

The Sixth Session of the Working Group
on Future Development of EANET
9-11 April 2008, Pattaya, Thailand

REPORT OF THE SESSION

I. Introduction

1. The Working Group on Future Development (WGFD) of the Acid Deposition Monitoring Network in East Asia (EANET) held its Sixth Session in Pattaya, Thailand on 9-11 April 2008.
2. Representatives of Cambodia, China, Indonesia, Japan, Lao PDR, Malaysia, Mongolia, Myanmar, Philippines, Republic of Korea, Russia, Thailand, and Viet Nam participated in the Session. The representatives of the Secretariat and the Network Center (NC) for EANET, as well as experts from the United Nations Environment Programme, Regional Office for Asia and the Pacific (UNEP, ROAP) and Kanazawa University also attended the Session. The List of Participants is attached as Annex I.

II. Opening of the Meeting (Agenda Item 1)

3. The Session was opened by Mr. Hiroshi Nishimiya, Deputy Regional Director of UNEP, ROAP. He highlighted the importance of environmental sustainability and the key message on the role of policy makers, interlinkages of climate change and air pollution and need for co-benefit approach.

III. Adoption of the Agenda (Agenda Item 2)

4. The Session adopted the Agenda (EANET/WGFD 6/2/1) as proposed by the Secretariat, with modifications.

IV. Consideration of the Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET (Agenda Item 3)

5. The Secretariat made a presentation on the Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET (EANET/WGFD 6/3/1). The Session was invited to review the draft text of the instrument, to discuss, to make comments and to provide suggestions/guidance on the draft.

6. Major points of the discussion included:

a) General discussion

- 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.
- The title of the text of the instrument will be decided at the later stage.
- 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.

b) Components of the instrument

- 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.
- 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.
- 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.
- 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.

c) Legal status

- 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.

d) Scope of instrument

- 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.
- 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.

- 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.

e) Financial arrangement

- 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.
- 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.
- 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.

f) Others

- 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.

7. The Session prepared a preliminarily revised draft text (attached as Annex 2 of this report), 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.

V. Review of the Draft Second Report for Policy Makers on EANET (Agenda Item 4)

8. The Secretariat made a presentation on the preliminary draft of the Second Report for Policy Makers on EANET (RPM2) (EANET/WGFD 6/4). The Secretariat informed that a consultant has been engaged to assist the Secretariat and NC in the preparation of the report

and that this is one of the important initial steps on this process. The Session was invited to discuss, to make comments on and to provide suggestions and contributions to the preliminary draft.

9. 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.

VI. Other Issues (Agenda Item 5)

10. 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).
11. Major discussions on this topic included:
- “Financial arrangement” will be added to the items.
 - “Scope of substances” and “Scope of activities” shall be merged to one item: “Scope of the instrument”.
 - It was requested that the report should be endorsed by the WGFD Session and not through Internet communication. In response, two options, to convene a one-day special

session just before IG10, and extension of WGFD7 to four days were suggested. If financial resources are available, the special session would be preferred.

- The revised outline of the report is attached as Annex 3 of this Report of the Session and the participating countries are invited to submit additional comments to the Secretariat.
12. The provisional agenda of IG10 (EANET/WGFD 6/3/3), including holding of possible High-level Segment (HLS) during IG10 was also discussed.
 13. Major discussions on this topic included:
 - It was agreed that IG10 would endorse the Report on the Review of Performance of the Secretariat and NC rather than approve the report.
 - It was also suggested to move the timing of the HLS to the latter part of the agenda.
 - In response to the questions on the HLS, it was clarified that detailed provisional agenda and schedule will be circulated to the National Focal Points by the end of April 2008.
 - 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.
 14. The preliminarily revised draft text of the instrument reflecting the discussions at the Session was distributed. The participating countries were encouraged to submit further comments to the Secretariat preferably before the end of June 2008.

