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EIGHTH INTERGOVERNMENTAL MEETING
ON THE NORTHWEST PACIFIC ACTION PLAN
Sanya, Hainan Province
The People's Republic of China, 5-7 November 2003
Final report: 4 February 2004

REPORT OF THE MEETING

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Introduction

1. The Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific (NOWPAP) and three supporting Resolutions were adopted at the First Intergovernmental Meeting (Seoul, Republic of Korea, 14 September 1994).
2. The Second Intergovernmental Meeting of NOWPAP (Tokyo, 20 November 1996) approved the Program Document, and Work plan and Budget for the biennium 1997/1998. However, it was decided that further arrangements for the Trust Fund and the establishment of a Regional Coordinating Unit (RCU) would be discussed later.
3. The Third Intergovernmental Meeting (Vladivostok, 9 April 1998) endorsed the revision of the Work plan and Budget for the biennium 1997/1998 and decided on the procedure for the establishment of a network of Regional Activity Centres.
4. Since the inception of NOWPAP, the members have acknowledged setting up an RCU as a fundamental prerequisite for the successful implementation of the Action Plan. The Second Intergovernmental Meeting requested in Resolution 2 the Executive Director of the United Nations Environment Program (UNEP) to compile information on the experiences of other regional seas conventions and action plans relevant to the establishment of a RCU for NOWPAP.
5. The Fourth Intergovernmental Meeting (Beijing, 6 - 7 April 1999) decided on the need to establish an RCU in the future and requested the Executive Director of UNEP to prepare a proposal for its creation for the consideration of the Fifth Intergovernmental Meeting.
6. The Fifth Intergovernmental Meeting (Incheon, 29-30 March 2000) decided on the procedures of establishment of the RCU of NOWPAP, including its terms of reference. It further requested the Executive Director of UNEP to prepare a summary of the offers for hosting the RCU and to present it for discussion by the NOWPAP members during the Sixth Intergovernmental Meeting in Tokyo.
7. In Resolution 2 of the Sixth Intergovernmental Meeting (Tokyo, 5-6 December 2000), the NOWPAP members agreed in principle to establish a co-hosted NOWPAP RCU in Toyama, Japan and Busan, Republic of Korea, subject to the confirmation of all members on the basis of their review of the detailed plan prepared by Japan and the Republic of Korea regarding the modalities of the operation of the RCU. As an interim measure the meeting requested UNEP to operate the RCU under the authority of UNEP's Executive Director.
8. Decision 21/30 of the Governing Council on the implementation of the Northwest Pacific Action Plan (9 February 2001) requested the UNEP Executive Director to establish an RCU as a secretariat administered by UNEP and to negotiate co-hosting a single RCU with the Governments of Japan and the Republic of Korea. A "Detailed Plan of Co-Hosting the Establishment of NOWPAP/RCU" was submitted to UNEP by the Governments of Japan and the Republic of Korea on 24 April 2001 in response to Resolution 2 of the Sixth Intergovernmental Meeting.
9. The Sixth Intergovernmental Meeting also decided, *inter alia*, to establish and implement a new activity, NOWPAP/7, on the "Assessment and Management of Land-Based Activities" within the NOWPAP work program (Resolution 1). Following that decision, UNEP's Division of Environmental Conventions, in collaboration with the UNEP Coordination Office of the Global Program of Action (GPA) for the Protection of the Marine Environment from Land-based Activities and UNEP/Global Environment Facility (GEF), was requested to assist the NOWPAP members in the development of a GEF project proposal on the "Formulation of a Strategic Action Program for the Northwest Pacific Region to Address Pollution of the Marine Environment from Land-Based Activities" for consideration at the Seventh Intergovernmental Meeting with a view to incorporating it into the 2002/2003 work program.

10. The Seventh Intergovernmental Meeting (Vladivostok, 20-22 March 2002) approved in Resolution 3 the modalities and terms of reference of the Focal Points and Working Groups of various NOWPAP RACs and projects and requested the Directors of the RACs to establish appropriate National Focal Points fora for each RAC.
11. The Seventh Intergovernmental Meeting urged in Resolution 3 the Executive Director of UNEP and the host countries to finalize the host country agreements and requested (in Resolution 4) the Executive Director of UNEP to proceed with the establishment of the co-hosted RCU and to recruit the staff for the RCU as soon as possible.
12. During 2002/3 UNEP and the two host countries negotiated the text of the Host Country Agreement (HCA). The Executive Director of UNEP and the Ambassador of Japan in Kenya and the Permanent Representative of Japan to UNEP signed the HCA for the Toyama office on 16th September 2003 in Nairobi. Negotiations between the Government of the Republic of Korea and UNEP are ongoing (as of November 2003) and it is expected that they will be finalized soon.
13. Following the offer of the People's Republic of China to host the next meeting under agenda item 11 of the Seventh Intergovernmental Meeting, the Eighth Intergovernmental Meeting was held in Sanya, Hainan Province, People's Republic of China from 5-7 November 2003.
14. This document is the record of the discussions and deliberations of the Eighth Intergovernmental Meeting.
15. Representatives of the NOWPAP Members, namely the People's Republic of China, Japan, the Republic of Korea and the Russian Federation participated in the meeting. Observers were also present from the NOWPAP Regional Activity Centres, the People's Republic of China and Japan. The full list of participants is attached to the present report as Annex II.

Agenda item 1: Opening of the meeting

16. Mr. Elik Adler, Senior Programme Officer, Regional Seas Coordinator, Division of Environmental Conventions, United Nations Environment Programme (UNEP), opened the meeting at 9.00 a.m. on Wednesday 5 November 2003. He extended a warm welcome to all the participants and introduced the elected Chairman of the meeting, the Head of Delegation of the Host Country, Mr. Yue Ruisheng, Deputy Director General, Department of International Cooperation, State Environmental Protection Administration and NOWPAP Focal Point for the People's Republic of China.
17. The Chairman, Mr. Yue, welcomed the meeting and invited the representative of UNEP to present her opening statement.
18. On behalf of Executive Director of UNEP, Ms. Veerle VandeWeerd, Deputy Director of Division of Environmental Policy Implementation, UNEP expressed her regards to the participants and to the host country. Ms. VandeWeerd informed the meeting that she attended the meeting in the capacity of having the over-all responsibility for the Regional Seas Programme within UNEP. She informed the meeting of the planned 8th Special Session of UNEP Global Ministerial Environmental Forum (GMEF) in the Republic of Korea in March 2004, and noted the importance of this Ministerial Forum. She suggested that the meeting should deliberate what could be the role of NOWPAP in the GMEF meeting. She stressed the importance of the future RCU and expressed her hope to conclude the HCA with Republic of Korea soon and thanked Japan for signing the HCA. She noted that an important part of this meeting would be to discuss how to improve the RACs and also stressed the importance of the Memorandum of Understanding (MoU) on the Regional Oil Spill Contingency Plan for NOWPAP region. She asked permission of Chairman to present the new strategy of the Regional Seas Programme as it will also have an impact on NOWPAP.

19. The Chairman on behalf of the Chinese Government welcomed all participants to Sanya. He expressed his hope that the efforts of the participants would lead to the success of the meeting. He noted that substantial progress had been made on the establishment of the Regional Coordinating Unit (RCU) and that all the Regional Activity Centres have held their respective Focal Points meetings. He recognized the difficulties NOWPAP still faces and appealed to all members to act and strive for common goals for protecting marine environment. The Chinese Government has attached great importance to the protection of the marine environment and will continue its efforts in the NOWPAP region.

20. The Chairman invited the heads of delegations to make their statements.

21. The representative of the Government of Japan, Mr. Koichi Ito, informed the meeting that the Host Country Agreement was signed by Japan, and stressed that the RCU should start its functions as secretariat for NOWPAP as soon as possible. The situation in the region calls for a regional approach for example through the Regional Oil Spill Contingency Plan. He hoped that meeting would be successful.

22. The representative of the Government of the Republic of Korea, Mr. Jai-chul Choi, noted that the Global Ministerial Environmental Forum (GMEF) would be hosted by the Republic of Korea and hoped that this meeting would contribute to the Ministerial Forum. He noted the importance of the 8th NOWPAP Intergovernmental Meeting and expressed his wishes for a successful meeting.

23. The member of the Russian delegation, Mr. Zhirnov noted that Russia attaches great importance to NOWPAP as a major international instrument for the protection of the marine and coastal environment and for sustainable development, stressed priorities of activities in this sphere emphasized by Russia (marine and coastal environment monitoring, activities in the sphere of joint response and prevention of sea pollution, etc.). Since the adoption of the NOWPAP Action Plan, considerable progress has been made. He mentioned that UNEP has greatly contributed to the implementation of the Action Plan and hoped that this meeting would contribute to the further implementation of the Action Plan and that the members would work together for improving the protection of the marine environment in the region.

24. All NOWPAP Members expressed their congratulations to the Chairman for his appointment and expressed their gratitude to the Chinese Government for hosting the meeting.

Agenda item 2: Organization of the meeting

Agenda item 2 (a): Election of officers

25. The secretariat invited the representatives to elect a Chairman, two Vice Chairmen and Rapporteur for the meeting. The following were elected:

Chairman:	People's Republic of China - Mr. Yue Ruisheng
Vice-Chairman:	Japan – Mr. Koichi Ito
Vice Chairman:	Russian Federation – Mr. Sergey Tveritinov
Rapporteur:	Republic of Korea – Mr. Suh-Yong Chung

Agenda item 2 (b): Rules of procedure

26. The Chairman proposed for consideration by the representatives that the rules of procedure of the UNEP Governing Council, as applicable would apply mutatis mutandis for the meeting. The Chairman also proposed that the meeting in principle conduct its business in plenary. The representatives approved the proposals.

Language and timetable of the meeting and the final list of documents

27. The meeting was conducted in English. The interim coordinator of NOWPAP, Mr. Ellik Adler of UNEP, acting as the secretariat, introduced the amended list of documents (UNEP/NOWPAP IG. 8/INF/1). The final list of documents is attached to the present report as Annex III.

Agenda item 2 (c): Adoption of the agenda

28. The secretariat informed the meeting that Mr. Sergey Tveritinov, Head of the Delegation of the Russian Federation, would not arrive until the evening of the first day of the meeting and in this regard, and in view of the importance of the participation of all delegations in the crucial discussions, asked the meeting to amend the timetable and agenda of the meeting. He proposed to move Agenda item 6 to 6 November 2003, Agenda item 7 to the afternoon of 5 November 2003 followed by Agenda item 8.

