

regard, scientific research has focussed on a range of substances, including chlorofluorocarbons (CFCs), halons, hydrochlorofluorocarbons, and other chemicals.

The international community moved slowly at first to meet the challenge, but with an increasing sense of urgency and some creativity. The first significant multilateral legal instrument established was the Vienna Convention for the Protection of the Ozone Layer, concluded in 1985 with entry into force in September 1988. As of mid 1993, 125 countries had ratified the Vienna Convention.⁵ The emphasis of the Convention is on encouraging research and exchanging scientific, socio-economic, commercial and legal information relevant to overarching obligations to protect human health and the environment against adverse effects resulting from the depletion of the ozone layer. Indeed, during their first meeting (or Conference) held in 1989, member countries identified the Convention as the "most appropriate instrument for harmonizing the policies and strategies on research" related to the ozone layer.⁶

The Convention has two other important features. First, it serves as an umbrella agreement pursuant to which governments may adopt more detailed protocols to implement measures aimed at controlling or reducing activities that have affected or are likely to affect the ozone layer negatively. Second, the Convention contains dispute settlement provisions that apply to the enforcement of such protocols, as well as of the Convention proper.

The first, and to date the only, protocol established pursuant to the Convention is the well-known Montreal Protocol on Substances that Deplete the Ozone Layer, concluded in 1987, with entry into force in January 1989. As of mid 1993, 122 countries had ratified the basic Protocol drafted in the Montreal meeting. The Protocol as drafted in 1987 established a schedule for the phase-out of a limited list of CFCs and halon gases. Since that time, there have been five meetings of member countries, during two of which in particular (London in 1990 and Copenhagen in 1992) decisions were taken which significantly expanded the list of "controlled substances" scheduled for phase-out, accelerated the pace of substance elimination (especially as a result of the Copenhagen meeting), provided further precision with respect to several key terms and concepts, established a number of institutions and rules of procedure governing the operation of the Protocol, fleshed out what to do in cases of non-compliance with the Protocol's obligations, and established a Multilateral

⁵ The Convention is reproduced in Ozone Secretariat, Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer, 3rd edition (August 1993), Annex XX, pp. 128-49, and Annex XXI, pp. 150-59).

⁶ See Decision 3, in Handbook, p.136, note 11.