



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

The Twelfth Meeting of the Parties (MOP-12) to the Montreal Protocol on Substances that Deplete the Ozone Layer met from 11-14 December 2000, in Ouagadougou, Burkina Faso. The meeting consisted of a preparatory segment from 11-12 December, followed by a high-level segment from 13-14 December. Over 300 participants from 107 countries representing governments, UN agencies, international organizations and non-governmental organizations attended the meeting.

During the course of the meeting, MOP-12 adopted decisions on, *inter alia*: a correction to the Beijing Adjustments; measures to facilitate the transition from chlorofluorocarbon (CFC)-based metered-dose inhalers (MDIs); data reporting; disposal of controlled substances; essential-use-exemption applications; monitoring of international trade and prevention of illegal trade in ozone-depleting substances (ODS) and ODS-containing mixtures and products; and financial matters. MOP-12 also considered, but did not adopt decisions on, the use of hydrochlorofluorocarbons (HCFCs) in developing countries (Article 5 Parties), process agents and new ODS, specifically information on hexachlorobutadiene. MOP-12 also adopted the Ouagadougou Declaration.

MOP-12 was a low key and quiet meeting. The agenda was light and the debates good humored, reflecting the relaxed atmosphere of Burkina Faso. The decisions taken were mostly on procedural and "housekeeping" matters, and delegates were able to complete their work quickly and smoothly.

### 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

### IN THIS ISSUE

A Brief History of the Ozone Regime .....	1
Report of MOP-12 .....	3
Preparatory Segment .....	3
High-level Segment .....	3
MOP-12 Decisions .....	5
Additional Matters Discussed at MOP-12 .....	8
The Ouagadougou Declaration .....	9
Closing Plenary .....	9
A Brief Analysis of MOP-12 .....	9
Things to Look For Before MOP-13 .....	10

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date, the Protocol has 175 Parties. Under the Protocol, governments recognized the need to reduce CFC production and consumption. Developing countries were initially granted a grace period allowing them to increase their use of these ODS before taking on commitments. Developed countries (non-Article 5 Parties) pledged to reduce the production and consumption of CFCs by 50% of 1986 levels by 1999 and to freeze production and consumption of halons at 1986 levels. 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 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.

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 developing countries incur in implementing 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, 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 November 1992. Delegates agreed to tighten 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 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 a methyl bromide phase-out date of 2010 for these countries.

**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 to control 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. 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 from 29 November - 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 formally ratified the Beijing Amendment, although, at MOP-12 the Czech Republic, Jordan, and Norway announced their ratification of the 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.

**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 MDIs, 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 32nd 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.

### REPORT OF MOP-12

#### PREPARATORY SEGMENT

On Monday, 11 December, Fidèle Hien, Minister for the Environment and Water of Burkina Faso, welcomed participants to Ouagadougou. He hoped that the meeting would encourage environmental protection in his country, where soil degradation and desertification are great concerns. He said Burkina Faso has signed and ratified all major environmental conventions and highlighted the country's efforts to address the use and import of ODS under the Montreal Protocol.

Michael Graber, Officer in Charge of the Ozone Secretariat, welcomed delegates on behalf of UNEP Executive Director Klaus Töpfer. He highlighted several items on the agenda. On reporting of ODS data, Graber noted that 94.7% of Parties had reported data for 1997, 1998 and 1999, allowing baselines for CFC and halon targets to be established for most Article 5 Parties. He highlighted the role national ozone units play in achieving this result. Concerning new ODS, he remarked that hexachlorobutadiene, the new ODS notified by Canada, is the fourth new ODS to recently appear on the market.

Co-Chairs from OEWG-20, John Ashe (Antigua and Barbuda) and Milton Catelin (Australia), chaired the preparatory segment. Co-Chair Catelin thanked Burkina Faso for its hospitality in hosting MOP-12 and called upon delegates to work expeditiously through the agenda.

**ADOPTION OF THE AGENDA:** The EC requested that the draft decision on facilitating the transition from CFC-based MDIs be added to the agenda. India withdrew its draft decision regarding measures to make halons available for essential/critical uses in Article 5 Parties. The Bahamas, on behalf of the Caribbean Community (CARICOM), requested that the draft decision on the control of the export of mislabeled products and equipment be discussed along with the agenda item on prevention of illegal trade in ODS and products containing ODS. This was agreed and delegates adopted the agenda (UNEP/OzL.Pro.12/1).

#### CHANGES IN THE TECHNOLOGY AND ECONOMIC

**ASSESSMENT PANEL (TEAP) MEMBERSHIP:** On Monday, 11 December, the TEAP recommended that: Jonathan Banks (Australia) replace both Tom Batchelor (EC) and Rodrigo Rodriguez-Kabana (US) as Chair of the Methyl Bromide Technical Options Committee (TOC); Ahmad Gaber (Egypt) replace Jorge Corona (Mexico) as Co-Chair of the Solvents TOC; and Madhava Sarma (India) be instated as senior expert member. The proposed changes were accepted.

**REPORT FROM THE PRESIDENT OF THE IMPLEMENTATION COMMITTEE:** On Tuesday, 12 December, the President of the Implementation Committee, Mamadou Diallo Iam (Mali), presented the work of the Committee. He remarked that important milestones have been achieved with respect to, *inter alia*, reporting and phase out, but noted deviations from the phase-out schedule and

efforts made by the Secretariat to seek clarifications from the concerned Parties. He said that Israel and the Russian Federation had appeared before the Committee. While Israel had recorded a 3% increase in methyl bromide in 1998, it had compensated for this deviation in 1999 by a 31% reduction instead of the required 25%. He noted the Committee's concern that the Russian Federation had not complied with its commitment to phase out CFCs under Decision X/26, and had stockpiled large amounts of CFCs in anticipation of production closure at the end of 2000.

He reported that the Committee had taken note of India's concern that the use of polyol premixed with CFCs in the foam sector should be considered as a raw material, not a product. He added that the Committee had drawn India's attention to Decision I/12A that made clear that premixed polyols were to be regarded as a product under the terms of the Montreal Protocol so that CFCs in polyols should not be counted as consumption by the importing country.

