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Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V): delivering for people and the planet
Second global meeting of national focal points
Nairobi, 3–5 June 2024

Report of the second global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V): delivering for people and the planet

I. Opening of the meeting

1. The second global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) was held at the headquarters of the United Nations Environment Programme (UNEP) in Nairobi from 3 to 5 June 2024.

2. The meeting was opened at 3.10 p.m. on Monday, 3 June 2024 by Marcelo Cousillas, Chair of the steering committee for implementation and of the second global meeting. An opening statement was delivered by Patricia Kameri-Mbote, Director of the Law Division of UNEP.

3. In her remarks, Ms. Kameri-Mbote said that the growing network of national focal points and their increased engagement in the implementation of Montevideo Programme V had led to a tangible impact on international environmental governance and lawmaking. Moreover, a country-driven approach had enabled tailored interventions that provided targeted support at the national level. The current midway point of the Programme represented an opportunity to gather feedback from countries and stakeholders. Noteworthy progress had been made in addressing air pollution, including through the provision of guidance on air quality legislation, which was crucial to enabling effective national air quality governance and served to assign institutional responsibilities, create accountability mechanisms, promote public participation, ensure enforcement and establish processes to set and update air quality standards in line with advancements in knowledge and technology.

4. The second global meeting also offered an opportunity to share knowledge on the ways in which transparency, environmental democracy, the empowerment of citizens and litigation influenced the law and engendered political discussions. UNEP was committed to strengthening national environmental institutions and empowering judiciaries, both of which were key to the proper implementation of environmental laws. The national focal points played a pivotal role in maintaining the relevance of Montevideo Programme V and its responsiveness to the evolving needs of countries and communities. Through collective action, unwavering commitment to environmental rule of law and a shared vision, the transformative power of environmental law could be harnessed to foster a more sustainable, equitable and resilient world for current and future generations.

II. Organizational matters

A. Election of officers

5. During the online segment of the first global meeting of national focal points, held from 2 to 4 June 2021, national focal points had elected the following officers to serve until the end of the second global meeting:

Co-Chairs: Timothy R. Epp (United States of America)

Marcelo J. Cousillas (Uruguay)

Rapporteur: Ms. Kunzang (Bhutan)

6. The Chair announced that Timothy R. Epp had stepped down as Co-Chair during the intersessional period and thanked him for his meaningful contribution to the work of Montevideo Programme V. According to paragraph 7 of the modalities of work for the steering committee for implementation, adopted by the national focal points during the online segment of the first global meeting, if the office of a Co-Chair became vacant, the other Co-Chair was to act as the Chair until the members of the steering committee elected another Co-Chair to serve for the remainder of the term. Noting that the term of office of the current membership of the steering committee was due to end at the closure of the current meeting, he said that he had agreed to serve as Chair until that time.

7. The Chair also announced that Ms. Kunzang had stepped down as member of the steering committee and as Rapporteur. Thanking Ms. Kunzang for her significant contribution to Montevideo Programme V, he said that, in line with paragraph 8 of the modalities of work of the steering committee, Charlotta von Troil (Finland) had been appointed to serve as Rapporteur for the remainder of the term, until the closure of the second meeting.

8. The Chair delivered an opening statement.

B. Adoption of the agenda

9. The national focal points adopted the following agenda for their second global meeting, on the basis of the provisional agenda (UNEP/Env.Law/MTV5/GNFP.2/1):

1. Opening of the meeting.
2. Organizational matters:
    (a) Adoption of the agenda;
    (b) Organization of work.
3. National focal points.
4. Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law:
    (a) Status of implementation, activities and funding;
    (b) Priority areas for implementation;
    (c) Emerging issues in environmental law.
5. Partnerships and stakeholder engagement.
6. Steering committee for implementation.
7. Dates and venue of the third global meeting of national focal points.
8. Other matters.
9. Adoption of the outcomes of the meeting.
10. Closure of the meeting.

C. Organization of work

10. The national focal points agreed to the proposed organization of work for their second global meeting set out in annex I to the annotated provisional agenda (UNEP/Env.Law/MTV5/GNFP.2/1/Add.1). Accordingly, consideration of agenda sub-item 4 (c), on

emerging issues in environmental law, would take place at the second global meeting, as agreed by the national focal points during the in-person segment of the first global meeting.

