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PREPARATORY MEETING FOR THE
SECOND MEETING OF THE CONFERENCE OF
THE PARTIES TO THE VIENNA CONVENTION

Nairobi, 10-12 June 1991

REPORT OF THE PREPARATORY MEETING FOR THE
SECOND MEETING OF THE CONFERENCE
OF THE PARTIES TO THE VIENNA CONVENTION

INTRODUCTION

1. The Preparatory Meeting for the Second Meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer was held at the headquarters of the United Nations Environment Programme, in Nairobi, from 10 to 12 June 1991.

I. OPENING OF THE MEETING BY THE REPRESENTATIVE
OF THE EXECUTIVE DIRECTOR OF UNEP

2. In his statement, the Assistant Executive Director of UNEP stressed the importance of the Vienna Convention as an instrument for setting out policies and strategies for research on the ozone layer. Much had been achieved in the two years since the last meeting in Helsinki: 34 more countries joined the Convention. But there is a pressing need for more research on various aspects of the ozone layer. One of the essential objectives indicated by the Ozone Research Managers is that of providing assistance to developing countries. Another need is to set up more ozone observation stations and to identify sources of finance to enable the research programme to be put into action.

3. Other important matters to be canvassed by the Preparatory Meeting include reporting under paragraph 5 of Annex II of the Convention, amendments to the Rules of Procedure and an amendment to Article 9 of the Convention, in order to speed up the amendment procedure for protocols.

4. While discussing the budgets for 1991, 1992 and 1993, due regard should be paid to the delays in receiving pledged contributions to the Vienna Convention Trust Fund. Since the Secretariat experienced some difficulties in carrying out its activities, UNEP temporarily advanced money from its Programme Fund Reserve. The Assistant Executive Director urged the Preparatory Meeting to come up with a solution for this financial problem.

II. ORGANIZATIONAL MATTERS

A. Attendance

5. The following 35 Parties to the Vienna Convention were represented:

Argentina, Australia, Austria, Belgium, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Denmark, Egypt, Finland, France, India, Italy, Japan, Kenya, Malaysia, Mexico, Netherlands, Norway, Poland, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, United Kingdom, USA, USSR, Venezuela, Yugoslavia and the EEC.

6. The following States not party to the Convention was also represented:

Costa Rica, Republic of Korea, Mozambique.

7. Observers from the following United Nations bodies and specialized agencies were also present:

WMO

8. The following other organizations were represented:

Atochem, CEFIC-EFCTC, Global Environment Policy Project Harvard University and Greenpeace International, IOC, JICOP.

B. Adoption of the agenda

9. The following agenda was adopted:

1. Opening of the Meeting by the representative of the Executive Director of UNEP

2. Organizational matters:

- (a) Adoption of the agenda;
(b) Organization of work.

3. Proposed amendment to the Rules of Procedure.

4. Consideration of the report of the Executive Director of UNEP to the Second Meeting of the Conference of the Parties to the Vienna Convention:

- (a) Implementation of the decisions of the First Meeting of the Conference of the Parties (Helsinki, 26-28 April 1989):

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Status of reporting by the Parties in accordance with Annex II of the Convention (decision 2);

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- Co-operation between research institutes in developed and developing countries (decision 5);
- Outcome of the meeting of the Ozone Research Managers;
- (b) Convention:
 - Implementation of the
 - Consideration of Article 5 of the Convention on transmission of information;
 - Consideration of Article 2 on General Obligations especially the harmonization of appropriate policies, strategies and measures for minimizing the releases of ozone-depleting substances;
- (c) Consideration of the amendment to the Convention proposed by the Second Meeting of the Parties to the Montreal Protocol, held in London, 27-29 June 1990;
- (d) Consideration of the report on approved adjustments and the Amendment to the Montreal Protocol.
- 5. (a) Budget accounts for 1989 and 1990.
- (b) Proposed revised budget for 1991 and the proposed budget for 1992-1993 for the Vienna Convention Trust Fund including the cost of participation of developing countries.
- 6. Date and venue of the Third Meeting of the Conference of the Parties.
- 7. Other matters.
- 8. Adoption of the report.
- 9. Closure of the Meeting.

