

**SPEECH OF EXECUTIVE DIRECTOR FOR THE
FIFTH MEETING OF THE PARTIES TO MONTREAL PROTOCOL
IN BANGKOK ON 17-19 NOVEMBER 1993**

I extend a warm welcome to all the delegates attending the Fifth Meeting of the Parties to the Montreal Protocol. Let me begin by thanking the Government of Thailand for their gracious hospitality and excellent arrangements for these meetings, even though they happened to, fortuitously, coincide with the peak tourist season in Thailand. I would also like to express my deep gratitude to the outgoing Bureau, its energetic Chairman, Mr. Kamal Nath of India and the Ministers Mr. David N. Magang of Botswana, Mr. Eduardo Mora Anda of Ecuador, Mr. Hans H.M. Alders of Netherlands and Mr. Ryszard Purski of Poland. Dedication and strenuous efforts of the Bureau have achieved much in the past year.

Ladies and Gentlemen:

Every meeting, seminar or conference is an opportunity not only for taking stock of the situation, exchanging views and information, but more significantly for gaining fresh perspectives and discovering new meanings.

As we begin the Fifth Meeting of the Parties to the Montreal Protocol, we continue the questioning. The Montreal Protocol has been successful. Why? Can it be attributed to the Protocol's inherently flexible character, its inclusiveness? Or is it because of its political acceptability or its ability to link diverse issues demonstrating the common advantage of adhering to it? Or can we attribute it to its transparency?

When the Montreal Protocol was originally negotiated, the parties recognized dangers that would affect not only all nations but all life on earth for times much beyond the normal time frame of governments. More than that, the decisions arrived at required balancing of probabilities, for it was realized that the risks of waiting for more scientific evidence to emerge were infinitely greater.

Clearly one reason for the success of the Montreal Protocol is that it is constituted as an on-going process and not merely as a static solution, a freezing of the status quo. Thus relying on periodic scientific, economic and technological assessments, it has adapted itself progressively to the rapidly evolving conditions. The continuum of negotiations from Montreal to London to Copenhagen has served not only to clarify several ambiguous provisions of the Protocol, accelerate the phase-out of several ozone depleting substances but also to put many ambitious work plans in place.

We are now in the midst of an orderly process - of which this meeting is an important part, to deal with the threat of the depletion of the ozone layer. As equal partners in a global endeavor, I am sure our decisions in this meeting will lead to more harmonized measures to protect the ozone layer.

It is important to remind ourselves that the state of the depletion of the Ozone Layer continues to be alarming. While we believe that Montreal Protocol is working well and that the extent of CFCs in the atmosphere has shown a decline, I urge you not to take a complacent view of the situation. The line that divides complacency from catastrophe is very

thin.

Even now millions of tons of CFCs products are enroute to their fatal stratospheric rendezvous. As you are aware, even if CFC emissions were to level off, chlorine would continue to accumulate in the atmosphere for some more years. We can see real improvement only after the year 2000.

In 1992, the Antarctic hole was at its largest and the ozone layer had been depleted by 60%. The hole covered 37 million square kilometres compared to 27.4 million square kilometres previously observed. Some stations reported 100% ozone destruction between heights of 14-20 kilometres. The destruction was significant in the northern latitudes. In February 1993, the ozone levels over North America and most of Europe were 20% below normal. In 1993, very low ozone values over Antarctica have appeared in August. Record low ozone values reported in September 1993 were the lowest ever reported for that month and these values have continued into early October. By size, the surface area covered was the largest ever.

Clearly this is not the time to break the momentum towards consensus and treaty obligations.

There is another disturbing factor. It has been reported that all countries which have reported their data have complied with the control measures of the Protocol. Figures for the year 1991 reveal that all parties not operating under Article 5 have shown reductions in consumption beyond the percentages mandated by the Protocol. The average reduction for these countries was 45% with two countries, Austria and Sweden recording nearly 80% reduction. But, of the Article 5 countries, only 9 countries have shown a decrease in their consumption of controlled substances.

In fact, 3 countries in this category have shown more than 80% increase. The overall increase in countries operating under Article 5 is 54%. While I am aware that these parties have a grace period of ten years and control measures applicable to them become effective only on 1 January 1999, this exponential increase calls for an increased reflection on the state of the Ozone Layer and calls for bold decisions on increased assistance to the developing countries.

There are certain factors that inhibit the full and effective implementation of the provisions of the Montreal Protocol. The first issue that has been causing concern is that of ratification of various International Agreements. Signing a treaty is only the first step - a declaration of intent. The proof lies in formal ratification. Unless a state actually ratifies a protocol, no binding commitments exist under the International Law.

The number of countries which have ratified the Montreal Protocol now stands at 129 including 88 developing countries. Thus the Montreal Protocol now covers more than 90% of the population of the world and nearly 99% of the consumption of ozone depleting substances.

It is however a matter of regret that only 69 countries have ratified the London Amendments and only 9 have ratified the Copenhagen amendments.

It is one year since the parties took the historic decision in Copenhagen to advance the time tables for the phase-outs of many ozone depleting substances and to include more substances to be controlled. These adjustments and Amendment have been communicated to all the Governments by the depository of the Protocol, the Secretary-General, on 22 March 1993. Consequently, these adjustments are already in force from 22 September 1993. However, the Amendment will come into force only after ratification by at least 20 parties. Since only 9 countries have so far ratified it, the Amendment can come into force by 1 January 1994 as proposed, only if you persuade your governments to take immediate action.

It is clearly not enough for the parties to implement the provisions of the various conventions and protocols faithfully, they have also to demonstrate to the world that they are formally committed to implementing them.

UNEP urges all the countries who have not yet ratified the London and Copenhagen Amendments to do so immediately. We would also strongly encourage the remaining 50 or so non-party countries to ratify the Montreal Protocol and its Amendments urgently.

The second issue that is a cause of some anxiety is the palpable delay in reporting of data by the Parties to the Montreal Protocol.

While we are aware that the implementation of the Protocol is well ahead of schedule, many countries have chosen not to report their data. In fact, a third reminder had to be sent to the Parties in May 1993 to report their 1991 and 1992 data. For the year 1991, out of 74 countries, only 46 reported. The picture for 1992 is changing, but as we come to this Meeting, out of 99 countries only 23 had reported data.

Some of these non-reporting countries are non-Article 5 Parties. In 1991 and 1992, the non-Article 5 countries which defaulted numbered 5 and 34 respectively. Will this not be a reflection on the working of the Montreal Protocol - if the world perceives only half the countries as fulfilling the obligations of the Montreal Protocol?

Accurate and timely data is an extremely important element in our monitoring and decision-making process.

May I remind this distinguished audience of the requirement under Article 7 for all parties to report the data for 1992 on production, consumption, exports and imports in each of the controlled substances not later than nine months after the end of the year to which they relate.

In the 9th meeting of the open ended Working Group of the Parties to the Montreal Protocol in Geneva, we specifically inquired whether there were any difficulties in reporting the data accurately and in a timely manner. We sought to find ways in which the UN agencies could ameliorate these problems. Now that UNEP, UNDP, UNIDO and the World Bank - the implementing agencies of the Multilateral Fund have initiated the preparation of country programmes, I hope that the problems of reporting of data will diminish.

The third important issue that we have to address is the requirement of the Multilateral Fund for the years 1994, 1995 and 1996. The meeting at Copenhagen saw the

establishment of the Multilateral Fund to replace the Interim Multilateral Fund. The Executive Committee had prepared an excellent report in this regard. I would urge you to contribute the maximum possible resources now to reverse the trend of the increasing consumption in developing countries. This is in the interest of the ozone layer. It is also in the interest of the donors to avoid funding a larger incremental cost of phasing out a larger consumption in developing countries, which will result if we economize now.

I would also like to mention the contributions due for 1991, 1992 and 1993. Out of the 127 million dollars due for 1991 and 1992, 21 million dollars are still outstanding while for 1993 only about 53 million dollars of the pledges of 114 million.

Even if we were to ignore the contributions of the countries who had pleaded temporary difficulties, there are some who could pay, but have not. We are now at a crucial stage when a large number of developing countries are requesting assistance and have expressed willingness to proceed faster than mandated by the Montreal Protocol if they are given the necessary technologies and financial assistance. It is imperative that outstanding commitments to the Multilateral Fund be honored.

Finally, the entire administration of the Montreal Protocol hinges on the contributions to the Trust Funds. As you are aware, contributions to the Trust Funds of the Montreal Protocol and of Vienna Convention are much below the pledges. Quite simply, the Secretariat will not be able to function nor be able to convene and service your meetings until the pledged sums are paid in full and on time.

We can say with some pride that a most significant achievement in 1993 was the phase-out of Halons, which only a few years ago were considered irreplaceable. The parties had decided last year the phase out would be subject to exemption for essential uses. 15 such nominations had been received and were scrutinized by the Halons Option Committee, the Technology and Economic Assessment Panel and the open-ended Working Group of Parties. You have their reports before you. They have all concluded that no exemptions are necessary, since technically and economically feasible alternatives or substitutes are available and since enough halons are available for recycling.

It was a very pleasant experience at the 9th Meeting of the Open-Ended Working Group, when party after party which had submitted nominations for essential uses announced that they were convinced by the report of the Technology and Economic Assessment Panel and the Halons Option Committee and were withdrawing their nomination. A few representatives had mentioned then that they were unable to withdraw the nomination because of lack of mandate from their governments. I hope that these countries have now received the formal mandate from their respective governments to withdraw their nominations.

I do hope that the recommendation of the Open Ended Working Group of the Parties, Technology and Economic Assessment Panel and the Halons Option Committee that the production and consumption of Halons will cease in the developed countries by 1 January 1994 will be accepted by this meeting.

The year 1995 will be a very significant year in the on-going implementation of the Montreal Protocol. In 1995, the Parties will review, in accordance with Article 5 Paragraph

8, the situation of the developing countries including the effective implementation of financial cooperation and transfer of technology. The Parties will consider such revisions as necessary regarding the schedule of control measures applicable to developing countries. Under Decision 17C adopted last year, the Parties are required to review the financial mechanism in 1995. The modalities of these two reviews must be decided now so that the work can go ahead during 1994. There is a recommendation before you that the Executive Committee is in the best position to carry out both these reviews and give a report to the Parties in early 1995. The report of the Executive Committee can then be considered by the Open-Ended Working Group of the Parties and the final decision taken at the Seventh Meeting of the parties in 1995.

1995 is also the year to review the control measures applicable to the developing countries with respect to HCFCs, HBCFs and Methyl Bromide. Whether or not trade measures under Article 4 will be applicable to these substances will be examined. We should settle the methodologies for these reviews in this meeting. The suggestion that the Scientific and the Technology and Economic Assessment Panels should look into these issues and come up with a report by November 1994 so that the Open-Ended Working Group can consider it in 1995 and make a recommendation to the meeting of the Parties in 1995, is before you.

I must express my pleasure in noting that Nairobi is recommended as the site of the next meeting of the Parties to the Montreal Protocol. UNEP will welcome you with open arms and endeavor to provide you with support and service.

Ladies and Gentlemen:

The preparatory work for this meeting has been conducted in a spirit of cooperation and with a recognition that a threat remains. The ozone layer still faces a precarious future. If we are to succeed in saving this global resource, we have to focus our energies into making the Protocol work. It is our only hope.
