

Montevideo Programme V: Status of implementation, activities and funding¹

(25 March 2022 – 31 January 2024)

Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V): delivering for people and the planet

Report by the secretariat

A. Introduction

1. In its resolution 4/20 of 15 March 2019, the United Nations Environment Assembly adopted the fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V), to start on 1 January 2020 and conclude on 31 December 2029.² Paragraph 6 (a) of the Montevideo Programme V requires the United Nations Environment Programme (UNEP) to serve, within its current mandate and available resources, as the secretariat for the Programme, and to perform certain institutional and monitoring functions, including to report on the Programme's implementation, activities and funding on a biennial basis.

2. The national focal points to Montevideo Programme V, at the resumed in-person (hybrid) segment of their first global meeting, requested the secretariat to provide progress reports under paragraph 6 (a) (x) of Montevideo Programme V, one year in advance of each global focal points meeting.³ The present report, prepared pursuant to this request, follows up on the last progress report on implementation, activities and funding issued by the secretariat on 25 March 2022,⁴ and describes activities undertaken since then. Updates of this report, including recommendations for the further implementation of the Programme, will continue, until nine weeks in advance of the second global meeting of national focal points in 2024.⁵

B. Status of Implementation

I. **Montevideo Programme V institutional arrangements**

a. **National Focal Points**

3. Due to the COVID-19 pandemic, the first global meeting of national focal points for the Programme was held in two segments, the online segment from 2 to 4 June 2021; and the second in-person (hybrid) segment from 6 to 9 June 2022, at the United Nations Office in Nairobi.

4. At the in-person (hybrid) segment, the secretariat explained that the COVID-19 pandemic had caused significant delays in holding the first global meeting and in carrying out activities under the Programme. Nonetheless, the secretariat provided updates on, among others, the UNEP Law and Environment Assistance Platform (UNEP-LEAP);⁶ the development of communication products to build

¹ This document is a draft unedited version of the progress report that is due to be processed as an official pre-session document in March 2024, in advance of the Second Global Meeting of the Montevideo National Focal Points, preliminarily scheduled to take place in Nairobi, from 3 to 5 June 2024. The status of implementation is as of September 2023. Please use it for reference purposes only.

² Resolution adopted by the United Nations Environment Assembly on 15 March 2019, UNEP/EA.4/Res.20, 28 March 2019, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/28483/English.pdf?sequence=3&isAllowed=y>; The Programme is available at: <https://www.unep.org/resources/policy-and-strategy/delivering-people-and-planet-fifth-montevideo-programme-development>

³ Report of the resumed first global meeting of national focal points for Montevideo Programme V (UNEP/Env.Law/MTV5/GNFP.1/6/Add.1, Annex, para. 6).

⁴ Implementation of Montevideo Programme V: status of implementation, activities and funding (UNEP/Env.Law/MTV5/GNFP.1/2/Rev.1)

⁵ The present document is an unedited advance version of an official document that will be available for the second global meeting of the national focal points in June 2024.

⁶ <https://leap.unep.org/>

awareness about the Programme; the number of designated national focal points; and the UN Secretariat's approval to establish the General Trust Fund for the Core Activities of the Montevideo Programme V (the Montevideo Trust Fund).⁷

5. Thereafter, the national focal points discussed the possible priority areas for implementation of the Programme proposed by the secretariat, emerging areas of environmental law and partnerships and stakeholder engagement for advancement of the Programme.⁸ The status of the Programme's implementation is described in Part II of this report. It should be noted that substantive activities under the Programme did not start until the conclusion of the in-person segment of the first global meeting, that provided the secretariat with clear directions for delivery and implementation.

6. Currently, the membership of national focal points for the Programme stands at 146, including observer States, drawn from all the UN geographical regions.⁹ The next global meeting will be held in 2024, at a date to be determined by the secretariat in consultation with the steering committee for implementation.

b. Steering Committee for Implementation

7. According to the modalities of work for the steering committee on implementation (hereinafter the steering committee),¹⁰ the committee should meet at least once a year, either online or in person. The committee has in practice been meeting twice every year, and once before the global meetings of national focal points. Since its establishment, the steering committee has held [five] meetings, and since the last progress report (as of March 2022),¹¹ it has held three meetings as follows:

