Montevideo Environmental Law Programme

A Decade of Action on Environmental Law

OUTCOMES OF THE MEETING

UN environment programme

FIFTH MONTEVIDEO PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW

SECOND GLOBAL MEETING OF NATIONAL FOCAL POINTS

United Nations Office, Nairobi

Monday, 3 June 2024 | Wednesday, 5 June 2024

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1. Opening of the meeting

- The Chair, Mr. Marcelo Cousillas opened the second global meeting of national focal points under the Fifth Programme for the Development and Periodic Review of Environmental Law (**Montevideo Programme V**)
- The Chair informed the meeting about changes in the officers of the **steering committee for implementation**, including the departure of the Co-Chair, Mr. Timothy Epp of the United States, and of the Rapporteur, Ms. Kunzang of Bhutan. Ms. Charlotta von Troil would serve as Rapporteur for the second global meeting
- The Director of the Law Division, Ms. Patricia Kameri Mbote delivered opening remarks

2. Organizational matters

- The Chair invited the national focal points to consider the provisional agenda ((**UNEP/Env.Law/MTV5/GNFP2.1**) as agreed upon by the steering committee on its seventh meeting (Nairobi, 26 – 27 February 2024)
- The Chair also invited the national focal points to consider the annotations to the provisional agenda (**UNEP/Env.Law/MTV5/GNFP2.1/Add.1**), including the proposed organization of work for the second global meeting in annex I of that document
- The meeting adopted the agenda and agreed on the proposed organization of work.

3. National focal points

- The secretariat informed the meeting about the status of nominations of national focal points, following para. 6(a)(ix) of the Montevideo Programme V
- As at 29 May 2024 there were 181 main and alternate focal points designated from **146 countries** and regional economic integration organizations
- Of the total 181 focal points, 54% (97) are men and 46% (84) are women
- The list is available on the Law and Environment Assistance Platform (**LEAP**) and in **Informal document 1** (available on the meeting web page)
- Focal points were invited **to review the designations** and inform the secretariat (unep-montevideo@un.org) if there are errors or omissions

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(a) Status of implementation, activities and funding

- The secretariat presented document **UNEP/Env.Law/MTV5/GNFP.2/2,** prepared following para. 6(a)(x) of the Programme, and upon consultation with the steering committee
- The report outlines the status of implementation, activities and funding from the last report 25 March 2022 to 29 February 2024.
- The report also provides information on the membership of steering committee for implementation and partnerships
- The secretariat also:
  - provided a short presentation on the LEAP and informed of the audience accessing the platform.
  - Informed of the new Handbook on the Montevideo Programme V

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(a) Status of implementation, activities and funding

- Several national focal points and stakeholders commended on the report from the secretariat and the work carried out during the last two years, and provided examples of support received.

- They welcomed the Handbook on the Programme

- Some focal points, however, noted that there was a need for:

    - The reports to be more results-oriented to better demonstrate progress achieved
    - Clarity of which activities were under the Montevideo Programme and which under the UNEP general legal programme
    - More detailed account on the sources of funding for the programme, in addition to the Montevideo trust fund, and how that funding was used.

- Some focal points were pleased to see that LEAP was used, but noted that more effort and resources were necessary to ensure updates; and encouraged the provision of training in UN languages other than English.

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(b) Priority areas for implementation

- The secretariat presented documents **UNEP/Env.Law/MTV5/GNFP.2/3** and **UNEP/Env.Law/MTV5/GNFP.2/4** on biodiversity and climate options, respectively.
- Some countries indicated that consultations were not broadly organized for all regional groups and requested the secretariat to ensure that consultations in the future include all regions.
- During the discussion, interventions were made to express the collective views of some regional groups. Individual countries also provided their views on how to merge some of the options mentioned at the end of each options paper; and how to prioritize action.
- Some countries highlighted the interlinkages between the three thematic areas and that technical assistance should be provided based on diverse national priorities, capabilities and circumstances.
- Other countries provided information on steps taken to adopt legislation and stressed the importance of funding mechanisms.

