

Tenth Session of the Intergovernmental Meeting
on the Acid Deposition Monitoring Network in East Asia
20-21 November 2008, Chiang Mai, Thailand

REPORT OF THE SESSION

Introduction

1. The Intergovernmental Meeting (IG) on the Acid Deposition Monitoring Network in East Asia (EANET) held its Tenth Session in Chiang Mai, Thailand on 20 and 21 November 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. Experts from the following international organizations, etc., attended: United Nations Economic Commission for Europe (UN/ECE), United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), and Kanazawa University. Some resource persons and observers also attended the Session. The List of Participants is attached as Annex 1.

Opening of the Session (Agenda item 1)

3. The Session was opened by the Secretariat. On behalf of the Secretariat, Mr. Mylvakanam Iyngararasan, UNEP Regional Resource Center for Asia and the Pacific (UNEP RRC.AP), delivered the opening address. He emphasized the importance of prevention and control of air pollution to address local, regional, and global concerns on the issue of acid deposition. He also referred to the need to continue monitoring and impact assessment, to provide a sound basis for decision making.
4. Ms. Nisakorn Kositratna, Deputy Permanent Secretary, Ministry of Natural Resources and Environment of Thailand, delivered the Welcome Remarks. She stressed that air pollution, including acid deposition, has been a major concern, expressed the need to continue working together as a unified group in dealing with the problem, and expressed Thailand's intention to continue actively cooperating with and supporting EANET.

Election of Officers (Agenda item 2)

5. The Session elected Ms. Nisakorn Kositratna, as Chairperson of the Session, Mr. Satoshi Tanaka, Director, Global Environmental Issues Division, Global Environmental Bureau, Ministry of the Environment, Japan, was elected as Vice-Chairperson. Mr. Ngoun Kong, Deputy Director General, Ministry of Environment, Cambodia, was elected as Rapporteur.

Adoption of the Agenda (EANET/IG 10/3/1) (Agenda item 3)

6. The Session adopted the proposed agenda.

Consideration of the Report of the Working Group on Future Development (WGFD) on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET (Agenda item 4)

7. The Secretariat presented the WGFD Progress Report on the Instrument to Provide a Sound Basis for Contribution to EANET (EANET/IG 10/4). The Session was invited to consider and make comments on the document and to provide guidance for further actions.

8. The views and comments expressed by the participants included:

- The Session was reminded that even without an Instrument, some countries can and have made financial contributions.
- The view was expressed that the discussion of signature of an Instrument before reaching agreement on the text of the Instrument was not appropriate.
- One of the objectives of an Instrument is to enable the participating countries to contribute financially. If it is an Instrument with signature, some countries will find it easier to secure financial contributions from their governments for EANET.
- Recognizing that national procedures required to obtain signature on the Instrument could be different from country to country and depending on the level of the signer, it was suggested that, if necessary, participating countries closely consult with their relevant authorities on this issue on the basis of the text of the Instrument developed by IG10 (Annex 2 to this report), and if necessary, bring appropriate representatives from those authorities to future EANET meetings.
- The view was expressed that there are three options for an Instrument: one without signature, one with signature but without ratification, and one with both signature and ratification procedures. The first option is essentially no different from the current status (with EANET's status based on documents titled "Joint Announcement on the Implementation of the Acid Deposition Monitoring Network in East Asia (EANET) (JA)" and "Tentative Design of the Acid Deposition Monitoring Network in East Asia (EANET) (TD)") and some countries find the third option to be difficult to achieve. Thus, the only realistic choice is the second option.
- The view was expressed that the legal status of an Instrument and signature on an Instrument should be treated as two different issues, and that if a government signs an Instrument, it would be considered to be a government commitment. Meanwhile, if the Instrument is not intended to be legally binding, it should not stipulate EANET's institutional structures, or it does not require any signature.
- A country expressed the view that if the text of the Instrument was signed by a designated representative it means that the document has legal status.
- A legal expert informed the Session that a mere signature of an Instrument would not constitute a commitment on behalf of the government signing it, unless the Instrument goes through the ratification process. However, the signature will mean that the country cannot go against the spirit of the Instrument.

