

The Seventh Session of the Working Group  
on Future Development of EANET  
29-31 July 2008, Pathumthani, 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 Seventh Session in Pathumthani, Thailand on 29-31 July 2008.
2. Representatives of 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 the EANET, as well as experts from the United Nations Environment Programme, Regional Office for Asia and the Pacific and Kanazawa University attended the Session. The List of Participants is attached as Annex 1.

### **II. Opening of the Meeting (Agenda Item 1)**

3. The Session was opened by Ms. Adelaida B. Roman, Coordinator of the Secretariat for EANET. She made mention of the state of the global air environment which remains a serious problem and highlighted the Sub-regional initiatives, networks and programmes to address this issue such as the Convention on Long-range Transboundary Air Pollution in Europe, the Malé Declaration on Control and Prevention of Air Pollution and its Likely Transboundary Effects for South Asia, the ASEAN Agreement on Transboundary Haze Pollution and EANET for the East Asia region. She emphasized some of the major developments and progress of the EANET.
4. Dr. Supat Wangwongwatana, Director General, Pollution Control Department, Thailand and Dr. Veronica Ginzburg, Senior Researcher, Institute of Global Climate and Ecology, Roshydromet and the RAS, Chairperson and Vice-chairperson of the WGFD, respectively, chaired the Session as they were elected for two years, 2007 -2008 based on the Terms of Reference of the WGFD.

### **III. Adoption of the Agenda (Agenda Item 2)**

5. The Session adopted the Agenda (EANET/WGFD 7/2/1) as proposed by the Secretariat. The Session agreed to defer the discussion on agenda item 3 and to proceed with the agenda item 4 to agenda item 7 on the first day. The Session also agreed that the agenda item 3 will be

discussed on the second day. The Chairperson of the Session of the WGFD requested the assistance of the Vice-Chairperson to help in chairing the Session during the first day.

**IV. Consideration of the Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET and Consideration of the Draft Report of the Working Group on Future Development (WGFD) on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET (Agenda Item 3)**

6. It was reported that an informal group meeting on the Instrument to Provide a Sound Basis for Contribution to the EANET was held from 5:00 to 7:00 PM on 29 July 2008 to exchange views and comments on the instrument.
7. The Secretariat made a presentation on the “Text of the Instrument to Provide a Sound Basis for Contribution to EANET (EANET/WGFD 7/3/1)”. The Session was invited to discuss the draft Text.
8. The draft text was discussed paragraph by paragraph. Major points of discussion on Option A include:
  - i) Paragraph 4 of the Preamble was split into two paragraphs while the last paragraph was modified.
  - ii) The Session decided to use the term “participating country” in place of “party” and “will” instead of “shall” throughout the text of the instrument.
  - iii) One country expressed that the phrase “regional air pollution” should be clearly defined with regard to other air pollution, such as haze pollution on which there exist an Agreement (ASEAN Agreement on Transboundary Haze Pollution).
  - iv) Adding the scope of the instrument to the provision on Objective (Article 2/ Item 2) was suggested.
  - v) It was suggested that the term “regional air pollution” be used in the provision on Objective (Article 2/ Item 2) and some countries prefer using the term “acid deposition” to the term “regional air pollution”. It was proposed that “[The scope of the instrument may be extended to cover other regional air pollution, as decided by the Intergovernmental Meeting (IG).]” should be included in the provision on Objective (Article 2/ Item 2).
  - vi) One country suggested that the term “regional air pollution” should be retained both in the provision on Definition (Article 1/ Item 1) and in the provision on Objective (Article 2/ Item 2).
  - vii) Deletion of the second sentence of the second paragraph in Principles (Article 3/ Item 3) was made. One country pointed out that the characteristic of regional air pollution is different from climate change.
  - viii) Deletion of “[including studies on emission inventories and modeling]” from the text of the provision on Research Activities (Article 6/ Item 6) was made on the understanding that this provision also covers such research activities.
  - ix) On Financial Arrangements (Article 14/ Item 14), one country clarified that it needs

an international instrument (agreement) signed by governments (or by the authorized state body on behalf of the government). Two options of financial arrangement were suggested: to include detailed rules of financial arrangement into the text of the instrument or to establish a high level decision body other than IG for taking important political and financial decisions. It was also pointed out by the country that the IG could not be a decision making body on financial rules and procedures, because its participants are not authorized by its government.