- The third meeting, (in person, on 6 June 2022): largely focusing on preparations for the in-person (hybrid) segment of the first global meeting of national focal points.¹²
- The fourth meeting (online, 7 October 2022): the committee discussed, among others, the outcomes of the first global meeting,¹³ updates on proposed implementation roadmaps for the priority areas for implementation, the core elements of a partnerships and stakeholder engagement strategy (as accompanied by a draft strategy outline), an iteration of the Programme's resource mobilization strategy, and the possibility of creating a logo or visual symbol for the Montevideo Programme V.¹⁴
- The fifth meeting (online, 10 March 2023): the committee reviewed updates on the fourth meeting's agenda items, including approving the implementation roadmaps and an annotated outline of the partnerships and stakeholders' strategy, and getting appraised with a revised resource mobilization strategy.¹⁵

8. The secretariat takes note of a few changes to the membership of the steering committee since the last progress report in March 2022. For Peru, Mr. Jimpson Davila Ordoñez replaced Mr. Mariano Castro Sanchez-Moreno effective 29 April 2022, who was subsequently replaced by Mr. Héctor Daniel Benítez Castro, and now Mr. Juan Pablo Carrera Luque for the remainder of the term. Effective 23 May

⁷ Co-Chairs' Summary of the In-person Segment of the First Global Meeting of National Focal Points, Nairobi, 6-9 June 2022, Section 6, available at: https://leap.unep.org/sites/default/files/inline-files/MV5_1st-global-meeting-part2_Co-Chairs-Summary_final.pdf. Report of the meeting, available at: <https://leap.unep.org/sites/default/files/inline-files/English%20K2101549.pdf>

⁸ Report of the resumed first global meeting of national focal points for Montevideo Programme V (UNEP/Env.Law/MTV5/GNFP.1/6/Add.1)

⁹ <https://leap.unep.org/about/nfps>

¹⁰ UNEP/Env.Law/MTV5/GNFP.1/6, Annex, paragraph 9.

¹¹ <https://leap.unep.org/about/progress>

¹² Co-Chairs' Summary of the Third Meeting of the Steering Committee for Implementation, 6 June 2022, available at:

https://leap.unep.org/sites/default/files/inline-files/Co-Chairs-Summary_Third-Meeting-of-the-Steering-Committee_06June2022_0.pdf

¹³ Report of the resumed first global meeting of national focal points for Montevideo Programme V (UNEP/Env.Law/MTV5/GNFP.1/6/Add.1)

¹⁴ Co-Chairs' Summary of the Fourth meeting of the steering committee for implementation, 7 October 2022, available at:

https://leap.unep.org/sites/default/files/inline-files/MV_SC4_draft_Co-Chairs-Summary_final_corr1_cln.pdf; additional meeting documents: <https://leap.unep.org/about/meetings/fourth-meeting-steering-committee-implementation#meeting-documents>

¹⁵ Co-Chairs' Summary of the Fifth meeting of the steering committee for implementation, 10 March 2023, available at:

https://leap.unep.org/sites/default/files/2023-05/5th%20Steering%20Committee_Co-chairs%20Summary.pdf; additional meeting documents: <https://leap.unep.org/about/meetings/fifth-meeting-steering-committee-implementation#meeting-documents>

2022, Slovenia was represented by Ms. Helena Kramar, who replaced Ms. Nataša Petrovčič. Thereafter, Ms. Kramar was replaced by Ms. Tanja Pucelj Vidović.

c. Stakeholders

9. In line with the Montevideo Programme V implementation guideline 5c, the implementation of Montevideo Programme V and its activities will be developed and implemented in cooperation, coordination or partnership, as appropriate, with relevant stakeholders, promoting public participation. Further, supporting collaboration and promotion of partnerships across the United Nations and with other relevant entities, including civil society organizations, in the field of environmental law, is a strategic activity under the Programme.

10. At the in-person (hybrid) segment of the first global meeting of national focal points and the series of side-events that took place involving stakeholders, engagement and participation of major group stakeholders, especially the youth, was facilitated and fostered.¹⁶ Following the discussion, the national focal points agreed that, on the basis of their feedback, the secretariat would prepare a draft strategy on partnerships and stakeholder engagement for consideration and possible adoption by the steering committee in October 2022. Additionally, the side events brought to fore issues of importance to diverse groups, including faith-based organizations, indigenous and local communities, legal experts, women and youth in an effort to promote effective environmental governance within the thematic areas of pollution, climate change and biodiversity.