- A view was expressed that if the Instrument is not legally binding, it is not appropriate to establish bodies under the Instrument.
 - Some countries expressed the view that the Instrument should not be legally binding. Another view expressed was that whether the Instrument is legally binding or not, the most important point is that the Instrument actually will enable countries to secure financial contributions and achieve the objectives of the EANET.
 - Regarding the scope of EANET activities, the thirteen countries participating in EANET are at different stages of development (of EANET activities) and technical capacity, and many countries still have much room for improvement in terms of monitoring. The view was expressed that EANET should not expand its scope of activities until the network's monitoring activities have improved further, while another view was expressed that EANET could expand its scope of activities even while continuing to improve monitoring activities.
 - Regarding the substances addressed by EANET, the Session noted that Technical Documents for Acid Deposition Monitoring in East Asia, approved at the Second Session of the Intergovernmental Meeting (IG2), describe the required parameters for acid deposition monitoring in EANET quite broadly, and that ozone and particulate matter (PM) are already included. Some countries expressed the view that it may not be necessary to expand the scope of substances now, but that EANET may wish to consider doing so in the future.
9. Recalling that one of the main objectives of the Instrument is to enable the participating countries to make financial contributions to EANET, most of the participating countries indicated their preference for an Instrument for signature by representatives of the governments of the participating countries without ratification. The Session provided guidance to the WGFD that the Instrument needs to be formulated for signature of the designated representatives of the governments or competent authorities of the participating countries.
10. The Session agreed to use the phrase “to monitor, [prevent and reduce [regional air pollution] [acid deposition]]” in the Preamble, Para 1 and 2 of Article 3/Item 3 Principles. The Session noted that paragraph 6 of the JA was referred to many times during the discussion. The view was expressed by some countries that it should be used as one of the bases for further discussions on the scope of activities.
11. The Session also agreed that the Secretariat will be responsible for overall financial reporting to the IG, although the NC and the Secretariat handle their own respective day-to-day financial operations. The IG will decide on procedures for both the Secretariat and the NC to receive financial contributions from participating countries.
12. The Session decided to task the WGFD to further develop the Instrument in accordance with the conclusions of this meeting, and to consider and suggest any procedures necessary to obtain the said signatures.

13. The latest version of the “Revised Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET,” incorporating the outcome of the discussions at IG10, is attached as Annex 2.

Consideration of the Activities of the Working Group on Future Development (WGFD) after 2008 (Agenda item 5)

14. The Secretariat presented a report titled “Activities of the Working Group on Future Development (WGFD) after 2008” (EANET/IG 10/5). The Session was invited to review and endorse the document and adopt the Terms of Reference of the Working Group on Future Development on EANET (2009-2010).
15. Major views and comments expressed by the participants were as follows:
 - For nomination of appropriate persons for the WGFD, the Secretariat should consider sending invitation letters to high-level officials rather than the National Focal Points (NFPs) of the participating countries.
 - While budgetary constraints limit the number of participants that can be supported by the Secretariat, the number of participants in the WGFD may not need to be limited to two for each country.
16. It was clarified that the officers will remain in office until their successors are elected, as provided for in the “Rules of Procedure for EANET,” adopted by the Third Session of the Intergovernmental Meeting (IG3) in 2001.
17. The Session endorsed the report (EANET/IG 10/5) and adopted the “Terms of Reference of the Working Group on Future Development (WGFD) on the Acid Deposition Monitoring Network in East Asia (EANET) 2009-2010” (Annex 3), with modifications that were discussed during the Session, especially related to the Instrument to Provide a Sound Basis for Contribution to EANET.

Review of the Report on the Progress of EANET since the Ninth Session of the Intergovernmental Meeting (IG9) and Financial Report of the Secretariat and the Network Center in 2007 (Agenda item 6)

18. The Secretariat and the NC made presentations on the “Report on the Progress of EANET since the Ninth Session of the Intergovernmental Meeting (IG9)” (EANET/IG 10/6/1). The “Financial Report of the Secretariat and the Network Center in 2007” (EANET/IG 10/6/2) was included in the presentation. The Session was invited to review and endorse the reports, and provide guidance.

19. Major discussions were as follows:

- Clarifications were made on the definitions of the NC core and additional budgets, and on the information to be reported to the IG in relation to these budgets.
- It was requested that the Secretariat send information to the NFPs in a timely manner, and also that the Secretariat maintain close communication with the NFPs for any matters relating to EANET within each country.
- Regarding the JICA Third Country Training Course on Acid Deposition, it was clarified that the Training Course is implemented by JICA, and that there are limits on what actions the NC can take. The NC, in communication with JICA and the Environmental Research and Training Center (ERTC) in Thailand, will continue providing the related information to the NFPs in a timely manner.
- Appreciation was expressed to Cambodia, Malaysia, Mongolia and Thailand for their new financial contributions to the NC core budget, and participating countries were invited to make further voluntary contributions to EANET activities.