29. The NOWPAP members representatives adopted the following agenda on the basis of the provisional agenda prepared by the secretariat and distributed as document UNEP/NOWPAP IG 8/1:

1. Opening of the meeting.
2. Organisation of the meeting:
 - (a) Election of officers;
 - (b) Organization of work;
 - (c) Adoption of the agenda.
3. Credentials of representatives.
4. Report of the Executive Director on implementation of the Northwest Pacific Action Plan – Part 1: Programme implementation in 2002 - 2003.
5. Report of the RAC Directors on the implementation of work during 2002 - 2003 and approval of the planned activities for 2004 - 2005.
 - (a) CEARAC
 - (b) DINRAC
 - (c) MERRAC
 - (d) POMRAC
6. Adoption of the Memorandum of Understanding (MOU) on the Regional Cooperation Regarding Preparedness and Response to Oils Spills in the Marine Environment of the Northwest Pacific Region and NOWPAP Regional Oil Spill Contingency Plan
7. Approval of the Terms of References for the RAC Focal Points Meetings
8. Report of the Executive Director on implementation of the Northwest Pacific Action Plan - Part 2:
 - (a) Budgetary summary and status of NOWPAP Trust Fund;
 - (b) Progress made on the establishment of a Regional Coordinating Unit (RCU) for NOWPAP.

9. The GEF PDF-B proposal for the NOWPAP region.
10. Work Plan and Budget for NOWPAP for 2004-2005.
11. Preparation for the Ninth Intergovernmental Meeting.
12. Other business.
13. Adoption of the report of the meeting.
14. Closure of the meeting.

In addition, the change in the timetable proposed by the secretariat was approved.

30. The representative of Japan expressed his surprise of the fact the representative of Russia could not reach the meeting on time, causing a change in the planned agenda.

Agenda item 3: Credentials of representatives

31. The heads of the delegations of the People's Republic of China, Japan, the Republic of Korea and the Russian Federation presented their Credentials to the secretariat. The Credentials were reviewed and accepted.

Agenda item 4: Report of the Executive Director on implementation of the Northwest Pacific Action Plan – Part 1: Programme implementation in 2002 - 2003.

32. Upon the invitation of the Chairman, Mr. Ellik Adler, in his capacity of the interim coordinator of NOWPAP, presented the report of the UNEP Executive Director on the implementation of the Northwest Pacific Action Plan (UNEP/NOWPAP IG. 8/4). He stated that since the Seventh Intergovernmental Meeting (IGM), NOWPAP has been treated as a priority of the Regional Seas Programme. He said that after a long stand still of activities, UNEP has signed four Memorandum of Understanding (MoUs) with the Regional Activity Centres (RACs), which provides the mechanism for the RACs to implement their respective activities. A year and a half after the Seventh IGM, Mr. Adler was happy to inform the IGM that all RACs have established their national Focal Point Fora and have conducted their respective Focal Points meetings and activities. He reported on the shift in focus of NOWPAP from being project-based (referring to the 7 NOWPAP projects) to a RAC-based programme. He stressed that UNEP feels that there was an urgent need to establish the RCU in order to accelerate the implementation of NOWPAP activities. Mr. Adler shortly reported on the different activities of the Regional Activity Centres and on the progress made since the Seventh IGM. He noted that a comprehensive report on the activities of the RACs will be given under Agenda item 5 by the respective Directors.

33. Regarding NOWPAP/1 (Data and Information Management), this activity was fully carried out by DINRAC, and he mentioned that DINRAC had made good progress during the last year. He congratulated DINRAC and noted that the task of DINRAC is not an easy one in the NOWPAP region.

34. Regarding NOWPAP/2 (Survey of National Legislation, Objectives, Strategies and Policies), the secretariat of NOWPAP suggested to wait with this activity until the establishment of the Regional Coordinating Unit.

35. Regarding NOWPAP/3 (Collaborative, Regional Monitoring Programme), Mr. Adler informed the meeting of the division of responsibilities between the POMRAC and the CEARAC. Working Group 3 and 4 are under the responsibility of CEARAC and Working Group 1 and 2 are under the responsibility of POMRAC.

36. Regarding NOWPAP/4 (Regional Cooperation in Marine Pollution Preparedness and Response), this activity falls under the responsibility of MERRAC which has been very successful in its activities in the last years. An important achievement of MERRAC is the development of the Regional Oil Spill Contingency Plan.

37. NOWPAP/5 (Establishment of Regional Activity Centres and their work) has been completed as all the RACs were now operational and he congratulated the NOWPAP Members for their contributions and work in establishing the RACs.

38. Regarding NOWPAP/6 (Public awareness on the Marine, Coastal and Associated Freshwater Environment), the secretariat suggested to wait with this activity until the establishment of the Regional Coordinating Unit.

39. Finally, a short summary was given on NOWPAP/7 (Assessment and Management of Land-Based Activities). The full details of the secretariat's reports may be found in document UNEP/NOWPAP IG.8/4.

40. The representative of the Republic of Korea expressed his sincere thanks for the report of the secretariat and noted that NOWPAP has developed on a step by step basis. Even though there have been difficulties, NOWPAP Members have made compromises for the effective implementation of the Action Plan and is based on commonality of interest of NOWPAP countries. He stressed the importance of the Regional Coordinating Unit and the need for stability. He also asked to regularize the dates of the Intergovernmental Meetings in the future. He stressed the need to increase public awareness in NOWPAP region and to encourage the involvement of civil society and the public. Accordingly, general consensus was made to hold a public forum in the Ninth Intergovernmental Meeting.

41. The representative of Japan noted that the NOWPAP/1 activity has greatly progressed and stressed the importance of having a close working relationship with NOWPAP/3. He hoped that NOWPAP as a whole would produce meaningful data between NOWPAP/1 and NOWPAP/3 and that DINRAC would enhance its relationship with the other RACs.

42. The representative of UNEP, Ms. Vandeweerd noted that one of the elements of new the Strategy calls for the Regional Seas Programme in Nairobi to act as a service centre and stressed the importance of linking UNEP's work with the activities of other institutions and organizations in the region. Regarding NOWPAP/2 and NOWPAP/6 she was hopeful that UNEP would be able to improve its contribution and provide more support for these activities through the assistance the UNEP's Regional Office in Bangkok.

43. The secretariat agreed with the representative of the Republic of Korea that the timing of the Intergovernmental Meetings should be standardized and suggested that November is a suitable month to hold these meetings as this is at the end of the budgetary year.

44. The meeting adopted the first part of the report of the Executive Director on the implementation of NOWPAP.

Agenda item 5: Report of the RAC Directors on the implementation of work during 2002 - 2003 and approval of the planned activities for 2004 - 2005.

Agenda item 5 (a): Report of the Director of CEARAC

45. Upon the invitation of the Chairman, the Director of CEARAC, Mr. Hiroyuki Ishitobi, presented the report on the activities of CEARAC in Toyama (UNEP/NOWPAP/ IG.8/5/1).

Agenda item 5 (b): Report of he Director of DINRAC

46. Upon the invitation of the Chairman, the Director of DINRAC, Mr. Jianguo Wang, presented the activities of DINRAC in Beijing (UNEP/NOWPAP IG.8/5/2).

Agenda item 5 (c): Report of the Director of MERRAC

47. Upon the invitation of the Chairman, the Director of MERRAC, Mr. Chang-Gu Kang, presented the activities of MERRAC based in Daejeon (UNEP/NOWPAP IG.8/5/3).

Agenda item 5 (d): Report of the Director of POMRAC

48. Upon the invitation of the Chairman, the Director of POMRAC, Mr. Anatoly Kachur, presented the activities of POMRAC in Vladivostok (UNEP/NOWPAP IG.8/5/4).

49. The interim coordinator presented an overview of the current structure of NOWPAP and clarified the role of UNEP, the Regional Coordinating Unit, Intergovernmental Meetings, the RACs, Focal Points Meetings and the expert meetings. He stressed the importance of strengthening the relationship between other International Organisations that are active in the region such as the International Maritime Organisation (IMO), the Intergovernmental Oceanographic Commission (IOC) of UNESCO and reaffirmed the importance of improving horizontal cooperation between NOWPAP and the other Regional Seas Programmes and also the internal cooperation between the various NOWPAP RACS. He introduced the feasibility study on marine litter that UNEP has recently initiated and asked the meeting to consider the possibility of including NOWPAP in this activity through the contribution of MERRAC as the subject may fall under 'marine based pollution' which is a close subject to MERRAC activities.

50. The representative of Japan, Mr. Ito, noted that a large part of the expenditure of RACs were for conducting meetings and workshops. He asked the RACs for a more cost-effective implementation of the activities for example through the use of electronic means so that the cost could be reduced. He asked for more communication and coordination between the RACs.

51. The representative of Republic of Korea, Mr. Choi, stated that he noticed with appreciation a steady progress in NOWPAP activities. With regards to the expenditures he agrees with the representative of Japan for a more cost effective way of implementation of activities. He reaffirmed the importance of the use of electronic methods for conducting discussions. Regarding the issue of marine litter, he agreed with the suggestion made by the secretariat that this is an important issue for the region and suggested to use MERRAC to assist UNEP in the feasibility study.

52. Mr. Zhirnov, said his Government supported the work of RACs and emphasizes the importance and necessity of coordination of programmes of work of the RACs and of their respective activities. He noted the priorities of RACs activities emphasized by Russia, said it would be reasonable to clarify the demarcation of tasks and directions of activities of POMRAC and CEARAC, necessity of further studying of issues connected to defining and demarcation of activity spheres.

53. The representative of the People's Republic of China, Ms. Zhang stated that according to the reports presented by the directors of the RACs, 13 meetings will be held in the next 2 years and her Government agrees with the representative of Japan to reduce the number of meetings. Regarding the marine litter issue the Chinese Government does not feel this activity should be placed under the responsibilities of MERRAC at this stage. The Chinese Government felt that the RACs Focal Points Meetings should help and guide the RAC directors in order for the RACs to serve as implementing bodies of NOWPAP activities.

54. The representative of UNEP, Ms. VandeWeerd expressed her appreciation of the progress made in NOWPAP and said that it is a major Regional Seas Programme of UNEP. She agrees that there are a large number of meetings and that the purpose of the meetings should first be clearly identified. She stated that the workplans and budgets of the RACs should take into account the expected growth of NOWPAP in the coming years and make clear decisions on the institutional structure of NOWPAP so that implementation will become effective. Regarding the role of the Focal Points Meetings she felt the

meetings were important and that these meetings should have a authoritative and guiding role for more effective implementation of NOWPAP activities.

55. Mr. Adler agreed with the need to consider the reduction of the number of meetings where it was feasible and he assured the meeting that the RAC directors will take this important point in account when planning their respective budgets and workplans. One option for reducing the costs would be to hold the Focal Points meetings back to back with other technical or Working Groups meetings.

56. As to the marine litter issue, the meeting agreed that as this activity was only in the stage of feasibility study and that UNEP consultants could involve MERRAC and other regional bodies in this preliminary exercise.

57. The meeting approved the reports of activities for the Regional Activity Centres.

Agenda item 7: Approval of the Terms of References for the RAC Focal Points Meetings

58. Upon the invitation of the Chairman, the meeting was asked to consider the Terms of Reference (ToR) for the RAC Focal Points Meetings (UNEP/NOWPAP IG 8/7/1; UNEP/NOWPAP IG 8/7/2; UNEP/NOWPAP IG 8/7/3; UNEP/NOWPAP IG 8/7/4).