VII. Consideration and adoption of the Report of the Session (Agenda Item 6)

15. The Report of the Session (EANET/WGFD 6/6) was adopted.

VIII. Closing of the Session (Agenda Item 7)

16. The Session was officially closed by the Chairperson.

Annex 1

List of Participants

Participating Countries

Cambodia

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Thailand

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Secretariat

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Annex 2

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

[OPTION A]

[Title

[option1: [Framework Agreement][Joint Declaration][Agreement] to Promote Cooperation for the [Prevention and Control][Management] of [Regional Air Pollution][Acid Deposition] in East Asia]
[option 2: Agreement on [acid deposition][regional air pollution] in East Asia]
[option 3: Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia]

The [Parties][Participating Countries] to this [Agreement][Joint Declaration],

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[, and that currently, thirteen countries in East Asia are participating in EANET and have been working together to conduct acid deposition monitoring and implemented other activities for EANET],

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** the guidance of the Intergovernmental Meeting that the instrument should be simple, flexible, open for future development and be based on the Joint Announcement, Tentative Design and include other decisions of the IG,]

Have [agreed][declared] as follows:

[[Article 1][Item 1]

Definitions

[“Party” means a Party to this Agreement, unless the Agreement otherwise provides.]

[“Participating Country” means.....]

[“East Asia” means]

[“Acid Deposition” means....]

[“EANET” means....]

[“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 [Parties][Participating countries].]

[“Management” means monitoring and other air pollution management activities as decided by the [Parties][Participating countries].]

[Article 2][Item 2]

Objectives

The objectives of this [Agreement][Joint Declaration] are:

- 1) to create a common understanding of the state of [regional air pollution][acid deposition problems] in East Asia;
- 2) 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
- 3) to contribute to cooperation on the issues related to [regional air pollution][acid deposition] among the [Parties][Participating Countries].

[[Article 3][Item 3]

[General Obligations][Principles]

1. The [Parties][Participating Countries] [shall][should][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]
2. The [Parties][Participating Countries] [shall][should][will] [be encouraged to] take appropriate measures to anticipate, monitor and [prevent][regional air pollution] to minimize its adverse

impacts[, taking into account the precautionary principle]. [Where there are threats of serious or irreversible damage from [regional air pollution], even without enough scientific certainty, precautionary measures shall be taken by the [Parties][Participating Countries] concerned].

3. The [Parties][Participating Countries] [shall][should][will] promote active participation, and bilateral and multilateral cooperation for effective implementation of the activities under the [Agreement][Joint Declaration].]

[Option 1

[Article 4][Item 4]

Monitoring and Reporting

1. The [Parties][Participating Countries] [shall][will] implement and strengthen their monitoring activities in line with this [Agreement][Joint Declaration].
2. Each [Party][Participating Country] [shall][will] designate a national center, which is responsible for implementing the monitoring activities provided for in the [Agreement][Joint Declaration].
3. Each [Party] [Participating Country] [shall][will] develop and implement its national monitoring plan. Monitoring of acid deposition [and other regional air pollution] [shall][will] be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the Intergovernmental Meeting (IG), referred to in [Article 10][Item 10].
4. Each [Party][Participating Country] [shall][will] report the monitoring data and other relevant information to the Network Center (NC), referred to in [Article 13][Item 13], 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), referred to in [Article 12][Item 12], [shall][will] be implemented in full collaboration among the [Parties][Participating Countries] for monitoring activities under the [Agreement][Joint Declaration].
6. The monitoring data and other information submitted by the [Parties][Participating Countries] [shall][will] be compiled and stored by the NC.
7. The data and other information compiled through [EANET activities][activities under the [Agreement][Joint Declaration]] [shall][may][should] be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

]

[Option 2

[[Article 4]][Item 4]

Monitoring and Reporting

The [Parties][Participating Countries] [shall][will] implement and strengthen their monitoring activities [in line with the Tentative Design with its subsequent revisions as agreed by the [Parties][Participating Countries].

