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NAIROBI ALSO FOR UNEP PERMREP, BRUSSELS ALSO FOR USEC

E.O. 12356: N/A  
TAGS: SENV, ETRD, UNEP  
SUBJECT: MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete  
THE OZONE LAYER

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REF: MONTREAL 3063 (NOTAL)

1. SUMMARY: THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER WAS ADOPTED ON SEPTEMBER 16, 1987. IN THIS HISTORIC AGREEMENT, THE INTERNATIONAL COMMUNITY ADDRESSES A SERIOUS THREAT TO A VITAL GLOBAL RESOURCE. ACTION REQUESTED: ALL ADDRESSEES ARE

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REQUESTED TO EXPRESS USG PLEASURE AT ADOPTION OF THIS  
AGREEMENT, AND URGE HOST GOVERNMENTS TO BECOME PARTIES TO  
BOTH THE MONTREAL PROTOCOL AND THE VIENNA CONVENTION FOR  
THE PROTECTION OF THE OZONE LAYER BEFORE THE END OF  
1988. SEE PARAS 11-15. END SUMMARY

2. BACKGROUND: THE PROTOCOL WAS NEGOTIATED UNDER THE  
AUSPICES OF THE UNITED NATIONS ENVIRONMENT PROGRAM. ALL  
STATES WERE INVITED TO PARTICIPATE IN THE CONFERENCE  
WHICH ADOPTED THE PROTOCOL, AND ALL STATES ARE ELIGIBLE  
TO BECOME PARTIES TO THE PROTOCOL. THE BROADEST POSSIBLE

PARTICIPATION IN THE PROTOCOL IS IMPORTANT TO ITS  
EFFECTIVENESS -- BECAUSE OF THE LONG ATMOSPHERIC LIFETIME  
OF THE CHEMICALS, EMISSIONS ANYWHERE AFFECT THE OZONE  
LAYER OVER THE ENTIRE GLOBE AND OVER MANY DECADES. THUS,  
IT IS IMPORTANT THAT BOTH MAJOR CURRENT PRODUCERS/USERS  
AND COUNTRIES WHICH DO NOT NOW PRODUCE OR USE SIGNIFICANT  
QUANTITIES PARTICIPATE IN ESTABLISHING A GLOBAL REGIME TO  
DEAL WITH THE PROBLEM. VIRTUALLY UNIVERSAL PARTICIPATION  
WOULD OBIVATE THE PROSPECT OF EXPANDED PRODUCTION BY  
NON-PARTY "POLLUTION HAVENS."

3. THE PROTOCOL REQUIRES A FREEZE AND SUBSEQUENT  
SIGNIFICANT REDUCTIONS (OF TWENTY PERCENT BY 1994, AND OF  
FIFTY PERCENT BY 1999) IN USE OF CFC'S 11, 12, 113, 114,  
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AND 115 AND A FREEZE ON HALONS 1211, 1301, AND 2402.  
THESE MEASURES WILL BE PERIODICALLY REASSESSED BY THE  
PARTIES ON THE BASIS OF DEVELOPING SCIENTIFIC,  
ENVIRONMENTAL, ECONOMIC AND TECHNICAL INFORMATION. THE  
PROTOCOL WILL ALSO BAN IMPORTS FROM NON-PARTIES OF THE  
CONTROLLED SUBSTANCES AND PRODUCTS CONTAINING THE  
SUBSTANCES, POSSIBLY BAN OR RESTRICT IMPORTS FROM  
NON-PARTIES OF PRODUCTS MADE WITH (EVEN IF NOT  
CONTAINING) THE SUBSTANCES, AND PROHIBIT FINANCIAL  
ASSISTANCE TO NON-PARTIES FOR PRODUCING THE SUBSTANCES.  
(THE PROTOCOL IS GATT-CONSISTENT. A USTR PAPER WILL BE  
SENT TO ALL ADDRESSEES FOR YOUR USE SHOULD GOVERNMENT  
RAISE GATT CONCERNS.)

