its financial and technical capability to promptly comply with such emergency measures or to assure that the Council can deal with the matter itself. Sponsoring States are required to see to it that this requirement is fulfilled by contractors. The regulations do not specify the exact form of the guarantee. The Council decided to study this matter further. This guarantee requirement was included as a compromise instead of a proposed provision that would have required applicants for contracts to provide an “environmental surety”, in an amount to be assessed by the Legal and Technical Commission, to enable the Council to take action when a contractor would not promptly comply.

Part V of the Regulations also contains provisions dealing with the rights of coastal States and objects of an archaeological or historical nature. In addition to affirming the rights of coastal States with regard to maritime emergencies as existing under the LOS Convention and customary international law, the Regulations also provide that coastal States may notify the Secretary-General that they have grounds for believing that activities conducted by contractors in the Area are likely to cause serious harm to the marine environment under its jurisdiction or sovereignty. With respect to archeological or historical objects, contractors will be obliged to notify the Secretary-General of such findings and take all reasonable measures to avoid disturbing such objects.

With respect to the confidentiality of proprietary data and information transferred to the Authority by contractors, the Regulations provide that such data and information is to be maintained for limited use by the Secretary-General, the staff of the Authority, and the members of the Legal and Technical Commission as authorized by the Secretary-General. This is subject to a review after ten years or when the contract expires. A proposed provision that would have excluded data and information necessary for the formulation by the Authority of rules, regulations and procedures concerning protection of the marine environment and safety (other than equipment design data) from the confidentiality requirements was not included in the final version of the Regulations.

Finally, the Regulations also incorporate general procedures for dealings between the Authority and contractors, applicants for exploration and contractors; a provision authorizing the Legal and Technical Commission to issue technical or administrative recommendations to guide contractors; a provision that requires disputes to be settled in accordance with Part XI of the LOS Convention; and a provision stating that prospecting and exploration for and exploitation of resources other than polymetallic nodules found by prospectors or contractors in the Area will be subject to the rules, regulations and procedures dealing with such resources to be established by the Authority.

The Regulations were adopted by the Council and approved by the Assembly on 13 July 2000. They take effect immediately and will apply to all contractors. At the sixth session the Secretary-General Satya Nandan announced that he planned to sign contracts with the seven registered pioneer investors before the Authority’s next session.

With the adoption of the Regulations for polymetallic nodules completed, the Authority is expected to shift its attention to the development of rules, regulations and procedures on prospecting and exploration for other deep seabed mineral resources (in particular deep sea polymetallic sulphides deposits and cobalt-rich crusts). To further work in this area, the Authority convened a workshop on seabed resources other than polymetallic nodules in Kingston, Jamaica, from 26 to 30 June 2000.

The Authority is engaged in several other activities with regard to environmental protection. The Legal and Technical Committee is currently developing draft guidelines for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules. These guidelines are intended to assist future contractors to assess the environmental impacts of the exploration for polymetallic nodules. At the sixth meeting, the Legal and Technical Commission also endorsed a proposal of the Secretary-General to establish an international framework for cooperation on environmental protection of the international seabed and waters in connection with deep seabed exploration and mining. The proposal is intended to draw the attention of potential investors to deep-sea environmental research.

Support for Africa’s Heritage

The Plan of Action addresses the significant points raised by Southern African people on the need for a protection of African cultural identities and its sovereignty over the management and sustainable use of its environment and natural resources.

The EU pledged its support for “integrating Africa into the world economy,” promoting human rights, the maintenance of civil order, and the alleviation of poverty, illiteracy,
and disease through trade. In particular, through the promotion of “the conservation of Africa’s rich heritage in biological diversity, which is a global asset and promote its sustainable use for the benefit of local people.”

The Summit ended with H.E. Abdelaziz Bouteflika, President of Algeria and Chairman of the Organisation for African Unity (OAU), and H.E. Antonio Guterres, Prime Minister of Portugal and President of the European Council, announcing a launch date for the Cairo Plan of Action in the year 2000. (MJ)

**Montreal Protocol**

### Preparing for the Meeting of the Parties

**Opening Session**

The twentieth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol was held in Geneva from 11 to 13 July 2000.

Milton Catelin (Australia), Co-Chair of the Working Group, opened the meeting which was attended by 291 delegates, representing more than 100 Governments, as well as UN agencies, industry, and environmental nongovernmental organisations (NGOs).

The Executive Secretary of the Ozone Secretariat, Madhava Sarma, welcomed participants on behalf of Klaus Töpfer, Executive Director of the United Nations Environment Programme (UNEP). He noted the tremendous progress made by the Montreal Protocol over the preceding decade, which was unprecedented in the history of international agreements. The developed countries had fulfilled their commitments and had shown the way to the developing countries, he said. The resources provided by them had been wisely utilised by the Multilateral Fund. The more than $1 billion provided to the developing countries had produced splendid results.

Since it could now be presumed that the remaining part of the implementation of the Montreal Protocol would proceed smoothly, it was time, he said, to look at areas where continued leadership by the Parties would be necessary. One of these was the growing level of emissions resulting from many of the exemptions. Unless the Parties applied pressure and provided incentives to industry, alternative technologies would not develop and emissions would continue to grow.

Another danger highlighted by the speaker was that of the increasing global warming, which was likely to cause the recovery of the ozone layer to take longer than originally thought. A further area of danger was the appearance of new ozone-depleting substances, such as n-propyl bromide. While there were difficulties in determining its ozone-depleting value, the question was whether the Parties should stop its growth now and judge the issue after further research, or wait for the research to be completed before taking action. That, in turn, raised related questions: how would the new ozone-depleting substances in the future be prevented from coming on to the market? Who would be responsible for determining their ozone-depleting potential (ODP)? Who would decide which chemicals should be tested? It would be better for those questions to be answered soon, the Executive Secretary said, through a Meeting of the Parties, rather than being left to future generations.

Another important issue was that of the ratification of the Copenhagen, Montreal and Beijing Amendments. While ratifications had increased, many large countries had not ratified the Copenhagen Amendment and thus were not committed to the phase-out of hydrochlorofluorocarbons (HCFCs) and methyl bromide. There had been only one ratification of the Beijing Amendment. The fact that some large countries were staying outside the Amendments could in time pose the biggest threat to the achievements of the Protocol.

Participants were informed that of the Article 5 Parties that had reported data for 1998, 80 per cent had reported consumption of CFCs below their baseline levels. However, 22 countries had increased their CFC consumption above their baseline levels, and must control their consumption and imports. Hence the importance of policies and regulations if countries were to reduce their consumption. No amount of resources from the Multilateral Fund could ensure compliance if traders could do as they pleased.

Madhava Sarma urged the Executive Committee, implementing agencies and others to help the countries in establishing licensing systems.

He thanked the three Assessment Panels and the nearly 1,000 experts from around the world for their contributions during the past decade.

### Organisation of Work

John Ashe (Antigua and Barbuda) and Milton Catelin (Australia) served as Co-Chairs of the Working Group.

The main items on the agenda were: 1) Presentation of the Technology and Economic Assessments Panel (TEAP) on a) emissions of ozone-depleting substances from feedstock applications and b) applications for essential-use exemptions for ozone-depleting substances for the year 2001 and beyond. 2) Presentation of the reports of the Scientific Assessment Panel and Technology and Economic Assessment Panel on a) n-propyl bromide; b) Halon-1202; and c) new ozone-depleting substances. 3) Review of HCFC control measures for Parties operating