]

[Article 5][Item 5]

Assessment

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

[Article 6][Item 6]

Research Activities

1. The [Parties][Participating Countries] [shall][should][will] promote studies on scientific issues related to [regional air pollution][acid deposition] [including studies on emission inventories and modeling].
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 [Parties][Participating Countries], in collaboration with the NC and the Secretariat, [shall][should][will] promote and cooperate in developing and implementing education / training programs to implement this [Agreement][Joint Declaration].

[Article 8][Item8]

Public Awareness

The [Parties][Participating Countries] [shall][should][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.

[Option1]

[Article 9][Item 9]

Exchange of Information

The [Parties][Participating Countries] [shall][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.

]

[Option2: The provision of “Exchange of Information” is integrated in [Article 10][Item 10], presented as para. 2.a).]

[Article 10][Item 10]

Intergovernmental Meeting

1. An Intergovernmental Meeting is hereby established.]
2. The IG, composed of the representatives of all [Parties] [Participating Countries], is the decision-making body of the [EANET][Agreement][Joint Declaration]. The tasks of the IG include, among others, the following:
 - a) 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;]
 - b) review and approval of the work program and budget [of the EANET] [for implementation of the [Agreement][Joint Declaration]], taking into account amount of money available in the Fund];
 - c) review of implementation of the work program;
 - d) review and approval of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia;
 - e) establishment of subsidiary bodies as necessary and appropriate;
 - f) review and approval of scientific, technical, administrative and financial matters for the management of the [EANET][Agreement][Joint Declaration];
 - g) adoption of the rules of procedures [and financial rules] for the IG and subsidiary bodies, including the SAC;
 - h) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;
 - i) decision on other matters related to the management of the [EANET][Agreement][Joint Declaration] and implementation of the work program; and
 - j) adoption of annexes, protocols and amendments to this [Agreement][Joint Declaration].
3. The IG [shall][will] meet annually, unless otherwise decided.

[Article 11][Item 11]

Secretariat

- [1. A Secretariat is hereby established.]
2. The Secretariat, designated by the IG for the effective management of the [EANET][Agreement][Joint Declaration] and to facilitate cooperation among the [Parties][Participating Countries] in a transparent manner, [shall][will] carry out the following tasks under the guidance of the IG:
 - a) necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;
 - b) necessary administrative and financial arrangements for managing the [EANET][Agreement][Joint Declaration];
 - c) communication and cooperation in administrative [and policy] aspects as the focal point of the [EANET][Agreement][Joint Declaration];
 - d) promotion of capacity building and public awareness in cooperation with the NC; and
 - e) other necessary tasks as requested by the IG.

[Article 12][Item 12]

Scientific Advisory Committee

- [1. A Scientific Advisory Committee is hereby established.]
2. The SAC, composed of scientific and technical experts from the [Parties][Participating Countries], [shall][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 [shall][will] include the following:
 - a) scientific and technical aspects of the monitoring strategies [for EANET];
 - b) development and revision of the monitoring guidelines and technical manuals;
 - c) matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats;
 - d) matters related to collection, evaluation, assessment and analysis of monitoring data;
 - e) preparation of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia[, based on the data report compiled by the NC];
 - f) matters related to studies on [regional air pollution][acid deposition]; and
 - g) other scientific matters as requested by the IG.
3. If the Committee considers necessary for fulfilling its objectives, experts from countries other than the [Parties] [Participating Countries] may be invited to join the Committee.