59. The representative of the Republic of Korea asked for clarification on the function of the Terms of Reference of the Focal Points Meetings if the main role of the Focal Points Meetings would be only an advisory role.

60. Ms. Endo, representative of Japan, mentioned the need to standardize some key words in the various ToRs of the RACs Focal Points Meetings.

61. Following a short discussion the meeting agreed with the suggestion of the secretariat to concentrate on the operational duties and responsibilities of the Focal Point Meetings, with the possibility to review these documents periodically if the need would arise. The meeting agreed to revise and standardize the four documents accordingly. The final versions of the four Terms of Reference are given in Annex IV.

62. The meeting adopted the Terms of Reference of the Focal Points Meetings of the four Regional Activity Centres.

Agenda item 8: Report of the Executive Director on implementation of the Northwest Pacific Action Plan – Part 2:

Agenda item 8 (a): Budgetary summary and status of NOWPAP Trust Fund

63. Upon the invitation of the Chairman, the interim coordinator for NOWPAP, presented the second part of the Report of the Executive Director on the Budget and the financial aspects of NOWPAP Trust Fund. The details of his presentation are given in document UNEP/NOWPAP IG. 8/4. Mr. Adler noted the importance of increasing the contributions of NOWPAP members in future years in order to ensure a steady development of NOWPAP activities. At present, NOWPAP is using more than the yearly income for activities, and this is based on funds which had accumulated during years of very few activities. This situation is not sustainable and there is a need to increase NOWPAP resources.

64. The representative of the People's Republic of China stated that her Government will continue to contribute to NOWPAP and stated that the contribution of her Government for 2003 would be made by the end of November 2003.

65. The representative of Japan informed the meeting of the serious economic situation in his Government and stated that it will be difficult for Japan to increase the level of contribution to the

NOWPAP Trust Fund and Japan might even reduce the level of contributions. However, Japan will make its utmost efforts to avoid this situation.

66. The representative of UNEP brought to the attention of the meeting that the funding of the staff for the Regional Coordinating Unit will come from the host countries, and therefore the host countries will have to ensure a steady and sustainable contribution to the Trust Fund in order to avoid situation in which contracts of the staff of the future RCU may end abruptly.

67. The meeting agreed that one of the first duties of the new coordinator would be to mobilize more resources for NOWPAP activities.

68. The meeting adopted the budgetary report of the Executive Director and endorsed the pledges of NOWPAP members of annual contributions to the Trust Fund on the same level as previous years.

Agenda item 8 (b): Progress made in the establishment of a Regional Coordinating Unit (RCU)

69. Upon the invitation of the Chairman, the interim coordinator outlined the progress made in the establishment of a Regional Coordinating Unit. He informed the meeting that on 16 September 2003, the Government of Japan and the Executive Director of UNEP signed the Host Country Agreement (HCA) for the Toyama Office. The negotiations on the HCA with the Republic of Korea are at a final stage. He informed the meeting that UNEP is ready to start with the official recruitment of the staff for the RCU but have to wait for final agreement on both HCAs. Mr. Adler described the recruitment process of the RCU staff and has estimated that realistically, it may take six-eight months to mobilize the Programme Officers and to have them in their respective duty stations Toyama and Busan. He noted that in order to accelerate the process UNEP had informed both the Republic of Korea and Japan that UNEP would be ready to start the recruitment process as soon as it receives a written note from the respective Government, that the text of the HCA is accepted, without waiting for the full official signature process. He has also briefed the meeting on the process required for the practical and technical establishment of the offices in Busan and Toyama.

70. The representative of the Republic of Korea informed the meeting that his Government had sent the last version of the text of the HCA to UNEP last week and expressed his wish for a speedy conclusion of the negotiations.

71. The representative of the People's Republic of China noted the importance of the early establishment of the RCU and urged UNEP and the concerned country to speed up their negotiations. She asked the secretariat if other NOWPAP Members will be able to access the copies of HCAs to enable the other Members to become aware of the conditions and facilities offered by the host countries, as this was the condition of the approval of the co-hosted RCU.

72. The representatives of UNEP noted that to the best of their knowledge once the document has been signed between UNEP and the respective country it becomes a public document and NOWPAP members may have copies of the HCA. However, the secretariat wished to consult with the legal office of UNEP on this matter and would inform the countries accordingly.

73. The representative of Japan informed the meeting that the agreement is open to other NOWPAP Members.

74. Mr. Zhrinov appreciated the progress towards the establishment of the RCU, emphasized the importance of work carried out in that context by UNEP with Japan. He stressed that Russia is interested that relative issues between UNEP and Republic of Korea will be agreed upon as soon as possible. He reaffirmed the Russian position expressed at IGM 2002 on RCU personnel issue.

75. The meeting approved the second part of the report of the Executive Director on implementation of the Northwest Pacific Action Plan on Budget and Trust Fund and on the establishment of the Regional Coordinating Unit.

Agenda item 6: Adoption of the Memorandum of Understanding (MOU) on the Regional Co-operation Regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific Region and NOWPAP Regional Oil Spill Contingency Plan

76. The chairman welcomed Mr. Sergey Tveritinov, the Focal Point of the Russian Federation to the meeting, and opened the discussion on the MoU and the Regional Oil Spill Contingency Plan (RCP).

77. Upon invitation of the Chairman, the interim coordinator gave a general overview of the two documents and mentioned the non-legally binding nature of these documents, which are representing a declaration of good intentions of NOWPAP members to cooperate and assist each other in case of large oil spills. He mentioned that similar regional agreements under the OPRC convention were developed in other regions of the world and they mostly follow the same pattern of a MoU as the political declaration of intents and the technical/operational document of the RCP, which specifies the ways under which the cooperation in cases of emergencies is carried out. Mr. Adler mentioned that the process of developing the MoU was handled by MERRAC and its various Focal Points Meetings, representing the NOWPAP Members during the last four to five years, under the guidance of IMO and UNEP, and under the legal umbrella of the 1990 OPRC convention. He stressed the need to finalize the MoU and the RCP as soon as possible, in view of improving cooperation in oil spill preparedness and response in NOWPAP region.

78. Upon invitation of the Chairman, the Director of MERRAC, Mr. Chang-Gu Kang presented the report on the NOWPAP Regional Oil Spill Contingency Plan (UNEP/IMO/NOWPAP/MERRAC IG. 8/6/1), and the Memorandum of Understanding (the MoU) on the Regional Cooperation regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific (UNEP/IMO/NOWPAP/MERRAC IG. 8/6/1.1) and the NOWPAP Regional Oil Spill Contingency Plan (the RCP) (UNEP/IMO/NOWPAP/MERRAC IG. 8/6/1.2). He explained the nature of the issues which were still left open by previous meetings of the MERRAC Focal Points Meetings and asked the IGM to take the relevant decisions regarding these issues.

79. The chairman, upon the suggestion of the secretariat allowed for informal consultations between NOWPAP delegations, facilitated by the secretariat and MERRAC. The secretariat proposed several changes to the MoU and the RCP and asked NOWPAP members to agree with these changes. NOWPAP delegations expressed their willingness to make mutual compromises, although that was not easy for them, in view of the importance and the urgency to conclude the MoU and the RCP for the sake of the protection of the marine environment of NOWPAP region. After discussions, and following the suggestions made by the secretariat, an agreement on the text of the MoU (as presented in Annex V to this report) was achieved.

80. The representative of the Government of Japan stated that his Government would like to see the approval of both documents (The MoU and the RCP) as soon as possible and that for sake of compromise and noting the urgency of the matter, his Government could agree with the proposed changes.

81. The head of the Russian delegation, stated that he agreed in principle with the changes made in the MoU but said that he would need a final confirmation from his Government which he would contact during the meeting.

82. During the discussion regarding the process of the signature of the MoU, the representative of the Republic of Korea noted that the MoU was a major step forward for the region, based on commonality between the NOWPAP Members, and requested the Russian delegation to speed up their confirmation with their Government.

83. The meeting agreed that the final text of the approved MoU and RCP would be distributed by the secretariat among the NOWPAP Members and that each Member will sign the MoU separately. The secretariat will also conduct consultations with NOWPAP Members and with IMO on the possible occasions and date for an official ceremony for the MoU after the process of signatures is concluded.

84. The 8th Intergovernmental Meeting also agreed that the text of the Regional Oil Spill Contingency Plan would be used as interim technical and operational guidelines for cooperation in case of emergencies, between NOWPAP members for the NOWPAP region, until the MoU would officially come into effect, in accordance with article 4(2) of the MoU.

85. After consultation with his Government, the representative of the Russian Federation informed the meeting that his Government needed some more time for consultations regarding the draft MoU and the draft RCP. The meeting emphasized the importance of finalising the present draft of the MoU as soon as possible, so that it may be acceptable to all delegations and the representative of Russia, Mr. Tvertinov, promised that he would do his best to obtain such agreement from his relevant authorities as soon as possible.

86. The meeting agreed with the suggestion made by the secretariat, that due to the exceptional situation in which one of the NOWPAP Members needed some more time for being able to express his Government's agreement with the text of these two important documents (the MoU and the RCP), the report of the 8th NOWPAP Intergovernmental Meeting would be finalized by the secretariat shortly after the end of the meeting, so that the position of that Member would be positively reflected in the report. The meeting also agreed with the suggestion of the secretariat that once the report would be finalized by the secretariat it will be circulated among NOWPAP Members for final approval¹.

87. The representative of Japan, Mr. Ito, also asked the meeting to discuss the suggestion made by his delegation during the preparation of the RCP in MERRAC meetings, to broaden the geographical scope covered by the RCP. He mentioned the importance of expanding the geographical coverage in view of the fact that large scale oil production and oil transport activities are carried out in that area. He noted that his Government had raised this issue many times through official and diplomatic channels and asked the other participants to approve this proposal.

88. The meeting took note of and had a preliminary discussion on the proposal made by Japan regarding the expansion of the geographical scope of the RCP. Following a discussion and in view of the request of some delegations to consider this important issue with their relevant national authorities, the meeting suggested that Japan would circulate a background document to the NOWPAP members and the secretariat. The members would then consider the possibility of the expanding the coverage area of the RCP, either through a future amendment of the MoU or through a decision of the next Intergovernmental Meeting. The representative of the Russian Federation noted that his Government agreed that it may be a good proposal for NOWPAP but that it was necessary to understand the technical and financial consequences of such a decision. The Secretariat expressed its intention to consult with legal advisors on Japan's proposal prior to the next Intergovernmental Meeting.

Agenda item 9: The GEF PDF-B proposal for the NOWPAP region.