III. SUBSTANTIVE MATTERS

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10. The meeting considered the agenda items along with the draft decisions (UNEP/OzL.Conv.2/L.1) submitted by the Secretariat.

11. The Secretariat introduced the proposed amendments to the rules of procedure which were agreed upon without objection. Changes were proposed to Article 6 paragraph 2, Rule 21 and Rules 23 and 24. With regard to draft decision II/2 on the reporting of information, some delegations expressed the view that the formats for reporting under the Montreal Protocol could be used for the Vienna Convention as well and that many of the Vienna Convention requirements would now better be dealt with in the context of assessments under the Montreal Protocol. Some other delegations pointed out that information to be reported under the Montreal Protocol only related to production and consumption of controlled substances, while the information required under the Vienna Convention is data on atmospheric chemistry and other research that touch on modification of the ozone layer. Further, not all Parties to the Vienna Convention have ratified the Montreal Protocol. The issue was referred to the first sub-group, which was also asked to deal with draft Decision II/4 (now incorporated in revised draft Decision II/2, attached).

12. Several delegates expressed views as to whether the Group of Legal Experts on Non-compliance with the Montreal Protocol should deal with the question of the Amendment of Article 9 of the Vienna Convention. Some of them felt that this issue could be referred to the working group which is expected to be established by the meeting of the Parties to the Montreal Protocol to deal with further adjustments and amendments. Some other delegates were of the opinion that the Working Group of Legal Experts on Non-Compliance to which this matter has already been referred by the Bureau of the Meeting of the Parties to the Montreal Protocol and the Bureau of the Conference of Parties to the Vienna Convention would be best placed to further consider this matter. It was noted that the Second Meeting of the Parties to the Montreal Protocol had in fact recommended to the Parties to the Vienna Convention that they review Article 9 with a view to expediting the procedure for amending protocols. That Meeting had not itself proposed an amendment as implied by Agenda item 4 (c).

13. The meeting also debated the questions arising from draft Decisions II/5, 9 and 13 (final draft Decisions II/2 and II/9 attached) regarding the report of the Ozone Research Managers meeting before they were referred to a second sub-group.

14. The meeting took note of the 1989 reports of the four assessment panels according to draft decision II/8 and of the adjustments and amendments to the Montreal Protocol decided by the London Meeting in June 1990. At the same time, there was a general agreement that the Parties to the Convention should urge all Parties and non-Parties to join the Protocol and to ratify the Amendment as fast as possible. Some delegations stressed, that only the amended Protocol was adequate to meet the needs of developing countries.

15. The meeting agreed to recommend revised draft Decision II/7 (attached) for adoption. It also agreed to recommend to the Parties, that the Meeting of the Conference of the Parties to the Vienna Convention should be convened every three years instead of every two years, as proposed in revised draft Decision II/8 (attached).

16. The representative of WMO summarized the work of the Ozone Research Managers of 13-15 March 1991 and gave an account of their meeting and

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pertinent parts of the updating of the WMO/NASA/UNEP State of the Ozone-1991 report referring to the ozone trends. He underlined that all ozone observations since the late 1960s confirmed a significant ozone decline in all latitudes except in the equatorial belt. The ozone decline of close to 3% between 65 degrees south and 65 degrees north during the last decade was greater than registered earlier. He mentioned the observed increase in tropospheric ozone of about 1% per year and its implications for tropospheric chemistry and ozone trends. Further, he focused on ozone changes in the lower stratosphere, which had been more clearly noted in the middle latitudes and which had not received adequate attention in the past. He set out the six main areas in which future ozone research should be concentrated. Asked by one delegation, he confirmed that the most recent data had been included in the report. He emphasized the urgent need for expanding the Global Ozone Observation System by establishing 12 to 15 more ground stations especially in the tropical Belt and the Arctic. These ground stations were necessary to determine both total and vertical distribution of ozone in these regions and to calibrate the satellite measurements.