D. Attendance

11. National focal points representing the following Member States attended: Angola, Antigua and Barbuda, Argentina, Armenia, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Egypt, Eswatini, Finland, France, Georgia, Germany, Ghana, Guinea, Iran (Islamic Republic of), Iraq, Jordan, Lesotho, Malawi, Maldives, Mauritania, Mauritius, Mexico, Morocco, Namibia, Nepal, Netherlands (Kingdom of the), Nicaragua, Nigeria, Panama, Peru, Philippines, Portugal, Saint Lucia, Seychelles, Sierra Leone, Somalia, South Africa, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Türkiye, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

12. The national focal points representing the Cook Islands and the State of Palestine also attended.

13. Representatives of the following United Nations agencies, funds and programmes, and convention secretariats attended: Food and Agriculture Organization of the United Nations, Ozone secretariat, secretariat of the Basel, Rotterdam and Stockholm Conventions, secretariat of the Convention on Biological Diversity, secretariat of the Convention on Long-range Transboundary Air Pollution, United Nations Environment Programme.

14. Representatives of the following intergovernmental organizations attended: International Union for Conservation of Nature Oceania regional office.

15. Representatives of the following governmental, non-governmental, industry, academic and other bodies attended: Africa Climate and Environment Foundation, African Centre for Technology Studies, Association of Environmental Law Lecturers in Middle East and North African Universities, Central American Commission on Environment and Development, Children and Youth Major Group to UNEP, Climate Governance Movement, Global Peace and Development Organization, Green Generation Alliance, Gujarat Maritime University, Katiba Institute, Kenya School for Revenue Administration, National Environment Management Authority of Kenya, Rovira i Virgili University, Stop Ecocide Foundation, Universidad Autónoma Metropolitana, Universidad Nacional de Educación a Distancia, University of Seville, University of Nairobi, University of Vigo, World Customs Organization, World Customs Organization Regional Training Centre, Youth4Nature.

III. National focal points

16. Introducing the item, a representative of the secretariat drew attention to the informal document by the secretariat on national focal points, which had been circulated to participants. Annex I to that document set out a list of national focal points designated as at 29 May 2024, including information on their gender, organization and title, and annex II set out a list of national focal points by United Nations regional group, showing those Member States that had designated national focal points and those that had not. He invited participants to review the list of current national focal points, an up-to-date version of which was available on the UNEP Law and Environment Assistance Platform (UNEP-LEAP) (http://leap.unep.org), and to inform the secretariat in writing of any errors or omissions.

17. The secretariat also recalled that paragraph 6 (b) of Montevideo Programme V established that national focal points should preferably be senior government officials expert in environmental law.

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

A. Status of implementation, activities and funding

18. Introducing the sub-item, the Chair recalled that paragraph 6 (a) (x) of Montevideo Programme V called for the secretariat to report biennially on the implementation, activities and funding of the Programme. A representative of the secretariat presented a report on the status of implementation, activities and funding for the period from 25 March 2022 to 29 February 2024 (UNEP/Env.Law/MTV5/GNFP.2/2). She provided information on the key results for the reporting period, including countries supported, knowledge products developed and workshops held; the

meetings of the steering committee on implementation; membership of the steering committee, including the replacement of the members for Bhutan, Peru and the United States of America, and the appointment of Ms. von Troil as Rapporteur for the current meeting; and the status of funding, in particular the status of the general trust fund for the core activities of Montevideo Programme V, which had become operational in May 2022. Finally, she presented information on UNEP-LEAP and its components.

19. In the ensuing discussion, many participants expressed appreciation to the secretariat for the information provided and the activities undertaken to date under Montevideo Programme V, despite a difficult start owing to the coronavirus disease (COVID-19) pandemic. Commendable progress had been made in implementing a number of actions and several targets had been achieved since the first global meeting. Given the mounting environmental challenges facing the planet, the need for further progress was pressing. One participant expressed regret that the secretariat had not presented a progress report one year in advance of the second global meeting, as national focal points had requested at the resumed first global meeting, held in Nairobi from 6 to 9 June 2022.