89. Upon the invitation of the Chairman, the representative of UNEP Division of GEF Coordination, Mr. Takehiro Nakamura presented the concept paper for the Global Environment Facility (GEF) Project for NOWPAP region titled: "Identification and Prioritisation of Marine Environmental Problems in the Northwest Pacific Region and Strategic Planning for Addressing Them" (UNEP/NOWPAP IG.8/9). The secretariat called upon the NOWPAP Members for their utmost efforts to move forward with this activity

¹ The representative from Russia, Mr. Tvertinov, informed the Secretariat that his Government had agreed on the present Drafts of the MoU and Regional Contingency Plan in February 2004.

as it may create an excellent opportunity for the region to establish regional partnerships and to mobilize the resources to address priority environmental concerns.

90. The representative of the Government of China noted that her Government needed more time to review the proposal and that there was a need for more consultation among the NOWPAP Members.

91. In response to the request of Ms. Zhang the representative of China, Mr. Nakamura outlined the comments received from the countries, which were also summarized in UNEP/NOWPAP IG.8/9.

92. The representative of the Government of Japan stated that there were already other forums dealing with fisheries issues in the region and this should therefore not be a task of NOWPAP, especially after previous IGM meetings had already decided on another focus. He further indicated that Japan has a strong policy with regards to fisheries and his Government gives high priority to this issue. Mr. Ito also noted that his Government felt that the amount of resources needed for this activity was too large and that at this time his Government could not agree with the current concept.

93. The representative of the Republic of Korea expressed his agreement with Japan regarding the risk of duplication efforts in the region. Mr. Choi stated that his Government would need more time to make a decision on the proposal.

94. The representative of the Russian Federation expressed his Government's support of the proposal and mentioned it would be useful for the region. His country has much experience with the GEF projects in the Baltic Sea, Black Sea and Caspian Sea regions and it is an important activity for NOWPAP region. Mr. Tveritinov stated that the Members would need enough time to review the proposal and suggested to focus on a specific activity such as biodiversity. His Government proposed to proceed with this activity.

95. The representative of the People's Republic of China stated that the preparation of the proposal had already covered a period of 3 years and it would be a great loss for the region to stop this activity. Her Government proposed to further consider the proposal and based on the decision of the 7th IGM they prefer the paper to focus on Land-Based Activities. She proposed that the secretariat would further consult with the other Members in order to reach consensus and find a way to accommodate the concerns raised.

96. The representative of UNEP mentioned that it took a long time to develop the proposal and other financial resources and partnerships may be mobilized. Ms. Vandeweerd mentioned that there was no need for the region to accommodate to the changing priorities of the GEF and proposed that the members should reconsider whether the GEF is the right target to develop this project with.

97. After more discussion, the Intergovernmental Meeting agreed that UNEP/GEF and the secretariat will continue their consultations with the countries regarding this proposal and will assess the need to hold a special meeting to further discuss this proposal with the countries or to visit the countries separately to consult on the proposal.

Agenda item 10: Work Plan and Budget for NOWPAP for 2004-2005

98. Upon the invitation of the Chairman, the interim coordinator presented the Work plan and Budget for NOWPAP for 2004/5 (UNEP/NOWPAP IG.8/10). He pointed out that the Focal Points Meetings of each RAC had agreed on the priority activities and budgets for 2004/5 which were reflected in the annex to UNEP/NOWPAP IG.8/10. Mr. Adler proposed two budget options for the 2004/5 biennium. Option 1, is based on \$630,000 income from the regular incoming contributions (\$315,000 per year) and \$470,000 of the "savings" in the Trust Fund, according to the 7th IGM decision. Option 2 adds US\$ 220,000 from the estimated unspent \$530,000 budget of the 2002/3 biennium which increases the budget to 1.32 million USD which will allow continuation of activities in this scale for four years, taking in account that there will be an additional income to the Trust Fund from interest and that in most cases, not all planned activities will be implemented.

99. The representative of the Republic of Korea noted that there was a need to allow for some financial flexibility for the new coordinator. His Government proposed to use option 1 with the flexibility to later revise the budget if necessary.

100. The representative of the People's Republic of China referred to the earlier discussion on the need for a more cost effective implementation of the activities of the RACs and her Government proposed to select option 1 for the next biennium.

101. The representative of Japan noted that each RAC is requesting an increase in budget for the 2004-2005 biennium. Taking in account the total budget of 1.1 million USD for the biennium, the estimated cost of RACs covers more than half of the total budget. She stressed the need for cost effective implementation of the RAC activities. She noted that in both options the budget is equally allocated to each RAC and suggested to base the allocation of budget for each RAC based on their capacity to implement programmed activities.

102. The representative of the Russian Federation suggested to consider the workplans and planned activities of the RACs and their capabilities to implement the programmed activities. His Government agreed on option 1 with the flexibility to revise the budget next year.

103. In conclusion, the representatives agreed on option 1 with the flexibility to revise the budget if necessary. The secretariat will request the RACs to revise their respective workplans and budgets according to the decision of this meeting and to present the revised workplans and budgets to their next Focal Points meetings for approval. The approved budget for NOWPAP for 2004/5 is presented in Annex I.

Agenda item 11: Preparation for the Ninth Intergovernmental Meeting

104. The representative of the Republic of Korea, Mr. Choi, announced that his Government invites the Ninth Intergovernmental Meeting to be hosted in Busan in 2004 and that the dates of the meeting would be decided at a later stage in consultation with the secretariat. He noted that the opening ceremony of the office of the RCU is also planned in 2004 and that the two events may be synchronized towards the end of the year. He also mentioned that his government would assist the secretariat in convening a meeting between the Ninth NOWPAP IGM and the Civil Society.

Agenda item 12: Other matters

105. The representative of UNEP, Ms. Veerle VandeWeerd presented the new Regional Strategy for the Regional Seas Programme. In her presentation she outlined the six elements of the new strategy:

- Increase Regional Seas (RS) contribution to Sustainable Development (SD), through national and regional partnership with relevant social, economic and environmental actors
- Make the UNEP RS Unit a service centre
- Enhance sustainability of RS through increasing country ownership, translating RS conventions in national legislation and regulations, involving civil society and private sector, and ensuring financial sustainability.
- Increase RS visibility and impact in global and regional policy setting
- Use the RS as a platform for coordination and implementation of MEAs and global initiatives
- Promote appropriate monitoring and assessment

106. In response to a query made by the representative of the Republic of Korea regarding the reason of absence of the Democratic People's Republic of Korea (DPRK) as observers to this Intergovernmental Meeting, Mr. Adler informed the meeting that an official invitation was sent to DPRK to participate as observers to the meeting, and although follow up actions were taken, the secretariat has not received any response from DPRK. Mr. Choi requested the secretariat for their utmost efforts to ensure the

participation of the DPRK as observers to the future Intergovernmental Meetings and the secretariat reassured the meeting that this will be done.

107. The representative of the Russian Federation informed the meeting of his Government's participation in the process of information sharing with the European Union (EU) regarding the new EU water strategy and promised to inform NOWPAP on important relevant issues.

Agenda item 13: Adoption of the report of the meeting

108. The meeting approved the report and its annexes based on the understanding that the secretariat would finalize it and distribute it to the NOWPAP Members for final approval, as soon as possible (para. 86).

Agenda item 14: Closure of the meeting

109. After the customary exchange of courtesies, the Chairman declared the meeting closed at 17:30 on Friday, 7 November 2003.

Annex I

RESOLUTIONS

RESOLUTION 1

PROGRAMME OF IMPLEMENTATION FOR THE 2004-2005 BIENNIUM

The Eighth Intergovernmental Meeting

1. Approves the report of the Executive Director of UNEP as the Interim Secretariat of NOWPAP on the progress in the implementation of NOWPAP
2. Approves the reports of the Directors of the four Regional Activity Centers (CEARAC, DINRAC, MERRAC, POMRAC) of NOWPAP on the progress in the implementation of NOWPAP during 2002/3
3. Approves the four documents of the Terms of Reference for the four respective Regional Activity Centers (CEARAC, DINRAC, MERRAC, POMRAC) of NOWPAP (UNEP/NOWPAP IG 8/7/1; UNEP/NOWPAP IG 8/7/2; UNEP/NOWPAP IG 8/7/3; UNEP/NOWPAP IG 8/7/4) as presented in Annex IV to this report
4. Approves the Work plan and Budget for NOWPAP for the 2004/2005 biennium as presented in Table 1 and emphasizes the importance of carrying out the work plan as scheduled
5. Decides that this approved budget may be reviewed and amended at a later stage, if necessary
6. Requests the Directors of the RACs to introduce changes and prioritize their respective activities in line with the approved budget and to consult with their respective Focal Points Meetings on priority activities
7. Encourages members, projects and Regional Activity Centers to implement the projects efficiently, in a cost-effective way and according to the work plan
8. Requests UNEP and the secretariat to disburse the allocated budgets from the Trust Fund to the Regional Activity Centers according to UNEP procedures
9. Requests UNEP to facilitate the implementation of work by providing programmatic support as well as administrative and practical assistance to the RACs and the RCU, which is to be established
10. Encourages the members of NOWPAP to make efforts to establish partnerships and cooperate with relevant international bodies, local governments and civil society in activities related to the implementation of NOWPAP

Table 1: Workplan and Budget for NOWPAP activities for the biennium 2004/5
As approved by the 8th Intergovernmental Meeting of NOWPAP, Sanya, China, 5-7 November 2003*

Activity	Responsibility for implementation	2004/5 Budget (In thousands \$ USD)
DINRAC Data and Information	DINRAC	150
CEARAC HAB and Remote Sensing	CEARAC	150
MERRAC Preparedness and response, Marine based pollution	MERRAC	150
POMRAC River Inputs and Atmospheric Inputs	POMRAC	150
Survey of Nat'l Legislation NOWPAP 2	RCU - when established	10
Public Awareness NOWPAP 6	RCU - when established	23
Coordination of RACs NOWPAP 5	RCU - when established	40
Land Based Activities and Ecosystem Based Management	UNEP as Interim Secretariat and RCU - when established	100
Establishment and operation of RCU	UNEP as Interim Secretariat and RCU - when established	120
Implementation of NOWPAP	UNEP as Interim Secretariat and RCU - when established	80
Sub-Total		973
13% of the sub-total as Programme Support Cost		127
Total		1,100

* **Remark** - according to the decision of the 8th IGM this budget may be reviewed and amended, if necessary, during the 2004/5 biennium.

RESOLUTION 2
FINANCIAL ARRANGEMENTS FOR THE IMPLEMENTATION OF NOWPAP
IN THE 2004-2005 BIENNIUM

The Eighth Intergovernmental Meeting.

