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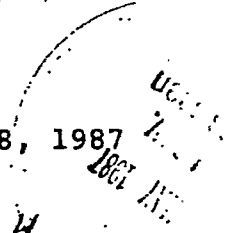
United States Department of State
Washington, D. C. 20520

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ACTION MEMORANDUM
S/S

87 MAY -8 P4:33
8/5/8

May 8, 1987



cc - ENH
5/11
SNI
RE
cc: JON
E
ENH
87 MAY -9 P8:15

TO: The Acting Secretary
FROM: OES - John D. Negroponte
SUBJECT: Ozone Protection Negotiations

When you met with UN Environment Program Executive Director Mostafa Tolba in February, you urged him to take an active role in the negotiations to control ozone-depleting chemicals. Under Tolba's effective leadership, difficult but productive negotiations last week brought participating nations within reach of agreement on a protocol. I suggest you send the attached message to Tolba to commend his leadership.

The Geneva Round

In Geneva last week, Tolba (who had not participated personally in previous rounds) organized a small group consisting only of heads of delegation from the US (Richard Benedick), EC (UK, Denmark, Belgium and Commission), Canada, Norway, USSR, and Japan. The resultant nonbinding "Chairman's" draft for the key article on controls provided for:

- (a) a freeze on certain CFC's at 1986 levels within two years of the protocol's entry into force (EIF). (Tolba strongly urged that the protocol be ratified by 1988, which would imply a freeze effective in 1990.)
- (b) a 20% reduction two years later (1992).
- (c) a further reduction of 30%, for which two options were provided: (1) six years after EIF (1994) if a majority of the parties so decide, or (2) eight years after EIF (1996) unless 2/3 of the parties otherwise decide. Four years before this reduction there would be a scientific/technical/economic assessment.
- (d) further actions to be decided by the parties later.

None of the delegations gave formal assent to this package. Some (Canada, Nordics, Switzerland, New Zealand) indicated that it might be too weak, and others (EC, USSR, Japan) that it

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REVIEW AUTHORITY: Adolph Eisner, Senior Reviewer

None
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might be too strong. Benedick stated that the USG would carefully examine the details. Nevertheless, there was general agreement that this text is probably not far from what the eventual protocol might look like.

Progress was made on other aspects, particularly toward including a broader number of chemicals as the U.S. has urged, but many points remain to be decided, including the precise substances to be covered, and treatment of non-parties, late-joiners, and developing countries.

Next Steps

Tolba has asked that all delegations submit their governments' comments on the Chairman's draft to him by June 19. Tolba's small group will then meet in Brussels June 29-30, when he hopes to reach sufficient agreement that a legal group can prepare a near-final text July 6-8. Formal negotiations would resume September 8-11 in Montreal, followed by the Diplomatic Conference September 14-16 for signing the protocol.

Since OMB, Interior and others have requested a Cabinet decision on the protocol, the Domestic Policy Council will meet this month to consider the U.S. position. EPA's Lee Thomas wants a firm, quasi-automatic schedule to provide strong incentives for industry to develop substitutes; others (Interior, OMB, OSTP, OPD) will resist this.

A Senate (Baucus/Chafee) hearing next week will question Thomas, Benedick, and other Administration officials on our intentions. Some environmentalists are disappointed that we did not hold out for a 95 percent CFC reduction; others feel this is a reasonable text given the original intransigence of the EC, Japan and USSR. US press commentary has been strongly favorable to what is described as a tentative accord. If the DPC departs significantly from this, there will be political costs.

Recommendation:

That you approve the attached message to Tolba.

9 MAY 1987

Attachments:

1. Cable to Tolba
2. State 59840 (report on Tolba visit)

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Letter to Deputy Secretary from Amb. Negroponte

Drafter: OES/ENH: SButcher *SB*
4658T x79312

Clearance: OES/E: REBenedick *REB*
OES/ENH: JRouse *JB*
OES/ENR: EParsons *EP*
IO/T: BPowell *BP*

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D:JWHITEHEAD

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OES/E:REBENEDICK
IO/T:BPOWELL
S/S:BLPASCOE

PRIORITY NAIROBI

FOR UNEP PERMREP

N/A

SENV: UNEP

MESSAGE TO TOLBA ON OZONE PROTECTION NEGOTIATIONS

PLEASE DELIVER THE FOLLOWING MESSAGE TO UNEP EXECUTIVE DIRECTOR TOLBA:

DEAR DR. TOLBA:

RICHARD BENEDICK, THE HEAD OF OUR DELEGATION TO THE NEGOTIATIONS ON A PROTOCOL TO CONTROL OZONE-DEPLETING SUBSTANCES, HAS REPORTED TO ME ON THE PROGRESS MADE LAST WEEK IN GENEVA UNDER YOUR ABLE LEADERSHIP. WHEN WE MET LAST FEBRUARY, I SAID I HOPED YOU WOULD TAKE AN ACTIVE PERSONAL ROLE IN MOVING THESE NEGOTIATIONS. I AM VERY PLEASED TO SEE THAT YOUR EFFECTIVE LEADERSHIP IN THE THIRD ROUND HAS ENABLED THE NEGOTIATIONS TO ADVANCE SIGNIFICANTLY. I HOPE YOU WILL CONTINUE YOUR ACTIVE PERSONAL INVOLVEMENT TO BRING THIS IMPORTANT EFFORT TO FRUITION WITH SIGNATURE OF AN EFFECTIVE PROTOCOL IN MONTREAL THIS SEPTEMBER.

JDN
SB
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REVIEW AUTHORITY: Adolph Eisner, Senior Reviewer

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WITH ALL BEST WISHES,

SINCERELY,

JOHN C. WHITEHEAD
ACTING SECRETARY OF STATE YY

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