20. The Session endorsed both reports.

Consideration and Endorsement of the Outcomes of the Eighth Session of the Scientific Advisory Committee (SAC8) (Agenda item 7)

21. On behalf of the Chairperson of the Scientific Advisory Committee (SAC), the NC presented a report titled “Outcomes of the Eighth Session of the Scientific Advisory Committee (SAC8)” (EANET/IG 10/7). The Session was invited to make comments, provide guidance, and to adopt or endorse certain items.

22. Guidance from the Session was as follows:

- In response to SAC’s mention that there was a decision to change the name of the “Task Force on Dry Deposition Monitoring” to “Task Force on Air Quality Monitoring and Dry Deposition,” the Session suggested that SAC reconsider the renaming as “Task Force on Monitoring for Dry Deposition,” and make related modifications to the Terms of Reference of this task force.

23. The Session approved the “Procedures for Establishing Task Forces and Expert Groups Under the Scientific Advisory Committee of EANET (DRAFT)” (Annex 2 of EANET/IG 10/7), and the “Terms of Reference of the Task Forces and Expert Groups (Draft)” (Annex 4 of IG10 Report of the Session), subject to the revisions stated above.

24. The Session endorsed the three high-priority research projects proposed by SAC (Annex 1 of EANET/IG 10/7).

25. IG9 had requested that SAC reconsider its proposal to establish two expert groups. SAC reported to the Session that it had decided not to pursue the establishment of an “Expert Group to Review Substances to be Monitored,” and that it will consider establishment of an “Expert

Group on Promotion of Emission Inventories and Modeling Activities” at a later date. The Session took note of this response.

26. Subject to the points stated above, the Session endorsed the report “Outcomes of the Eighth Session of the Scientific Advisory Committee (SAC8)” (EANET/IG 10/7).
27. The Session applauded the NC’s announcement that the inaugural edition of the “EANET Science Bulletin” (Vol. 1) had been published in November 2008, and viewed this as a significant achievement.

Consideration of the Report on the Review of Performance of the Secretariat and the Network Center (2005-2007) (Agenda item 8)

28. The Secretariat and the NC made presentations on the “Report on the Review of Performance of the Secretariat and the Network Center (2005-2007)” (EANET/IG 10/8/1 and EANET/IG 10/8/2). The Session was invited to discuss, review and adopt these documents.
29. Major points of the discussion raised by the participants included:
 - In response to a question from one country, the Secretariat confirmed acknowledgment of the recent receipt of the contribution. The Session expressed its appreciation to this country as well as other contributors.

30. The Session endorsed both documents.

Consideration of the Work Program and Budget in 2009 for EANET (Agenda item 9)

31. The Secretariat and the NC presented the “Work Program and Budget of EANET in 2009 (Draft)” (EANET/IG 10/9). The Session was invited to discuss, review and adopt the document.
32. Major points of the discussion were as follows:
 - Clarification was made regarding the national workshop activities.
 - Regarding paragraph 5, the Session requested the addition of a budget allocation to the activities stated in the Strategy on EANET Development (2006-2010).
 - The Session reminded the NC to ensure that the names of the task forces and expert groups are consistent with the results of the discussion on Agenda Item 7. The relevant paragraphs in the revised document are attached as Annex 5.

33. The Session adopted the Work Program and Budget in 2009, subject to the stated revisions.

Consideration of the Second Report for Policy Makers on EANET (Agenda item 10)

34. The Secretariat made a presentation on the “Fourth Draft of the Second Report for Policy Makers” (EANET/IG 10/10). The Session was invited to discuss, review and provide guidance

on the document.

35. Major points of the discussion were as follows:

- Some countries suggested that the number of pages of the report should be reduced.
- It was suggested that figures should come from the international and neutral sources.
- It was suggested to include in the report the Long Term Vision for Urban Air Quality for Asia, which was adopted at the Second Government Meeting on Urban Air Quality Management in Asia (12-13 November 2008) in Bangkok.
- It was clarified that the next WGFD session (WGFD8) will review the Second Report for Policy Makers before launching it at the Eleventh Session of the Intergovernmental Meeting (IG11).
- It was requested that the names of task forces in the organizational structure shown in this document be made consistent with discussions under Agenda item 7.
- It was requested that the second sentence in the last paragraph of the document (Section 3.5. Possible expansion of activities for future development of EANET) be revised to say "EANET is also expected to promote and encourage modeling activities."
- Many other points were raised. Efforts will be made to incorporate them into the Second Report for Policy Makers.