1. Decides to maintain the level of contribution of previous years, with a view to revise this level at a later stage, should a particular need arise
2. Endorses the following tentative scale of contributions to the Trust Fund for activities in 2004 and 2005

NOWPAP member	%	Additional %	TOTAL (US\$)
The Peoples Republic of China	5	3	40,000
Japan	5	20	125,000
The Republic of Korea	5	15	100,000
The Russian Federation	5	5	50,000
TOTAL	20	43	315,000

3. Recognizes the pledges made for 2002/3 and encourages the members of NOWPAP which have not yet paid their pledges, to do so as early as possible
4. Encourages the members of NOWPAP and the Executive Director of UNEP to make all possible efforts to secure funds from sources external to the Trust Fund, including civil society, local government, international and regional organizations and financial institutions in order to reduce the financial burden of the members

RESOLUTION 3
THE MOU AND THE REGIONAL CONTINGENCY PLAN

The Eighth Intergovernmental Meeting.

1. Adopts the NOWPAP Regional Oil Spill Contingency Plan (UNEP/IMO/NOWPAP/MERRAC IG. 8/6/1.2) as technical and operational guidelines for regional cooperation in cases of oil spill emergencies in NOWPAP region.
2. Approves the text of the Memorandum of Understanding (MoU) on the Regional Cooperation Regarding Preparedness and Response to Oils Spills in the Marine Environment of the Northwest Pacific Region (UNEP/IMO/NOWPAP/MERRAC IG. 8/6/1.1) as presented in Annex V to this report and decides that the MoU will be signed separately by each NOWPAP member.
3. Agrees that the text of the Regional Oil Spill Contingency Plan can be used as of 1st April 2004 as interim technical/operational guidelines for cooperation in case of emergencies, between NOWPAP members for the NOWPAP region, until the MoU will officially come into effect, in accordance with article 4(2) of the MoU.

4. Requests MERRAC, the UNEP/NOWPAP secretariat and IMO to facilitate the process of signatures of the MoU and conduct consultations with NOWPAP members regarding possible occasions to hold an appropriate high level and visible ceremony after the process of signatures will be concluded.
5. Took note of and discussed the proposal made by Japan to broaden the geographical coverage of the Regional Contingency Plan and requests Japan to circulate among NOWPAP Members a background document with a view to conduct further consultations on the subject, and decides that the proposal will be discussed by the 9th Intergovernmental Meeting.

RESOLUTION 4
DEVELOPMENT OF A GEF PDF-B PROPOSAL

The Eighth Intergovernmental Meeting.

1. Agrees that there is a need for further consultations regarding the concept paper for the Global Environment Facility (GEF) for NOWPAP region titled: “Identification and Prioritisation of Marine Environmental Problems in the Northwest Pacific Region and Strategic Planning for Addressing Them” (UNEP/NOWPAP IG.8/9)
2. Requests UNEP/GEF and the NOWPAP secretariat to continue their consultations with the Members regarding the development of the proposal and to assess the need to hold a special meeting to further discuss this proposal with the members or to visit the countries separately to consult on the proposal
3. Requests UNEP/GEF and the NOWPAP secretariat to take in account the comments and concerns raised by NOWPAP members in developing this proposal
4. Decides to form an e-mail discussion group on the GEF project concept and decides that each NOWPAP Focal Point and concerned party will nominate an expert to form an e-mail discussion group.

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Annex III

LIST OF DOCUMENTS

Working Documents

UNEP/NOWPAP IG.8/1	Provisional Agenda
UNEP/NOWPAP IG.8/2	Annotated Provisional Agenda
UNEP/NOWPAP IG.8/4	Report of the Executive Director of the United Nations Environment Programme on progress of the implementation of the Northwest Pacific Action Plan for 2002 - 2003
UNEP/NOWPAP IG 8/5/1	CEA/RAC report of activities 2002-2003
UNEP/NOWPAP IG 8/5/2	DIN/RAC report of activities 2002-2003
UNEP/NOWPAP IG.8/5/3	MER/RAC report of activities 2002-2003
UNEP/NOWPAP IG 8/5/4	POM/RAC report of activities 2002-2003
UNEP/IMO/NOWPAP/MERRAC IG 8/6/1	Report on the NOWPAP Regional Oil Spill Contingency Plan and the Memorandum of Understanding (MoU)
UNEP/IMO/NOWPAP/MERRAC IG 8/6/1.1	Memorandum of Understanding (MoU) on the Regional Cooperation regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific Region
UNEP/IMO/NOWPAP/MERRAC IG 8/6/1.2	The NOWPAP Regional Oil Spill Contingency Plan
UNEP/NOWPAP IG 8/7/1	Terms of reference for the CEARAC Focal Points Meeting
UNEP/NOWPAP IG 8/7/2	Terms of reference for the DINRAC Focal Points Meeting
UNEP/NOWPAP IG 8/7/3	Terms of reference for the MERRAC Focal Points Meeting
UNEP/NOWPAP IG 8/7/4	Terms of reference for the POMRAC Focal Points Meeting
UNEP/NOWPAP IG. 8/9	A concept paper for the GEF Project Development Facility (PDF) - B proposal for the NOWPAP region

Annex IVTERMS OF REFERENCE FOR RAC FOCAL POINTS MEETINGS**Terms of Reference for the DINRAC Focal Points Meeting****1. Background**

In order to implement the objectives related to marine and coastal environmental data and information management {Objective 1, tasks (a) and (b), Objective 2 tasks (a), (b), (c), (d) and (e)} of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) adopted at the First Intergovernmental Meeting on NOWPAP (IGM) in September 1994, Seoul of Republic of Korea, a priority was given to the Establishment of a Comprehensive Database and Information Management System (NOWPAP/1) by the same IGM.

The Fourth IGM (Beijing, 6-7 April 1999) adopted the Workplan and Budget for Implementation of NOWPAP in the Biennium 1999-2000 {ANNEX VI of UNEP(WATER)/NOWPAP IG.4/7}, in which the establishment of a NOWPAP/1 Coordinating Working Group (CWG) was expected as an activity in the biennium 1999-2000 for NOWPAP/1. Resolution 1 adopted at this meeting requested the NOWPAP Members to designate members of the CWG {ANNEX VIII of UNEP(WATER)/NOWPAP IG.4/7}.

The NOWPAP Data and Information Network Regional Activity Center (DINRAC) was established in December, 2000 based on the Resolution 2 of the Fourth IGM {ANNEX VI of UNEP(WATER)/NOWPAP IG.4/7} by a Memorandum of Understanding. DINRAC was designated to function as two secretariats for NOWPAP/1 and the NOWPAP/1 CWG, with technical assistance from UNEP, IOC of UNESCO, and other relevant international and regional organizations. Following up on the nomination and designation of the members of the CWG, the NOWPAP/1 CWG was established. The First Meeting of the CWG was held on 23-24 May 2001 in Beijing of China, and agreed upon the Terms of Reference (TOR) for the CWG of NOWPAP/1 {Annex 7 of UNEP(DEC)/NOWPAP WG 17/3}.

The Seventh IGM (Vladivostok, 20-22 March, 2002) in Resolution 3 on the Institutional Arrangement of NOWPAP requested the Directors of the Regional Activity Centers (RACs) and the secretariat {UNEP as interim before the establishment of the NOWPAP Regional Coordinating Unit (RCU)} to establish appropriate Fora of National Focal Points for each RAC and called upon the NOWPAP members to facilitate the establishment of such fora {UNEP(DEC)/NOWPAP/IG.7/10}. After the nomination and designation of National Focal Points for DINRAC, the NOWPAP DINRAC Focal Points were established in October of 2002. The First NOWPAP DINRAC Focal Points Meeting was held on 25-28 November 2002 in Shanghai of China. Correspondingly, the CWG and the CWG Meeting for NOWPAP/1 have been evolved into the NOWPAP DINRAC Focal Points and the NOWPAP DINRAC Focal Points Meeting respectively in the institutional arrangement.

The NOWPAP DINRAC Focal Points Meeting will bear the responsibilities and duties as spelled out in this document.

[This document was approved by the Second NOWPAP DINRAC Focal Points Meeting (Sanya, 29 October - 1 November 2003)]

2. Objectives

The DINRAC Focal Points Meeting is a NOWPAP arrangement for the implementation of NOWPAP to achieve the following general objectives:

- (a) exchange information on marine and coastal environmental data and information management in the NOWPAP region;
- (b) promote, coordinate and harmonize regional cooperation in the NOWPAP Region related to the establishment of a comprehensive marine and coastal environmental database and information management system.

3. Functions

Bearing in mind that the Intergovernmental Meeting is the governing body for the Northwest Pacific Action Plan, the functions of the DINRAC Focal Points Meeting are to:

- (a) identify cooperative actions in the NOWPAP Region on marine and coastal environmental data and information management;
- (b) review periodically the effectiveness of ongoing cooperative activities and advise on necessary follow-up activities in the field of marine and coastal environmental data and information management;
- (c) promote and harmonize regional cooperation in the NOWPAP Region on marine and coastal environmental data and information management;
- (d) promote the strengthening of coordinating mechanisms and of capabilities to address marine and coastal environmental data and information management;
- (e) assist in identifying gaps in scientific knowledge and promote information exchange and technical cooperation, including education, training and technology transfer in the field of marine and coastal environmental data and information management;
- (f) disseminate information on marine and coastal environmental data and information management in the wide range of the public concerned; and
- (g) perform other functions in pursuant of the objectives and goals of the NOWPAP in the field of marine and coastal environmental data and information management.

4. Participation

4.1 NOWPAP Members will be invited to participate in the DINRAC Focal Points Meeting. The NOWPAP DINRAC Focal Points and representatives of each NOWPAP Member should represent the relevant national authority, which has the responsibility and authority at the national level regarding the marine and coastal environmental data and information management. Each representative may be accompanied by advisors as appropriate. It is expected that NOWPAP Members would ensure that their delegations reflect the full range of national expertise and interests.

4.2 The representatives of other RACs may participate in the meeting as observers.

4.3 The representatives of international organizations, Non-Governmental Organizations (NGOs), local authorities and representatives of the civil society willing to contribute to the work of these meetings may also be invited as observers.

4.4 Director of DINRAC will circulate the list of invited observers to the Focal Points prior to the meeting.

4.5 Certain meeting discussions may be limited only to NOWPAP Member's official representatives. Observers may be requested to be absent from these discussions. Decisions on this issue will be made by the NOWPAP Member's official representatives. The continued

participation of NGO's in the work of the meetings will be reviewed periodically, taking into account the contribution which such observers make to the work of the meetings.

5. Sessions

5.1 The DINRAC Focal Points Meeting should be held once a year. Each session will discuss the timing of the subsequent session.

5.2 At each session, the meeting will elect, from the official representatives of the NOWPAP Members, a Chairperson and a Rapporteur.

5.3 Election of officers of the meeting will be decided by consensus.

6. Tasks

The DINRAC Focal Points Meeting will carry out the following tasks:

- (a) To advise and make recommendations to the IGM on the workplan and budget of DINRAC through its Director;
- (b) To periodically review and approve the implementation of the workplan and budget as approved by the IGM;
- (c) To review periodic reports prepared by DINRAC;
- (d) To identify and estimate cost of follow-up activities; and
- (e) To implement relevant activities decided upon by the IGM.