**MEETING OF THE BUREAU TO THE VIENNA CONVENTION:** On Tuesday, 12 December, Fabio Fajardo-Moros (Cuba), President of the Bureau of COP-5 to the Vienna Convention, informed Parties that the Bureau had met during the day to analyze progress made in implementing Decision V/3, which was taken at COP-5. That decision called on the World Meteorological Organization (WMO) and UNEP to pursue ways of enhancing training, baseline monitoring of ozone and UV-B radiation, and related research in developing countries. He stated that, given lack of progress in implementing the decision, the Bureau had recommended to the budgetary group of the Montreal Protocol that funding from the Vienna Convention Trust Fund should be used to finance 10% of a US\$2 million WMO programme to implement Decision V/3. He added that funding for the remaining costs would be sought from the UN Foundation. Co-Chair Catelin said that the MOP would take note of the report of the Bureau meeting, but that the recommendation would be addressed at the COP of the Vienna Convention. The MOP took note of the Bureau's report (UNEP/OzL.Conv.5/Bur.1/2).

#### HIGH LEVEL SEGMENT

Fidèle Hien, Minister of the Environment and Water of Burkina Faso, opened the high-level segment on Wednesday, 13 December. He underscored his country's commitment to the protection of the environment.

MOP-11 President Roberto Stadthagen-Vogl (Nicaragua) noted progress toward protecting the ozone layer during the last decade, but warned that much work remains. He noted that scientists recently announced that the hole in the ozone layer over the Southern Hemisphere has reached record size, equivalent to 100 times the area of Burkina Faso.

UNEP Executive Director Klaus Töpfer distributed awards to the national ozone units of Uruguay, Burkina Faso and Bahrain for their dedication and good work. He noted that the POPs Convention had just been completed in Johannesburg, South Africa, and announced that Rio+10 will also be held in Johannesburg. He underscored the linkages between environmental conventions and protocols, and commented on the good cooperation among UN bodies addressing atmospheric issues. He urged Parties to: meet reporting deadlines on ODS data; consider more effective border control of illegal trade in ODS and ODS-containing products; and take action against the export of second-hand equipment containing ODS to developing countries.

UNDP Assistant Administrator Zepherin Diabre highlighted the host country's efforts to reconcile the goals of human development with environmental protection, particularly through voluntary refores-





tation and irrigation projects. He suggested increasing funding for capacity building and technology transfer to support small enterprises' use of ODS alternatives.

The President of Burkina Faso, Blaise Compaoré, welcomed participants and highlighted the synergies between desertification, climate change, biodiversity protection, poverty reduction, food security and improvement of livelihoods. He reaffirmed the African region's commitment to environmental protection, despite its lower levels of development.

**ELECTION OF OFFICERS:** Delegates elected Milton Catelin (Australia) as MOP-12 President, and Fidèle Hien (Burkina Faso), Mario Rono (Philippines) and Jiri Hlavacek (The Czech Republic) as MOP-12 Vice Presidents. Roberto Stadthagen-Vogl (Nicaragua) was elected Rapporteur.

**ASSESSMENT PANEL REPORTS: Scientific Assessment Panel (SAP):** SAP Co-Chair Peter Aucamp (South Africa) presented the findings of the SAP. He identified the need for funding to study the effects of hexachlorobutadiene and methyl bromide. He noted that the 2002 Scientific Assessment will address, *inter alia*: observed trends in ODS; ozone depleting potential (ODP) of new short-lived substances; methyl bromide; and linkages with climate change. He outlined the review process and noted efforts to ensure greater participation from developing countries.

**Environmental Effects Panel:** Jan Van Der Leun, Environmental Effects Panel Co-Chair (The Netherlands), confirmed the information provided by Canada that hexachlorobutadiene is hazardous to the environment and that its ODP is uncertain. He also reported on the interactions between climate change and ozone depletion.

**Technology and Economic Assessment Panel (TEAP):** TEAP Co-Chair Stephen Andersen (United States) reported on the work of TEAP and its TOCs in 1999 and 2000. He noted the substantial progress made in developing alternatives to ODS, but said there are still some critical uses with no available alternatives.

Methyl Bromide TOC Co-Chair David Okioga (Kenya) noted that methyl bromide consumption and production has fallen in developed countries and in several developing countries, but increased in Africa and Asia. He estimated that alternatives should be available for over 95% of uses and that emissions could be reduced by 30-90%.

Aerosols TOC Co-Chair Ashley Woodcock (United Kingdom) reported that technical barriers to the transition to CFC-free MDIs are being overcome.

TEAP Co-Chair Lambert Kuijpers (The Netherlands) reported that TEAP is supported by TOCs and task forces including more than 200 members from 46 countries, of which 35% come from countries with economies in transition (CEITs) or Article 5 Parties.

Halon Task Force Co-Chair Gary Taylor (United States) appealed to Parties to provide information to enable the Process Agents Task Force to prepare a report for 2001 in compliance with Decision X/14. He highlighted UNEP's Division of Technology, Industry and Economics' role in providing an information clearing-house on halon recycling, which has allowed critical needs to be met without essential-use exemptions. He reported that UNEP's Division of Technology, Industry and Economics is launching a business-to-business web portal, <[www.halontrader.org](http://www.halontrader.org)>.

**MULTILATERAL FUND REPORT:** Executive Committee Co-Chair Heinrich Kraus (Germany) presented the report of the Executive Committee of the Multilateral Fund (UNEP/OzL.Pro.12/7, Corr.1 and Corr.2). He noted three meetings of the Committee since MOP-11 and outlined the report, which summarizes the Committee's business during the last year, including all decisions taken.

**IMPLEMENTING AGENCY STATEMENTS:** UNIDO stated its goal to catalyze awareness-raising on ozone issues in developing countries. He underscored UNIDO's commitment to assisting industry in phasing out ODS and outlined activities, including technological advice and capacity building through training and skill development.

UNDP said its programmes cover 71 countries and that, as of the end of 1999, UNDP has completed 625 projects and eliminated 15,000 tonnes of ODS. He identified areas where UNDP has made a positive contribution and reported that it is moving towards the country-driven approach recommended by Parties.

UNEP reported on its activities to assist developing countries in complying with the Protocol, including country-programme preparation, institutional strengthening, establishing national ozone units, and training for monitoring and reducing ODS consumption. He highlighted the role of UNEP's OzonAction programme in this regard.

The World Bank noted that its projects promote capacity building to assist countries in reducing the costs of CFC phase out and to ensure long-term funding. He explained that countries where the Bank is developing projects would meet the Protocol targets and highlighted the closure and dismantling of all CFC production plants in the Russian Federation by 20 December 2000.

**DELEGATION STATEMENTS:** High-level statements were delivered on Wednesday, 13 December, and Thursday, 14 December. Thirty-five statements were delivered by heads of delegations and a few African Ministers. Mali said his country has ratified the London Amendment, and is in the process of ratifying the Copenhagen and Montreal Amendments. He said Mali is not a producer or exporter of ODS, and has very low consumption. Japan urged Parties to make effective use of the limited resources available to ensure success of the Protocol. Brazil noted that MOP-12 marks the first MOP after completion of the freeze period of some ODS by Article 5 Parties and said that the new "era" would be significantly different due to the approaching phase-out deadlines.