Countries' Policies and Practices Concerning Acid Deposition Monitoring (Agenda item 11)

36. Participating countries provided the Secretariat with written reports and power point presentations on their practices and policies concerning acid deposition monitoring, for inclusion in the proceedings of this meeting.

Updates on Activities of Other International Programs on Acid Deposition and Transboundary Air Pollution (Agenda item 12)

37. Dr. Keith Bull of the United Nations Economic Commission for Europe (UNECE) reported on behalf of CLRTAP. He provided information on the UNECE Convention on Long-range Transboundary Air Pollution (CLRTAP). He noted the challenges for revising the 1999 Gothenburg Protocol and emphasized that the Convention was keen to share information and experience with other regions. He invited EANET to continue its collaboration with the Convention in the future.

38. Mr. Mylvakanam Iyngararasan provided an update on the activities of the Malé Declaration, which has completed Phase III implementation and is entering Phase IV. He briefed the meeting on the achievements of its Phase III, and also provided an overview of the Second Governmental Meeting on Urban Air Quality in Asia held on 12-13 November 2008 and the Joint Meeting of the Intergovernmental Networks in Asia and the Pacific Region. to be held on 13 December 2008.

39. Upon learning that Dr. Bull will be retiring from his position next year, the Session expressed its

sincere appreciation for support provided since he first began attending EANET meetings and providing input to EANET in 2000.

Other issues (Agenda item 13)

40. The NC made a presentation on the “Group on Earth Observations (GEO)” and invited EANET to consider whether or not it wished to join the Group. Various views were expressed. Some countries reminded the Session that further information is needed, such as obligations and responsibilities of joining GEO. It was agreed that the NC would provide more information, that discussions would continue at the WGFD on this topic, and that a decision would be postponed until the next IG.

Consideration and Adoption of the Report of the Session (Agenda item 14)

41. The Report of the session was adopted.

Closing of the Session (Agenda item 15)

42. The Session expressed its deepest gratitude to the organizers of IG10. The Session also appreciated the efforts by the Chairperson, Vice-Chairperson, Rapporteur, and representatives from international organizations and resource persons.
43. The Vice-Chairperson closed the Session, thanking the participants, the Secretariat and the NC for the contributions.

Annex1

List of Participants

Participating Countries

Cambodia

Mr. Ngoun Kong
Deputy Director General
Ministry of Environment

Mr. Ken Choviran
Deputy Director
Department of Pollution Control
Ministry of Environment

China

Mr. Liu Shusheng
Division Director
Department of Environmental Monitoring
Ministry of Environmental Protection

Ms. Gu Li
Program Officer
Regional Environmental Cooperation Division
International Cooperation Department
Ministry of Environmental Protection

Prof. Wang Ruibin
Director
Department of Air Quality Monitoring
China National Environmental Monitoring
Center (CNEMC)

Mr. Zhou Jun
Engineer
Institute for International Environmental
Policies
Policy Research Center for Environment and
Economy
Ministry of Environmental Protection

Indonesia

Ms. Halimah Syafrul
Head of Environmental Management Impact
Control
Ministry of Environment

Ms. Ratnasari Anwar
Head of Subdivision Multilateral Agreement
Assistant Deputy for Regulation Development
and Multilateral Agreements
Ministry of Environment

Ms. Kusmulyani
Head of Sub Division for Climate Change
Mitigation for non-Energy Sector
Assistance Deputy for Climate Change Impact
Control
Ministry of Environment
menlh.go.id /
kusmul@yahoo.com

Japan

Mr. Satoshi Tanaka
Director
Global Environmental Issues Division
Global Environmental Bureau
Ministry of the Environment

Ms. Reiko Sodeno
Deputy Director
Global Environmental Issues Division
Global Environmental Bureau
Ministry of the Environment

Prof. Norichika Kanie
Associate Professor
Department of Value and Decision Science
Tokyo Institute of Technology