11. As of September 2023, the draft annotated outline of the draft strategy, as agreed by the steering committee in March 2023, had undergone consultations (June to August 2023), and a draft text of the strategy is being prepared by the secretariat. Moreover, after the first global meeting of the focal points, the secretariat has undertaken an extensive mapping exercise to identify key stakeholders and potential partners. The mapping and analysis comprise a very broad group of over 1000 entities, including: UNEA accredited organizations, environmental law organizations, universities and research institutions, multilateral environmental agreements secretariats, and intergovernmental organizations such as UN agencies.

12. In the context of regional consultations on the development of options papers on legal responses to address the biodiversity crisis and the climate change crisis, the secretariat has been organizing the following consultations involving stakeholders and partners: for the Asia-Pacific, West Asia and Central Asia regions during the 3rd ASEAN Environmental Law Conference (Bangkok, 15 – 18 August 2023), which were of hybrid format and open for participation to all regions; for Africa during the Fifth ASSELLAU Scientific Conference (Nairobi, 21 – 23 August 2023) and the Workshop on the Implementation of Biodiversity, Chemicals and Waste Multilateral Environmental Agreements (Bugesera, Rwanda, 29 – 31 August 2023); and for Latin America and the Caribbean (Panama City, 25 – 26 September 2023), followed by the 2nd Regional Forum on Environmental Human Rights Defenders (Panama City, 27 – 28 September 2023).

II. Priority Areas for Implementation of Montevideo Programme V

13. The secretariat presented a document titled “Priority areas for implementation” (UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1), at the in-person segment of the global meeting for national focal points, to set out possible priority areas for implementation for the remainder of the Programme until 31 December 2029.¹⁷ The document identified the actions, strategies and intended outcomes of

¹⁶ Side events of the In-person (hybrid) segment of the First Global Meeting of National Focal Points,

<https://leap.unep.org/about/meetings/person-hybrid-segment-first-global-meeting-national-focal-points#side-events>

¹⁷ At the online segment of their first global meeting, the national focal points had identified “legal responses to the air pollution crisis” as the initial priority area for implementation. United Nations Environment Programme (2021), Priority areas for implementation, UNEP/Env.Law/MTV5/GNFP.1/4, 29 March 2021, Annex “Initial priority areas for implementation identified at the online segment of the first global

the possible priority areas, including the modalities and mechanisms to support countries in their implementation of the Programme. The document had been informed by the results of a survey administered to the focal points in January 2021, consultations with internal and external stakeholders, and inputs received at the online segment of the first global meeting.

14. It is during the in-person meeting that the national focal points decided on three core and interlinked priority areas for implementation of the Programme, which are legal responses to address the pollution crisis, the climate change crisis, and the biodiversity loss crisis, supplemented by the cross-cutting activities of enhancing access to environmental information, public participation in environmental decision-making and access to justice, and strengthening education and capacity building on environmental law. Those priority areas and cross-cutting activities were to be reviewed and amended as necessary at each global meeting of the national focal points.

15. Notwithstanding the identified thematic and cross-cutting priority areas, countries may still request support on any matter of environmental law that is aligned with the vision and objectives of the Programme (paras. 2 and 3 of the Programme). This is in line with paragraph 5 (a) of the Montevideo Programme V, that requires activities of the Programme to respond to the needs and priorities of countries.

16. At the request of the national focal points, the secretariat developed an implementation roadmap, which was discussed and approved by the steering committee in its fifth meeting.¹⁸ The approved implementation roadmap resulted from efforts to address challenges in harmonizing the initial priority areas per thematic areas and the cross-cutting activities, as agreed at the first global meeting of national focal points in June 2022 in a way that was comprehensive but not duplicative, and to better align the implementation roadmaps to the UNEP's Medium-term Strategy and Programme of Work adopted by the Member States at the fifth United Nations Environment Assembly (UNEA-5).

