



## THE TWELFTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER OUAGADOUGOU, 11-14 DECEMBER 2000

The Twelfth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer opens today at the Ouagadougou 2000 International Conference Centre in Ouagadougou, Burkina Faso, and will continue until 14 December. The meeting will consist of a preparatory segment from 11-12 December followed by a high-level segment from 13-14 December. Approximately 300 participants are expected to attend the meeting.

During the preparatory segment delegates will consider issues and draft decisions regarding, *inter alia*: proposed adjustment to the controlled substance in Annex E (proposed correction to the Beijing Adjustments); the need for further adjustments to the phase-out schedule for hydrochlorofluorocarbons (HCFCs) for developing countries (Article 5 Parties); measures to facilitate the transition from chlorofluorocarbon (CFC)-based metered dose inhalers (MDIs); data reporting; ratification of the Convention, Protocol and its amendments; a long-term strategy for the collection, storage, disposal and destruction of ozone-depleting substances (ODS) and equipment containing such substances; essential-use-exemption applications; measures to make halons available for essential/critical uses in Article 5 Parties; prevention of illegal trade in ODS and products containing ODS; and new ODS. Other items on the agenda include compliance issues considered by the Implementation Committee, the financial statement and budget for the trust fund for the Protocol, and the selection of Implementation Committee members, Executive Committee of the Multilateral Fund members and the Open-ended Working Group (OEWG) Co-Chairs.

### A BRIEF HISTORY OF THE OZONE REGIME

Concerns that the Earth's stratospheric ozone layer could be at risk from CFCs and other anthropogenic substances were first raised during the early to mid-1970s. At that time, scientists warned that the release of CFCs and other substances into the atmosphere could deplete the ozone layer, thus hindering its ability to prevent harmful ultraviolet rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, as well as harm humans by causing higher rates of skin cancer and weakened immune systems. In response to this growing concern, the United Nations Environment Programme (UNEP) convened a conference of experts from 32 countries in March 1977. This conference adopted a World Plan of

Action on the Ozone Layer and established a Coordinating Committee to determine the extent of the problem as a guide for future international action.

**VIENNA CONVENTION:** In May 1981, the UNEP Governing Council decided to authorize negotiations toward achieving an international agreement on protecting the ozone layer. The *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer, which included representatives from 24 nations, began meeting in 1982 and resulted in the March 1985 adoption of the Vienna Convention for the Protection of the Ozone Layer. The Convention established the need to cooperate on relevant monitoring, research and data exchanges. However, it did not impose specific obligations on the Parties to reduce production or consumption of ODS or specify what substances caused ozone depletion. To date, the Convention has 176 Parties.

**MONTREAL PROTOCOL:** Efforts to negotiate binding country obligations and achieve agreement on identifying ODS resumed in 1986, leading to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer on 16 September 1987. To date, the Protocol has 175 Parties. Under the Protocol, governments recognized the need to reduce CFC production and consumption. Developed countries (non-Article 5 Parties) pledged to reduce production and consumption of CFCs by 50% of 1986 levels by 1999 and to freeze production and consumption of halons at 1986 levels. Developing countries (Article 5 Parties) were granted a grace period allowing them to increase their use of these ODS before taking on commitments. However, while the Protocol was seen as an important step forward, it did not provide a comprehensive set of obligations covering all ODS, or set in place targets that would stabilize the level of ozone depletion. In addition, it did not include a regime for international monitoring of production and consumption of ODS. A fund to defray the costs of substitutes for CFCs in the developing countries was also lacking.

**LONDON AMENDMENT AND ADJUSTMENTS:** Further scientific evidence – including increasing information about the ozone hole over Antarctica and evidence of reductions in the ozone layer over the Northern Hemisphere – gave fresh impetus to negotiations and the regime-building process. Delegates to the Second Meeting of the Parties to the Montreal Protocol (MOP-2), which took place in London in June 1990, agreed to amend and adjust the Protocol to include other ODS and accelerate existing phase-out timetables. The London Amendment added 10 more CFCs to the list of ODS, as well as carbon tetrachloride and methyl chloroform, which were to be phased out by developed and developing countries by 2000 and 2005, respectively. The adjustment required developed countries to phase out CFCs and halons by 2000. To date, 142 Parties have ratified the London Amendment.