- x) One country preferred the simplified version on financial arrangements (Option 2).
  - xi) Participating countries expressed the desire to consult their respective governments regarding the provision on signature. The Session agreed that participating countries submit their comments to the Secretariat, as soon as possible.
  - xii) Revision of Articles 15, 16, 17 was made by the Session and included in the revised text of the instrument as well as the procedure for signature.
  - xiii) The Chairperson suggested to keep articles 15-25 at this stage for future reference which are considered specific for legally binding instrument.
  - xiv) Regarding the title of the instrument, the Session agreed to remove option 2 and to include the word “instrument” with brackets in Option 1. The Session agreed to delete the words “Agreement” and “Joint Declaration” in Option 1.
  - xv) It was clarified by a resource person that the word “instrument” can be used whatever the legal status of the Instrument is.
9. The Session prepared a revised draft text of Option A, attached as Annex 2 of this report, based on the discussions and decisions made by the Session.
10. Regarding option B, attached as Annex 3, one country elaborated on the development of the text of the instrument and reminded the Session of the different understanding of “a sound basis” for contribution. To facilitate the discussion and accommodate the strong desire of the Session to make one consolidated text of the instrument to submit to IG10, at the suggestion of the Chairperson, the Session requested the Secretariat to merge Option B into Option A.
11. It was suggested by the Chairperson to use some of the second page of Option B as an option 3 of Article 14 and some other parts of Option B into the Preamble of Option A.
12. The Secretariat was requested to send a consolidated text to National Focal Points/ Participants of the WGFD7 by 1<sup>st</sup> week of September 2008 for their consideration.
13. Taking into account the progress on the text of the instrument during the Session, the Secretariat made a presentation on the “Draft Report of the Working Group on Future Development (WGFD) on the Text of the Instrument to Provide a Sound Basis for Contribution to EANET (EANET/WGFD 7/3/2)” that will be presented at the Tenth Session of the Intergovernmental Meeting (IG10) in November 2008. The Session was invited to discuss the report for submission to the IG10.

14. Major points of the discussion were as follows:
- i) It was pointed out that the clear understanding of the terms “legally binding” or “non-legally binding” is necessary for each country. The Session agreed that careful steps should be taken in expressing and reporting the legal status of the instrument in this report.
  - ii) The Chairperson pointed out that procedures of adoption and implementation of legally binding instrument may be different in countries.
  - iii) It was suggested that the Report of the WGFD on the Text of the Instrument to IG10 should focus on contents and elements of the discussion in the sessions and that it should be summarized appropriately.
  - iv) It was also recommended that the report should identify issues that the WGFD agreed on and issues that could not be resolved in the discussion of the WGFD sessions.
15. The Secretariat was requested to prepare a timetable for the text of the instrument and WGFD Report to IG10 and the Session agreed on the timetable, attached as Annex 4.

**V. Consideration of the Report on the Progress of EANET since the Ninth Session of the Intergovernmental Meeting (IG9) (Agenda Item 4)**

16. The Secretariat and the Network Center (NC) briefly made presentations on the “Report on the Progress of EANET after the Ninth Session of the Intergovernmental Meeting (IG9) (EANET/WGFD 7/4/1).” The financial reports of the Secretariat and of the NC in 2007 (EANET/WGFD 7/4/2) were included in the presentations. The Session was invited to comment on the reports.
17. Major discussions were as follows:
- i) It was suggested that it would be useful if the Secretariat and the NC could make comparison of the practices and reporting procedures on financial aspects of EANET with the ones of other international networks.
  - ii) It was clarified that the guidelines and procedures for the establishment of the Task Forces and Experts Group will be prepared by the SAC for consideration of the Intergovernmental Meeting (IG).
  - iii) Regarding the 4 priority projects approved by the IG9 for submission to potential funding organizations, it was suggested that the progress of these projects be reported.
  - iv) The Session was reminded that improvement of data quality and monitoring methodology should remain the priority for international cooperation.
  - v) The Session was informed that China had made voluntary financial contributions of US \$30,000 for 2007 and 2008 to the Secretariat budget.
  - vi) Clarification was made regarding the Secretariat’s actual expenditures on reporting