Bangladesh outlined domestic measures to comply with the Montreal Protocol, and said it expects to remain in full compliance. Stressing the urgency of providing finance, he listed projects submitted to the Multilateral Fund. Chile sought identification of countries and regions most vulnerable to the effects of ozone depletion and urged that they be granted special status for funding. He encouraged Parties to ratify the Beijing Amendment. The Czech Republic said its ratification of the Beijing Amendment will be official in January 2001. He listed domestic efforts including legislation tackling both climate change and ozone depletion.

The EC commented that, while the Montreal Protocol is often cited as the most successful multilateral environmental agreement, the ozone layer is still facing its greatest rate of depletion, which may be exacerbated by climate change. He called for the Protocol to be strengthened and for each country to meet its obligations and more. Finland and Argentina highlighted their joint "Ozone Day" initiative, held simultaneously in Argentina and Finland on 16 September 2000, and remarked that it increased public awareness that ozone depletion is problematic for all humans.

Sri Lanka described its plans to phase out CFCs by 2005, including: replacement and recovery programmes in the refrigeration sector; research on alternatives to methyl bromide; training programmes for customs officers; and an import and export licensing system. India noted that it has frozen the use of CFCs and implemented a licensing system to regulate ODS imports and exports. On remaining challenges, he pointed to, *inter alia*, refrigeration servicing, funding for phasing out carbon tetrachloride as a process agent and solvent, and the needs of small and medium-sized enterprises.



Jordan said it has prepared a programme to phase out CFCs by 2004 and enacted regulations on ODS imports and exports. He highlighted the problem of illegal trade and the dumping of toxic waste. Kenya reported on national environmental regulation, containing a licensing system to control the import and export of ODS. The Republic of Korea, noting the slow recovery of the ozone layer, called on Parties to reinforce their commitment to capacity building and technology transfer.

Mauritius stated that the success of his country's programme in phasing out CFCs was due to UNEP's OzonAction programme, which seeks to build national capacity to reform legal and institutional frameworks. He expressed reservations to any further adjustments to the schedule of ODS phase outs.

Norway highlighted the linkages among environmental agreements, particularly the amendments to the 1997 MARPOL Convention and the Montreal Protocol, calling on the shipping industry – a heavy user of ODS based equipment – to embrace the goal of the Montreal Protocol.

The Russian Federation underlined the importance of international cooperation, particularly Global Environment Facility (GEF) support, to close and dismantle the last seven CFC production facilities in his country by December 2000.

The US remarked that its three goals – to help draft a global framework for national transition strategies to CFC-free MDIs, to address non-compliance and to combat the smuggling of ODS – were being addressed during MOP-12, and applauded these efforts.

South Africa underscored her country's inadequate access to funds for ODS phase-out projects, and said South Africa is in the process of ratifying the Montreal, Copenhagen and Beijing Amendments.

Switzerland articulated that measures to control illegal smuggling of ODS could only be fully effective upon full ODS phase out. He highlighted the paradox that the Montreal Protocol recommends and uses, as alternatives, substances that the Kyoto Protocol of the UNFCCC aims to reduce, such as HCFCs.

Zambia expressed support for the Ouagadougou Declaration and reaffirmed its commitment to protecting the ozone layer. Botswana announced that it was in the process of acceding to the Beijing Amendment and reported that it had reduced its ODS use from 28 metric tonnes in 1993 to 5 metric tonnes in 1999. She elaborated on her country's national refrigeration management plan and identified the need for a national halon management plan. Canada said it would likely accede to the Beijing Amendment in 2001. China said that frequent adjustments to the agreed control measures for HCFCs would be counterproductive. He highlighted the need for technology transfer and financing in this regard. On the transition to CFC-free MDIs, he requested the Multilateral Fund to provide financial and technical assistance to developing countries.

The Democratic Republic of Congo announced that his country will ratify the Copenhagen and Beijing Amendments and urged Parties to comply with the established schedules.

France, on behalf of the EU, encouraged Parties to maintain efforts to achieve their commitments under the Protocol and highlighted the EU's actions on: illegal trade in ODS; new regulations on the elimination of HCFCs and methyl bromide; the use and zero recycling of halons; and a licensing system for ODS imports and exports. He called for an integrated approach to addressing climate change and ozone depletion.

Malaysia noted that the reform of domestic policies through international cooperation helped his country reduce the consumption of CFCs, and argued that any accelerated phase out would be arbitrary and affect the ability of Article 5 Parties to achieve their commitments.

Poland underscored the importance of preventing illegal trade in ODS, and said that without international trade rules on ODS, fully succeeding in this matter will be problematic.

Thailand underscored its concern over the EU proposal to accelerate the HCFC phase out for Article 5 Parties, and warned that this could undermine the CFC phase out achieved to date.

Haiti called for North-South and South-South cooperation. He emphasized national coordination and establishment of legal structures to bridge the implementation gap between developed and developing countries, and noted its commitment to gathering data on import and export of ODS.

Greenpeace described the dual crisis of climate change and ozone depletion as a "nightmare," and urged immediate action, including rapid acceleration of the phase out for all ODS globally and massive reduction of greenhouse gas consumption. He urged embracing technologies that do not utilize substances that contribute to climate change as HCFCs do, and called for increased funding to phase out HCFCs. He drew attention to the commitment of some multinational corporations not to purchase refrigeration equipment containing HCFCs after 2004.

Iran noted the adoption of a licensing system for ODS imports and the conversion of much of its refrigeration sector to CFC alternatives. He announced the creation of a center for the recycling and recovery of halons and called for a stronger response to illegal trade in ODS.

Liberia noted that, due to its long civil war, it has been unable to meet its commitments under the Montreal Protocol, but is now implementing a country programme on ozone.

Chad noted planned measures to regulate the import of ODS and products containing ODS. He pointed to awareness raising programmes and noted the need for greater expertise in phasing out ODS in the refrigeration sector.

Sudan called for further study on the relationship between climate change and ozone depletion and underscored UNEP's educational and training role. He noted that his country has already complied with the mandated ODS freeze.

### **MOP-12 DECISIONS**

On Thursday, 14 December, delegates to the high-level segment adopted 17 decisions, as contained in (UNEP/OzL.Pro.12/8/Rev.2). Most of the decisions adopted were first considered and approved during the preparatory segment.