20. Regarding the overview of progress in advancing the implementation road maps 2023–2026, as presented in annex I to document UNEP/Env.Law/MTV5/GNFP.2/2, several participants said that while the list of activities under the thematic areas was impressive, it was not easy to discern the actual results attained or the nature of the support provided to countries. In addition, the indicators presented did not always accord with the mandate that they should be measurable, verifiable and focused on results. The lack of differentiation between the general tasks of the UNEP Law Division and its role as Programme secretariat made it difficult to identify what had actually been accomplished under the auspices of the Programme. One participant said that it was encouraging to note how much work was being undertaken in partnership with other entities, as leveraging resources and expertise from other bodies helped in ensuring a more impactful outcome.

21. With regard to UNEP-LEAP, its importance to the visibility and transparency of the Programme was recognized, and the "knowledge base" section had been considerably expanded. However, the interface of the country profiles, in particular the legislation section, remained sparsely populated and was in urgent need of an update. With regard to the requests for technical assistance, one participant said that the list on UNEP-LEAP was not sufficiently informative; an updated and detailed list of requests currently being processed would ensure transparency and would assist the steering committee in its role of determining the prioritization of requests.

22. On the matter of financing, appreciation was expressed for the secretariat's active search for funds dedicated to the Montevideo Programme, and the secretariat was encouraged to continue along that path. One participant requested additional information on the availability of resources under the various instruments accessible to the Programme, including the Environment Fund and other earmarked contributions, and how the various sources of finance were allocated in the implementation of the Programme.

23. One participant said that the implementation of activities under the Programme required the effective application of appropriate tools, and more efficient and transparent mechanisms were needed to support countries in their implementation of the Programme. Another participant said that financing modalities needed to be further refined, taking cognizance of the principle of common but differentiated responsibilities, in order to enable countries in need of assistance to develop their ability to achieve compliance with international environmental law.

24. Several participants presented information on activities that had been undertaken in their countries under the Montevideo Programme, including training and capacity-building for national focal points and institutions responsible for the enforcement of environmental law; guidance on the legal aspects of pollution and waste management; the development, review and improvement of environmental laws; the introduction and implementation of a new environment code and a draft law on climate change; and capacity-building for magistrates and legislators. One participant highlighted the importance of synergistic, whole-of-society, whole-of-system action at the national level.

25. Responding to the issues raised, the representative of the secretariat said that the progress report had been delayed due to the urgent focus on consultations regarding options on priority areas for legal responses to combat the biodiversity and climate change crises, the development of the partnership and stakeholder engagement strategy and the finalization of the implementation road maps for the priority areas for implementation. The report had been made available to the steering committee for implementation and to the public on the UNEP-LEAP website in November 2023 and had been finalized by the steering committee in February 2024 for presentation to the national focal points at the current meeting. She welcomed feedback on the presentation of the activities in the overview of progress in advancing the implementation road maps 2023–2026, and improvements in

reporting were planned. On the matter of financing, the Montevideo trust fund had become operational in May 2022 and had received a number of generous contributions, while other sources were being accessed to supplement the trust fund allocations and fill the financial gap. Efforts would be made in the future to more fully report how funds were distributed by thematic area. With regard to UNEP-LEAP, the secretariat was striving to keep it up to date, although certain obstacles needed to be overcome, including the considerable human and technical resources required to maintain the platform, and the requests of several parties that information remain confidential and not be made available online.

26. A representative of the secretariat gave a presentation on the *Handbook for the Fifth Montevideo Programme on the Progressive Development and Implementation of Environmental Law*, which had been prepared by the secretariat in consultation with the steering committee to provide essential information on the Fifth Montevideo Programme and to serve as a reference guide for users.

27. The national focal points took note of the information provided.

B. Priority areas for implementation

28. Introducing the sub-item, the Chair recalled that paragraph 6 (b) (i) of Montevideo Programme V required national focal points to identify priority areas for Programme implementation. During the in-person segment of the first global meeting, the national focal points had identified three thematic areas for the implementation of the Programme, specifically, legal responses to address: the pollution crisis; the climate crisis; and the biodiversity crisis. During the in-person segment, national focal points had also requested the secretariat to prepare reports on options for clearly defined priority areas to address the climate crisis and the biodiversity crisis for discussion at the second global meeting. Accordingly, the secretariat had prepared reports on the basis of input gathered from regional stakeholder consultations held in Bangkok; Bugesera, Rwanda; Nairobi; and Panama City; as well from online questionnaires. Participants at the consultations had included national focal points, legal experts from academia, representatives of non-governmental organizations and other stakeholders active in environmental law. The Chair asked the secretariat to present the reports, after which participants were invited to discuss the options presented.