17. One delegate noted that, on an experimental basis, WMO had started distribution of bulletins on the spring state of the ozone layer in the Antarctic, and charts of the ozone distribution in the northern hemisphere. He felt that these were very useful, especially during the winter-spring season, and appealed to WMO and all Parties to the Convention which have ground-based stations to collaborate.

18. There was general agreement on the need to expand the existing network of the ozone observation system. Different sources of funding were discussed. One delegate raised the possibility of expanding the Terms of Reference of the Interim Multilateral Fund to facilitate funding such expansion. Several other delegations felt, however, that the Multilateral Fund was not the appropriate source of funding.

19. The representative of WMO observed that as, some new stations may be financed by one project of the Global Environmental Facility of the World Bank since they would also be used for the collection of data in fields other than ozone depletion. Other suggestions included the funding by bilateral agreements or by way of multilateral co-operation within the framework of the Montreal Protocol. It was also proposed that the expenses might be apportioned between these various sources of finance.

20. The Meeting discussed the recommendations arrived at by second sub-group and endorsed the final third draft of Decision II/4 (attached). Some delegates pointed out, that issues of health and environmental effects of ozone modifications had been rather neglected since the meeting of Ozone Research Managers was established in 1989. They reminded the meeting that the meeting of the managers according to Decision 6(a)(ii) of Helsinki had to be composed of:

- (a) Government atmospheric Research Managers, and
- (b) Government Research Managers of research related to health and environmental effects of ozone modifications.

21. The meeting also endorsed the recommendation of the second sub-group with regard to the financing of more GOOS stations contained in draft Decision II/9. One delegate pointed out the availability of the WMO Special Fund for Environmental Monitoring as a concrete means of multilateral support for development of the G0₃OS.

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22. With regard to the issue dealt with by the first sub-group, i.e. revised draft Decision II/2 (attached), it was noted that an Ad Hoc Working Group of Experts on Data Reporting, convened under the Protocol in December 1990, had felt that the reporting format produced by the Secretariat had been unduly complex. It had suggested that the meeting of Research Managers be asked to identify what information would be of use to them.

23. The first sub-group considered that information on the efforts of Parties in tackling ozone depletion, beyond what was reported under the Protocol, would be useful and not readily available from other sources. Apart from this, it felt that the usefulness of information was for scientific research, and that the recommendations of the Research Managers could helpfully be followed.

24. As for these recommendations, the Parties could, by decision, call on Parties to the Convention but not the amended Protocol, to report the data and information which the amended Protocol requires. The second recommendation required the assessment of what data was currently available from a variety of sources, and to identify what further data might be needed from the Parties under an agreed reporting format. The sub-group considered that the Science and the Technical & Economics Assessment Panels were best placed to fulfil this function. The addition of HFCs to the list of substances in Annex I of the Convention could not take place before the third meeting of the Conference of the Parties in 1993, having first been proposed by one or more Parties at

least six months beforehand. The sub-group gave a single draft decision in place of draft Decisions 2 and 4. This was discussed by the Preparatory Meeting and adopted in an amended form (revised draft Decision II/2 attached).

25. The Secretariat introduced the revised proposed budget for 1991 and the proposed budgets for 1992 and 1993.

26. Many delegations said that they would find it difficult to justify to their governments the submission of a revised budget and increased contributions for 1991 in the course of a financial year when the budgets for 1991 of their countries have already been finalized.

27. The Secretariat pointed out that much of the increase in the budget was due to the financing of participation of developing countries not foreseen in the 1989 budget. Delegates accepted the importance of making provisions for such participation and expressed their hope that an appropriate solution might be found. Some delegations noted that a large proportion of the increase could be offset by utilizing the balance remaining from 1990 and anticipated savings resulting from back-to-back meetings.