#### **PROPOSED ADJUSTMENT TO THE MONTREAL PROTOCOL RELATING TO THE CONTROLLED SUBSTANCES IN ANNEX E (PROPOSED CORRECTION TO THE BEIJING ADJUSTMENTS):**

On Wednesday, 13 December, Patrick Széll (UK), Chair of the legal drafting group, introduced a proposed adjustment to the Montreal Protocol, forwarded from OEWG-20, aimed at correcting an "unintended error" in the Beijing Adjustments. He noted that the methyl bromide production allowance granted to non-Article 5 Parties to meet basic domestic needs had been erroneously set at 15% of 1991 production, rather than the intended 10%. He invited the MOP to consider whether it was necessary to adopt an adjustment at MOP-12, given that the correction would only be valid for six months and that non-Article 5 Parties were unlikely to exceed the intended 10% production allowance. The EC, supported by Japan and the US, suggested the adoption of a decision that would reflect the intent of the correction, rather than a formal adjustment.



Parties considered a draft decision on this issue on Thursday, 14 December. The decision was adopted with a minor amendment.

**Final Decision:** The decision takes note, with appreciation, of the legal drafting group's conclusions as to an unintended error in the Beijing Adjustments regarding the production allowance of methyl bromide for basic domestic needs. Taking note that the average production of methyl bromide for basic domestic needs in non-Article 5 Parties over the period 1995-1999 did not exceed 10%, the decision expresses the "hope and expectation" that each Party will remain within the 10% production allowance during 2001, as intended by the Parties in Beijing.

#### MEMBERSHIP OF THE IMPLEMENTATION

**COMMITTEE:** This decision notes the work done by the Committee during 2000 and confirms the continuing membership of Argentina, Bangladesh, the Czech Republic, Ecuador, Egypt and the US for another year. It selects: Senegal, Slovakia, Sri Lanka and the UK as members for a two-year period, beginning 1 January 2001; the UK as President; and Bangladesh as Vice-President and Rapporteur for one year, effective 1 January 2001.

**MEMBERSHIP OF THE EXECUTIVE COMMITTEE OF THE MULTILATERAL FUND:** This decision endorses the selection of Australia, Finland, Germany, Japan, the Netherlands, Poland and the US, representing non-Article 5 Parties, and Colombia, the Dominican Republic, India, Jordan, Malaysia, Nigeria and Tunisia, representing Article 5 Parties, as members of the Executive Committee of the Multilateral Fund. The decision also notes the selection of Heinrich Kraus (Germany) as Chair and Hannachi Hassen (Tunisia) as Vice-Chair of the Executive Committee for one year, effective 1 January 2001.

**CO-CHAIRS OF THE OPEN-ENDED WORKING GROUP OF PARTIES TO THE MONTREAL PROTOCOL:** The decision endorses the selection of Milton Catelin (Australia) and P.V. Jayakrishnan (India) as Co-Chairs of the OEWG for 2001.

**REPORTING OF DATA:** On Monday, 11 December, the Bahamas sought clarification on how to ensure that adjusted data is reflected in the Secretariat database. On Tuesday, 12 December, Oman requested that its ODS-consumption data and activity information be reflected in the report of the meeting.

**Final Decision:** The decision notes that: the implementation of the Montreal Protocol by the Parties that have reported data is satisfactory; to date, 21 out of the 175 Parties that should have reported data for 1998 have not done so; and, to date, 59 out of the 175 Parties that should have reported data for 1999 by 30 September 2000, have not done so. It also reminds all Parties to comply with the provision of Article 7 (reporting of data) and Article 9 (exchange of information), as well as relevant decisions on data and information reporting.

**RATIFICATION OF THE VIENNA CONVENTION AND THE MONTREAL PROTOCOL AND ITS AMENDMENTS:** On Monday, 11 December, Jordan announced its ratification of the Beijing Amendment. Norway also announced its ratification of the Beijing Amendment. On Wednesday, 13 December, the Czech Republic said its ratification of the Beijing Amendment will be official in January 2001.

**Final Decision:** The decision notes the large number of countries that have ratified the Vienna Convention and Montreal Protocol and indicates that: as of 30 November 2000, 142 Parties had ratified the London Amendment and 113 Parties had ratified the Copenhagen Amendment, while only 46 Parties had ratified the Montreal Amendment; and only one Party has formally ratified the Beijing Amendment, making it unlikely that the Amendment will enter into force by 1

January 2001. It urges all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments.

**DISPOSAL OF CONTROLLED SUBSTANCES:** On Monday, 11 December, delegates considered the TEAP assessment of a long-term strategy for the collection, storage, disposal and destruction of ODS and equipment containing such substances. On the request to the TEAP to consider possible linkages to other international treaties regarding the issue of disposal, the US suggested including reference to the Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal. Switzerland, with France, on behalf of the EU, suggested also including a reference to the recently negotiated Convention on Persistent Organic Pollutants (POPs). Brazil, supported by Panama, the Bahamas, Canada and Burkina Faso, questioned the appropriateness of including a reference to a convention that has not yet been formally adopted. Switzerland underscored that the POPs Convention should be in place by the time of the report of the proposed task force on destruction technologies is completed.

On Tuesday, 12 December, Switzerland said the draft decision on disposal of controlled substances did not reflect the previous day's discussion since reference to the POPs Convention did not appear in the text. Co-Chair Ashe said that agreement had been reached on the formulation "international treaties, as appropriate." Switzerland asked whether the report would note that some Parties had proposed a specific reference to the POPs Convention. Co-Chair Ashe said the report would also reflect that several Parties opposed inclusion of this reference in the decision.

**Final Decision:** The decision requests the TEAP to establish a task force on destruction technologies that should report to MOP-14 on the status of ODS-destruction technologies, including assessment of their environmental and economic performance and commercial viability, and review existing criteria for the approval of ODS-destruction facilities. The decision also requests the TEAP to:

- evaluate the technical and economic feasibility for the long-term management of contaminated and surplus ODS in Article 5 and non-Article 5 Parties, including options such as long-term storage, transport, collection, reclamation and disposal of such ODS;
- consider possible linkages to the Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal and other international treaties, as appropriate, regarding the issue of disposal; and
- report on these issues at MOP-14.

**ESSENTIAL USE NOMINATIONS FOR NON-ARTICLE 5 PARTIES FOR CONTROLLED SUBSTANCES FOR 2001 AND 2002:** This decision authorizes the levels of production and consumption necessary to satisfy essential uses of CFCs for MDIs and CFC-113 for torpedo maintenance, as set out in an annex to the report of MOP-12 and subject to the conditions established by paragraph 2 of decision VII/28.