[Article 13][Item 13]

Network Center

- [1. A Network Center is hereby established.]
2. The NC, to handle scientific and technical matters of [EANET activities][activities under the [Agreement][Joint Declaration]], and to facilitate cooperation among the

[Parties][Participating Countries] in a transparent manner, [shall][will] carry out the following tasks under the guidance of the IG:

- a) central compilation, evaluation and storage of monitoring data and related information;
- b) preparation of data reports on [regional air pollution][acid deposition] in East Asia;
- c) dissemination of monitoring data and other relevant information;
- d) provision of technical assistance to the [Parties][Participating Countries] in implementing [EANET activities][activities under the [Agreement][Joint Declaration]];
- e) implementation and coordination of QA/QC activities;
- f) development and implementation of education/training programs for those engaged in [EANET activities][activities under the [Agreement][Joint Declaration]];
- g) implementation of research activities on [regional air pollution][acid deposition];
- h) provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;
- i) promote capacity building and public awareness in cooperation with the Secretariat; and
- j) 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 [Agreement][Joint Declaration.]
2. The administrative and operational cost of the national monitoring within each country [shall][will] be borne by each country.
3. The [Parties][Participating Countries] [shall][will] make [voluntary] contribution to the fund [in accordance with the decision of the IG].
4. The voluntary financial contribution of the [Parties][Participating Countries] [shall][will][may] be based on the flat rate amount and burden sharing according to the latest UN assessment scale[,unless otherwise decided by the IG]. Contribution [shall][will][may] be the minimum amount needed to operate the Secretariat and NC core activities. The [Parties][Participating countries] may provide additional financial and in-kind contributions on a voluntary basis.
5. [International and regional organizations, non-governmental organizations (NGOs) and other sources may provide financial and in-kind contribution, subject to the [agreement of][approval by] the IG].

]

[Option2 (simplified)]

[Article 14][Item 14]

Financial Arrangement

1. The administrative and operational cost of the national activities within each country [shall][will] be borne by each country within the respective budgetary appropriations.
2. Contributions [shall][will] be paid in accordance with the respective laws and regulations and

within the respective budgetary appropriations of each [Party][Participating Country], based on the financial rules and other relevant decisions adopted by the IG.

]

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

Article 15
Amendments

1. Any Party may propose amendments to the Agreement.
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.]
3. The text of any proposed amendments to the Agreement 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.
4. 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.]
5. The adopted amendments shall be communicated by the Secretariat to the Depository, who shall circulate it to all Parties for their acceptance.
6. 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.
7. 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

1. 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.
2. Annexes shall be adopted by consensus at the meeting of the IG.
3. Any Party may propose amendments to an Annex.
4. Amendments to an Annex shall be adopted by consensus at the meeting of the IG.
5. 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

1. The IG may, at any session, adopt protocols to the Agreement.
2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a session.
3. 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 Depository.

Article 21

Entry into force

1. The Agreement shall enter into force on the sixtieth day after the deposit of the [seventh][ninth] instrument of ratification, acceptance, approval or accession.
2. 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

1. 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.
2. Once its application is approved, the State may deposit its instrument of ratification, acceptance, approval or accession with the Depository.

Article 23

Withdrawal

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

Article 24

Depository

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

Article 25

Authentic Text

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

Note: Item 15-16 are specific for non-legally binding text.

[Item 15

Withdrawal

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

[Item 16

Admission

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

[[Annex I] [Participating] Countries]

Cambodia

China

Indonesia

Japan

Lao People's Democratic Republic

Malaysia

Mongolia

Myanmar

Philippines

Republic of Korea

Russian Federation

Thailand

Viet Nam]

]

[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.

]

Annex 3

**Report of the Working Group on Future Development (WGFD) for the Tenth
Session of the Intergovernmental Meeting of EANET (IG10) on the Instrument to
Provide a Sound Basis for Contribution to EANET**
(Revised draft outline)

I. Introduction

- Background
- Terms of Reference of the WGFD

II. Major discussions on the Text of the Instrument

Major discussions on the following topics will be included:

- Components of the Instrument
- Legal status of the Instrument
- Scope of the Instrument
- Financial arrangement
- Others

III. Proposed Text of the Instrument

IV. Issues for consideration by IG10