29. A representative of the secretariat presented the report of the secretariat on options for clearly defined priority areas to combat the biodiversity crisis (UNEP/Env.Law/MTV5/GNFP.2/.3). The priority areas had been grouped into three categories: strengthen legal and institutional frameworks at all levels to address biodiversity loss, including in enforcement and criminal law; enhance capacity-building and awareness to increase the effectiveness of biodiversity law; and research and knowledge development.

30. In the ensuing discussion, participants thanked the secretariat for preparing the reports, and for organizing the regional stakeholder consultations. While one participant commended the decision to take advantage of already-scheduled meetings to conduct the consultations, several participants noted that not all United Nations regional groups had been consulted. The secretariat was urged to include all regions in future consultations. During the discussion, participants expressed support for a number of the options for priority areas presented, while assigning greater priority to some over others. Several participants, including one speaking on behalf of a group of countries, suggested that the overlaps between a number of the options presented meant that they could be combined, and they made suggestions in that light.

31. Several participants underlined the importance of taking into account national circumstances, priorities and capabilities when considering biodiversity-related laws, particularly with regard to developing countries. At the national level, biodiversity-related law could comprise complex nexuses of statutes, policies and common, customary and constitutional law. Developing countries, in particular, should be assisted to strengthen legal and institutional frameworks to address the biodiversity crisis at the national and subnational levels, with a particular focus on helping them to implement multilateral environmental agreements and advance biodiversity conservation. One participant said that the incorporation into domestic law of multilateral environmental agreements should be prioritized.

32. Several participants underlined the importance of the provisions of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. Knowledge gaps had been particularly detrimental to developing countries that were parties to the Nagoya Protocol, which were often the providers of genetic resources. Capacity-building was required to ensure that, when engaging with countries that were users of genetic resources, local stakeholders were able to act in accordance with the Nagoya Protocol, whether their own countries were parties to the Protocol or not. That could help prevent races to the bottom, such as the one under

way in one region, where the users of genetic resources favoured countries with little or no framework governing their access. One participant requested that matters relating to the Protocol be considered for addition among the priority areas for implementation.

33. Several participants made reference to the Kunming-Montreal Global Biodiversity Framework, with one participant saying that the recognition granted by the Framework to the unimpeded movement of species, or connectivity, should be reflected in national legislation. Another participant said that the options presented by the secretariat should be amended to include specific reference to the Framework, as well as to the Convention on Biological Diversity. Recalling the importance of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, one participant said that effective implementation of international agreements required improved collaboration between the scientific community and authorities, including customs officials.

34. On the matter of capacity-building, several participants underlined the value of training legal stakeholders on biodiversity-related law. Training members of the judiciary could help ensure the protection of conservation areas, while efforts should also be made to train young people, as the decision makers of the future. One participant said that conducting training and workshops was one way for the Programme to achieve targeted, measurable impact at national level.

35. Several participants highlighted the importance of improving environmental data and its availability both to decision makers and to the public. As well as informing data-driven decisions, such improvements could help in quantifying environmental damage in conflict situations and by companies, which were difficult to calculate and often underestimated. Guidelines for environmental courts and tribunals could assist those bodies to calculate environmental damages, while other tools could be developed to aid decision makers to assess environmental impacts. The implementation of projects undermining biodiversity, such as seabed mining, should be reconsidered and subjected to robust legal safeguards, and greater emphasis should be given in project impact assessments to the potential effect on biodiversity.

36. Several participants said that the Programme should focus on international criminal activities that affected the environment. Noting that environmental crime was among the world's most profitable fields of criminal activity and one that threatened public health, the environment and biodiversity, and international security, one participant said that international coordination was needed to combat environmental crime and underlined the role that UNEP could play through the Programme. Another participant expressed appreciation for the consideration given to transboundary trafficking, the importance of which was recognized by his country, which was currently revising its legislative framework on endangered species to encompass the illegal wildlife trade and forest crimes.