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Joanna Depledge <joanna@iisd.org>, Laura Ivers <laurai@iisd.org>, Hernan Lopez <hlopez@iisd.org>, Lavanya Rajamani <lavanya@iisd.org> and Lisa Schipper <lisa@iisd.org>. The Digital Editor is Jenny Mandel <jenny@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA and DFAIT), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom Department for International Development (DFID), the European Commission (DG-ENV) and the Rockefeller Foundation. General Support for the *Bulletin* during 2000 is provided by the German Federal Ministry of Environment (BMU) and the German Federal Ministry of Development Cooperation (BMZ), the Danish Ministry of Foreign Affairs, the Ministry of Environment and the Ministry of Foreign Affairs of Austria, the Ministries of Foreign Affairs and Environment of Norway, the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden and BP Amoco. Logistical assistance and travel support has been provided by the UNEP Ozone Secretariat for coverage of this meeting. The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Director of IISD Reporting Services. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca>. The satellite image was taken above Africa ©2000 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin*, send e-mail to <enb@iisd.org>.



In addition, MOP-2 established the Multilateral Fund for the Implementation of the Montreal Protocol, the first of its kind under an environmental agreement. The Fund meets the incremental costs of developing countries to implement the control measures of the Protocol and finances all clearing-house functions, including technical assistance, information, training and costs of the Fund Secretariat. The Fund is administered by an Executive Committee, which is comprised of seven donor and seven recipient countries. Its finances are replenished every three years.

#### **COPENHAGEN AMENDMENT AND ADJUSTMENTS:**

The Fourth Meeting of the Parties (MOP-4) took place in Copenhagen in 1992. Delegates agreed to shorten the existing control schedule, so that developed countries would phase out CFCs, carbon tetrachloride and methyl chloroform by 1996, and halons by 1994. They also added methyl bromide, hydrobromofluorocarbons (HBFCs) and hydrochlorofluorocarbons (HCFCs) to the list of controlled ODS. For developed countries, production and consumption of methyl bromide was to be frozen at 1991 levels, HBFCs were to be phased out by 1996 and consumption of HCFCs was to be phased out by 2030, with a 99.5% cut to be achieved by 2020. The Copenhagen Amendment also enacted stronger import and export controls and non-compliance procedures. To date, 113 Parties have ratified the Copenhagen Amendment.

**VIENNA ADJUSTMENTS:** At the Seventh Meeting of the Parties (MOP-7), held in Vienna in December 1995, developing countries agreed to phase out HBFCs by 1996, to freeze their production and consumption of methyl bromide in 2002 at average 1995-98 levels, and to freeze their consumption of HCFCs in 2016 leading to a phase out by 2040. The Vienna Adjustments also tightened the commitments of developed countries by adjusting the baseline for the HCFC target, and setting these countries a phase-out date of 2010 for methyl bromide.

**MONTREAL AMENDMENT AND ADJUSTMENTS:** At the Ninth Meeting of the Parties (MOP-9), held in Montreal in September 1997, developed countries agreed to move forward the phase out of methyl bromide to 2005, while developing countries agreed to a phase out by 2015. Delegates also agreed to a new licensing system for controlling illegal trade in ODS based on licenses issued by Parties for each import and export, and on regular information exchanges between Parties. The aim of this licensing system was to enable customs officials and police to track trade in CFCs and detect illegal trade. The new system was scheduled to begin operating in 2000. To date, 46 Parties have ratified the Montreal Amendment.

**BEIJING AMENDMENT AND ADJUSTMENTS:** The Eleventh Meeting of the Parties (MOP-11) and the Fifth Conference of the Parties (COP-5) to the Vienna Convention met jointly in Beijing, China, from 29 November to 3 December 1999. MOP-11/COP-5 resulted in the adoption of the Beijing Amendment and Adjustments. The Beijing Amendment provides for: a freeze in the level of HCFC production in 2004 for developed countries and in 2016 for developing countries; the phase out of bromochloromethane by 2002; a ban on trade in HCFCs with non-Parties from 2004; and reporting on annual consumption of methyl bromide for quarantine and pre-shipment (QPS) applications. The amendment will enter into force on 1 January 2001, providing that at least 20 Parties have ratified it. To date, Chile is the only Party that has ratified the Beijing Amendment. The adjustments stipulate the phase out of production allowances to meet the basic domestic needs of developing countries for CFCs, halons and methyl bromide.