17. During the reporting period, the secretariat and its partners worked on advancing legal responses to address the pollution crisis through development of three key guidance documents on good legislative and enforcement practices, support towards the development of legal frameworks for at least four countries, and trainings and creation of awareness on a variety of topics, including on trade in environmentally sensitive commodities and the connection between pollution and human rights. On legal responses to address the climate change crisis, the secretariat published its 2023 Global Climate Litigation Report – Status Review that examines trends in climate litigation and makes future predictions. This publication generated a lot of interest in the media and stakeholders and was widely disseminated in various fora. The secretariat also participated in the process of laws or regulations making for at least three countries, enhanced its Law and Climate Change Toolkit, and engaged judiciaries and children, youth, and indigenous groups on climate change. Notably, the secretariat issued legal briefs to inform decision-making on two unprecedented requests for advisory opinions at the international level on the obligations for States regarding climate change.

18. In relation to biodiversity, the secretariat paid focus to improve education of environmental law through development of training modules. It also contributed to guidance on mainstreaming human rights into biodiversity strategies and inclusion of Indigenous Peoples, women and environmental defenders in environmental law making and implementation. Lastly, the secretariat worked on matters that cut across the three priority thematic areas, such as supporting development of environmental codes, guidelines for enforcement actors e.g. judiciaries, training of trainers' programmes, and creation of environmental rights toolkits, trainings, dialogues and consultations with environmental rights

meeting of national focal points", available at: <https://leap.unep.org/sites/default/files/inline-files/UNEP-Env.Law-MTV5-GNFP1-4.pdf>. The progress in the implementation of that priority area is set out in document UNEP/Env.Law/MTV5/GNFP.1/2/Rev.1 on the status of implementation, activities and funding.

¹⁸ See Co-Chairs' Summary of the Steering Committee for Implementation, available at: <https://leap.unep.org/about/meetings/fifth-meeting-steering-committee-implementation#meeting-documents>.

practitioners and environmental defenders and support to States to implement the right to a healthy environment.

19. A comprehensive summary of the progress made in implementing the roadmaps is provided in **Annex 1**, along with a non-exhaustive list of key activities conducted since the last progress report in **Annex 2**. The activities have been grouped into the distinct thematic and cross-cutting areas aligned with the implementation roadmaps to facilitate the monitoring of progress.

20. **Table 1** below provides a high-level summary of progress in implementing the roadmaps across the thematic areas of the pollution, climate change and biodiversity crises and the cross-cutting priority areas related to access rights and education and capacity building.

Table 1: Progress in Advancing Implementation Roadmaps (March 2022- January 2024)¹⁹

Thematic / Cross-Cutting Area	Countries supported	Knowledge products developed	Total workshops/trainings/events
Pollution	[27]	[4]	[19]
Climate	[4]	[3]	[10]
Biodiversity	[5]	[2]	[10]
Access Rights	[14]	[6]	[9]
Education & Capacity Building	[6]	[5]	[7]

III. Montevideo V Programmatic Strategies

a. Partnerships and stakeholder engagement strategy

21. According to paragraph 4 (e) of Montevideo Programme V, the Programme will support collaboration and the promotion of partnerships with United Nations and other relevant entities, including civil society organizations, in the field of environmental law. Following the direction of the first global meeting, and in consultation with the steering committee members, the secretariat prepared an annotated outline, which opened for online consultations on 13 June to 15 August 2023, with all identified stakeholders and partners. An advance draft of the strategy will be presented for discussion at the sixth steering committee planned in the last quarter of 2023. In parallel, the secretariat will continue internal consultations to ensure that the strategy is aligned to UNEP policies, strategies and procedures relating to stakeholders and partners.

b. Resource mobilization strategy

22. Part of UNEP's functions as the secretariat of the Montevideo Programme V is to seek to procure appropriate funding for the implementation of the Programme's activities.²⁰ In response to a request by NFPs endorsed by the steering committee, and in alignment with UNEP's resource mobilization strategy,²¹ the secretariat developed a resource mobilization strategy for implementation of Montevideo Programme V. The strategy is continuously reviewed by the secretariat and the steering committee to reflect updates.

23. At the resumed, in-person (hybrid) segment of the first global meeting of national focal points for Montevideo Programme V (June 2022), national focal points invited the secretariat to prepare and provide an estimate of the resources needed to implement the Programme and the implementation roadmaps, and to develop a resource mobilization strategy for the Programme. The latest version of the strategy was discussed at the March meeting of the steering committee. The strategy is reviewed

¹⁹ The figures presented in this document are approximations and may be subject to slight variations due to ongoing updates and data collection methods.

²⁰ UNEP/EA.4/Res.20, paragraph 6(a)(xi).