Prof. Yukari Takamura
Professor
Faculty of Law
Ryukoku University

Mr. Toshihisa Kato
Official
Global Environment Division
International Cooperation Bureau
Ministry of Foreign Affairs

Lao PDR

Dr. Bounthanh Bounvilay
Deputy Director General
Water Resources and Environment Research
Institute
Water Resources and Environment
Administration

Ms. Darounny Vilaythong
Acting Head of Planning and Cooperation
Division
Water Resources and Environment Research
Institute
Water Resources and Environment

Administration

Malaysia

Mr. Danial Lee Abdullah
Principal Assistant Secretary
Conservation and Environmental Management
Division
Ministry of Natural Resources and Environment
Federal Government Administrative Centre

Ms. Siniarovina Urban
Assistant Director
Environmental Studies Division
Malaysian Meteorological Department

Mongolia

Mr. Tseesodroltsoo Dashdorj
Deputy Director-General
National Agency for Meteorology, Hydrology
and Environment Monitoring

Dr. Erdenebat Eldev-Ochir
Director
International Cooperation Division
National Agency for Meteorology, Hydrology
and Environment Monitoring

Myanmar

Mr. Sein Maw Oo
Assistant Director
Department of Meteorology and Hydrology
Ministry of Transport

Philippines

Engr. Jean N. Rosete
Engineer IV & Officer-in-Charge
Air Quality Management Sector
Environmental Quality Division
Environmental Management Bureau
Department of Environment and Natural
Resources

Ms. Letecia R. Maceda
OIC, Regional Director
Environmental Management Bureau
Department of Environment and Natural
Resources

Republic of Korea

Mr. Lee Seung Han
Director
Air Quality Policy Department
Ministry of Environment

Mr. Kang Seuk Woo
Senior Deputy Director
Soil and Groundwater Department
Ministry of Environment

Ms. Oh Heun Jin
Deputy Director
Air Quality Policy Department
Ministry of Environment

Dr. Ahn Joon Young
Senior Researcher
Air Quality Division
Environmental Diagnostics Research
Department
National Institute of Environmental Research

Russia

Mr. Valery Chelyukanov
Head
Environmental Pollution Monitoring
Department
Roshydromet

Dr. Sergey Gromov
Head of Scientific Sector
Environmental Pollution Monitoring
Department
Institute of Global Climate and Ecology
Roshydromet and RAS

Thailand

Mrs. Nisakorn Kositratna
Deputy Permanent Secretary
Ministry of Natural Resources and Environment

Dr. Supat Wangwongwatana
Director General
Pollution Control Department (PCD)

Dr. Wijarn Simachaya
Director
Air Quality and Noise Management Bureau
Pollution Control Department

Ms. Chavanart Thangsumphant
Counselor, Division of Legal Affairs
Department of Treaties and Legal Affairs
Ministry of Foreign Affairs

Vietnam

Mr. Tran Van Sap
Deputy Director-General
Hydrometeorological Service of Viet Nam

Dr. Dinh Thai Hung
Head of Division
Division of Environmental Prediction
Center for Environmental Research
National Institute of Meteorology, Hydrology
and Environment

International Organization

UNCEC

Dr. Keith R. Bull
Secretary to the Convention on Long-range
Transboundary Air Pollution
Environment and Human Settlements Division
UNECE

UN ESCAP

Dr. Sangmin Nam
Environmental Affairs Officer
Environment and Development Division
UN ESCAP

Resource Persons

Mr. Katsunori Suzuki
Professor
Frontier Science Organization
Kanazawa University

Mr. Manjit Iqbal
Environmental Law Consultant
F-028, Richmond Park
DLF City, Phase IV

Prof. M.T. Tabucanon

Observers

Japan

Ms. Asami Miyazaki
Research Fellow
Japan Society for the Promotion of Science
School of International Public Policy
Osaka University

Thailand

Mr. Phunsak Theramongkol
Director, Ambient Air Quality Division
Air Quality and Noise Management Bureau
Pollution Control Department

Mr. Seksan Sangdow
Official Officer 7
Pollution Control Department (PCD)

Mr. Pichaid Atipakya
Environmental Officer
Ambient Air Quality Division
Air Quality and Noise Management Bureau
Pollution Control Department