**MONITORING OF INTERNATIONAL TRADE AND PREVENTION OF ILLEGAL TRADE IN ODS AND MIXTURES AND PRODUCTS CONTAINING ODS:** On Tuesday, 12 December, Poland introduced a draft decision on monitoring of international trade and the prevention of illegal trade in ODS and products containing ODS, noting that it had been revised based on discussions at OEWG-20. Canada, the Czech Republic and France, on behalf of the EU, supported the decision. Canada and the EU emphasized that all related work underway be taken into consideration by the Secretariat. The EU drew attention to the work of the Intergovernmental





Forum on Chemical Safety (IFCS) in addressing illegal trafficking of chemicals, and noted that the EU is preparing a handbook for training customs officials.

On developing guidelines on how to proceed with ODS seized on the border, the US noted that this is a matter of national law and instead suggested providing "possible guidance." With regard to a provision encouraging customs training at the regional and national levels, the US requested that this be modified to regional "and/or" national level training. Delegates agreed to the decision, as modified.

**Final Decision:** The decision requests the Secretariat, in consultation with the TEAP, UNEP and the ODS customs codes discussion group, to examine the options for studying the following issues and to report to OEWG-21:

- current national legislation on labeling of ODS, mixtures containing ODS and products containing ODS;
- the need for, scope of and cost of implementing a universal labeling and/or classification system for ODS, mixtures containing ODS and products containing ODS, including the feasibility of introducing a producer-specific marker, identifier or identification methodology;
- methods for sharing experience between Parties on issues related to classification, labeling, compliance and incidents of illegal trade;
- the difference between products containing ODS and mixtures containing ODS, and the possibility of creating a list of categories of products containing ODS with corresponding Harmonized System/Combined Nomenclature classification; and
- possible guidance for customs authorities on how to proceed with illegally traded ODS seized on the border, and on a universal labeling and/or classification system for identifying ODS.

The decision also expresses appreciation for the activities of UNEP's Division of Technology, Industry and Economics and encourages further work with regard to providing information on the issues mentioned above to Article 5 Parties and CEITs, specifically through customs training at the regional and/or national levels.

**MEASURES TO FACILITATE THE TRANSITION TO CFC-FREE MDIS:** On Monday, 11 December, Parties discussed a draft decision, carried forward from OEWG-20, on measures to facilitate the transition from CFC-based MDIs. Cuba suggested including reference to investment projects in technology transfer as part of the need for technical, financial and other assistance to developing countries. New Zealand and the Russian Federation requested greater flexibility in allowing each country to achieve its targets according to its public health needs. The Dominican Republic underscored the need to maintain exemptions for the essential use of CFC-based MDI products approved for the treatment of asthma and/or chronic obstructive pulmonary disease in non-Article 5 Parties. Canada welcomed the idea of a transition period towards CFC-free MDIs. Japan expressed its support for a provision in the draft decision enabling the transfer of MDIs between manufacturing companies. Brazil requested clarification of issues such as financing and suggested adding language on promoting the transfer of technologies during the transition period. Greenpeace requested developed countries to provide funds to developing countries to support the transfer of technologies. The EC suggested the establishment of a contact group on the matter, underscoring the importance of such a forum for discussing and modifying the draft proposal. Brazil, Japan, Canada, China, the Dominican Republic and New Zealand supported the establishment of a contact group. A contact group chaired by Tom Batchelor (EC) was convened.

On Tuesday, 12 December, the contact group met and reported back to Plenary. Batchelor presented the revised draft decision on MDIs. In a paragraph on Multilateral Fund assistance to Article 5 Parties to facilitate the development of MDI transition strategies, Brazil suggested deleting the phrase "to consider the need to" provide assistance. In response to an objection from the US that the Multilateral Fund has many demands on its resources, Brazil, supported by the US, Cuba and the Dominican Republic, suggested alternate language, "consider providing." The decision was agreed as amended.

**Final Decision:** The decision states that any CFC-based MDIs approved after 31 December 2000 for the treatment of asthma and/or chronic obstructive pulmonary disease in a non-Article 5 Party are not an essential use unless the product meets the criteria set out in paragraph 1(a) of Decision IV/25. It encourages Parties to urge MDI companies within their territories to seek approval for the company's CFC-free alternatives in the Party's domestic and export markets, and requires Parties to report on such efforts by 31 January 2002. It requires: non-Article 5 Parties to develop national or regional MDI transition strategies to be submitted to the Secretariat by 31 January 2002; and Article 5 Parties to develop MDI transition strategies to be submitted by 31 January 2005. It requests the Executive Committee of the Multilateral Fund to consider providing technical, financial or other assistance to Article 5 Parties to facilitate the development and implementation of MDI transition strategies. It requests the TEAP to summarize and review the information submitted to the Secretariat by 15 May each year.

**DECISIONS FORWARDED FROM THE IMPLEMENTATION COMMITTEE:** Delegates approved the following four decisions forwarded from the Implementation Committee on Tuesday, 12 December, and adopted them formally on Thursday, 14 December.

**Application by Kyrgyzstan for developing country status under the Montreal Protocol:** This decision accepts the application of Kyrgyzstan to be listed as a developing country, taking into account its difficult economic situation, its classification as a developing country by the World Bank and its low *per capita* consumption of ODS.

**Request by Slovenia to be removed from the list of developing countries under the Montreal Protocol:** This decision approves Slovenia's request to be removed from the list of developing countries under Article 5 and notes that Slovenia shall assume the obligations of a non-Article 5 Party.

**Term of office of the Implementation Committee and its officers:** This decision agrees to: fix the term of the Committee and its officers as 1 January to 31 December each year; and request the Committee elected each year by the MOP to elect its President and Vice-President during the meeting itself in order to ensure continuity.

**Continued assistance from the GEF to CEITs:** This decision agrees to request the GEF to clarify its commitment to providing continued assistance to CEITs.

**ORGANIZATION OF OZONE SECRETARIAT AND MULTILATERAL FUND MEETINGS:** On Tuesday, 12 December, the US called for better coordination between the Ozone Secretariat and the Multilateral Fund Secretariat when making arrangements for back-to-back meetings. Japan requested confirmation that the guidance of the MOP on this issue would be implemented by both Secretariats. K. Madhava Sarma, former Executive Secretary of the Ozone Secretariat, clarified that, while the administrative set-up of the Ozone and the Multilateral Fund Secretariats differ, both Secretariats have a role in minimizing total expenditure to Parties arising from back-to-back meetings. Co-Chair Catelin said that a draft decision would be



prepared reflecting the US proposal and the views expressed. On Wednesday, 13 December, delegates considered and agreed to the decision, which was formally adopted on Thursday, 14 December.