4. A TEN YEAR GRACE PERIOD IS ALLOWED FOR LOW-CONSUMING  
(UNDER .3 KG PER CAPITA CONSUMPTION) DEVELOPING  
COUNTRIES, TO ENCOURAGE BROAD PARTICIPATION AND TO ALLOW  
FLEXIBILITY FOR THE DEVELOPING COUNTRIES DURING THE  
TRANSITION PERIOD UNTIL ADDITIONAL SUBSTITUTE CHEMICALS  
ARE DEVELOPED AND COMMERCIALY AVAILABLE. IN ADDITION,

5. THE CONTROLLED CHEMICALS ARE WIDELY USED IN AEROSOLS (BANNED IN THE U.S. SINCE 1978), REFRIGERATION AND AIR CONDITIONING, FOAM-BLOWING, AND AS SOLVENTS IN THE ELECTRONICS INDUSTRY. THE PROTOCOL IS DESIGNED TO PROVIDE A STRONG INCENTIVE FOR DEVELOPMENT AND USE OF ALTERNATIVE CHEMICALS (INCLUDING LESS-DEPLETING OR NON-DEPLETING CFCS) AND PROCESSES (E.G., RECYCLING); AT THE SAME TIME, IT ALLOWS ADEQUATE TIME FOR ADJUSTMENT, PARTICULARLY FOR DEVELOPING COUNTRIES.

6. THE PROTOCOL SETS A TARGET DATE OF JANUARY 1, 1989 FOR ENTRY INTO FORCE, WITH THE FREEZE TO BEGIN JULY 1,

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1989. THIS REFLECTS CONSENSUS (WHICH US STRONGLY SUPPORTS) THAT IT IS NECESSARY TO BEGIN MEASURES TO LIMIT EMISSIONS AS SOON AS POSSIBLE, BUT IS A TIGHT SCHEDULE. TO ACHIEVE THIS, STATES WILL HAVE TO BEGIN THEIR RATIFICATION AND IMPLEMENTATION PROCEDURES NOW. IN THE UNITED STATES, WHERE SUPPORT FOR THE PROTOCOL IS STRONG, THESE PROCEDURES WILL TAKE SEVERAL MONTHS. WE EXPECT THIS WILL BE THE CASE IN MOST OTHER COUNTRIES, AND THEREFORE REQUEST EMBASSIES TO URGE HOST GOVERNMENTS TO BEGIN THE PROCESS NOW. (FYI -- AN ENVIRONMENTAL IMPACT STATEMENT MUST BE SUBMITTED TO THE SENATE WITHIN THIRTY DAYS OF TRANSMITTAL OF THE PROTOCOL FROM THE PRESIDENT TO THE SENATE FOR ITS ADVICE AND CONSENT TO RATIFICATION; IT IS NOW BEING PREPARED AND IS TO BE COMPLETED IN EARLY JANUARY. THE U.S. DOMESTIC RULEMAKING PROCESS IS WELL UNDERWAY - A PROPOSED RULE WILL BE ISSUED IN DECEMBER 1987 AND A FINAL RULE IN AUGUST 1988 - WHICH WILL PUT IN PLACE THE MECHANISMS NECESSARY FOR U.S. IMPLEMENTATION OF THE PROTOCOL BY JANUARY 1, 1989, THE DATE SPECIFIED IN THE PROTOCOL FOR ENTRY INTO FORCE.)

7. TO ENSURE THAT THE ECONOMIC BURDEN OF THE CONTROLS IS EQUITABLY SHARED AMONG CURRENT MAJOR USERS OF THE CHEMICALS, THE PROTOCOL WILL ONLY ENTER INTO FORCE WHEN ELEVEN COUNTRIES REPRESENTING TWO-THIRDS OF GLOBAL CONSUMPTION HAVE RATIFIED THE AGREEMENT. WE HOPE THAT MANY OTHER COUNTRIES WILL ALSO RATIFY DURING 1988, REFLECTING THE RESPONSIBILITY OF ALL NATIONS TO TAKE THESE JOINT MEASURES COOPERATIVELY. BROAD ADHERENCE DURING 1988 WILL ALSO ENSURE THAT THE FIRST MEETING OF

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RESTRICTIONS WILL BE MINIMIZED.

8. TWENTY-FOUR COUNTRIES PLUS THE EEC SIGNED THE PROTOCOL AT MONTREAL: BELGIUM, CANADA, DENMARK, EGYPT, FINLAND, FRANCE, FRG, GHANA, ITALY, JAPAN, KENYA, MEXICO, NETHERLANDS, NEW ZEALAND, NORWAY, PANAMA, PORTUGAL, SENEGAL, SWEDEN, SWITZERLAND, TOGO, UK, US, VENEZUELA, EEC. OTHER DELEGATES (E.G., USSR, AUSTRALIA) INDICATED THEY EXPECT THEIR GOVERNMENTS TO SIGN AND RATIFY.

FOLLOWING COUNTRIES PARTICIPATED IN MONTREAL BUT DID NOT IMMEDIATELY SIGN THE PROTOCOL: ALGERIA, ARGENTINA, AUSTRALIA, AUSTRIA, BRAZIL, BURKINA FASO, BYELORUSSIAN SSR, CHILE, CHINA, COLOMBIA, CONGO, COSTA RICA, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, GREECE, INDONESIA, ISRAEL, REPUBLIC OF KOREA, LUXEMBOURG, MALAYSIA, MAURITIUS, MOROCCO, NIGERIA, PERU, PHILIPPINES, SPAIN,

THAILAND, TUNISIA, UGANDA, UKRANIAN SSR, USSR. OBSERVERS ATTENDED FROM: DOMINICAN REPUBLIC, ECUADOR, HUNGARY, INDIA, KUWAIT, POLAND.

9. YOU SHOULD ALSO BE AWARE THAT TWO WEEKS AFTER ADOPTION OF THE PROTOCOL, ON SEPTEMBER 30, 1987, PRELIMINARY FINDINGS OF THE CAMPAIGN TO STUDY THE SPRINGTIME DEPLETION OF OZONE OVER THE ANTARCTIC WERE RELEASED. THE ABUNDANCE OF OZONE IN AUGUST AND SEPTEMBER 1987 WAS LOWER THAN ANY PREVIOUS YEAR AT ALL LATITUDES SOUTH OF 60 DEGREES; IN MID-SEPTEMBER, COLUMN OZONE WAS APPROXIMATELY FIFTEEN PERCENT LOWER THAN THE LOWEST PREVIOUS YEAR (1985). THE EVIDENCE STRONGLY SUGGESTS THAT BOTH CHEMICAL AND METEOROLOGICAL MECHANISMS PERTURBED THE OZONE. A MORE COMPLETE AND FINAL INTERPRETATION OF THE ANTARCTIC FINDINGS WILL BE FORTHCOMING IN ABOUT SIX MONTHS. ALSO, A NASA/NOAA REVIEW OF GLOBAL MEASUREMENTS WILL BE COMPLETED LATE THIS YEAR. BOTH THESE DOCUMENTS WILL CONTRIBUTE TO THE 1989  
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SCIENTIFIC ASSESSMENT CALLED FOR IN THE PROTOCOL, FOR CONSIDERATION BY THE PARTIES IN THEIR FIRST REVIEW OF THE PROTOCOL'S PROVISIONS. WE BELIEVE THAT, AS NOTED BY ONE

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OF THE SCIENTISTS ON THE ANARCTIC AIRBORNE EXPEDITION,  
DR. JAMES ANDERSON OF HARVARD UNIVERSITY, IN COMMENTING  
ON THE PRELIMINARY ANTARCTIC FINDINGS, "THE MONTREAL  
ACCORDS...ARE PROPERLY CAST TO HANDLE OUR PRESENT  
UNDERSTANDING AND ADJUST TO ADVANCES IN OUR FUTURE  
UNDERSTANDING." THE NASA/NOAA/NSF/CMA FACT SHEET ON THE  
PRELIMINARY ANTARCTIC FINDINGS WILL BE POUCHED TO ALL  
ADDRESSEES.

10. TEXTS OF MONTREAL PROTOCOL ON SUBSTANCES THAT  
DEplete THE OZONE LAYER, VIENNA CONVENTION FOR THE  
PROTECTION OF THE OZONE LAYER, THE GATT PAPER MENTIONED  
IN PARA 3, AND THE ANTARCTIC FACT SHEET WILL BE POUCHED  
TO ALL ADDRESSEES. END BACKGROUND

11. ACTION REQUESTED: FOR ALL ADDRESSEES: DRAWING ON  
ABOVE BACKGROUND AND FOLLOWING TALKING POINTS AS  
APPROPRIATE TO HOST COUNTRY SITUATION, PLEASE EXPRESS USG  
SUPPORT FOR THE MONTREAL PROTOCOL, URGE HOST GOVERNMENT  
TO BEGIN PROCEDURES FOR RATIFICATION AND IMPLEMENTATION  
OF THE PROTOCOL, AND MONITOR AND REPORT ON PROGRESS IN  
THE COMING MONTHS. WE URGE AMBASSADOR TO SEEK  
OPPORTUNITIES TO EXPRESS USG INTEREST AT THE POLITICAL  
LEVEL (E.G., WITH ENVIRONMENT, TRADE AND FOREIGN  
MINISTERS) (FOR CANBERRA: E.G., CANBERRA 9079).

TALKING POINTS:

-- ALL COUNTRIES SHARE A RESPONSIBILITY TO PROTECT THE  
EARTH FROM INCREASED ULTRAVIOLET RADIATION.

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-- IN THE PROTOCOL ADOPTED LAST MONTH, CURRENT LARGE  
USERS OF OZONE-DEPLETING CHEMICALS ACCEPTED DEEP CUTS.

-- THE PROTOCOL PROVIDES SPECIAL PROVISIONS FOR  
DEVELOPING COUNTRIES TO ALLOW THEM FLEXIBILITY DURING THE  
TRANSITION PERIOD UNTIL ADDITIONAL SUBSTITUTE CHEMICALS  
ARE AVAILABLE.

-- RATIFICATION NOW BY ALL NATIONS IS IMPORTANT TO PUT  
IN PLACE A GLOBAL REGIME TO ADDRESS A GLOBAL PROBLEM.

-- (FOR CHINA, INDIA, NIC'S, ETC.) IT IS ESSENTIAL TO  
THE PROTOCOL'S EFFECTIVENESS THAT COUNTRIES WITH  
SIGNIFICANT POTENTIAL FUTURE PRODUCTION/USE SIGN AND  
RATIFY (EVEN IF THEIR CURRENT LEVEL IS RELATIVELY LOW).

12. FOR CAPITALS OF NEWLY INDUSTRIALIZING COUNTRIES AND OTHERS WHERE PRODUCTION OF CONTROLLED SUBSTANCES EXISTS OR IS CONTEMPLATED: PARTICIPATION BY NICS IN THE PROTOCOL IS PARTICULARLY IMPORTANT IN ORDER TO AVOID "POLLUTION HAVENS" AND TO AVOID IMPOSITION OF THE PROTOCOL'S TRADE CONTROLS ON OUR TRADING PARTNERS. WE APPRECIATE KUALA LUMPUR 7895. TUNISIAN DELEGATION INDICATED IN MONTREAL THAT TUNISIA PLANS TO BUILD A PLANT TO SUPPLY A REGIONAL MARKET. ALL CAPITALS PLEASE REPORT ON PLANS FOR ESTABLISHMENT OR EXPANSION OF PRODUCTION FACILITIES, ENSURE THAT THOSE INVOLVED IN SUCH PLANS ARE AWARE OF THE PROTOCOL'S IMPLICATIONS, AND DISCOURAGE SUCH INVESTMENT IN LIGHT OF ENVIRONMENTAL AND ECONOMIC CONSIDERATIONS (THE SHRINKING MARKET FOR THE CONTROLLED CHEMICALS AND THEIR PRODUCTS UNDER THE PROTOCOL).

13. FOR ISLAMABAD AND NEW DELHI: PLEASE DISCUSS THE ISSUE WITH HOST GOVERNMENT OFFICIALS BEFORE AMBASSADOR  
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NEGROPONTE'S VISIT, PROVIDE YOUR ASSESSMENT OF HOST GOVERNMENT AND INDUSTRY'S INTENTIONS AND HOW WE CAN BEST ENCOURAGE RATIFICATION, AND ARRANGE OPPORTUNITIES IN NEGROPONTE'S SCHEDULE TO RAISE THE ISSUE WITH BOTH FOREIGN MINISTRIES AND MINISTRIES OF TRADE AND INDUSTRY. THE PAKISTANIS HAVE NOT PARTICIPATED AT ALL IN THE OZONE PROTECTION NEGOTIATIONS, AND THE INDIANS SENT ONLY A SILENT OBSERVER TO THE MONTREAL CONFERENCE (THE GOI HAD NOT PARTICIPATED AT ALL IN PREVIOUS ROUNDS). SEE ALSO PARA 12.