²¹ United Nations Environment Programme (2021), *Resource Mobilization Strategy 2021*, available at <https://wedocs.unep.org/20.500.11822/36793>.

on a regular basis to reflect experiences and possible new priorities identified during the global meetings of national points.

IV. Law and Environment Assistant Platform (UNEP-LEAP)

24. UNEP-LEAP comprises three substantive and interconnected sections: technical assistance (a clearing-house mechanism for countries to request technical assistance and a menu of services connected to the core objectives of the Programme); a knowledge base with cutting-edge environmental law information; and country profiles. Since the start of the project, the secretariat has received requests for technical assistance from approximately 20 countries, some through LEAP, and plans to organize trainings for the LEAP use in UN official languages, other than English.

25. The platform reflects technical legal assistance received through its clearing house mechanism, as well as offline, including from Azerbaijan, Cambodia, Cameroon, Côte D'Ivoire, Ethiopia, Guinea Bissau, Jamaica, Kenya, Malawi, Malaysia, Indonesia, Laos People's Democratic Republic, Nigeria, Oman, Sierra Leone, Thailand, Trinidad and Tobago, Zimbabwe, Ukraine and, Vietnam. Depending on whether consent is granted by the requesting entity, and the stage of implementation, the requests will publicly appear on the site. The requests are assigned to different officers and progress is also tracked on the platform.

26. Additionally, the Platform now hosts more than 19,000 information resources, including legislation and case law, toolkits, guidance products and model laws, publications and reports, including meeting reports, e-learning courses as well as partners' resources. The secretariat is keen on enhancing the Platform's utility and its contribution to UNEP's digital transformation agenda and has been engaging with the Law Division's Collective Intelligence team for this. In terms of engagement, the platform has had [1.7 million] users between 26 March 2022 and 31 January 2024, with the top five audience countries being China, Philippines, India, Peru and the United States of America. The secretariat continues to update and improve the UNEP Law and Environment Assistance Platform (UNEP-LEAP) in terms of design, structure and content.

C. Status of Montevideo Programme V Funding

27. It should be noted that following the mandate in paragraph 6 (a) (xi) of the Programme, in September 2021, the secretariat established a trust fund (the Montevideo Trust Fund) for the core activities of the Montevideo Programme V, which became operational in May 2022 upon approval by the Controller of the United Nations Secretariat. The Trust Fund has received the generous contribution from the United Kingdom of Great Britain and Northern Ireland, as well as contributions from Germany, the Netherlands, Norway, and the Commonwealth Secretariat.

28. The most recent funding assessment of the priority areas for implementation and the related cross-cutting activities, places indicative programmatic and secretariat costs of implementing the Montevideo Programme V at USD 38,108,652.²² This figure includes the estimated cost of implementing the 2023-2026 implementation roadmaps highlighted above, as well as the governance and secretariat costs.²³

29. There is a clear deficit in the resources available for implementation of the Programme. In the resource mobilization strategy, the secretariat seeks to:

- (a) Raise a sum of at least USD 5,436,022 annually until 2029;

²² The estimate may vary depending on country requests for assistance and activities related to the governance arrangements for the Programme (e.g., regional meetings of national focal points). The estimate includes programmatic costs (e.g., technical assistance, guidance materials.) anticipated based on the priorities for implementation to be identified during the global meetings of national focal points under Montevideo Programme V and, activities related to the governance arrangements for the Programme.

²³ United Nations Environment Programme (2021), *Resource Mobilization Strategy 2021*, available at <https://wedocs.unep.org/20.500.11822/36793>.

- (b) Maintain a diversified funding base from a broad spectrum of potential donors;
- (c) Consult with at least five potential donors every year;
- (d) Ensure that the Programme has adequate staffing to support the implementation of the core activities.

30. To supplement the trust fund allocations and fill in the financial gap, the secretariat continues to rely on resources allocated to the UNEP Law Division for Montevideo Programme V activities that contribute to the environmental governance subprogramme of UNEP's programme of work. These resources comprise allocations from the Environment Fund, including the thematic funds, and extrabudgetary resources from bilateral donors for earmarked purposes, such as from the European Commission and the United Nations Development Account.

31. The secretariat continues to encourage and welcome additional voluntary contributions from governments, the private sector, foundations, and other organizations.

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