**Final Decision:** The decision states that when meetings organized by the Ozone Secretariat and the Multilateral Fund Secretariat are scheduled back-to-back, the two secretariats should coordinate arrangements to the greatest extent possible, and where possible and advantageous to the Parties, seek to negotiate joint agreements with the host government.

**FINANCIAL AND BUDGETARY MATTERS:** A sub-group on budgetary and financial matters, chaired by Co-Chair Ashe, was convened on Monday, 11 December to consider a draft decision.

On Tuesday, 12 December, Co-Chair Ashe introduced a revised draft decision on financial matters. Japan objected to a provision in the draft decision, requiring countries hosting a MOP to pay only the costs additional to those budgeted by the Parties for the meeting. He stated that, in accordance with UN financial rules, it is the responsibility of the host countries to cover the full difference in cost between hosting a MOP at the Secretariat headquarters (in this case, Nairobi) and elsewhere. Former Executive Secretary Sarma clarified that the intent of the provision is to reduce the incremental costs that the host country would incur. Canada supported the draft decision, noting it would encourage Article 5 Parties to host meetings. Japan objected, stating that it would discriminate against countries where the costs of hosting meetings are higher than in Nairobi.

On Wednesday, 13 December, Japan called once more for the deletion of the provision, claiming that it conflicts with UN General Assembly (UNGA) Resolution 40/243, which requires the host government of meetings held away from headquarters to defray the additional costs involved. Former Executive Secretary Sarma noted that Parties could decide to subsidize particular meetings. The UK said the MOP is not legally-bound by UNGA Resolution 40/243, since it is not a UN body. Japan responded that, since the Trust Fund is administered by a UN entity, its management should be in accordance with UN financial rules. Co-Chair Ashe noted that the Secretariat would manage the Trust Fund in an appropriate manner and proposed deleting the provision. On Thursday, 14 December, the decision was adopted, without this provision.

Japan stated that the budget for the Montreal Protocol Trust Fund should be governed by "zero nominal growth" from 2002, and noted that his government would consider the proposed budget for 2002 "critically." Calling on the Secretariat to exercise prudence in financial management, he asked for his comments to be noted in the report.

**Final Decision:** The decision takes note of the financial report on the Montreal Protocol Trust Fund for 1999 (UNEP/OzL.Pro.12/6) and, *inter alia*:

- approves the revised budget of US\$4,099,385 for 2001, recalling that, in accordance with Decision XI/21, the contributions to be paid by Parties should amount to US\$3,004,679;
- takes note of the proposed budget of US\$4,406,276 for 2002, taking into account Decision XI/21, which calls for the drawdown of US\$675,000 from the unspent balance for the years 2001, 2002 and 2003; and
- notes that, in future, the establishment and classification of posts in the Ozone Secretariat shall be presented in advance for consideration and approval before submission to the UN for processing.

**DATE AND VENUE OF MOP-13:** On Wednesday, 13 December, Sri Lanka announced its offer to host MOP-13. On Thursday, 14 December, delegates adopted a decision to convene MOP-13 in Colombo, Sri Lanka, from 15 to 19 October 2001.

## ADDITIONAL MATTERS DISCUSSED AT MOP-12

### THE NEED FOR FURTHER ADJUSTMENTS TO THE PHASE-OUT SCHEDULE FOR HCFCs FOR ARTICLE 5

**PARTIES:** On Monday, 11 December, the EC reintroduced a proposal, on behalf of the EU, for further adjustments to the phase-out schedule for Article 5 Parties. The proposed adjustments included forwarding the freeze on Article 5 Parties' HCFC consumption to 2007 (based on 2006 levels) from 2016 (based on 2015 levels). They also included reductions of 35% by 2014, 65% by 2020, 90% by 2025, and 99.5% by 2030, retaining the 2040 phase-out date. The EC expressed flexibility regarding how Parties arrive at the 2040 phase out and the options for best meeting the objective of accelerated HCFC phase out. He proposed that the TEAP study this issue and recommended the establishment of a contact group to facilitate discussion of options.

India, supported by Nigeria, on behalf of the G-77/China, the Dominican Republic, China, Iran, Argentina and the Bahamas, objected to the EC proposal for an accelerated HCFC phase out in Article 5 Parties. He highlighted the difficulties for industry, and the risk that the phase out of CFCs in developing countries would be jeopardized. China underscored the need to consider alternatives rather than discuss frequent adjustments. The G-77/China said that a discussion on further adjustments was premature. Greenpeace identified several environmental and commercial reasons for developing countries to accelerate the phase out of HCFCs, including commitments by major corporations to stop purchasing equipment using HCFCs in 2004. At the EC's suggestion and Brazil's acquiescence, Co-Chair Catelin requested Brazil to facilitate discussion on the issue and report back to Plenary.

A contact group, chaired by Everton Vargas (Brazil), met on Monday and Tuesday, 11-12 December, to discuss the scope and implications of the TEAP's activities relating to monitoring and analysis of alternatives. Vargas reported to Plenary on Tuesday, 12 December, that this issue remained unclear and that the Parties recommend to the high-level segment that OEWG-21 discuss a new draft decision. Based on the discussions in the contact group a revised draft decision was produced that will be discussed at OEWG-21. The following is a summary of that draft decision.

The draft decision requests the TEAP to:

- determine quantitative trends in sector-specific use of HCFCs that are representative of consumption in Article 5 Parties for the period 1999-2000;
- assess the availability of, and quantify where possible, sector-specific non-HCFC alternatives implemented or being implemented, keeping in view financial, economic, social and environmental impacts for the period 1999-2000, and noting in particular where sector-specific alternatives are not yet available;
- analyze a range of technically feasible control scenarios, taking into account the special needs of Article 5 Parties and their commitment to continue the phase out of HCFCs; and
- submit its findings to the OEWG in 2003.

The MOP in 2003 will then discuss the need for further adjustments to the phase-out schedule for HCFCs and the conditions under which these adjustments could occur, taking into account the TEAP's findings.

**NEW OZONE DEPLETING SUBSTANCES:** On Monday, 11 December, Canada recalled that hexachlorobutadiene has an ODP of 0.07, but is classified as a high production volume chemical by the OECD. He said Canada had forwarded additional information on this chemical to the Secretariat in the hope that TEAP and SAP will examine it in more detail, but that he did not expect a specific decision at this MOP.