37. As well as protecting species themselves, it was vital to conserve the habitats in which they lived. An excellent way to strengthen the legal system of enforcement was to grant legal rights and protection to all species. Member States should also consider documenting best practices adopted by Indigenous communities in biodiversity conservation in order to address knowledge gaps and ensure that Indigenous Peoples' knowledge was recognized and respected, along with their rights to land and resources.

38. Responding to the points raised, a representative of the secretariat said that the regional stakeholder consultations had been held, primarily, to obtain input from countries receiving technical legal assistance, rather than from all Member States. The number of regional consultations had also been limited with a view to reducing costs. She invited participants to consider whether greater emphasis should be placed on environmental crime, an issue that had been raised in the regional consultations.

39. The Chair invited the secretariat to introduce the second report prepared under the agenda sub-item.

40. A representative of the secretariat presented the report on options for clearly defined priority areas to combat the climate crisis (UNEP/Env.Law/MTV5/GNFP.2/4). Priority areas for action had been grouped into three categories: ensure that effective legal frameworks exist to address climate change; enhance capacity-building and awareness to increase the effectiveness of environmental law; and research and knowledge development.

41. Several participants expressed support for many of the priority areas for implementation identified in the document, while assigning greater priority to some areas over others. Given that consultations had been held in the absence of certain regional participants, however, one participant said that the priority areas did not reflect all viewpoints. Several additional priority areas were suggested, including triple planetary crisis interlinkages, climate litigation and strengthening international cooperation to tackle environmental crime. Some participants favoured the inclusion of

references to climate security and immigration resulting from climate change, natural disasters or natural resource depletion, while one participant strongly opposed any reference to climate-related migration. One participant said that some of the priority areas exceeded the mandate of Montevideo Programme V and the United Nations Environment Assembly, an assertion that elicited concerns from another participant, who said that the Programme was supposed to be guided by Environment Assembly resolutions.

42. In the ensuing discussion, one participant said that Governments should establish local conflict-of-interest policies to ensure that polluters and organizations that contributed to environmental degradation and their financial supporters were excluded from the formulation and implementation of environmental policies and laws, which should be based on the recommendations of independent scientific panels and submissions by communities affected by environmental degradation. Climate change mitigation mechanisms should be accessible, understandable and affordable, and provide concrete legal remedies for communities affected by climate change.

43. A number of participants advocated increasing capacity-building through training at the national level, particularly among members of the judiciary and legal professionals, including training on submissions for advisory opinions to international tribunals on climate change-related issues; and awareness-raising and training for trainers on environmental governance and law, as well as on emerging issues, with a particular focus on vulnerable groups. One participant said that the establishment of a model law to guide legislators would help promote national responsibility and ownership as well as adherence to international conventions and principles. One participant asked what progress had been made towards the establishment of a network of environmental law lecturers, as had been called for at the regional stakeholder consultations held in Panama. Several participants said that access to sustainable financial and technical assistance to assist States in combating climate change should be facilitated through policies and laws, with one participant, speaking on behalf of a group countries, saying that the use of environmental law indicators could enhance the implementation of such efforts. One participant said that a mechanism could also be developed to provide compensation for climate change-related damage, while another participant said that in conflict settings preserving environmental legislation and infrastructure was key.

44. Some participants highlighted the need to significantly streamline the list of priorities for both the priority area to tackle the biodiversity crisis and the priority area to tackle the climate crisis, to ensure that a lasting, sustainable and targeted impact could be achieved. Several participants emphasized the strong interlinkages between issues affecting climate change and biodiversity, which should be reflected in the development and enforcement of legislation.

45. Responding to the points raised, a representative of the secretariat said that a meeting of environmental law lecturers from Latin America and the Caribbean would be held in August 2024.

46. Following the discussion, the national focal points agreed that the secretariat would prepare, for further discussion at the current meeting, a document identifying priority activities discussed by the focal points on which consensus seemed to be emerging, with a view to developing guidance for the secretariat on the implementation of Montevideo Programme V.

47. Subsequently, participants discussed the document, which had been posted on the UNEP-LEAP platform, proposing numerous changes to the text. It was agreed that the secretariat would revise the document in the light of the discussions in the plenary sessions, doing its utmost to reflect the convergence of views on priority areas for implementation.