- cost and communications cost which are higher than the budget.
- vii) It was also clarified that the higher expenditure for preparation of data report in 2007 for the NC was due to payment for editing of the Periodic Report on the State of Acid Deposition in East Asia.
  - viii) It was explained that the reason why the JICA Training Course in 2008 involved only 4 countries was due to JICA budgetary constraints and prioritization of this course by countries. Japan requested the participating countries to give high priority to the JICA Area Focused Training Course on EANET in their future communications with the local JICA offices.
  - ix) The Session was informed that the audit of the Secretariat's Financial Report in 2007 is on-going and that the Audit Report will be submitted to the IG10 in November 2008.

**VI. Consideration of the Draft Report on the Review of Performance of the Secretariat and the Network Center (2005-2007) (Agenda Item 5)**

- 18. The Secretariat and the NC made presentations on the "Draft Reports on the Review of Performance of the Secretariat and of the Network Center for the period 2005-2007 (EANET/WGFD 7/5/1 and EANET/WGFD 7/5/2)". The Session was invited to provide comments and guidance, as appropriate.
- 19. Major points of the discussion were as follows:
  - i) The NC clarified that financial resources and human resources are insufficient to fully carry out its activities related to the Strategy on EANET Development (2006-2010).
  - ii) A question was raised on the situation on staff sent from participating countries to the NC and the NC informed that currently there is no staff sent from participating countries. It was suggested that the NC considers providing housing support for seconded staff due to high cost of living in Japan.
  - iii) It was suggested that the Secretariat and the NC conduct a comparative study regarding the salary and the number of staff with the practices of other organizations.
  - iv) The Secretariat was requested to include the action plan on its performance review.
  - v) The NC was requested to include a sentence to inform of the new definition of the NC "core" and "additional budget" as adopted by the IG9.

**VII. Consideration of the Draft Work Program and Budget in 2009 for EANET (Agenda Item 6)**

20. The Secretariat and the NC presented the “Draft Work Program and Budget in 2009 for EANET (EANET/WGFD 7/6)”. The Session was invited to discuss and make comments on the report for consideration at the IG10.
21. Discussions included the following major points:
- i) Regarding paragraph 5, the suggestion was made to add budget allocation to priority activities stated in the Strategy on EANET Development (2006-2010) at the end of the paragraph.
  - ii) Regarding paragraph 6, the following suggestions were made;
    - a) Deletion of the phrase “subject to availability of resources”.
    - b) Insertion of the word “start” before the first two bullets.
    - c) Deletion of bullets 4 and 6.
  - iii) The important activities funded by additional budget of the NC listed in paragraph 6 would be mentioned in a new paragraph under “Research Activities”.
  - iv) It was agreed that another table comparing the core budget of the NC in 2007, 2008 and 2009 will be included.
  - v) Clarification was requested regarding the Secretariat budget for the EANET meetings. The Secretariat will include explanation of the assumptions used for the preparation of the budget, to the extent reasonable.
  - vi) On paragraph 37, the word “early” should be deleted.
  - vii) Clarifications were provided on the budget for the high level segment.

**VIII. Consideration of the Activities of the Working Group on Future Development (WGFD) after 2008 (Agenda Item 7)**

22. The Secretariat made a presentation on the “Activities of Working Group on Future Development (WGFD) after 2008 (EANET/WGFD 7/7)”. The Session was invited to discuss and make comments on the document.
23. Major points of the discussion were as follows:
- i) Deletion of 4(i), 5(i) first bullet and 5(ii) first bullet was suggested.
  - ii) Deletion of the phrase “and approve” in 4(v), 5(i) third bullet, 5(ii) third bullet, 5(iii) third bullet, and 5(iv) second bullet was suggested.
  - iii) It was suggested that the IG would consider future name, tasks and status of the WGFD. Some countries suggested that establishment of a permanent subsidiary body might be necessary to assist the IG in reviewing the EANET activities.
  - iv) Regarding paragraph 5 (i) fifth bullet, 5(ii) sixth bullet, 5(iii) fourth bullet and 5(iv) third bullet, replacing them with the phrase “Guide the Secretariat and the NC to carry out capacity building activities” was suggested.
24. The Secretariat was requested to revise the document to include the following, for consideration by the IG.