Greenpeace noted that hexachlorobutadiene is toxic and carcinogenic, and has an ODP similar to that of some ODS already controlled by the Protocol. He advocated a “no tolerance” approach to new ODS to send a clear message to industry, and proposed amending the Protocol to add an “umbrella clause” that would automatically place new ODS on a “fast-track” phase out. He added that, if there were no substitutes for the new ODS, manufacturers could request a critical-use exemption. He also called on Parties to place hexachlorobutadiene, along with chlorobromomethane and n-propyl bromide, two other new ODS, on the control list under the Protocol. As an immediate measure, he called on Parties to adopt a declaration discouraging the production, promotion and use of these new ODS, along with national legislation forbidding import and export.

Co-Chair Catelin confirmed that no specific decision on this issue was required at MOP-12. He said the information provided by Canada would be noted in the report of MOP-12.

**PROCESS AGENTS:** On Tuesday, 12 December, India introduced a proposed draft decision on process agents. He noted that it aims to confirm that the use of any ODS as a process agent is a controlled substance under the Montreal Protocol and invited Parties to consider it in preparation for further discussion at OEWG-21. The US stated that it disagreed with India’s interpretation of the status of these ODS, as included in the proposed draft decision. Co-Chair Catelin deferred further discussion to OEWG-21. The proposed draft decision will be included in a document to be presented to the OEWG.

**OTHER MATTERS:** On Tuesday, 12 December, the EC questioned the statement in the TEAP’s report that it is no longer technically or economically necessary to exempt the use of ODS in water quality testing. He said some countries have reported the use of ODS-based standards for testing water. He noted that the International Standards Organization (ISO) is developing new standards, but that, until their approval, ODS-based testing will need to continue. Recalling that, at a previous session, it had been decided that after 2002 ODS exemption for water testing would no longer be valid, the US asked whether the EC was suggesting a review of the decision, or whether he believed the use of ODS for this purpose would be phased out by 2002. In response, the EU stated that the time until 2002 will be needed to achieve the elimination of ODS from water testing.

Greenpeace commented that CFC refrigerators are being imported into the US from China, and asked whether export from Article 5 Parties to non-Article 5 Parties violates the Montreal Protocol. He urged Parties to take immediate action to stop proliferation of such CFC equipment. Co-Chair Catelin stressed that it is inappropriate for NGOs to make allegations against specific Parties.

**WITHDRAWN DRAFT DECISIONS:** On Monday, 11 December, India withdrew its draft decision on measures to make halons available for essential/critical uses in Article 5 Parties. On Tuesday, 12 December, Barbados, on behalf of the Caribbean Community, withdrew its draft decision on controlling the export of mislabeled products and equipment whose functioning relies on Annex A and Annex B substances, noting that the decision on monitoring of international trade and prevention of illegal trade in ODS and products containing ODS addressed its concerns.

### THE OUAGADOUGOU DECLARATION

On Thursday, 14 December, Burkina Faso announced that the African countries had prepared a draft Ouagadougou Declaration on pursuing programmes for the reduction of ODS. A negotiating committee was established to finalize the Ouagadougou Declaration consisting of representatives of Article 5 Parties – Brazil, Burkina

Faso, China, India and Nigeria – and of non-Article 5 Parties – Canada, EC, Japan, UK and US. The Ouagadougou Declaration was presented at the closing Plenary and adopted by acclamation.

The Ouagadougou Declaration notes with appreciation the progress made in the implementation of the Montreal Protocol and expresses gratitude to the involved governments, international organizations, the industrial sector, experts and groups who have contributed to this progress. It appeals to Parties to pay their agreed national contributions to the Multilateral Fund in a timely manner.

The Declaration encourages Parties to, *inter alia*:

- take all necessary steps to prevent illegal production and consumption, and trade in ODS and the equipment and products containing them;
- cooperate internationally and nationally in the areas of transfer of technology, know-how and capacity building, and harmonization of custom codes;
- ratify and implement the amendments to the Montreal Protocol;
- integrate ozone layer protection into socioeconomic development programmes; and
- adopt and apply regulations and pursue awareness-raising campaigns for the public and all stakeholders who use ODS and encourage adoption of more environmentally-sound alternatives.

### CLOSING PLENARY

Delegates convened in a final Plenary on Thursday afternoon, 14 December. Vice-President Jirí Hlavacek (Czech Republic) presented the report of MOP-12 (UNEP/OzL.Pro.12/L.1 and Add 1-2.) and it was adopted with minor amendments.

MOP-12 President Catelin thanked Canada, Finland, Germany, the Netherlands, Sweden and Switzerland for their financial support. Fidèle Hien, Minister for Environment and Water of Burkina Faso, thanked delegates for the Ouagadougou Declaration, which he said was a “beautiful gift,” and stated that Burkina Faso will ensure its implementation. On behalf of all participants, MOP-12 President Catelin thanked the government and people of Burkina Faso for their hospitality and declared the meeting closed at 5:30 pm.

## A BRIEF ANALYSIS OF MOP-12

### IN THE TRANQUIL “EYE OF THE STORM”

MOP-12 took place in the midst of an exhausting round of environmental meetings, including the failed climate change negotiations in The Hague and the successful conclusion of the POPs Convention in Johannesburg. Many delegates coming straight from these intense negotiations were relieved that MOP-12 was a far more laid back and straightforward affair. It followed the trend to brevity set by the last meeting of the OEWG by being the shortest MOP ever held, as well as one of the most sparsely attended.

The agenda for MOP-12 was remarkably light and several participants privately noted, as they did at the last OEWG meeting, that there is insufficient business to justify annual meetings. Almost all decisions were on procedural and routine “housekeeping” matters, designed to keep the regime ticking rather than significantly advancing its implementation. Even on the more important items, the transition to CFC-free MDIs and the use of HCFCs by developing countries, several delegates expressed pleasant surprise that they were handled quickly and smoothly. Parties were not in the mood for a fight, perhaps influenced by the relaxed and good-humored atmosphere of Burkina Faso.

The pedestrian pace of MOP-12 reflects the maturity of the ozone regime. Since it came into force, the Montreal Protocol has built up a set of well-functioning institutions that have acquired a momentum of



their own. The Implementation Committee, the Executive Committee of the Multilateral Fund and the assessment panels have taken over from the MOP and the OEWG as the forums where battles between Parties are fought. In Burkina Faso, the Executive Committee of the Multilateral Fund met for a full day longer than the MOP itself, and saw far more intense political struggles. On the phase out of CFC-based MDIs, delegates adopted a decision that deferred potential controversies over funding for developing countries to the Multilateral Fund Executive Committee.