48. The revised version of the document prepared by secretariat, reflecting the outcomes of discussions under the sub-item, was made available on the web page of the second global meeting.

C. Emerging issues in environmental law

49. Introducing the sub-item, the Chair recalled that, owing to time constraints at the first global meeting of national focal points, consideration of emerging issues in environmental law had been deferred to the current meeting. The matter was being addressed pursuant to paragraph 6 (b) (viii) of Montevideo Programme V, which required national focal points to contribute to catalysing action to address emerging environmental issues through the law. Discussion would focus on the theme of procedural rights and environmental defenders.

50. Several presentations were given on procedural rights and the protection of environmental defenders, including in different regional contexts. A representative of the secretariat provided relevant information on legal rights related to the environment from the UNEP report *Environmental Rule of Law: Tracking Progress and Charting Future Directions*; the memorandum of understanding on human rights and the environment between UNEP and the Office of the United Nations High

Commissioner for Human Rights; the UNEP pledge on the right to a healthy environment; and the work of and challenges faced by environmental and human rights defenders. A representative of the secretariat gave a presentation on procedural rights and the protection of environmental defenders in Latin America and the Caribbean, and another representative of the secretariat gave a presentation on the same matters in Asia and the Pacific. Ms. von Troil gave a presentation in her role as national focal point of Finland for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

51. In the ensuing discussion, several participants stressed that procedural rights were generally enshrined in national constitutional and legislative provisions, and were protected by international and regional agreements and decisions to which many countries were signatories, providing a strong national, regional and international basis for the protection of environmental and human rights. Any efforts to infringe or remove those rights, or to threaten the peaceful existence of those who supported those rights, needed to be strongly opposed. One participant said that environmental law should be viewed in the context of the wider legal framework, whereby robust legal systems protected basic human rights such as the right of assembly and the right to free speech. Another representative said that it was important to ensure that the provisions of existing global mechanisms and treaties on human rights and the environment were mainstreamed into national programmes and into the provisions of the Montevideo Programme.

52. Several national focal points described legislative and other provisions at the national level for the protection of environment-related rights, and actions being taken to enforce those provisions, including in the areas of climate change, pollution and biodiversity loss. Capacity-building and training of those responsible for environmental justice, including government actors, legislators and the judiciary, were described as important.

53. The significant role of environmental and human rights defenders in striving to protect the right of individuals to live in a safe, sustainable and healthy environment was recognized by several participants, as were the dangers they often faced in carrying out their activities, including risk to personal safety and even life. Several participants said that strong legal frameworks were needed to safeguard the rights of defenders, with one participant raising the importance of protection against strategic litigation, and another calling for mechanisms to hold accountable any individuals or corporate entities responsible for human harm. The relationship between environmental and racial justice should be considered as an emerging issue in environmental law, with one focal point noting in particular that many environmental defenders were members of Indigenous groups or people of African descent. In that connection, another focal point suggested that access to justice in environmental matters, particularly for vulnerable groups, would align well with the mandate of the Programme.

54. Regional efforts to support environmental and human rights were highlighted. One participant noted the importance of advancing access rights in the Pacific, in line with the *2025 Strategy for the Blue Pacific Continent* of the Pacific Islands Forum, and the need to support environmental rule of law in the Pacific, as highlighted in the outcome statement of the International Union for Conservation of Nature Oceania Environmental Law Conference in Fiji, held in 2021, including in the areas of climate change litigation. Meanwhile, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) included specific provisions on environmental and human rights defenders, acknowledging the critical role they played in combating environmental threats in the region. One participant said that consideration should be given to the development of a similar instrument for the Africa region.

55. The need for a holistic approach that balanced the rights of nature and the rights of people was raised, and several participants suggested that the contribution of nature to peace and stability should be considered as an emerging issue. Tools should be developed under Montevideo Programme V to support countries in conflict situations to safeguard their biodiversity. One participant proposed that lead pollution should be considered as an emerging issue under Montevideo Programme V, while other participants proposed that criminal activities that adversely affected the environment and the environmental economy should be dealt with as emerging issues. Several participants cautioned, however, that Montevideo Programme V must remain focused on a limited number of issues so as to make effective use of the limited resources available for the fulfilment of its mandate.