In addition MOP-11/COP-5 adopted the Beijing Declaration and decided on the replenishment of the Multilateral Fund with US\$477.7 million for 2000-2002. Delegates adopted other decisions on, *inter alia*: new ODS; definition of pre-shipment applications of methyl bromide; QPS uses of methyl bromide; essential-use nominations for developed countries for controlled substances for 2000 and 2001; global exemptions for laboratory and analytical uses; and process agents.

## **INTERSESSIONAL HIGHLIGHTS**

### **20TH MEETING OF THE OPEN-ENDED WORKING**

**GROUP:** The 20th Meeting of the OEWG took place from 11-13 July in Geneva. Delegates to OEWG-20 considered the reports of the Technology and Economic Assessment Panel (TEAP) and Scientific Assessment Panel (SAP) and addressed a number of topics in preparation for MOP-12, including: an EU proposal to adjust HCFC control measures for developing countries; measures to facilitate the transition from CFC-based MDI, use of ODS as process agents; a long-term strategy for the collection, storage, disposal and destruction of ODS and ODS-containing equipment; the prevention of illegal trade in ODS and products containing ODS; the proposed corrections to the Beijing Adjustments; and measures to make available halons for critical use in developing countries.

### **32ND MEETING OF THE EXECUTIVE COMMITTEE OF THE MULTILATERAL FUND:**

The 32<sup>nd</sup> Meeting of the Executive Committee of the Multilateral Fund met from 6-8 December 2000, in Ouagadougou. The meeting was preceded by meetings of the sub-committees on monitoring, evaluation and finance and on project review from 4-6 December, and informal meetings on strategic planning of the Multilateral Fund held from 2-4 December.

The Executive Committee addressed and took decisions on, *inter alia*: the status of contributions and disbursements; the implementation of the fixed exchange rate mechanism; the implementation of the 1999 business plans; implementation delays of approved projects; draft business plans for 2001; general principles for agreements between governments and implementing agencies on new and renewed institutional strengthening projects; and revised guidelines for methyl bromide projects. The Executive Committee also approved a work programme for CFC phase out in the tobacco sector in China, signed agreements for methyl bromide phase out in four countries, and began work on the strategic plan.

### **25TH MEETING OF THE IMPLEMENTATION**

**COMMITTEE:** The Implementation Committee under the Non-Compliance Procedure met in Ouagadougou on 9 December 2000 and considered, *inter alia*, the report of the Secretariat on data compliance issues and follow-up on the recommendations of previous meetings, the Multilateral Fund Secretariat's analysis of data reported and policies adopted by developing countries to achieve compliance with the initial control measures of the Protocol, and reports from implementing agencies (UNDP, UNEP, UNIDO and the World Bank) on compliance issues.

**SECOND MEETING OF THE MOP-11 BUREAU:** The MOP-11 Bureau met in Ouagadougou on 9 December and discussed implementation of decisions taken at MOP-11 and action by the Secretariat on MOP-11 decisions. The Bureau noted concern over the low ratification of amendments and over four new ODS being marketed: hexachlorobutadiene, n-propyl bromide, CFC-113a and g-bromo-2-methoxy-naphthalene (BMN).

## **THINGS TO LOOK FOR TODAY**

**OPENING PLENARY:** The preparatory segment of MOP-12 will open at 10:00 am at the Ouagadougou 2000 International Conference Centre with opening remarks from Fidele Hien, Minister for the Environment and Water, Burkina Faso, and Michael Graber, Deputy Executive Secretary and Officer in Charge, Ozone Secretariat. OEWG Co-Chairs John Ashe (Antigua and Barbuda) and Milton Catelin (Australia) will chair the preparatory segment. Following adoption of the agenda, delegates will consider the proposed adjustment to the Montreal Protocol relating to controlled substances in Annex E (proposed correction to the Beijing Adjustments). They will then consider the need for further adjustments to the phase-out schedule for HCFCs for developing countries.