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law (b) Priority areas for implementation

Following the discussions, the following three options were prioritized for **biodiversity** in the order listed below, to be undertaken considering the relevant UNEA resolutions**:**

1. Build the capacity of various stakeholders

(a) Training for the **judiciary** and other actors (lawyers, the enforcement e.g. customs) to ensure implementation of existing legislation on biodiversity

(b) Strengthen the capacity of **legal drafters** (parliamentarians) and relevant government officials

(c) Strengthen environmental law **education** /education of legal practitioners in general/ develop curricula / legal clinics

(d) Strengthen international **cooperation** /partnerships with key partners, including the scientific community

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law (b) Priority areas for implementation *(cont'd)*

2. Address knowledge gaps, conduct research, and promote tools to provide guidance to stakeholders on biodiversity law

(a) Conduct research / develop legal **guidance materials** and tools (such as on enforcement, sentencing). [The AFR group specifically mentioned guidance on calculation of damages].

(b) Develop model laws on biodiversity

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(b) Priority areas for implementation *(cont'd)*

3. Develop and strengthen biodiversity-related laws

(a) Develop and support legislation upon carrying out assessment of existing legislation, based on available data, national circumstances, priorities and capabilities and the unique needs of each region

(b) Support the implementation **at the national level of international environmental law relating to biodiversity** consistent with the relevant UNEA resolutions, as well as having due regard to relevant decisions and resolutions of biodiversity-related multilateral environmental processes (such as the KMGBF);

(c) Develop and strengthen legislation and its implementation on **criminal activities that adversely affect biodiversity**, including in areas affected by armed conflict consistent with the relevant UNEA resolutions

(d) Enhance approaches to engage **local communities,** and integrate their **knowledge on** biodiversity conservation/management

**** Due to disagreement, the finalization of the text in 3(b) and (c) was entrusted to the Chair, with the assistance of the Rapporteur, after the conclusion of the meeting. Discussions will be detailed in the upcoming official report on the meeting.***

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(b) Priority areas for implementation *(cont'd)*

Following the discussions, the following three options were prioritized for **climate** in the order listed below:

1. Enhance capacity-building and awareness to increase the effectiveness of law

(a) Build **capacity** for all stakeholders (parliamentarians, judiciary, etc.) on climate governance
(b) Organize targeted capacity-building initiatives based on **regional needs**
(c) Strengthen environmental/**climate law education** – with a focus on train-the-trainers

2. Research and knowledge development

(a) Develop materials to promote deeper knowledge **on emerging issues** of climate-related law **including on climate litigation** (e.g. online learning)
(b) Develop materials for improved **understanding of the linkages** between climate change, biodiversity, pollution and other areas
(c) Strengthen the role of **academia** in supporting research on climate governance
(d) Build capacity for countries to prepare and make **submissions to international fora**

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(b) Priority areas for implementation *(cont'd)*

3. Develop and strengthen legal and institutional frameworks

(a) Develop and support legislation that better integrates **mitigation and adaptation** considerations –based on available data, national circumstances, priorities and capabilities and the unique needs of each region

(b) Improve **procedural and substantive rights**, with a focus on access to information for making climate-related data disseminated and accessible

(c) Improve domestic institutional **coordination** (agencies and stakeholders) for effective monitoring and enforcement

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(c) Emerging issues in environmental law

- Following para. 6(b)(viii) of the Programme, national focal points are required to contributed to catalyzing action to address emerging environmental issues through the law. The steering committee on its seventh meeting had deemed relevant to dedicate some time under this agenda item on the theme of **procedural rights** and **environmental defenders**.
- The meeting listened to presentations from the national focal point of Finland, also national focal point of Finland to the Aarhus Convention, as well as from members of the secretariat on relevant developments at the global and regional level (especially in Europe, Latin America and the Caribbean and the Asia Pacific).

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(c) Emerging issues in environmental law *(cont'd)*

In the ensuing discussions:

- The importance of environmental rights for the advancement of environmental rule of law was recognized, including the call for constitutional protection, and the strengthening of processes and institutions.
- The meeting raised concern as regards the risks surrounding the environmental human rights defenders and reflected on the means and mechanisms for their effective protection.
- The need to raise awareness among the members of the public and about climate change litigation, and to build the capacity of the judiciary and the civil servants on how to promote and protect environmental rights was highlighted.
- Several participants expressed interest in participating in relevant activities organized by the secretariat at the global and regional levels.
- The relationship between environmental and racial justice.
- Tools and mechanisms on environmental degradation in times of conflict
- The aspiration for an agreement in the Africa region, following the example of the Aarhus Convention and the Escazú Agreement was mentioned, and the secretariat was called upon to work to work with countries in the region on the pressing need to protect the nature and environmental HR defenders.