56. Responding to the issues raised, the representatives of the secretariat said that the positive contribution of environmental and human rights defenders was increasingly being recognized, in line with the growing recognition of the environment as an essential factor in economic and social development, and global, regional and national instruments to ensure their protection were increasingly being enacted. One representative of the secretariat highlighted the role of the universal

periodic review process in reviewing the human rights records of countries, and referred to general comment No. 26 (2023) of the Committee on the Rights of the Child on children's rights and the environment, with a special focus on climate change, as an example of the growing body of material supporting and raising awareness of environment-related rights. UNEP would continue to provide technical assistance and support, including workshops, to help countries increase their capacity to deal with emerging issues in environmental law.

57. Subsequently, a representative of the secretariat gave a presentation on environmental financing, including consideration of the current status of biodiversity finance; the bilateral and multilateral development finance institutions providing finance; priority areas for engagement; and the role of national focal points in assisting policy and legal reform in financing.

58. In the ensuing discussion, several participants emphasized the importance of reliable sources of funding to deliver on the mandate of Montevideo Programme V. One participant asked how countries could leverage the opportunities provided by North-South and South-South cooperation to mobilize the resources needed to implement the Programme. Another participant asked for clarification regarding how funding priorities were set by organizations entrusted with safeguarding biodiversity. Several participants cautioned that Montevideo Programme V was not an appropriate mechanism for dealing with environmental financing, as ministries of finance were responsible for drafting financial legislation and the Programme should focus on issues that fell under the purview of ministries of the environment.

59. Responding to the points raised, a representative of the secretariat said that the undoubted importance of mobilizing resources domestically should be complemented by the creation of an enabling environment within countries to attract external financial resources, including from the private sector. Funding priorities were usually set on the basis of technical criteria established by international environmental bodies, with those priorities decided in the period between the meetings of the conferences of the parties to relevant multilateral environmental agreements.

60. The Chair suggested that the secretariat should conduct further research into the themes proposed in order to decide whether they should be taken up as emerging issues under Montevideo Programme V.

V. Partnerships and stakeholder engagement

61. Introducing the item, the Chair recalled that paragraph 4 (e) of Montevideo Programme V provided that the Programme would support collaboration and the promotion of partnerships across the United Nations and with other relevant entities, including civil society organizations, in the field of environmental law.

62. Drawing the attention of participants to the note by the secretariat on the partnerships and stakeholder engagement strategy (UNEP/Env.Law/MTV5/GNFP.2/5), a representative of the secretariat provided an update on the strategy, which was set out in the annex to the document. Following a consultation process, the final strategy had been presented to, and adopted by, the steering committee at its seventh meeting, held in Nairobi on 26 and 27 February 2024.

63. A member of the secretariat delivered a presentation on stakeholder engagement and the accreditation process at UNEP.

64. In the ensuing discussion, a number of participants welcomed the partnerships and stakeholder engagement strategy adopted by the steering committee and recommended that the secretariat continue to work on that basis, in line with the relevant principles, rules and procedures. Partnerships and stakeholder engagement were crucial to delivering the objectives of Montevideo Programme V, marginalized groups and Indigenous Peoples, among others. Nonetheless, any proposed partnership should be discussed with Governments and must be aligned with the mandate of UNEP, and the considerations, rules and responsibilities of partners to Montevideo Programme V should not be limited to the definitions thereof set out in the relevant background documents.

65. It was important to involve stakeholders, and particularly local populations, in drawing up laws, and to encourage them to make every effort to implement international law and to provide access to information and data on the ground. Defining tools and criteria related to risk management was also key, with a view to fostering mutual trust with partners. All stakeholders should participate in the monitoring and implementation of all laws and policies, particularly children and young people, who were the most severely affected by climate change and environmental degradation. Moreover, the guiding principles for stakeholder engagement should incorporate the issues of intergenerational inequality and conflicts of interest.

