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A Landmark Global Treaty at Montreal

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COMMENTARY

A Landmark Global Treaty at Montreal*

On September 16, 1987, at the conclusion of a conference held in Montreal, representatives of 24 nations from every continent signed a treaty to limit production and consumption of several chemicals that are believed to cause virtually irreversible damage to the fragile stratospheric ozone layer. Among the signatories were nearly all of the world's major producers and consumer countries. In addition, other nations among the nearly 50 in attendance indicated that they would probably join in the coming months.

The accord provides for a near-term freeze, followed by scheduled reductions, in use of several chlorofluorocarbon (CFC) and bromine (halon) compounds. Depletion of the ozone layer caused by these synthetic chemicals would result in increased ultraviolet radiation reaching the earth's surface, with potentially significant adverse implications for human, animal, and plant life. In addition, CFCs have the qualities of a "greenhouse gas," thus contributing to the global warming trend and the resulting dangers for agriculture and rising sea levels. Against these risks were weighed the costs of replacing chemicals useful in refrigeration, air conditioning, plastics, insulation, aerosol sprays, fire fighting, and computers.

Several features of the Montreal treaty, and the process by which it was achieved, mark it as a historic accomplishment with important lessons for future international environmental cooperation. First, it was unprecedented for the global community to impose controls on an important industrial sector *before* actual damages to human health and ecology were registered. This was not a response to an environmental disaster, such as Chernobyl or the Rhine River spill. Rather, it was a conscious preventative action, on a global scale, which involved several years of collaborative scientific research and analysis, and arduous intergovernmental negotiations to reconcile numerous diverse and conflicting interests.

Second, the treaty could never have been accomplished without close cooperation between government policymakers and the international scientific community, working at the frontiers of modern science. Only relatively recent—and still evolving—advances in computer modeling of

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atmospheric chemistry and satellite measurement of ozone and trace gases could enable governments to undertake costly controls in advance of actual recorded damages. (It is worth noting that the widely publicized "hole" in the ozone layer over the South Pole was not factored into the negotiations because of the lack of evidence that this phenomenon could occur outside of the unique Antarctic climate.)

Third, in the face of remaining uncertainty concerning the extent both of future ozone depletion and of potential deleterious effects, the parties undertook a unique process of risk assessment. Government officials, scientists, and representatives of industry and environmental groups met as individuals in a series of informal workshops, without predetermined national positions. To a degree that surprised even many participants, this innovative process was able to achieve a cooperative spirit and a degree of consensus even before the actual negotiations began. The treaty negotiations themselves covered only four formal sessions in the 10-month period from December 1986 to September 1987. Considering the complexity of the issues involved—political, environmental, economic, scientific, technological, trade, geographical—this was an impressive achievement.

Fourth, the United Nations Environment Program (UNEP) played a critical role in this process. This small UN agency, with an annual budget of less than $40 million, sponsored the workshops and negotiations and provided an objective international forum without the extraneous political debate that has so often marred the work of other UN bodies. The political sensitivity and diplomatic skills of UNEP's executive director Mostafa Tolba, himself a scientist, were indispensable during the often hard negotiations. UNEP was the very model of how a UN agency should function.

Fifth, the leadership role of the United States, which had as early as 1978 undertaken major controls on CFCs, and which is the center for scientific research on this subject, was a major factor. Especially during the period from fall 1986 through spring 1987, a series of diplomatic initiatives, bilateral scientific and policy missions, and use of international media all served to reach foreign policymakers and publics—which in some countries were initially hostile or indifferent—with the rationale for the U.S. position. The treaty as eventually signed was, in fact, based on the structure and concept initially advanced by the United States late in 1986.

The U.S. private sector and Congress made important contributions to the process. U.S. environmental groups helped inform foreign public opinion of the dangers of ozone layer depletion, while American industry was far ahead of European and Japanese producers in acknowledging its responsibility and supporting further controls on both CFCs and halons.

And the U.S. Congress, through hearings, resolutions, and proposed legislation, served notice to the rest of the world that, if an acceptable international accord were not attained, it was prepared to legislate unilaterally, with trade restrictions against countries not accepting their share of this global responsibility.

While the Montreal treaty is not perfect and will require further technical and legal clarification, it does represent a prudent international insurance policy in response to a very complex set of issues and uncertainties. An important innovation is the firm schedule for reductions in consumption and production of the controlled chemicals, which provides clear market incentives to industry to develop new technologies and substitute products. (In this connection, The Conservation Foundation, together with the U.S. Environmental Protection Agency and Environment Canada, co-sponsored a conference and trade fair in January 1988 on substitutes and alternatives to CFCs and halons.) Another significant element of the treaty is that it is crafted as a dynamic instrument, which can be adapted to changing conditions, such as implications of the still emerging scientific evidence on the Antarctic ozone "hole." In sum, in undertaking collaborative preventative action to protect future generations from potential dangers, the nations represented at Montreal charted new paths in environmental cooperation and established both a precedent and a standard by which future international negotiations will be measured.

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