



The Vienna Convention for the protection of the Ozone Layer

Overview of the negotiation process, main obligations and development of the Vienna Convention

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Course: Introductory Course to the International Legal Framework on Ozone Depletion

Book: The Vienna Convention for the protection of the Ozone Layer

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1. Background

In 1975, the World Meteorological Organization (“WMO”) conducted the first international assessment of the global ozone situation. The alarming results demonstrated a need for swift response and led to the creation of a Plan of Action on the Ozone Layer, a result of the collaboration between UNEP and WMO. In 1981, UNEP initiated negotiations of a Global Framework Convention for the Protection of the Ozone Layer.

Since the impact of ozone depleting substances affects all states, a regime would likely only work if it was global in scope. In order to achieve global adherence to the treaty, the interests of different States had to be reconciled during the negotiation process. Developing countries feared that constraints on producing certain ozone-depleting substances might inhibit their industrial development. Countries with industries heavily relying on ozone-depleting substances, like those of the European Union, were reluctant to accept the high costs associated with measures that regulate production and consumption of these substances. Some states resisted costly measures and controls, arguing that harmful effects had not been proven. However, countries which had already reduced production and consumption of CFCs did not want to see others using them in refrigerators and sprays.

The Vienna Convention for the Protection of the Ozone Layer, 1985 (“Vienna Convention”) was adopted after consensus was reached on 22 March 1985.

2. Main Obligations

The overall objective of the Vienna Convention is to protect human health and the environment against the effects of ozone depletion.

As a framework convention, it does not establish any specific controls on ozone depleting substances. Instead, it establishes a general obligation upon the parties to protect the ozone layer (article 2) and emphasizes the need for international cooperation.

The Vienna Convention requires parties to take “appropriate measures” against the adverse effects of human made ozone depletion. These measures include the adoption of legislative and administrative measures, cooperation on research and scientific assessment, information exchange and development and transfer of technology.

It was the first convention to acknowledge the need for preventive action before firm proof of the actual harmfulness of ozone depleting substances was established. Thus, it remains an important indicator of the emergence of the precautionary principle or approach

3. Institutions

The Convention provides for the creation of a Conference of the Parties (“COP”), meeting at regular intervals, and a Secretariat. The COP reviews implementation of the Convention and establishes the necessary programmes and policies. It is the body that amends the Convention and adopts new protocols and annexes.

The Secretariat, hosted by UNEP and based in Nairobi, organizes and services meetings, prepares and transmits reports on countries and their implementation measures and ensures coordination with other relevant international bodies.