28. The Preparatory Meeting decided to note the budget presented and to refer detailed consideration of the budget to a sub-group consisting of the delegations of Australia, Canada, Denmark, Japan, Kenya, Mexico, Netherlands, USA and USSR, to be assisted by the Secretariat. The sub-group reported to the Preparatory Meeting as follows:

29. The sub-group examined in detail the resources currently available to the Secretariat in 1991 and concluded that approximately \$800 000 would be available as paid or pledged contributions, including an unspent balance of \$290 000 from 1990. The sub-group expressed its surprise that a total of approximately \$860 000 had been committed for Conference Services costs for

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the whole series of meetings from 10 to 21 June including a second meeting of the Bureau that would cost approximately \$43 000 for a half day meeting. The Secretariat would examine the possibility for savings in this area but it was not expected to be more than 10%.

30. With regard to future meetings, the subgroup recommended that since no Preparatory Meeting was needed in 1993, a three day meeting of the Parties should take place. The Secretariat would recalculate the amount needed for this meeting on the basis of only two sessions per day since no night sessions were anticipated. Further only one Meeting of the Bureau would be held during the two years between sessions, as previously decided by the Parties.

31. With regard to the participation of developing countries, the sub-group requested the Secretariat to reflect the actual commitments for participation in all the meetings. The sub-group recommended that budgetary provision be made to budget for support of up to 35 participants from developing countries for the series of meetings in 1993 (Montreal Protocol and Vienna Convention). The Secretariat would calculate the approximate amount accordingly.

32. It was expected that the revision to reflect actual commitments would bring the expenditures down to or below the funds available to the Secretariat from 1990-1991 contributions. The sub-group did not endorse any increase of the 1991 budget beyond this amount. If the actual commitments made by the Secretariat were over and above the funds available the Secretariat was requested to explain how this amount would be covered.

33. Several expenditures in 1991 were based on recommendations by the Bureau. The sub-group felt that the issue of the status of such recommendations with regard to financial implications should be addressed by the plenary. It was emphasized that, to the extent possible, UNEP was expected to provide the Conference Service support (and to be reimbursed for it) rather than bringing in ad hoc support staff to Nairobi at a considerable cost.

34. The Preparatory Meeting did not take any decision on the preliminary recommendations but requested the sub-group to continue its work and present to the Second Meeting of the Conference of the Parties a revised budget document with more detailed explanatory notes and draft decisions relating to the adoption of the budget.

IV. DRAFT DECISIONS FOR CONSIDERATION BY THE SECOND
MEETING OF THE CONFERENCE OF THE PARTIES TO THE
VIENNA CONVENTION AS RECOMMENDED BY THE
THE PREPARATORY COMMITTEE

35. The Conference of the Parties to the Vienna Convention decides:

Decision II/1. Amendments to the rules of procedure

1. To amend paragraph 2 of rule 6 as follows:

Delete the words "in matters of direct concern to the organizations and states they represent" in the third and fourth lines of the paragraph. The paragraph would now read:

"Such observers may, upon invitation of the president and if there is no

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objection from the Parties present, participate without the right to vote in the proceedings of any meeting."

2. To amend paragraph 1 of rule 21 of the rules of procedure to include the following additional sentences:

" In electing its officers, the meeting of the Conference of the Parties shall have due regard to the principle of equitable geographical distribution. The offices of the President and Rapporteur of the meeting of the Parties shall normally be subject to rotation among the five groups of States referred to in section I of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which UNEP was established."

3. To amend rules 23 and 24 as follows:

(a) Rule 23 - delete paragraph 2;

(b) Rule 24 - delete the words "other than the President" and replace by the words "of the Bureau";

Decision II/2. Information
Exchange under Annex II to the Vienna Convention

1. To note that exchange of information under Annex II would in large part be fulfilled by Parties reporting the data required by Article 7 of the amended Montreal Protocol, and by exchanging information and reporting on activities as required by Article 9 of the Protocol; and therefore to call on all Parties to the Convention, whether or not Parties to the amended Protocol, to provide such data and information.

2. To request the Montreal Protocol Parties to ask the Assessment Panels to identify and report on what information on substances listed in Annex I of the Convention, can be made available from other sources, and what can and should be supplied separately by the Parties; and to ask the Secretariat, in the light of this information, to develop with the chairs of the Assessment Panels an appropriate provisional reporting format.

