify the other in writing of any anticipated or actual material changes that will affect the execution of this Framework.

(2) The Parties may amend this Framework by mutual written agreement, which shall be appended to this Framework and shall become an integral part thereof.

10. Termination and final provision

(1) In the event one of the Parties wishes to terminate this Framework it will notify the other

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Party, and the Parties will negotiate the best way to terminate it allowing the orderly completion of any ongoing activity or pending rights and obligations under this Framework, and the closure or transfer of the Secretariat, as applicable.

(2) This Framework supersedes the Framework on the Establishment of the Secretariat of the Acid Deposition Monitoring Network in East Asia (EANET) signed between the Parties on 3 July 2002.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties affix their signatures below.

For United Nations Environment Programme For EANET

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Name: Achim Steiner
Title: Executive Director

Name:
Title: Chairperson of the Intergovernmental Meeting of the EANET [on behalf of the EANET participating countries]

Date:

Date:

Parties' initials: