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OPENING STATEMENT

BY

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AT THE SECOND SESSION OF 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

Geneva, Friday, 10 December 1982

Distinguished experts, ladies and gentlemen.

It is my pleasant task to welcome you to this second meeting of the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Convention on the Protection of the Ozone Layer. On behalf of the Executive Director of United Nations Environment Programme, I wish to express our deep gratitude to the Government of Switzerland for its kind contribution to the expenses for this meeting. I also wish to apologize for the inconvenience caused by the change of dates of this meeting.

At its ninth session in 1981 the Governing Council decided to initiate work aimed at the elaboration of a global framework convention for the protection of the ozone layer, and for this purpose to establish an ad hoc working group of legal and technical experts nominated by interested Governments and intergovernmental organizations.

V Some-general proposals concerning the budget of the Conference of the Contracting Parties, secretariat and scientific-technological Advisory Body/Mechanisms

The institutional arrangements established for carrying out the provisions of this conventions should be established, as far as possible, in such a way which use available funds with minimum allocation for staffing and other administrative costs.

The established bodies mechanisms should use, to the greatest extent possible, existing international organizations and bodies.

One of alternatives that the financial arrangements for carrying out the purposes of this convention should work within the budgetary and institutional framework and within the methods of work established by the Governing Council with adequate financial responsibility of Contracting Parties.

It exist the possibility that UNEP together with UN Organizations provides "seed money" or catalytic financing in the early stages of implementation of the convention. However, it is expected that the Governments will gradually assume full financial responsibility, Government financing may be provided directly to the national institutions participating in the programmes undertaken under the provision of the convention or through an especially established under rules or procedure fund to which Governments make contributions.

It should be expected that according to the rules of procedure Conference of the Contracting Parties shall adopt by consensus its budget and the budget of ^{the secretariat and} scientific-technological advisory-body/mechanisms.

A draft budget for the Conference of the Contracting Parties, secretariat and scientific-technological advisory-body/mechanisms should be prepared by the secretariat and submitted to the Contracting Prties before the appropriate meeting of the Conference of the Contracting Parties.

The Conference of the Contracting Parties should adopt an [annual] or [biennial] budget of proposed expenditures and budget estaimate for the fiscal period following thereafter.

The total amount of the budget, should be contributed by the Contracting Parties in equal parts, unless the Conference of the Contracting Parties [unanimously] decides otherwise.

At its first session held at Stockholm in January 1982, the Working Group recommended that the UNEP Secretariat should prepare a new text of a Draft Framework Convention for the Protection of the Ozone Layer based on the comments and proposals made during the first session of the Working Group concerning the structure, format and elements of the Convention. Also, the draft Convention should contain alternative provisions and commentaries as required

Based on the Executive Director's report on that meeting, the Council this year took a decision recognizing the need for further work by the Ad Hoc Working Group and approving the recommendations of the Working Group as a basis for its future work. At the same time it requested the Executive Director to submit to the Governing Council at its eleventh session in 1983 a further report on the work of this Group.^{1/}

Accordingly, the present text of the Draft International Convention for the Protection of the Ozone Layer with commentaries has been prepared (document UNEP/WG.78/2) as well as the following papers:

Alternative structure and formats for technical annexes and/or protocols relevant to the Draft Convention (document UNEP/WG.78/3);

Institutional arrangements of the draft Convention (document UNEP/WG.78/4);

^{1/} UNEP/WG. 69/10

-improvement of monitoring capabilities by periodic calibration and inter-comparisons and further development of instrumentation for ensuring reliable measurements.

-the incidence of skin cancer.

c. Scientific and technological cooperation by:

-exchange of scientific information, and technical information on the availability and cost of substitutes and new technologies together with legal and socio-economic information.

-facilities of licencing and sale of alternative technologies among countries and providing information on alternative technologies.

2. An operational part with the instruments for the implementation of the activities mentioned above.

III. Annex and/or protocol III should contain:

a. A list of chemical substances which have or are likely to have adverse effects on the ozone layer with a trial to classify these substances according to the degree of activity in depleting the ozone layer.

b. A list of activities from which emissions of such substances result.

c. A program to limit, reduce the use, or production capacity and/or prevent one or more of the items mentioned above.

This programme of reduction and/or prevention needs a great deal of wisdom and reasonable flexibility in its elaboration.

In our view, there would be stress on the differentiation between essential uses and non-essential uses of certain substances:

Procedure and limitations of assessing socio-economic impact of alternative strategies for protection of health and the environment from adverse effects of depletion of the ozone layer (document UNEP/WG. 78/5);

Aspects of the international transfer of technological information concerning activities which may effect the ozone layer (document UNEP/WG. 78/6).

The Secretariat has also prepared an additional paper on the financial implications of the implementation of the convention, which is distributed as a background paper UNEP/WG. 78/7. This paper sets forth our current estimates of costs for a possible Secretariat for the convention, as well as possible terms of reference for the Trust Fund.

I shall refrain from making detailed comments on the draft Convention, but it may be useful to offer some preliminary views on the structure and certain general provisions of the draft.

On the structure, I welcome the flexibility recommended by the Working Group at its previous session in suggesting the development of a convention with annexes and/or protocols. The complexity of keeping pace with scientific knowledge and policy alternatives as they develop makes it highly desirable to maintain such flexibility and the political viability of this approach has been tested by environmental treaties, such as the London Ocean Dumping convention which was negotiated as a part of the preparations for the Stockholm Conference in 1972, as well as a number of regional seas conventions were recently in various parts of the globe.

Please do not misunderstand me as suggesting that the present meeting should concentrate only on the elaboration of a draft framework convention. As in the case of the regional seas conventions, we should not stop short of formulating specific measures where there is enough scientific data and political will to act on. The presence of legal and technical experts here will no doubt facilitate a decision as to whether any of such annexes and/or protocols can be developed, taking into consideration the findings of the scientific community, such as those of the CCOL, as well as the socio-economic aspects of any possible control measures.

With regard to the general provisions of the draft convention, I would like to restrict my comments to those relating to institutional arrangements which as you agreed at your first meeting, should involve UNEP, and should draw on the expertise existing mechanisms such as the CCOL, to support the contracting parties in the should implementation of the convention.

In referring to the CCOL, I remind you of its report to your first meeting in which the CCOL informed that it has a capability to advise this group on, and is prepared further to assist it with respect to, the majority of the scientific uncertainties identified by them as important to the development of an ozone convention, namely, the monitoring of relevant atmospheric constituents and irradiation, research on atmospheric chemistry and the biological effects of UV-B radiation; assessment of the status of the ozone layer, and model predictions of its future changes and that of UV-B radiation levels.

In its report, the CCOL noted other aspects considered of relevance to the Ad Hoc Working Group. These were mainly concerned with the socio-economic impact of alternative control strategies and the development of best available and economically feasible technologies to limit or reduce emissions of ozone affecting substances, areas in which the CCOL had not carried out any work. However, it is often not known, or forgotten, even by the CCOL itself, that socio-economic aspects of ozone depletion, including the costs and benefits that would result from a reduction of the hazard, is already part of the mandate ascribed to the CCOL in the World Plan of Action on the Ozone Layer. It is apparent that the members CCOL have reservations regarding this responsibility, but these reservations apart, the CCOL is available to serve the convention. It is for you to come to an opinion on how it can best do so - what do you want the CCOL to do, and how must it be changed to accommodate any new responsibilities you may wish it to undertake. The CCOL will hold its sixth session in April 1983 in Nairobi and will include within its agenda consideration of this meeting's report and recommendations.

The secretariat has also prepared, with the help of consultants, two papers on socio-economic matters; one (UNEP/WG. 78/6) reviews the available methods of analysing socio-economic effects and discusses their limitations, the other (UNEP/WG. 78/7) reports on some of the problems of technology transfer and on how they might be overcome. UNEP's Governing Council (in decision 9/133 in May 1981) called for the compilation of statistical and technical data relating to the reduction in the use of chlorofluorocarbons 11 and 12, as well as to production capacity. Despite the need for global statistics on production, use and emission of chlorofluorocarbons, and other potential ozone-depleting substances, I am sorry to report to you that responses from Governments to requests for such information has been

unbalanced and limited. Global annual production and emission data for these substances are published annually in the Ozone Layer Bulletin, on the basis of information supplied to UNEP by the US Chemical Manufacturers Association. However, a significant gap, estimated at 16% of the World total production, - despite repeated requests - is not being reported to UNEP. The difficulties in achieving a workable convention for the protection of the ozone layer are obvious, as is the necessity for goodwill and co-operation by States in making available the data essential to the understanding of the Ozone Layer problem.

Turning to the possible role of UNEP as the Secretariat of the proposed convention, let me signal the obvious point that adequate financial resources must be secured for the future implementation of the convention.

Much has already been achieved with a limited budget, including support for a comprehensive monitoring and research programme on ozone and its perturbing chemicals, and through the regular assessment of the state of the ozone layer by the CCOL. But much more needs to be done it is for you to review these requirements, together with the in projected costs, and advise how best you believe we can proceed towards satisfying a requirement for the rationalization of the overall ozone programme, the provision of scientific and socio-economic information, the servicing of the ozone convention by a UNEP or alternative secretariat and by ensuring the provision of sufficient financial and human resources to undertake the task.

If governments should so wish, it might be possible for the Environment Fund to provide such financial support for the first two years of the Convention (which has up to now provided such support to the CCOL and the ozone monitoring programme.) However, no firm undertaking for such support could be given by the Executive Director at this stage but, subject to the availability of resources to the Environment Fund, he might consider for the first year of the Convention supporting the total programme - including the CCOL and the ozone monitoring programme - at a level of \$250,000 although this would lead to tail off to zero by the third year.

< Distinguished experts, ladies and gentlemen, I now declare the meeting open.

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The Working Group, not being a subsidiary organ of the Governing Council, is not bound by the Council's rules of procedure. However, as a practical matter, I wish to propose that the rules be applied to the Working Group mutatis mutandis. Is there any objection? (pause) None. Thank you. It is so decided.

I now wish to propose the election of officers. It is suggested that the meeting will elect a chairman, a vice-chairman and a rapporteur. After informal consultations with the delegations I was requested to propose as chairman Mr.....Is there any objection? (pause) None. It is so decided.

Now that your Chairman has been elected, I invite him to carry on with the election of the Vice-Chairman and the Rapporteur, the adoption of the agenda and other matters (invite the Chairman to his seat).

Mr. Chairman, distinguished experts, ladies and gentlemen, I wish you a successful conclusion to your work.