66. Some participants drew attention to United Nations Environment Assembly resolutions 6/4, on promoting synergies, cooperation or collaboration for national implementation of multilateral agreements and other relevant environmental instruments, and 6/6, on fostering national action to address global environmental challenges through increased cooperation between the United Nations Environment Assembly, the United Nations Environment Programme and multilateral environment agreements, stressing that they should be adhered to while implementing the strategy. The ongoing activities of Montevideo Programme V should also be fully aligned with those resolutions, one participant said. Another participant, speaking on behalf of a group of countries, welcomed the indication that the strategy document was in line with the policies, procedures, guidelines and strategies of UNEP and other United Nations system entities, which should, he said, prevail in the event of any misunderstanding during the implementation process. The strategy should be a living document, providing a framework for incorporating partnerships and stakeholder engagement into Programme implementation and related activities.

67. Several participants said that Montevideo Programme V should seek to collaborate not only outside UNEP, but with other UNEP programmes and the secretariats of multilateral environmental agreements, in order to avoid duplication of efforts, facilitate mainstreaming, and promote synergies, complementarity and information-sharing, all of which were crucial elements of implementation. On that note, one participant asked for a progress update on how strategic partnerships were being fostered by the Programme within UNEP and for information on any lessons learned relating to engagement with partners.

68. The representative of the secretariat said that a key part of the work of UNEP was collaboration between its different divisions, as well as with other United Nations entities, which helped harness valuable technical and legal expertise. Coordination was also maintained with multilateral environmental agreement secretariats.

69. The representative of the secretariat said that decades of engagement had demonstrated the value of keeping the doors open to major groups and stakeholders, including non-governmental organizations specialized in environmental law, as they could provide relevant perspectives from a legal background and collaborate with national focal points. Such engagement had been demonstrated at the regional preparatory meetings held prior to the sixth session of the United Nations Environment Assembly, where civil society actors had been able to discuss relevant themes in a transparent and participatory manner that had been both intergenerational and interdisciplinary in nature.

70. One participant asked the secretariat to provide information on the partnerships that had already been concluded, on stakeholders that had submitted expressions of interest, and on the number of accredited stakeholders at the current meeting. The representative of the secretariat replied that such a list was not currently available, but one would be prepared in a document to be made available at the next meeting of the steering committee.

71. Following a proposal by the Chair, the national focal points decided that the secretariat should be granted a mandate to amend or update the strategy as appropriate and submit any revised version thereof to the steering committee for its consideration and adoption.

72. The national focal points took note of the information provided.

VI. Steering committee for implementation

73. During the 5th plenary session of the second global meeting, on 5 June 2024, the national focal points elected, by acclamation, the following members of the steering committee for implementation, as nominated by the respective regions:

African States:	Gontran Some (Burkina Faso)
	Sarah Naigaga (Uganda)
	Karen Banda (Zambia)
Asia-Pacific States:	Nima Om (Bhutan)
	Monyneath Vann (Cambodia)
	Fazeela Ahmed Shaheem (Maldives)
Eastern European States:	Azra Rogović-Grubić (Bosnia and Herzegovina)
	Tanja Pucelj Vidović (Slovenia)
Latin American and Caribbean States:	María Teresa Becerra Ramírez (Colombia)

	Kate Wilson (Saint Lucia)
	Marcelo J. Cousillas (Uruguay)
Western European and other States:	Chloé Godefroy (France)
	Vincent Bohnenblust (Switzerland)
	Rachel Westrate (United States of America)

74. The Chair thanked the members that were stepping down from the steering committee and welcomed the new members. He confirmed that the term of office of the new members of the committee would run from the end of the second global meeting to the end of the third global meeting.

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

75. The national focal points agreed to request the secretariat, in consultation with the steering committee, to decide, and communicate to them, in due course, the dates and venue of their third global meeting. Countries interested in hosting the third global meeting were requested to send their expressions of interest to the secretariat.

VIII. Other matters

76. No other matters were discussed.

IX. Adoption of the outcomes of the meeting

77. The Rapporteur presented a draft summary of the outcomes of the meeting, prepared in collaboration with the Chair and in consultation with the secretariat. Discussions on the outcomes focused on the priority areas for implementation. It was agreed that the report of the meeting would be finalized by the Rapporteur with the support of the secretariat after the conclusion of the meeting.

X. Closure of the meeting

78. Following the customary exchange of courtesies, the meeting was declared closed at 6.10 p.m. on Wednesday, 5 June 2024.