14. FOR BEIJING: PRC ENVIRONMENTAL PROTECTION BUREAU DIRECTOR QU GEPING GAVE EVERY INDICATION THAT THE PRC IS PLEASED WITH THE PROTOCOL, INCLUDING ITS PROVISIONS FOR DEVELOPING COUNTRIES, AND WILL SIGN AND RATIFY. IN MONTREAL, PRC DELEGATE WANG EXPRESSED APPRECIATION FOR INFORMATION EMBASSY HAS PROVIDED ON THE SUBJECT. PLEASE URGE PROMPT SIGNATURE AND RATIFICATION, AND PROVIDE YOUR ASSESSMENT OF WHETHER THERE ARE ANY SIGNIFICANT OBSTACLES AND HOW LONG SIGNATURE AND RATIFICATION ARE LIKELY TO TAKE. SEE ALSO PARA 12.

15. FOR USEC AND EC CAPITALS: USEC DELEGATE BRINKHORST EXPRESSED CONFIDENCE THAT ALL EC MEMBERS WOULD RATIFY THE PROTOCOL IN TIME TO PERMIT ENTRY INTO FORCE AS SCHEDULED JANUARY 1, 1989, INDICATING THAT HE WOULD TAKE A STRONG ROLE IN SEEING THAT THE PROCESS MOVES FORWARD

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QUICKLY. IN MONTREAL, IT APPEARED THAT MUCH OF THE  
SORTING OUT OF ROLES BETWEEN THE COMMISSION AND THE  
MEMBER STATES REMAINED TO BE DONE. WE WOULD APPRECIATE  
USEC AND EMBASSY ASSESSMENT OF THE EXTENT TO WHICH THE  
WILL AND FEASIBILITY EXISTS TO RATIFY IN TIME FOR ENTRY  
INTO FORCE JANUARY 1, 1989, STRONG ENCOURAGEMENT OF  
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EARLY RATIFICATION, INFORMATION ON RATIFICATION  
PROCEDURES REQUIRED AND MONITORING AND REPORTING OF  
EC/MEMBER COUNTRY DECISIONS ON HOW THEY WILL GO ABOUT  
IMPLEMENTING THEIR OBLIGATIONS.

16. FOR MOSCOW: THE SOVIET DELEGATION IN MONTREAL  
INDICATED THAT THEY EXPECT THE USSR TO SIGN AND RATIFY,  
BUT THAT THE PROTOCOL NEEDED TO BE REVIEWED IN MOSCOW.  
PLEASE URGE PROMPT SIGNATURE (NOTING US, EC AND JAPAN  
HAVE SIGNED) AND RATIFICATION, AND PROVIDE YOUR  
ASSESSMENT OF WHETHER THERE ARE ANY SIGNIFICANT  
OBSTACLES AND HOW LONG SIGNATURE AND RATIFICATION ARE  
LIKELY TO TAKE.

17. FOR UNEP PERMREP: PLEASE CONFIRM PARA 8 LIST OF  
MONTREAL SIGNATORIES WITH UNEP (THERE WAS SOME CONFUSION  
ABOUT DENMARK) AND WHEN WE CAN EXPECT TO RECEIVE A  
CERTIFIED COPY OF THE PROTOCOL (NEEDED FOR TRANSMITTAL  
TO SENATE). PLEASE ALSO OBTAIN FROM UNEP THE LIST OF  
COUNTRIES WHICH WOULD BE CONSIDERED TO BE "DEVELOPING"  
AND THEREFORE ELIGIBLE FOR TREATMENT UNDER ARTICLE 5.  
(IWONA RUMMEL-BULSKA SAID THIS WOULD BE BASED ON A  
STANDARD UN LIST.) SHULTZ

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