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(c) Emerging issues in environmental law *(cont'd)*

The meeting also listened to presentations/interventions on:

- Environmental financing from the secretariat
- Conclusions of the symposium on emerging issues from the University of Vigo
- A study on legal indicators for measuring the effectiveness of environmental law and sustainable development from the International Centre for Comparative International Law (CIDCE)
- Domestic approaches on environmental justice
- Lead exposure (e.g. lead in gasoline, paint, acid batteries, spices) and the opportunity for UNEP to continue its legacy on lead reduction.
- How environmental degradation may contribute to instability and how protection of the environmental can contribute to security and peace
- And also on: criminal activities that adversely affect the environment, human rights and the environment nexus; better enforcement of the law; and environmental rule of law and environmental economy

4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

(c) Emerging issues in environmental law *(cont'd)*

- Some countries expressed the concern that the meeting should focus on areas that are within the scope of MV and the competence of the ministries/agencies represented in that meeting.
- At the end of the discussion, the meeting:
  - Agreed to take note of the interventions from national focal points and stakeholders in the report
  - Requested the secretariat, subject to availability of resources and the steering committee's guidance, to conduct research on emerging issues that would contribute to the development of environmental law under the Montevideo Programme

5. Partnerships and stakeholder engagement

- The secretariat presented document **UNEP/Env.Law/MTV5/GNFP.2/5**, i.e. the partnerships and stakeholder engagement strategy, as adopted by the steering committee on its seventh meeting in February 2024.
- The secretariat also made a presentation on stakeholder engagement and accreditation.
- Participants emphasized the importance of partners and stakeholders in the implementation of the MTV Programme V.
- Participants also emphasized that the Programme was not an isolated programme within UNEP, and that the secretariat should ensure cooperation and collaboration with other relevant entities, programmes, platforms and multilateral environmental agreements bodies and secretariats (the latter in line with resolutions adopted at UNEA-6), as well as internally with other Divisions.
- The CMS Secretariat reported on COP14 outcomes and the work taken under their National Legislation Programme, and their continued interest.
- A representative of Children and Youth made a statement about the importance of specifically recognizing intergenerational equity in the Programme, and considering conflict of interest.

5. Partnerships and stakeholder engagement *(cont'd)*

The Meeting:

- Took note of the strategy and agreed that the strategy should align to the United Nations and UNEP-specific policies, rules and procedures.
- Agreed that the strategy would remain as a living document and would evolve following any revisions of those policies, rules and procedures; and requested the secretariat to amend/update the strategy, as appropriate, and to submit any revised versions to the steering committee for its consideration and adoption.
- Requested the secretariat to prepare a list of partners and partnerships data for the steering committee at its next meeting.

6. Steering committee for implementation

The meeting designated the following members to serve at the steering committee for implementation until the closure of the next global meeting:

- **African Group**: Burkina Faso, Uganda, Zambia
- **Asia-Pacific Group**: Bhutan, Cambodia, Maldives
- **Eastern European Group**: Bosnia and Herzegovina, Slovenia
- **Latin American and Caribbean Group**: Colombia, St. Lucia, Uruguay
- **Western European and Others Group**: France, Switzerland, United States of America

The Chair thanked the members that were stepping down and welcomed the new members to the steering committee; and he informed the meeting that the steering committee on its eighth meeting (3 June) had agreed that it would hold its next meeting online before the end of 2024.

7. Dates and venue of the third global meeting of national focal points

- The meeting agreed that the secretariat, in consultation with the steering committee for implementation, and subject to offers from countries to host the meeting, would communicate the date and venue of the third global meeting of national focal points, in 2026.
- The Chair invited countries interested in hosting the next meeting to contact the secretariat

8. Other matters

No other matters were discussed.

9. Adoption of the outcomes of the meeting

- The Rapporteur presented the main discussion points and outcomes of the meeting.
- The meeting
  - Adopted the summary discussions and the outcomes, as revised; and entrusted the finalization of text under item 4(b) (biodiversity points 3b and 3c) to the Chair
  - Requested the secretariat to upload the document on the meeting web page
  - Requested the Rapporteur with the assistance of the secretariat to prepare the full report of the meeting, reflecting all views expressed during the discussions, as an official document and make it available to the participants

10. Closure of the meeting

The Chair thanked all national focal points, the secretariat, the steering committee members, the interpreters and the conference support team and closed the meeting.

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Thank you

Montevideo Coordination and Delivery Unit
Law Division