- a) The tasks given to the WGFD which were not fully completed in the last two years;
  - b) The tasks to be continued by the WGFD for the next two years; and
  - c) The tasks to be done in line with the Strategy on EANET Development (2006-2010).
25. The Session agreed to the Activities of the WGFD after 2008 (Revised Draft) (EANET/WGFD 7/7rev.), attached as Annex 5.

**X. Other Issues (Agenda Item 8)**

26. The NC made some announcements which include the Ninth Senior Technical Managers' Meeting to be held on 27-29 August 2008 in Niigata, Japan and the EANET Research Fellowship Programme in 2008.

**XI. Consideration and adoption of the Report of the Session (Agenda Item 9)**

27. The Report of the Session (EANET/WGFD 7/9) was adopted.

**XII. Closing of the Session (Agenda Item 10)**

28. The Vice-Chairperson thanked the participants, resource persons, Secretariat and the NC for their active contributions and cooperation and officially closed the Session.

**Annex 1**

**List of Participants**

Participating Countries

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Indonesia

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Ms. Kusmulyani  
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Dr. Dinh Thai Hung  
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*Resource Persons*

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Frontier Science Organization  
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Mr. Manjit Iqbal  
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UNEP Regional Office for Asia and the Pacific  
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*Observers*

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**Annex 2**

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

**[REVISED OPTION A]**

*[Title*

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

The Participating Countries to this Instrument,

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

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

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

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

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

**Emphasizing** that activities of the cooperative network on the acid deposition [and other regional air pollution] in East Asia under EANET has been developed by taking a step-wise approach by the participating countries on a voluntary basis,

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

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

Have agreed as follows:

#### **[Article 1/Item 1]**

##### **Definitions**

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

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

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

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

#### **[Article 2/Item 2]**

##### **Objectives [and Scope]**

The objectives and scope of this instrument are:

- 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 Intergovernmental Meeting (IG).]

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

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**[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.

**[Option1]**

**[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.]
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. [A Network Center (NC) is hereby established.] [The Acid Deposition and Oxidant Research Center, based in Japan is designated as the NC for this instrument by the Participating Countries.]
2. 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.

*[Option1]*

**[Article 14/Item 14]  
Financial Arrangement**

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

]

*[Option2 (simplified)]*

**[Article 14/Item 14]  
Financial Arrangement**

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

]

**[Item 15  
Amendments**

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 30<sup>th</sup> day after the date of submission of diplomatic note [or other written notice] to the Secretariat indicating such approval.

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

Name of country, signature.... ]

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

**Article 15**

**Amendments**

1. Any Participating Country may propose amendments to the instrument after five years of the date of signature by the government of the Participating Countries.
2. [Five years later after the date of entry into force of the Agreement, the IG shall review the text of the Agreement and may propose amendments to the subsequent meeting, if necessary.]
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 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 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.

]

**[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 4**

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

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

**Annex 5**

EANET/WGFD 7/7 rev

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

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

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

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

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

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

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

6. The tasks to be undertaken by the WGFD may include providing guidance on activities in line with the Strategy on EANET Development (2006-2010) including the preparation of two important documents for future development of EANET which are the Medium Term Plan (2011-2015) and the next Report of the WGFD for Future Development of EANET, if necessary.
7. The IG, may wish to consider the following tasks of the WGFD in 2009-2010, under the guidance of the IG:
  - (i) Review the performance of the Secretariat and the NC in the period 2008-2009;
  - (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) Prepare the next Report of the WGFD for Future Development of EANET, if necessary; and
  - (vi) Carry out other tasks as requested by the IG.
8. The IG10 Session may wish to consider and make a decision on the future name, roles and status of the WGFD.