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# a new compact?

by Mohamed T. El-Ashry

Protecting the ozone layer has unquestionably been the most important achievement in the nascent history of global environmental policy. The ozone layer is recovering, the industrialized countries have eliminated chlorofluorocarbons (CFCs) and halons—the two major ozone-depleting substances—and many developing countries are well ahead of the Montreal Protocol timetable that gives them until 2010 to phase them out.

Many national and international actors have contributed to the Montreal Protocol's success, including the Global Environment Facility (GEF). Its contribution to the protection of the ozone layer is one of its most important achievements. As the source of financial assistance for phasing out ozone-depleting substances in Russia and 18 other countries with economies in transition, the GEF has enabled most of them to meet the same stringent timetable as is required of the industrialized nations. These projects have typically been carried out with strong local support and participation as the countries realized that it was in their interest to phase out the use of chemicals banned in industrialized ones. When, inevitably, technical problems arose, they were addressed in a spirit of cooperation, with an important role for technology transfer.

The GEF's role in financing ozone protection in these countries indicates its flexibility in going beyond its role as a financial mechanism for global environmental conventions. On the same basis, it has also supported climate change projects, carrying these out in a way consistent with, but outside, Convention mandates.

The GEF's history is in many ways closely interwoven with that of the protection of the ozone layer, even beyond its participation in funding ozone-protection projects. The international negotiations that led to the GEF pilot phase ran concurrent with those related to creating the Multilateral Fund, and common principles are reflected in both agreements. To take one example: both included the principle that funds should be provided for the added or 'incremental costs' incurred to protect the global environment, reflecting the understanding that developing countries' growth should not be penalized by expenses that could not be justified by domestic benefits. Using existing institutions, primarily the World Bank, UNDP and UNEP, to prepare and implement projects, was another shared principle. The importance of scientific and technical advisers is an important feature in both systems, and, in both, donors negotiate the provision of resources on roughly a four-year cycle.

The GEF's evolution was also shaped in some ways by reactions to the Multilateral Fund. One difference is the governance structure: the Multilateral Fund works on the United Nations formula of one country, one vote, while the

GEF has a double majority system that reflects the interests of both donors and recipients. Another distinction, which influenced GEF negotiations, was the desire to avoid a proliferation of single-purpose funds. We have learned that global environmental problems are often difficult to treat in isolation: for example, we were asked to help replace hydrofluorocarbons (HFCs)—chemicals introduced as replacements for ozone-depleting substances in refrigeration that unfortunately proved to contribute to climate change. The ability to look across global environmental issues – such as in the linkage between climate change and biodiversity and climate change and desertification – is proving to be one of the most valuable features of global environmental policy.

The Montreal Protocol's 20th Anniversary coincides with intense international debate on how to go about reducing greenhouse gases and stabilize climate change. As the world celebrates its success, its lessons should guide the international community's search for a new agreement on climate change beyond 2012, when the initial commitments of the Kyoto Protocol come to an end. In much the same way as happened during the negotiating of the Montreal Protocol, special interests are claiming that regulations to curb climate change would have adverse economic impacts, some are using scientific uncertainty as an excuse for delaying action, and many politicians are willing to live with the long-term damage from climate change rather than accept the short-term costs of avoiding it.

The convergence of science and diplomacy in developing ozone policy—and the social response that followed—represents an unprecedented compact between scientists, governments, industry, and civil society. The Montreal Protocol and the Vienna Convention also represent the first application of the 'precautionary principle', whereby action is taken without full scientific certainty so as to prevent an emerging problem becoming a crisis. The agreements also use the principle of 'common but differentiated responsibility'—recognising that developing countries (as with greenhouse gases) have contributed little to the problem and hence are entitled to special consideration even though all nations are responsible for protecting the ozone layer (and the global commons). Also, for the first time, financial assistance was provided to developing countries to help them with implementation of their commitments under the agreements through the Multilateral Fund—a precedent followed in both the climate change and biodiversity conventions.

Once again, governments (developed and developing), scientists, industry, and NGOs are called upon to come together in a new compact, this time to avert the serious threat of climate change. It is said that reaching agreement on the Montreal Protocol was helped by the political leadership exercised by the United States, which (as with greenhouse gases now) was the largest emitter of ozone-depleting chemicals. Will history repeat itself?