7. Intersessional work

7.1 In principle, all the intersessional work will be carried out by correspondence among the participants without financial provision.

7.2 When specific funds are provided by the NOWPAP Trust Fund and/or other sources of funding, the tasks will be carried out with funds for intersessional work.

8. Experts Meeting

Subject to availability of funds, the meeting may convene the Experts Meeting comprised of NOWPAP Members and other agreed participants to undertake specific advisory functions relating to scientific and technical issues.

9. Secretariat

The DINRAC Focal Points Meeting and the Experts Meeting will be served by a secretariat provided jointly (as appropriate) by the DINRAC, the NOWPAP RCU, UNEP and IOC.

10. Decisions

The meeting will achieve decisions by consensus among the NOWPAP Members. If consensus cannot be reached on administrative and procedural matters, voting may be taken. Each NOWPAP Member will have one vote. Such decision will be taken by a majority of those NOWPAP Members present and voting.

11. Procedure

11.1 The DINRAC Focal Points Meeting and the Experts Meeting shall adopt, *mutates mutandis*, the rules of procedures of the UNEP Governing Council.

11.2 The DINRAC Focal Points Meeting shall advise, when necessary, to the IGM on amendment to the present Terms of Reference of DINRAC Focal Points Meeting.

12. Agenda

Focal Points may request the secretariat to include specific items in the provisional agenda prior to its distribution.

13. Budget and Expenses

13.1 The budget for the DINRAC Focal Points Meeting and the Experts Meeting and DINRAC subsequent activities is supported by the NOWPAP Trust Fund. Other external funds should also be sought in accordance with the development of DINRAC activities.

13.2 The Director of DINRAC will report to the Focal Points Meeting on expenditures of the NOWPAP Trust Fund related to the DINRAC activities. After approval of such report by the Focal Points Meeting, the Director of DINRAC will report on DINRAC expenditures to the IGM.

14. Report

The DINRAC Focal Points Meeting and the Experts Meeting will consider and adopt a report at each of their sessions. The reports will be circulated to all participants of the Meeting. The Director of DINRAC will present the reports to the IGM.

15. Language

The working language of the DINRAC Focal Points Meeting and the Experts Meeting will be English. The host country of each of the meeting sessions may interpret the English into the language of the host country.

Terms of Reference for the CEARAC Focal Points Meeting

1. Background

In order to implement the objectives related to the monitoring and assessment of the marine and coastal environment {objective 1 task (a) and objective 5 tasks (a) (b) (c)} of the “Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP)”, the First Intergovernmental Meeting on NOWPAP (IGM) in September 1994, Seoul, Republic of Korea, gave a priority, inter alia to the establishment of “Activity NOWPAP/3 – Establishment of a collaborative, regional monitoring programme”.

The Fourth IGM (Beijing, 6-7 April 1999) adopted the proposal for the second phase of the implementation of NOWPAP, in which the establishment of a Coordinating Committee (CC) was expected as an outcome for the Activity NOWPAP/3. Resolution 1 of this meeting requested the NOWPAP members to designate relevant representatives for participation in the “NOWPAP/3 Coordinating Committee and Working Groups”. The First Meeting of the CC, (Beijing, 21-22 May 2001), agreed upon the terms of reference for CC and for the Working Groups.

The Special Monitoring and Coastal Environmental Assessment Regional Activity Center (CEARAC), was established on 17 of July 2002, based on the resolution 2 of the fourth IGM, and following the signature of a memorandum of understanding between UNEP and the Northwest Pacific Region Environmental Cooperation Center (NPEC) in Toyama, Japan. CEARAC was designated to function as one of the two secretariats for the Activity NOWPAP/3 and more specifically to operate the Special Monitoring and Coastal Environment Assessment component in NOWPAP objectives, with technical assistance from UNEP and other relevant international and regional organizations.

Following the approval of the Seventh IGM (Vladivostok, 20-22 March, 2002), to establish the fora of the RAC's Focal Points, the CC for Activity NOWPAP/3 evolved to become the CEARAC Focal Points Meeting, and will bear the responsibilities and duties as spelled out in this document.

The same IGM has also approved the establishment of two Working Groups under CEARAC on monitoring and assessment of Harmful Algal Blooms including red tides and Remote Sensing of marine and coastal environment.

2. Objectives

The CEARAC Focal Points Meeting is a NOWPAP arrangement to promote smooth and effective implementation of special monitoring and assessment of the marine and coastal environment whereby representatives of the NOWPAP members meet in accordance with article 4 (Participation) below. The main objectives of the CEARAC Focal Points Meeting would be:

- (a) Exchange information to ensure practical implementation of special monitoring and assessment of the marine and coastal environment in the NOWPAP region.
- (b) Promote, coordinate and harmonize regional cooperation in the Northwest Pacific region related to special monitoring and assessment of the marine and coastal environment such as monitoring and assessment of Harmful Algal Blooms (including red tides) and Remote Sensing of the marine and coastal environment.

3. Functions

Bearing in mind that the Intergovernmental Meeting is the governing body for the Northwest Pacific Action Plan, the functions of the CEARAC Focal Points Meeting are to:

- (a) Identify cooperative actions in the Northwest Pacific region related to special monitoring and assessment of the marine and coastal environment.
- (b) Carry out the cooperative actions in the Northwest Pacific region for the purpose of exchange of information on special monitoring and assessment of the marine and coastal environment.
- (c) Coordinate, guide and supervise the work of the two Working Groups operating under CEARAC:

WG 3 - monitoring and assessment of Harmful Algal Blooms

WG 4 - Remote Sensing of the marine and coastal environment

- (d) Promote the strengthening of national coordinating mechanisms and of national capabilities to address marine pollution through monitoring and assessment.
- (e) Assist in identifying gaps in scientific knowledge and promote information exchange and technical cooperation, including education, training and technology transfer in the fields related to special monitoring and assessment of the marine and coastal environment.
- (f) Review the effectiveness of ongoing cooperative activities, and advise on necessary follow-up activities in the fields of special monitoring and assessment of the marine and coastal environment.
- (g) Disseminate information on special monitoring and assessment of the marine and coastal environment in the wide range of the public concerned.
- (h) Perform other functions pursuant to the objective and goals of NOWPAP in the field of special monitoring and assessment of the marine and coastal environment.

4. Participation

4.1 NOWPAP members will be invited to participate in the CEARAC Focal Points Meeting. The representative of each NOWPAP member, the national Focal Point should represent the relevant national authority which has the responsibility and authority at the national level regarding special monitoring and assessment of the marine and coastal environment. The Focal Point himself/herself should be of high level and with authority and experience in issues related to special monitoring and assessment of the marine and coastal environment. Each representative may be accompanied by advisors as appropriate, such as a senior scientist with the experience in these above mentioned fields. It is expected that NOWPAP members would ensure that their delegations reflect the full range of national expertise's and interests.

4.2 Other relevant regional bodies and organizations concerned with special monitoring and assessment of the marine and coastal environment in the NOWPAP region may be invited to participate in the meeting as observers.

4.3 Relevant United Nations bodies and specialized agencies, as well as intergovernmental organizations, involved in special monitoring and assessment of the marine and coastal environment may be invited to participate in the meetings as observers.

4.4 Interested Non-Governmental Organization (NGO's) willing to contribute to the work of these meetings may be invited as observers to attend all or part of the meetings. Prior to each meeting, the director of CEARAC will circulate a list of NGO's, which may be able to contribute to the work of the meeting or which have informed the director of their wish to participate in the meeting. If no objection is noted, such NGO's may be invited to participate in the meetings. Certain meeting discussions may be limited only to NOWPAP members' official participants. Observers may be requested to be absent from these discussions. Decisions on this issue will be made by the

NOWPAP members' official participants. The continued participation of NGO's in the work of the meetings will be reviewed periodically, taking into account the contribution which such NGOs to the work of the CEARAC Focal Points Meeting.

4.5 The meeting may invite observers from local authorities from NOWPAP members as well as local or national NGO's, which may assist in the promotion of the work of the meeting in the host country. The NOWPAP members of the observers will be responsible for the distribution of documents to such observers and for the other arrangements of their participation.

4.6 The term "participants" in this document, refers to all of the above governments, intergovernmental and nongovernmental organizations.

4.7 The "observers" (non-NOWPAP members participants, intergovernmental participants, and nongovernmental participants) may make oral statement on the matters within the scope of the activities of the meeting upon invitation of the Chairperson, and subject to the approval of the meeting.

5. Sessions

5.1 It is expected and recommended that the CEARAC Focal Points Meeting will be held once a year. Each session will discuss the timing of the subsequent session.

5.2 At each session, the meeting will elect, from the official representatives of the NOWPAP members, officers consisting of a Chairperson and a Rapporteur.

5.3 Election of officers of the meeting will be decided by consensus.

6. Tasks

The CEARAC Focal Points Meeting will carry out the following tasks:

- (a) To advise and recommend to the Intergovernmental Meeting, on the workplan and budget of CEARAC through the director of the RAC.
- (b) To review and approve the implementation of the workplan and budget as approved by the Intergovernmental Meeting.
- (c) To provide the terms of reference of the Working Groups.
- (d) To review periodic reports prepared by CEARAC.
- (e) To review proposals and overviews prepared by the Working Groups.
- (f) To collect and analyze the results obtained by the different activities and recommend the compilation of regional overviews.
- (g) To advise the RACs on the coordination of the work of the Working Groups.

7. Intersessional work

7.1 In principle, and subject to availability of funds, the intersessional work will be carried out through meeting of experts, workshops and meetings of the above-mentioned Working Groups.

7.2 If funds are not available, the intersessional work will be carried out mainly by correspondence among the participants without financial provision.

8. Expert Advisory Group

Subject to availability of funds, the meeting may establish an Expert Advisory Group comprised of NOWPAP members and other agreed participants to undertake specific advisory functions relating to scientific and technical issues.

9. Secretariat

The CEARAC Focal Points Meeting, the Working Groups and the Expert Advisory Group Meeting, if established, will be served by a secretariat provided jointly by the CEARAC, the NOWPAP Regional Coordination Unit (RCU), UNEP and IOC/UNESCO.

10. Decisions

The meeting will achieve decisions by consensus among the NOWPAP members. If consensus cannot be reached on administrative and procedural matters, voting may be taken. Each NOWPAP member will have one vote. Such decision will be taken by a majority of those NOWPAP members present and voting.

11. Procedure

11.1 The CEARAC Focal Points Meeting and its Expert Advisory Group, if established, shall adopt, *mutates mutandis*, the rules of procedures of the UNEP Governing Council.

11.2 The CEARAC Focal Points Meeting shall advise, when necessary, to the Intergovernmental Meeting on amendments to the present terms of reference of CEARAC Focal Points meeting.