Ms. Wassana Toruksa
Environment Officer
Pollution Control Department

Secretariat

Network Center

Acid Deposition and Oxidant Research Center
Dr. Hiromasa Ueda
Director General

Ms. Leong Chow Peng
Deputy Director General

Mr. Akira Nitta
Deputy Director General

Mr. Jiro Sato
Assistant Deputy Director General

Mr. Randal A. Helten

EANET Secretariat

UNEP RRC.AP

Mr. Mylvakanam Iyngararasan
Senior Programme Officer, UNEP RRC.AP

Mrs. Adelaida B. Roman
Coordinator, EANET Secretariat

Dr. Apipong Lamsam
Programme Officer, EANET Secretariat

Ms. Sumana Ratanasawetwad
Administrative Assistant, EANET Secretariat

Revised Draft Text of the Instrument
To Provide a Sound Basis for Contribution to EANET

[Title

<p>[option 1: [Instrument] for Strengthening the Acid Deposition Monitoring Network in East Asia (EANET)]</p> <p>[option 2: [Instrument] to Promote Cooperation on Regional Air Pollution in East Asia]</p>

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 have been developed by taking a step-wise approach by the participating countries on a voluntary basis,

Recognizing the need to promote cooperation for the monitoring, [prevention and control] 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][Intergovernmental Meeting (IG)],

[Emphasizing the importance of appropriate financial arrangement for the sound operation of the EANET with a view to sustaining the development of the EANET, strengthening the financial mechanism of the EANET and providing a sound basis for financial contribution to the EANET and enhancing capacity building of acid deposition monitoring for all the participating countries of the EANET,],

[Noting that the participating countries of the EANET will be guided, in the implementation of this Instrument, by the principles that the use of financial contribution should produce effective outcomes, that the related executive bodies should take necessary measures to improve efficiency of contribution,]

[Noting the fact that the effective realization of the EANET activities before taking into force of this Instrument was supported by voluntary contributions of some participating countries, covering the activities of the EANET Secretariat and the core activities of the Network Center which annually consisted of about one million US dollars and expressing great thanks to the Governments of these countries],

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

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 acid deposition at the first stage with possible extension to other air pollution which has regional implications, as decided by the IG.]

[Article 2/Item 2]

Objectives and Scope

The objectives and scope of this Instrument 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 Participating Countries].

[The scope of the Instrument may be extended to cover other regional air pollution, as decided by the IG.]

(If the last sentence is accepted by the IG, [regional air pollution] in the Article/Item on the Objectives and Scope 1, 2 and 3 can be deleted.)

[Article 3/Item 3]

Principles

1. The Participating Countries will, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation to monitor [prevent and control] [regional air pollution][acid deposition].
2. The Participating Countries will be encouraged to take appropriate measures to monitor [prevent and control] [regional air pollution][acid deposition]to minimize its adverse impacts, taking into account the precautionary principle.
3. 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.

[Article 5/Item 5]

Assessment

1. The monitoring data and other information submitted by the Participating Countries will be analyzed, evaluated and assessed.
2. 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.

[

[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.
2. 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.]
3. 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][IG].]
2. 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:
 - 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;
 - c) communication and cooperation in administrative and policy aspects as the focal point of

- the EANET;
- 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 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:
 - a) scientific and technical aspects 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, but not limited to the data 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 Participating Countries may be invited to assist the Committee.

[Article 13/Item 13]

Network Center

1. 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:
 - a) central compilation, evaluation, storage and analysis 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 Participating Countries in implementing the EANET activities;
 - e) implementation and coordination of QA/QC activities;
 - f) development and implementation of education/training programs for those engaged in the EANET activities;
 - 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) promotion of capacity building and public awareness in cooperation with the Secretariat;

and

- j) other tasks as requested by the IG.

[2. An appropriate entity is designated as the NC for this instrument by the [IG][Participating Countries] to carry out the above functions, provided that such designation is accepted by such entity. Other entities could be designated as [sub-] centers to carry out some of the tasks given by the [IG][Participating Countries] as the need arises.]

]

[Article 14/Item 14]

Financial Arrangement

1. The administrative and operational cost of the national monitoring within each country will be borne by each country.
2. The administrative and operational costs of the Secretariat and the NC core activities will be financed by voluntary contributions from the Participating Countries.
3. Participating Countries are encouraged to make voluntary financial contributions, taking into account their economic and financial circumstances, in accordance with the respective national laws and regulations and within the limit of their respective budgetary appropriations. The Participating Countries may provide additional financial and in-kind contributions on a voluntary basis.
4. The Participating Countries are invited to draw attention to necessary financial amount in order to implement activities under this instrument, and burden sharing practices in the United Nations systems.
5. Procedures and guidelines for the transfer of financial contributions will be developed and adopted by the IG. The financial contributions and the interest from financial contributions will be administered by the Secretariat under the guidance of the IG.
6. EANET will be open to financial and in-kind contributions from other sources including international and regional organizations and NGOs, subject to the approval of the IG.
7. Any Participating Country may request the Secretariat and the NC to provide to the IG the annual financial reports and audit reports by independent audit agencies.

