



OZONE DEPLETION

Vienna Convention for the Protection of the Ozone Layer

In force from January 1, 1989, ratified by 178 countries (as of June 2001)

Montreal Protocol on Substances that Deplete the Ozone Layer

Ratified by 177 countries (as of June 2001)

London Amendment (1990): ratified by 148 countries (as of June 2001)

Copenhagen Amendment (1992): ratified by 125 countries (as of June 2001)

Montreal Amendment (1997): ratified by 58 countries (as of June 2001)

Beijing Amendment (1999): ratified by 8 countries (as of June 2001)



Problem

The problem of ozone depletion first came to world attention in 1970, when it was found that some chemicals cause damage to the Earth's protective ozone shield. The hole in the ozone layer peaked in 1998 at 2.6 billion hectares, more than two and half times the area of Europe, and even covered some populated areas of the Southern hemisphere. But the biggest impact of ozone depletion was predicted to be on the North. The danger of contracting cancer among their populations was an important factor in pushing governments of the industrialised world into action against the use of ozone depleting substances (ODS).

The convention and protocol

Due to pressure from chlorofluorocarbons (CFC) manufacturers such as Du Pont, the Vienna Convention for the Protection of the Ozone Layer, signed in 1985, did not even mention ODS, leave alone ban their use. It was merely an umbrella agreement to cooperate on relevant monitoring, research and data exchanges. The Montreal Protocol on Substances that Deplete the Ozone Layer, signed in 1987, set reduction targets for eight ODS. The protocol has been amended four times to include other substances.

As an agreement described as a model in the future, the Montreal Protocol set some very discriminatory precedents, controversial also in future environmental negotiations. Many countries of the South were not involved in the initial negotiations, but were pressurised to join the protocol after agreement was reached among industrialised countries. They found several discriminatory provisions in the protocol, but had to satisfy themselves with a few amendments, and a 'Multilateral Fund' (MF) to help them meet their commitments.

Suggestions by some countries to start by deciding an upper limit for CFC use and dividing equal use allocations among all nations based on population were not followed. Instead, the protocol took existing levels of use as the basis for future reductions, and reduction timetables were based on percentages rather than absolute levels. This system of 'grandfathering', where the already higher consumption of the North is taken as a basis for negotiating future use, is currently being followed in the Kyoto Protocol.

The Montreal Protocol sets no precedent for holding companies responsible for their products and trashes the polluter pays principle. Companies like Du Pont were allowed to go scot-free and actually benefit from the Montreal Protocol. They were allowed to continue to market their dangerous products after it became evident that CFCs were harmful to the ozone layer. Once the technology shift to hydrochlorofluorocarbons (HCFCs) was promoted, it was

ozone depletion

hazardous waste

prior informed consent

right to information

commission on

sustainable development

climate

biodiversity

desertification

persistent organic pollutants

forests

trade and environment

multilateral agreement

on investment

global environment facility

institutions for environment



The Montreal Protocol does not actually help developing countries to 'leapfrog' technology. It creates profits for Northern companies by encouraging the dependence of Southern countries on interim ODS alternatives

often the same companies that made profit. As new ODS are discovered, governments have to once again face industry opposition to phase out schedules.

The Montreal Protocol consolidates Southern dependence on Northern technology. India is now the second largest seller of CFCs (after China) in the world. Under the Montreal Protocol, it faces the task to completely phase out production until 2010 but does not have the technology to manufacture some of the alternatives. And prices for imported alternatives continue to rise.

Further, developing countries are dissuaded from producing their own technology, since the MF has adopted a policy, which states that indigenous development of technology is not funded unless the country commits to not demanding finance for the transfer of technology in this sector at any stage. Both India and China see such a commitment as too strong. They have been forced to bear the entire burden of establishing indigenous technology, without any financial assistance.

The Montreal Protocol does not actually help developing countries to 'leapfrog' technology. It creates profits for Northern companies by encouraging the dependence of Southern countries on interim ODS alternatives like HCFCs, hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). While the former has an ozone depleting potential, the latter two cause global warming. Thus, they will have to be phased out soon as well.

The protocol fails as a model for other environmental treaties, since it does not assign any penalties for the overuse or abuse of the Earth's common resources.



Challenges ahead

The Kyoto Protocol has included HFCs in the basket of six gases whose emissions are to be reduced by industrialised countries. With confusing signals coming from the two protocols, countries that have replaced CFCs with HFC and PFC projects are now in a dilemma. The MF, which financed many such projects, does not have the mandate now to commit to a second technology change. This confusion should be addressed urgently, before developing countries invest further in HFCs.

Most Northern groups are asking: Will developing countries implement their phase out of CFCs, halons and carbon tetrachloride according to the schedule? But the question should perhaps be rephrased, keeping in mind that industrialised countries had made certain promises that were preconditions to developing countries taking on commitments, promises that they are currently backing out of. Will industrialised countries make sufficient funds available to allow developing countries to meet their commitments? Northern countries seem to reduce the size of the fund without saying that they will not provide the money. And the MF is showing strains on availability of funds as well as criteria for approval of projects which developing countries are finding suspiciously tight.

Northern companies are making hay while the sun shines, and selling alternative technologies at inflated prices. If the fair and reasonable transfer of proprietary technologies needed to phase out ODS cannot be ensured, then affected developing countries have to be compensated separately through the MF.

The Montreal Protocol's compliance mechanism is only effective against developing countries, which depend on the protocol for funds. It does not cover any industrialised country commitments, and any efforts to hold industrialised countries responsible for their actions have failed. This is a serious flaw that needs to be addressed. In any case, this compliance mechanism cannot serve as a model for other multilateral environmental agreements.



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