12. Agenda

The secretariat, in consultation with and under the guidance of the Chairperson, will prepare a provisional agenda for each session of the meeting. Any participant in the meeting may request the secretariat to include specific items in the provisional agenda prior to its distribution.

13. Budget and Expenses

13.1 The initial budget for the CEARAC Focal Points Meeting and CEARAC subsequent activities is supported by the NOWPAP Trust Fund. Other external funds shall also be sought in accordance with the development of CEARAC activities.

5.4 The Meeting will report to the Intergovernmental Meeting on expenditure of the NOWPAP Trust Fund.

14. Report

The CEARAC Focal Points Meeting and the Expert Advisory Groups will consider and adopt a report at each of their sessions. The reports will be circulated to all participants in the meeting. The director of CEARAC will present the reports to the Intergovernmental Meeting.

15. Language

The working language of the CEARAC Focal Points Meeting will be English. The host country of each of the meeting sessions may interpret the English session into the language of the host country for the purpose of dissemination of the session discussion to a wider audience.

Terms of Reference for the MERRAC Focal Points Meeting

1. Background

In order to implement the objectives related to the marine pollution preparedness and response {Objective 4, task (e): and Objective 5, task (c) and (d)} of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) adopted at the First Intergovernmental Meeting on NOWPAP (IGM) in September 1994, Seoul, Republic of Korea, a priority was given to development of effective measures for regional cooperation in marine pollution preparedness and response (NOWPAP/4) by the same Intergovernmental Meeting. Based on the recommendation of the Government-Designated Oil Pollution Preparedness and Response Cooperation (OPRC) Experts Meeting on Sub-Regional Cooperation to Enhance National Capabilities in Marine Pollution Emergency Preparedness and Response (November 1995, Bangkok, Thailand), the Second IGM approved, in the form of the Programme Document, the establishment of a forum on marine pollution preparedness and response.

The Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC) was established on 28 July 2000 based on the Resolution 2 of the Fourth IGM (April 1999, Beijing, People's Republic of China), and the following signature of a Memorandum of Understanding among United Nations Environment Programme (UNEP), International Maritime Organization (IMO) and Korea Research Institute of Ships and Ocean Engineering/Korea Ocean Research & Development Institute (KRISO/KORDI) in Daejeon, Republic of Korea. MERRAC was designated to coordinate and facilitate marine pollution preparedness and response related activities with technical assistance from UNEP, IMO and other international and regional organizations.

The Seventh IGM (20-22 March 2002, Vladivostok, Russian Federation) approved the recommendation of the Fourth Meeting of NOWPAP Forum on Marine Pollution Preparedness and Response (14-18 May 2001, Qingdao, People's Republic of China) that a network of National Focal Points for MERRAC has to be established by re-arranging the title and organization of the existing forum.

[This document was approved by the Sixth NOWPAP MERRAC Focal Points Meeting (Daejeon, 1-4 September 2003)]

2. Objectives

2.1 The NOWPAP MERRAC Focal Points Meeting is a NOWPAP arrangement to promote development of effective measures for regional cooperation in marine pollution preparedness and response whereby representatives of the NOWPAP Members meet in accordance with article 4 (Participation) below.

2.2 The general objectives of the MERRAC Focal Points Meeting are to promote mutual cooperation and to exchange information on marine pollution preparedness and response in the NOWPAP region, in order to prevent and minimize the damage to the environment by marine pollutions.

3. Functions

Bearing in mind that the Intergovernmental Meeting is the governing body for the Northwest Pacific Action Plan, the functions of the MERRAC Focal Points Meeting are to:

- (a) identify cooperative actions in the NOWPAP region on marine pollution preparedness and response;
- (b) carry out the cooperative actions in the NOWPAP region for the purpose of exchange of information on marine pollution preparedness and response;
- (c) promote and harmonize regional cooperation in the NOWPAP region on marine pollution preparedness and response;
- (d) promote the strengthening of coordinating mechanisms and of capabilities to address marine pollution preparedness and response on the national and regional levels;
- (e) assist in identifying gaps in scientific knowledge and promote information exchange and technical cooperation, including education, training and technology transfer in the field of marine pollution preparedness and response;
- (f) review periodically the effectiveness of ongoing cooperative activities, and advise on necessary follow-up activities in the field of marine pollution and response;
- (g) report on marine pollution contingency cases and measures to address them to improve the current arrangements for regional marine pollution preparedness and response;
- (h) disseminate information on marine pollution preparedness and response in the wide range of the public concerned; and
- (f) perform other functions pursuant of the objective and goals of the NOWPAP, in the field of marine pollution preparedness and response.

4. Participation

4.1 NOWPAP Members will be invited to participate in the MERRAC Focal Points Meeting. The representative of each NOWPAP Member, the national Focal Point, should represent the relevant national authority which has the responsibility and authority at the national level regarding the marine pollution preparedness and response. Each representative may be accompanied by advisors as appropriate. It is expected that NOWPAP Members would ensure that their delegations reflect the full range of national expertise and interests.

4.2 The representatives of NOWPAP Regional Activity Centres (RACs) may also participate in the Meeting as observers.

4.3 The representatives of international organizations, Non-Governmental Organizations (NGOs), local authorities and representatives of the civil society willing to contribute to the work of these meetings may be invited as observers

4.4 The list of invited observers will be circulated by the Director of MERRAC to the MERRAC Focal Points prior to the meeting.

4.5. Certain meeting discussions may be limited only to NOWPAP Member's official representatives. Observers may be requested to be absent from these discussions. . Decisions on this issue will be made by the NOWPAP Member's official representatives. The continued participation of NGO's in the work of the meetings will be reviewed periodically, taking into account the contribution of such observers to the work of the MERRAC Focal Points Meeting.

5. Sessions

5.1 The MERRAC Focal Points Meeting should be held once a year. Each session will discuss the timing of the subsequent session.

5.2 At each session, the meeting will elect, from the official representatives of the NOWPAP Members, a Chairperson and a Rapporteur.

5.3 Election of officers of the meeting will be decided by consensus.

6. Tasks

The MERRAC Focal Points Meeting will carry out the following tasks:

- (a) Advice and recommendation to the Intergovernmental Meeting on the workplan and budget of MERRAC through its Director;
- (b) Periodical review and approval on the implementation of the workplan and budget as adopted by the Intergovernmental Meeting;
- (c) Review of periodic reports prepared by MERRAC;
- (d) Preparation of a list of research and development priorities, including fate and effects of oil pollution, and possibly other chemical pollution;
- (e) Collection, evaluation and dissemination to the contact institutions of existing data on fate and effects of oil pollution, and possibly other chemical pollution;
- (f) Preparation of a report on environmental, technical, organization and logistical limitations to pollution response;
- (g) Collection of information on equipment, experts, exercises, and training;
- (h) Exchange of existing environmental data such as national ESI maps;
- (i) Development, maintenance and update of a regional contingency plan and its related data bases;
- (j) Development of a draft Memorandum of Understanding (MoU), as appropriate; and its maintenance;
- (k) Identification and cost estimate of follow-up activities; and
- (l) Implementation of relevant activities decided upon by the NOWPAP Intergovernmental Meeting.

7. Intersessional work

7.1 In principle, all the intersessional work will be carried out by correspondence among the participants without financial provision.

7.2 When specific funds are provided by the NOWPAP Trust Fund and/or other sources of funding, the tasks will be carried out with funds for intersessional work.

8. Expert Meetings

Subject to availability of funds, the meeting may establish expert meetings comprised of NOWPAP Members and other agreed participants to undertake specific advisory functions relating to scientific and technical issues of the tasks.

9. Secretariat

The MERRAC Focal Points Meeting and the expert meeting, if established, will be served by a secretariat provided jointly (as appropriate) by the MERRAC, the NOWPAP Regional Coordinating Unit (RCU), UNEP and IMO.

10. Decisions

The meeting will achieve decisions by consensus among the NOWPAP Members. If consensus cannot be reached on administrative and procedural matters, voting may be taken. Each NOWPAP Member will have one vote. Such decision will be taken by a majority of those NOWPAP Members present and voting.

11. Procedure

11.1 The MERRAC Focal Points Meeting and its expert meeting, if established, shall adopt, *mutates mutandis*, the rules of procedures of the UNEP Governing Council.

11.2 The MERRAC Focal Points Meeting shall advise, when necessary, to the Intergovernmental Meeting on amendment to the present Terms of Reference of MERRAC Focal Points Meeting.

12. Agenda

Focal Points may request the secretariat to include specific items in the provisional agenda prior to its distribution.

13. Budget and Expenses

13.1 The budget for the MERRAC Focal Points Meeting and MERRAC subsequent activities is supported by the NOWPAP Trust Fund. Other external funds should also be sought in accordance with the development of MERRAC activities.

13.2 The Director of MERRAC will report to Focal Points Meeting on expenditures of the NOWPAP Trust Fund related to the MERRAC activities. After approval of such report by the Focal Points Meeting, the Director of MERRAC will report on MERRAC expenditures to the Intergovernmental Meeting.

14. Report

The MERRAC Focal Points Meeting and the expert meeting, if established, will consider and adopt a report at each of their sessions. The reports will be circulated to all participants of the meeting. The Director of MERRAC will present the reports to the Intergovernmental Meeting.

15. Language

The working language of the MERRAC Focal Points Meeting and the expert meeting, if established, will be English. The host country of each of the meeting sessions may interpret the English session into the language of the host country.

Terms of Reference for the POMRAC Focal Points Meeting

1. Background

In order to implement the objectives related to the monitoring and assessment of the marine and coastal environment {objective 1 task (a) and objective 5 tasks (a) (b) (c)} of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP)., the First Intergovernmental Meeting (IGM) on NOWPAP in September 1994, Seoul, Republic of Korea, gave a priority, inter alia to the establishment of Activity NOWPAP/3 . Establishment of a collaborative, regional monitoring programme.

The Fourth IGM (Beijing, 6-7 April 1999) adopted the proposal for the second phase of the implementation of NOWPAP, in which the establishment of a Coordinating Committee was expected as an outcome for the Activity NOWPAP/3. Resolution 1 of this meeting requested the NOWPAP Members to designate relevant representatives for participation in the NOWPAP/3 Coordinating Committee and Working Groups.

The First Meeting of the Coordinating Committee (Beijing, 21-22 May 2001), agreed upon the terms of reference for Coordinating Committee and for the Working Groups.

The Pollution Monitoring Regional Activity Center (POMRAC), was established on 15 August of 2002, based on the resolution 2nd of the Fourth IGM, and following the signature of a Memorandum of Understanding between UNEP and the Pacific Geographical Institute of Far Eastern Branch of Russian Academy of Sciences from 1 August 2002 in Vladivostok, Russian Federation. POMRAC was designated to coordinate and facilitate pollution monitoring related activities with technical assistance from UNEP and other relevant international and regional organizations.