3. To note the recommendation of the meeting of the Ozone Research Managers that the HFCs should be added to the list of substances in Annex I of the Vienna Convention.

4. To note that some countries have already submitted information for exchange in accordance with the objectives of Annex II of the Convention, and to invite all Parties to submit any information relevant to the objectives of this Annex.

Decision II/3. Ad Hoc Working Group on Non-Compliance

To request the Parties to the Montreal Protocol to request the Ad Hoc Working Group on Non-Compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention;

To request the Secretariat to prepare a note outlining the problem.

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Decision II/4. Recommendations of the Ozone Research Managers

To note the outcome of the first meeting of the Ozone Research Managers (WMO Global Ozone Research and Monitoring Project, Report No. 23) and, in accordance with the recommendations of that meeting:

- (a) To recommend that the collaboration with the WMO in the co-ordination of research and systematic observations should be further expanded,
- (b) To request the Parties to the Convention to determine the ways and means to provide scientific and technical training in ozone monitoring and research and other relevant assistance especially to developing countries,
- (c) To recommend that WMO should continue to provide guidance and infrastructure to ensure the maintenance and calibration of existing GO₃OS stations, their data availability and analysis, and to aim at expanding the GO₃OS to better cover the polar and tropical regions,
- (d) To request the Secretariat to continue to collect information, within the framework of the Convention, on national research activities and ensure its wide distribution;
- (e) To recall Decision 6(a)(ii) of the First Meeting of the Conference of the Parties to the Vienna Convention which requested the meeting of the Ozone Research Managers to be composed of
 - (a) government atmospheric Research Managers, and
 - (b) government Research Managers of research related to health and environmental effects of ozone modifications, and to request WMO in collaboration with UNEP to continue to arrange for convening the Ozone Research Managers meetings related to the Vienna Convention and to ensure that scientific assessment panels under the Montreal Protocol co-operate closely, to which end the chairpersons of the assessment panels should be invited to participate in the meetings of the Ozone Research Managers.
- (f) To request the Parties to take note of the full range of recommendations in the Ozone Research Managers Meetings report and request that the Ozone Research Managers establish priorities for those recommendations in their next report.

Decision II/5. Review of scientific information

To take note of the 1989 reports of the four assessment panels, established by the Parties to the Montreal Protocol in accordance with article 6 of the Protocol, and also the ongoing work of the panels in preparing supplementary reports for consideration by the Fourth Meeting of the Parties to the Montreal Protocol to be held in 1992;

Decision II/6. Adjustments and Amendment to the Montreal Protocol

To note the adjustments and amendment to the Montreal Protocol that were adopted at the Second Meeting of the Parties to the Montreal Protocol, held in London from 27 to 29 June 1990, to urge the Parties to the Protocol to

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expedite their ratification of the Amendment, to urge all the

Parties to the Vienna Convention to ratify the Montreal Protocol and to urge all the countries who have not ratified the Vienna Convention and the Montreal Protocol and its Amendment to do so expeditiously.

Decision II/7. Implementation of Decision 5 of the First Meeting of the Conference of the Parties

To ask the Secretariat to request the Parties to provide more information on the implementation of Decision 5 of the First Meeting of the Conference of the Parties to the Vienna Convention;

Decision II/8. Meetings of the Conference of the Parties

To convene the meeting of the Conference of the Parties once every three years starting from the 1993 meeting, i.e. to hold the fourth meeting of the Conference of the Parties in 1996;

Decision II/9. Improving of the Global Ozone Observing System Network

To request the Parties to the Vienna Convention to facilitate through bilateral and multilateral contributions the expansion of the GO₃OS stations, in particular at locations that are advisable on the basis of generally accepted scientific criteria and are in territory of interested developing countries.

Decision II/10. Third meeting of the Conference of the Parties

To convene the third meeting of the Conference of the Parties to the Vienna Convention in 1993 in conjunction with the fifth meeting of the Parties to the Montreal Protocol at the same venue.

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