[Item 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. 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 30th 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: The following Articles 15-25 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.]
3. 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.
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 depositary.

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 Depositary 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 Depositary 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 Depositary.

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 Depositary.

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 Depositary.
2. 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.

]

Terms of Reference
of the Working Group on Future Development (WGFD) on the
Acid Deposition Monitoring Network in East Asia (EANET) (2009-2010)

1. In line with the decision of the Fifth Session of the Intergovernmental Meeting (IG5) on EANET held in Pattaya, Thailand on 27-28 November 2003, the Working Group on Future Development of EANET (hereinafter referred to as the “Working Group”) is established on an ad hoc basis.
2. Upon the expiration of the Terms of Reference (TOR) (2004-2006) adopted at the Sixth Session of the Intergovernmental Meeting (IG6), the Working Group was directed by the Seventh Session of the Intergovernmental Meeting (IG7) to be continued.
3. A new TOR (2007-2008) was adopted at the Eighth Session of the Intergovernmental Meeting (IG8). The tasks of the Working Group included the development of an appropriate instrument and its legal status to provide a sound basis for financial contribution to EANET and report the results of the discussion to the Tenth Session of the Intergovernmental Meeting (IG10) in 2008. The Working Group was also requested to review the performance of the Secretariat and the NC during the period 2005-2007.
4. As of November 2008, the Working Group has not completed all its tasks including developing an appropriate instrument to provide a sound basis for financial contribution for EANET. As the TOR (2007-2008) will expire, the IG10 decided that the Working Group shall continue its tasks into the period 2009-2010.
5. The Working Group will continue to be represented by appropriate participants from competent authorities nominated by the National Focal Points (NFPs) of the participating countries taking into account the topic of the Session. One Chairperson and two Vice-chairpersons will be elected for the two year term (2009-2010) of the Working Group Sessions.
6. The Working Group will, under the guidance of the Intergovernmental Meeting (IG):
 - i) review the performance of the Secretariat and the NC in the period 2009-2010;
 - ii) guide the Secretariat and the NC to carry out capacity building activities;
 - iii) review the implementation of the Strategy on EANET Development (2006-2010);
 - iv) develop the next Medium Term Plan (2011-2015), in collaboration with the Scientific Advisory Committee (SAC);
 - v) further develop the instrument, and consider and suggest any necessary procedures;
 - vi) review and provide guidance to the draft Second Report for Policy Makers; and

vii) carry out other tasks as requested by the IG

7. The tentative schedule of the Working Group sessions based on the decision of IG10 are set as follows:

i) Eighth Session: July-August 2009

- Review of the mid-term report on implementation of the Strategy on EANET Development
- Review of the draft Second Report for Policy Makers
- Preparation of the report on the instrument to provide a sound basis for contribution to EANET

ii) Ninth Session: July-August 2010

- Review of the performance of the Secretariat and the NC in 2008-2009
- Development of the Medium Term Plan (2011-2015) in collaboration with SAC for consideration by the IG
- Development of the Report of the Working Group for Future Development of EANET for consideration by the IG, if necessary

8. Depending on the requests of the IG, additional tasks may be included in the sessions specified, as appropriate.

Terms of Reference of the Task Forces and Expert Groups (revised)

Task Force on Dry Deposition Monitoring (to be renamed Task Force on Monitoring for Dry Deposition)

Terms of reference

- To further develop and elaborate the strategy for dry deposition evaluation in the region
- To discuss on future direction of dry deposition evaluation and provide guidance on relevant activities based on the strategy
- To develop the Technical Manuals for Air Concentration Monitoring and Dry Deposition Flux Estimation
- [To review substances to be monitored]