The overall goal of POMRAC is to coordinate regional activities related to the establishment of a collaborative regional monitoring programme, particularly focusing on two areas: Atmospheric Deposition of Contaminants and Direct and River Inputs of Contaminants into marine and coastal environment.

POMRAC will be engaged, inter alia, in the development of a regional monitoring programme, development and implementation of monitoring data quality and analytical control methods, training courses relevant to monitoring methodologies and data and analytical control.

[This document was approved by the First POMRAC Focal Points Meeting (Vladivostok, 9-11 April 2003)].

2. Objectives

The POMRAC Focal Points Meeting is a NOWPAP arrangement to promote smooth and effective coordination of activities related to the monitoring of Atmospheric Deposition and River and Direct Inputs in the NOWPAP region. The main objectives of the POMRAC Focal Points Meeting are:

(a) Exchange information to ensure practical implementation of activities related to the monitoring of Atmospheric Deposition and River and Direct Inputs into the coastal and marine environment in the NOWPAP region.

(b) Promote, coordinate and harmonize regional cooperation in the NOWPAP region related to the monitoring of Atmospheric Deposition and River and Direct Inputs into the coastal and marine environment.

3. Functions

Bearing in mind that the Intergovernmental Meeting is the governing body for the Northwest Pacific Action Plan, the functions of the POMRAC Focal Points Meeting are to:

(a) Identify and carry out the cooperative actions in the NOWPAP region related to the monitoring of the Atmospheric Deposition and River and Direct Inputs.

(b) Coordinate, guide and supervise the work of the two Working Groups operating under POMRAC:

WG 1 - Atmospheric Deposition of Contaminants;

WG 2 - River Inputs and Direct Inputs of Contaminants.

(c) Promote information exchange and technical cooperation, including education, training and technology transfer in the fields related to monitoring of the Atmospheric Deposition and River and Direct Inputs.

(d) Review ongoing regional and national activities and advise POMRAC on necessary follow - up actions related to the monitoring of the Atmospheric Deposition and River and Direct Inputs.

(e) Advise POMRAC on necessary activities related to the goals and objectives of NOWPAP in the field of marine and coastal monitoring.

4. Participation

4.1 NOWPAP Members will be invited to participate in the POMRAC Focal Points Meeting. The representative of each NOWPAP Member, the national Focal Point should represent the relevant national authority which has the responsibility and authority at the national level regarding monitoring of the marine and coastal pollution. The Focal Point himself/herself should be of high level and with authority and experience in issues related to monitoring of the marine and coastal pollution. Each representative may be accompanied by advisors as appropriate, such as a senior scientist with the experience in these above mentioned fields. It is expected that NOWPAP Members would ensure that their delegations reflect the full range of national expertise and interests.

4.2 The representatives of international organizations, Non-Governmental Organizations (NGOs), local authorities and representatives of the civil society willing to contribute to the work of these meetings may be invited as observers.

4.3 The representatives of the NOWPAP Regional Coordinating Unit (RCU) and NOWPAP Regional Activity Centres (RACs) may also participate in the Meeting as observers.

4.4 The list of invited observers will be circulated by the Director of POMRAC to the POMRAC Focal Points prior to the meeting.

4.5 Certain meeting discussions may be limited only to NOWPAP Members and official representatives. Observers may be requested to be absent from these discussions. Decisions on this issue will be made by the NOWPAP Members and official representatives. The continued participation of observers in the work of the meetings will be reviewed periodically, taking into account the contribution of such observers to the work of the POMRAC Focal Points Meeting.

5. Sessions

5.1 The POMRAC Focal Points Meeting should be held once a year. Each session will discuss the timing of the subsequent session.

5.2 At each session, the meeting will elect, from the official representatives of the NOWPAP Members, a Chairperson and a Rapporteur.

5.3 Election of officers of the meeting will be decided by consensus.

6. Tasks

The POMRAC Focal Points Meeting will carry out the following tasks:

- (a) To advise and recommend to the NOWPAP Intergovernmental Meeting on the workplan and budget of POMRAC through its Director.
- (b) To periodically review and approve the implementation of the plan and budget of POMRAC as adopted by the IGM.
- (c) To guide the work of the Working Groups through the provision and periodic review of the Terms of Reference.
- (d) To review periodic reports prepared by POMRAC.
- (e) To review proposals and overviews prepared by the Working Groups.
- (g) To advise the POMRAC and other NOWPAP RACs on the coordination of the work of the Working Groups and other NOWPAP activities.

7. Intersessional work

The intersessional work will be carried out mainly by correspondence among the Focal Points. If necessary, and subject to availability of funds, meetings of experts, workshops and other meetings may be organized.

8. Secretariat

The POMRAC Focal Points Meeting and the Working Groups will be served by a secretariat provided jointly (as appropriate) by the POMRAC, the NOWPAP Regional Coordinating Unit, UNEP and UNESCO/IOC.

9. Decisions

The meeting will achieve decisions by consensus among the NOWPAP Members. If consensus cannot be reached on administrative and procedural matters, voting may be taken. Each NOWPAP Member will have one vote. Such decision will be taken by a majority of those NOWPAP Members present and voting.

10. Procedure

10.1 The POMRAC Focal Points Meeting and Working Groups shall adopt, mutates mutandis, the rules of procedures of the UNEP Governing Council.

10.2 The POMRAC Focal Points Meeting shall advise, when necessary, to the Intergovernmental Meeting on amendments to the present Terms of Reference of POMRAC Focal Points Meeting.

11. Agenda

Focal Points may request the secretariat to include specific items in the provisional agenda prior to its distribution.

12. Budget and Expenses

12.1 The budget for the POMRAC Focal Points Meeting and POMRAC subsequent activities is supported by the NOWPAP Trust Fund. Other external funds should also be sought in accordance with the development of POMRAC activities.

12.2 The Director of POMRAC will report to the Focal Point Meeting on expenditures of the NOWPAP Trust Fund related to POMRAC activities. After approval of such report by the Focal Point Meeting, the Director of POMRAC will report on POMRAC expenditures to the Intergovernmental Meeting.

13. Report

The POMRAC Focal Points Meeting will consider and adopt a report at each meeting. The report will be circulated to all participants of the meeting. The Director of POMRAC will present the report to the Intergovernmental Meeting.

14. Language

The working language of the POMRAC Focal Points Meeting will be English. The host country of each of the meeting sessions may interpret the English into the language of the host country.

Annex V

**MEMORANDUM OF UNDERSTANDING (MOU) ON
REGIONAL CO-OPERATION REGARDING PREPAREDNESS AND RESPONSE
TO OIL SPILLS IN THE MARINE ENVIRONMENT
OF THE NORTHWEST PACIFIC REGION**

The People's Republic of China, Japan, the Republic of Korea and the Russian Federation, hereinafter referred to as the NOWPAP Members:

RECOGNISING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities;

MINDFUL THAT, in the event of an oil pollution incident, prompt and effective action is essential in order to minimise the damage which may result from such an incident;

RECOGNISING ALSO the importance of mutual assistance and international co-operation through the exchange of information such as national contingency plans, reports on significant incidents and relevant research and development;

BEARING IN MIND the relevant provisions of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) related to the promotion of bilateral or multilateral agreements for preparedness for and response to pollution incidents;

TAKING ACCOUNT of the "polluter pays" principle as a general principle reflected in the OPRC Convention;

TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage;

TAKING ACCOUNT FURTHER of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) adopted at the First Intergovernmental Meeting (Seoul, 14 September 1994), which agreed, *inter alia*, to maintain and promote regional co-operation in marine oil pollution preparedness and response;

BEING AWARE of the need to promote regional co-operation and to enhance existing national, and regional capabilities concerning preparedness and response to marine oil pollution incidents;

RECOGNISING FURTHER that regional oil pollution contingency plans specifying in advance operational procedures and administrative and financial conditions related to co-operation in cases of emergency, are necessary for a prompt and efficient response to marine oil pollution at regional level;

ACKNOWLEDGING the positive role played by the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC) and the support of the International Maritime Organization (IMO) and of the United Nations Environment Programme (UNEP) in promoting regional co-operation in preparedness for and response to marine oil pollution incidents in the NOWPAP region;

HAVE REACHED THE FOLLOWING UNDERSTANDING:

ARTICLE 1

The NOWPAP Members decide, in accordance with the OPRC Convention and with their respective laws, and subject to their capabilities and availability of resources, to use the NOWPAP Regional Oil Spill Contingency Plan (annexed to this MOU, hereinafter referred to as “the Plan”) as a guideline for regional co-operation on major marine oil pollution emergencies and promote its implementation.

ARTICLE 2

(1) In cases of major oil pollution incidents, the NOWPAP Members decide to co-operate, in taking individually and jointly, necessary response measures according to the Plan.

(2) Any NOWPAP Member requiring assistance to deal with a marine oil pollution incident may call for assistance from other Members. The NOWPAP Members so requested should use their best endeavours to render the assistance, in accordance with Article 1.

(3) Nothing in this Memorandum of Understanding should inhibit the NOWPAP Members from calling for assistance from outside the region if they judge it necessary.

(4) Each NOWPAP Member should consider how best to facilitate the prompt movement between the Members of personnel, equipment and other means to respond to oil spills.

ARTICLE 3

(1) The NOWPAP Members, according to the Plan, should exchange information specified in the Plan, directly or through MERRAC.

(2) Each NOWPAP Member should provide MERRAC with up-to-date information which is relevant to the purpose of this Plan, and MERRAC should keep the Members informed accordingly and on a regular basis.

ARTICLE 4

(1) This Memorandum of Understanding is without prejudice to rights and obligations under any international instrument.

(2) This Memorandum of Understanding will come into effect for a NOWPAP Member on the date of its signature.

(3) This Memorandum of Understanding is open for signatures by all NOWPAP Members.

(4) This Memorandum of Understanding should be amended by mutual consent, at any time, upon the request of any NOWPAP Member, which have signed the MOU.

(5) Any NOWPAP Member may withdraw from this Memorandum of Understanding by giving four months written notice to the other Members directly and through MERRAC. The NOWPAP Members should consult to determine how the outstanding matters should be dealt with.

ARTICLE 5

Any dispute in the interpretation or application of this Memorandum of Understanding will be resolved by consultations between the NOWPAP Members.

The foregoing represents the understanding reached between the NOWPAP Members.

This Memorandum of Understanding and the Plan do not create among NOWPAP Members any legally binding obligations.

The Memorandum of Understanding is signed at _____ on _____

by the following representatives of respective NOWPAP Members:

For the People's Republic of China

Name and title _____

The Memorandum of Understanding is signed at _____ on _____

by the following representatives of respective NOWPAP Members:

For Japan

Name and title _____

The Memorandum of Understanding is signed at _____ on _____

by the following representatives of respective NOWPAP Members:

For the Republic of Korea

Name and title _____

The Memorandum of Understanding is signed at _____ on _____

by the following representatives of respective NOWPAP Members:

For the Russian Federation

Name and title _____