With most of the work delegated to its well-oiled institutional machinery, the role of the MOP now seems to oscillate awkwardly between providing broad political oversight on the one hand, and dealing with the "nitty-gritty" of implementation on the other. Several participants warned that the MOP is in danger of "micro-managing" the process, taking increasingly detailed "command and control" decisions to direct the ODS phase out in developing countries.

The tranquility of MOP-12 was only slightly ruffled by warnings from high-level speakers that the ozone regime cannot "rest on its laurels" and there is "no room for complacency." These warnings have now become part of the ritual of ozone meetings. The persistently slow ratification of the Protocol's amendments, the development of new ODS, and trade in CFC-based products were all raised as blemishes on the ozone regime's record of success. Alarming, there were frequent references to the Antarctic ozone hole, which, in September 2000, covered the largest area ever recorded, and to the additional threat to the ozone layer posed by climate change. Until scientific measurements reveal without doubt that the ozone hole is closing, the ozone regime cannot declare victory.

The stubbornly critical state of the ozone layer, however, did not translate into decisions on any additional action. The EU proposal to tighten commitments on HCFCs for developing countries was greatly watered down, while Greenpeace's call for an automatic phase-out mechanism for new ODS fell on deaf ears. Even attempts to strengthen ozone monitoring under the Vienna Convention were stymied by procedural obstacles. One delegate commented that the Parties to the ozone regime are playing a dangerous "waiting game," crossing their fingers that existing commitments will be sufficient to trigger the long-predicted recovery of the ozone layer.

The lack of excitement at MOP-12 suggests the ozone regime is basking in the temporary calm of the "eye of the storm." The political storm is likely to brew once again as the ODS phase-out dates for developing countries approach. When MOP-13 meets in Sri Lanka, data will be available to assess whether developing countries have met their first ODS targets. Implementation problems will inevitably arise in the future, and pressure on developing countries to strengthen their targets will increase, especially if the much-awaited recovery of the ozone layer fails to materialize. Sparks will also undoubtedly fly over funding for the ODS phase out in these countries. Moreover, some participants warned that the administration of US President-elect George W. Bush might lead to a less constructive US position, particularly on funding for developing countries and US phase out of methyl bromide.

In contrast with most other international environmental negotiations, environmental NGOs were conspicuous at MOP-12 by their absence, with only three representatives present. Greenpeace held up the fort admirably, repeatedly drawing attention to the alarming state of the ozone layer and highlighting the efforts, or lack thereof, by Parties on ground-level implementation issues. Such input customarily

serves to keep Parties on their toes and it is disheartening that the ozone regime now seems to attract so few environmental NGOs. Business and industry, however, have a significant presence in these negotiations. They were present in greater numbers at MOP-12 and many also participate actively as experts on the assessment panels. Scarce environmental NGO presence creates an imbalance that could affect the future pace and direction of the regime.

There are still many battles ahead before the war against ozone depletion is won. But for now, delegates were able to enjoy their low key meeting in Burkina Faso, knowing that the Montreal Protocol remains the most successful environmental treaty currently in force.

## THINGS TO LOOK FOR BEFORE MOP-13

### IMPORTANCE OF THE MILITARY ORGANIZATIONS IN STRATOSPHERIC OZONE PROTECTION AND CLIMATE PROTECTION:

This meeting will be held in Brussels, from 6-8 February 2001. For more information, contact: James Curlin, tel. +331-44-37-14-74; fax: +331-44-37-14-74; e-mail: [jcurlin@unep.fr](mailto:jcurlin@unep.fr); Internet: <http://www.uneptie.org/ozat/military/home.htm>

### STORED PRODUCT PROTECTION, 4TH FUMIGANTS & PHEROMONES INTERNATIONAL TECHNICAL CONFERENCE & WORKSHOP:

This workshop will be held from 20-22 March 2001, in Thessaloniki, Greece. For more information, contact: Insects Limited, Inc., tel: +1-317-896-9300; fax +1-317-867-5757; e-mail: [best@magnet.gr](mailto:best@magnet.gr); Internet: <http://www.insectslimited.com>

### 12TH GLOBAL WARMING INTERNATIONAL CONFERENCE & EXPO – KYOTO COMPLIANCE REVIEW:

This meeting will be held in Cambridge, UK, from 8-11 April 2001. For more information, contact: Sinyan Shen, The Global Warming International Center Headquarters, Naperville, Illinois, USA; tel: +1-630-910-1551; fax: +1-630-910-1561; e-mail: [gw12@globalwarming.net](mailto:gw12@globalwarming.net) Internet: <http://www2.msstate.edu/~krreddy/glowar/gw12c.html>

### 14TH SESSION OF THE UNFCCC SUBSIDIARY BODIES AND POSSIBLY RESUMED COP-6:

SB-14, possibly combined with resumed COP-6, is scheduled to take place from 21 May - 1 June 2001, in Bonn, Germany. For more information, contact: UNFCCC Secretariat; tel: +49-228-815-1000; fax: +49-228-815-1999; e-mail: [secretariat@unfccc.int](mailto:secretariat@unfccc.int); Internet: <http://www.unfccc.int/>

### INTERNATIONAL SYMPOSIUM ON CLIMATE CHANGE AND VARIABILITY IN NORTHERN EUROPE:

This meeting will be held in Turku, Finland, from 6-8 June 2001. For more information, contact: Mia Rönkä, University of Turku, Finland; tel: +358-2-333-6009; fax: +358-2-333-5730; e-mail: [miaron@utu.fi](mailto:miaron@utu.fi); Internet: <http://figare.utu.fi/notice.html>

### 21ST SESSION OF THE OPEN-ENDED WORKING GROUP OF THE PARTIES TO THE MONTREAL PROTOCOL:

This meeting is provisionally scheduled to be held from 25-29 June 2001, in Montreal, Canada. For more information, contact: Ozone Secretariat; tel: +254-2-62-1234 or 62-3851; fax: +254-2-62-3601 or 62-3913; e-mail: [ozoneinfo@unep.org](mailto:ozoneinfo@unep.org); Internet: <http://www.unep.org/ozone>

### 13TH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL:

MOP-13 will be held in Colombo, Sri Lanka, from 15-19 October 2001. For more information, contact: Ozone Secretariat; tel: +254-2-62-1234 or 62-3851; fax: +254-2-62-3601 or 62-3913; e-mail: [ozoneinfo@unep.org](mailto:ozoneinfo@unep.org); Internet: <http://www.unep.org/ozone>