Task Force on Soil and Vegetation Monitoring

Terms of reference

- To continue to improve methodologies mentioned in the Technical Manual for Soil and Vegetation Monitoring and the Sub-Manual on Forest Vegetation Monitoring for EANET
- To revise the technical documents on soil and vegetation monitoring as necessary
- To plan for the implementation of activities for future direction of soil, vegetation and ecosystem monitoring
- To assess the impacts of acid deposition and relevant air pollutants on soil and vegetation based on available data and other information for the EANET periodic reports
- To develop the guideline for future catchment monitoring

Task Force on Monitoring Instrumentation

Terms of reference

- To review acid deposition monitoring instrumentation and laboratory equipment including their operation

- To recommend suitable less expensive monitoring methodologies for EANET
- To review current QA/QC procedures and recommend improvements
- To develop monitoring manuals and guidelines in cooperation with other subsidiary groups under SAC

Task Force on Research Coordination

Terms of reference

- To propose the future direction of research activities for the network
- To review the outcomes of EANET research activities
- To review the reports of EANET Research Fellowship program
- To identify potential international collaborative researchers for EANET

Expert Group on Dry Deposition Flux Estimation (under the Task Force on Dry Deposition Monitoring)

Terms of reference

- To review existing researches of direct measurement and inferential method for estimation of dry deposition flux;
- To select monitoring sites where estimation by inferential method or direct method could be implemented;
- To evaluate the inferential method by using direct measurement results in and outside of EANET region;
- To prepare a Technical Manual for dry deposition flux estimation
- To identify future research activities on dry deposition.

Expert Group on Preparation of Second Periodic Report on the State of Acid Deposition in East Asia

Terms of reference

- To prepare the draft procedures for establishment of the Drafting committee and its meeting schedule for consideration and adoption at SAC8

- To prepare the draft implementation plan for consideration and adoption at SAC8
- To discuss the draft format and contents of 2nd PRSAD for consideration at SAC9

Expert Group on Revision of Technical Manual on Wet Deposition Monitoring

Terms of reference

- To identify the technical and administrative problems associated with wet deposition monitoring encountered in the EANET operation since the beginning of the preparatory- phase operation
- To evaluate differences in the measurement techniques of other regional monitoring programs and modify the current EANET procedures if necessary for comparability of the measurements
- To discuss advances in the measurement techniques in long-term monitoring and intensive studies, and modify such techniques in an appropriate manner for the EANET Technical Manual
- To produce a revised Technical Manual on Wet Deposition Monitoring

Expert Group on Revision of Technical Manual on Inland Aquatic Environment Monitoring

Terms of reference

- To review the current Technical Manual on Inland Aquatic Environment Monitoring
- To identify problems on Inland Aquatic Environment Monitoring
- To prepare a revised Technical Manual on Inland Aquatic Environment Monitoring
- To identify future research activities

Work Program and Budget of EANET in 2009
(Revised Paragraphs)

Paragraph 5

As stated in the Strategy on EANET Development (2006-2010) the priority activities to be undertaken to achieve the main goals and objectives in the five years are as follows:

- Improvement of implementation of all required monitoring items with necessary data completeness and accuracy (Costs to be borne by participating countries);
- Evaluation of national Quality Assurance and Quality Control (QA/QC) programs and their implementation (NC core budget: \$43,000);
- Preparation of periodic assessment reports on the state of acid deposition (NC core budget: \$72,000);
- Establishment of a sound financial basis and the further development of EANET following the outcome of the feasibility study on an appropriate instrument (Secretariat: \$127,000);
- Discussion on promotion of modeling activities and emission inventories (No costs involved);
- Promotion of capacity building for model application on urban, national and regional scales (No costs involved);
- Research activities (NC additional budget: \$344,000); and
- Promotion of public awareness (Secretariat: \$20,000, NC additional budget: \$134,000).

Paragraph 27

The NC will continue to support to the Task Forces and Expert Groups established under the SAC as their Secretariat. These subsidiary bodies will meet for the second time in 2009 to review the progress of their activities:

- Task Force on Dry Deposition Monitoring (to be renamed Task Force on Monitoring for Dry Deposition);
- Task Force on Soil and Vegetation Monitoring;
- Task Force on Monitoring Instrumentation;
- Task Force on Research Coordination;
- Expert Group on Dry Deposition Flux Estimation;
- Expert Group on Preparation of Second Periodic Report on State of Acid Deposition in East Asia;
- Expert Group on Revision of Technical Manual on Wet Deposition Monitoring; and
- Expert Group on Revision of Technical Manual on Inland Aquatic Environment Monitoring.