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The Montreal Protocol Celebrating 20 Years of Environmental Progress Edited By Donald Kaniaru

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BOOK REVIEWS

THE MONTREAL PROTOCOL

CELEBRATING 20 YEARS OF ENVIRONMENTAL PROGRESS

Edited By Donald Kaniaru

*Reviewed by Michael Distefano**

The majority of today's environmental discourse tends to deal with current and on-going battles, and rightly so. Climate change, renewable energy, and species conservation are issues that are still playing out in civil society, and thus draw heavily on the resources of environmental advocates. For this reason it is refreshing, even inspiring, to reexamine past environmental victories.

The Montreal Protocol stands as one of the most effective environmental treaties ever, and there are many lessons to be learned from its success. The collection of essays in *The Montreal Protocol: Celebrating 20 Years of Environmental Progress*, edited by Donald Kaniaru, traces the history of the Montreal Protocol, examines the mechanisms and organization which enabled its success, and finally teases out the lessons which can be learned and employed in today's confrontation with climate change.

The primary aim of the Protocol was to halt the depletion of stratospheric ozone by chlorofluorocarbons ("CFCs"), which are chemical compounds commonly used as propellants and refrigerants. Beginning in the mid-70s, scientists were noticing a disturbing trend in the breakdown of CFCs and their reaction with ozone. Though the science of the time was struggling to understand this process completely, by the mid-80s it was clear to many that a response was needed. The Montreal Protocol was that response. The Protocol was finalized in September 1987, but the final document was the culmination of a ten-year process of constructing frameworks, debating implementation strategies, and building relationships. It included the themes of burden sharing and differentiated responsibility, which although they are common today, were quite novel at the time.

The agreement was for a fifty percent reduction in the use and consumption of five types of CFCs by 1999, using 1986 as

the base year. Signatories included the United States, Japan, the European Union, and the Soviet Union, which along with a few smaller consumers represented more than two-thirds of worldwide CFC consumption.

As many of the authors included in this book argue, there are clear parallels between the challenges of ozone depletion and climate change. While the effects of CFCs and other ozone-depleting substances are common knowledge today, the science at the time was still uncertain in many respects. It did not deal with an immediate threat, but rather one that would fully manifest itself in the future. It would affect not just certain individuals, but everyone on earth. The Mon-

treau Protocol boldly instituted short-term economic costs to prevent this threat from materializing, and in so doing, undertook preventive action on a global scale. In these ways, the Protocol demanded of its signatories the same commitments that treaties addressing climate change require today.

Another argument running through the book is that the Montreal Protocol itself has done much to combat climate change. In fact, many of the authors believe that further changes to the Protocol, such as an accelerated HCFC phase-out, would produce a valuable short-term reduction in greenhouse gases. Such a strengthening of the Protocol could serve to shift the Protocol's focus from ozone-depleting substances to climate change more generally. This strategy is recommended because such a move may provide insurance against the slow progress of the Kyoto Protocol.

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between the challenges
of ozone depletion and
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* Michael Distefano is a J.D. candidate, May 2010, at American University, Washington College of Law.

While opponents of an HCFC phase-out point to the relative absence of energy efficient and cost-effective replacements, a key lesson of the Montreal Protocol is that the knowledge that a market is in decline will often provide the creative stimulus and financial resources needed to develop alternatives. No alternatives to CFCs existed when the Montreal Protocol's ban on CFCs was first proposed, but when faced with a phase-out, chemical producers, notably DuPont, quickly developed alternatives and committed themselves to new production strategies. The book goes on to suggest that this realization is the missing element at the Kyoto Protocol. If energy producers were assured of immi-

nent changes, technological innovation would be the only means of survival, and society could finally expect the advances for which it has been waiting.

The authors of this book present a valuable and policy-oriented approach to understanding environmental protocols. They celebrate the success of the Montreal Protocol while at the same time seeking to translate that success into further environmental victories. Their message is that as we turn to face the problems of today, insight and lessons from the past are perhaps our best hope.

