

Co-Chairs Summary
**First Meeting of the Steering Committee to the Fifth Montevideo Programme for the
Development and Periodic Review of Environmental Law**

5 August 2021

Virtual Meeting

Item 1: Welcome remarks from the secretariat

1. The meeting was opened by Mr Arnold Kreilhuber, Acting Director of the Law Division of the United Nations Environment Programme (UNEP). UNEP is the Secretariat to the Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (the Programme or Montevideo V). Mr Kreilhuber welcomed meeting participants and congratulated members of the first steering committee to the Programme for their designation.

Item 2: Election of co-chairs and rapporteur

2. The steering committee elected Mr Timothy Epp of the United States and Mr Marcelo Cousillas of Uruguay, as co-chairs, and Ms Kunzang of the Kingdom of Bhutan as rapporteur, by acclamation.

Item 3: Adoption of the agenda

3. The agenda that was circulated by the Secretariat prior to the meeting was adopted.

Item 4: Draft outline of the proposed roadmap to deliver the initial priority area for implementation namely “legal responses to address the air pollution crisis”

4. Mr Epp, Co-Chair, introduced Agenda Item 4. The Secretariat briefly presented the document, “Roadmap to deliver the initial priority area for implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law, namely, legal responses to address the air pollution crisis – Draft outline,” which had been sent to members of the Steering Committee on 23 July 2021. Recalling that the document is a draft outline and that comments made will inform the document’s development, the Co-Chair opened the floor to receive comments.
 - a. Members of the steering committee endorsed the development of a roadmap and expressed appreciation to the Secretariat for the draft outline.
 - b. Some members noted that, with regard to the reference to multilateral agreements (MEAs) in the roadmap, the draft outline should focus on improving domestic efforts that could relate to, but do not duplicate, implementation of existing MEAs.
 - c. There was general support for exploring potential steps toward cohesive global action relating to air pollution. However, there was serious doubt expressed as to whether the Programme has a mandate to take certain steps in this regard, including working towards an international treaty.
 - d. One member emphasized the need for prioritizing and increasing engagement with national focal points (NFPs) in the roadmap’s implementation and the Programme’s overall success, with one member proposing that regional meetings and outreach designed for NFPs could be organized to increase engagement.
 - e. One member suggested that the United Nations Economic Commission for Europe (UNECE), in its capacity as the secretariat of the Convention on Long-Range Transboundary Air Pollution, should be added to the outline as a key stakeholder outside of UNEP.

- f. Some members noted that the work of the International Law Commission would add value to the drafting and implementation of the roadmap document, particularly in noting draft guidelines which have been adopted by the Commission.
- g. One member expressed support for the model indicators described in section IV(C)(3)(a) of the outline, and noted that the outline could be strengthened with the inclusion of key milestones associated with each major activity, creating a timeline for activity implementation and monitoring, establishment of model indicators, and further recommended, over the course of the decade including quantified reduction indicators of local air pollution.
- h. One member requested that the links between environmental law actions relating to pollution and climate change and the impacts on health be made in the draft outline, recalling UNEA ministerial declaration UNEP/EA.3/HLS.1, recognizing the relevance of integrating WHO air quality guidelines into environmental decision-making, and noting the potential to promote cooperation with partners.
- i. One member recalled the role existing networks of stakeholders could play in enhancing the Programme's capacity building priorities.
- j. Several Member States noted their desire to provide comments on the draft roadmap by the end of September.
- k. The Secretariat informed the members of the steering committee that a draft roadmap would be shared with the steering committee at the end of August, and would then take into consideration the additional feedback and comments provided by steering committee members. The Secretariat further noted that the roadmap itself is designed to incorporate ongoing comments received, and to promote engagement in its implementation.
- l. The Secretariat clarified that while there is no dedicated amount of funding for the implementation of the roadmap at the time of the meeting, the Secretariat has allocated funding to launch the consultation and outreach necessary for the development of the roadmap.
- m. Finally, the Secretariat noted that broader outreach for the Programme will be carried out by the Secretariat, including presentations to introduce [LEAP](#), the digital backbone of the Programme and the platform on which technical assistance requests will be made.
- n. The Co-Chair thanked the members of the steering committee for providing comments and encouraged members to continue sharing comments on the draft outline of the roadmap through email with the Secretariat.

Item 5: Criteria for assessing technical assistance requests submitted through the Law and Environment Assistance Platform's clearing house mechanism.

5. Mr Cousillas, Co-Chair, introduced Agenda Item 5, noting that the inclusion of this item is to keep the steering committee informed on the progress in developing criteria for the clearing house mechanism of the Programme. The Secretariat presented, inter alia, on the ongoing process of developing standard operating procedures for receiving, assessing, and managing technical legal assistance requests submitted under the Programme through the online platform LEAP. The admissibility and prioritization criteria are being developed to ensure that quality control, information-gathering, and peer review are integrated into the request management process. Further updates on this process will be made available to the members of the steering committee in due course.

Item 6: Strategies for resource mobilization

6. Mr Epp, Co-Chair, introduced Agenda Item 6 and invited the Secretariat to present on the strategies for resource mobilization and funding for the Programme. The Secretariat shared with the members of the steering committee the ongoing efforts to ensure that funding is available for the implementation of activities under the Programme. The Secretariat noted four key steps in the strategy for resource mobilization: clearly identifying funding needs and priorities for the Programme as informed by national focal points; identifying and engaging potential funding partners; convening resource mobilization roundtables in consultation with the steering committee; and establishing a trust fund for the Programme. Following the Secretariat's presentation, the Co-Chair opened the floor.
 - a. One member requested clarification as to whether requests for technical assistance can be made while resource mobilization is ongoing.
 - b. One member suggested that NFPs be involved in the resource mobilization process.
 - c. One member expressed concern regarding the Secretariat's process for identifying possible partners for funding and requested transparency in the due diligence.
 - d. The Secretariat advised the members of the steering committee that requests for technical assistance can be made to the Secretariat while the funding strategy is underway. The Secretariat noted that NFPs will be involved as much as possible in the ongoing resource mobilization process and dialogue. In response to the concern over identifying potential partners and donors for funding, the Secretariat noted that it has an internal partnership policy as well as guidelines from the Secretary-General during the due-diligence process of resource mobilization.

Item 7: Date, time and venue of the next meeting of the Steering Committee for Implementation

7. Mr Cousillas, Co-Chair, introduced Agenda Item 7 and invited the Secretariat to present on this item.
8. The Secretariat proposed that the steering committee meet twice in a virtual setting for two hours each in 2022, on the 23rd of March and 7th of October. The Secretariat further proposed that an in-person meeting of the steering committee be held immediately before the in-person global meeting of the national focal points, with the date and location to be determined at a later stage. The steering committee agreed to the secretariat's proposal.

Item 8: Any other business

9. No other business was discussed.

Item 9: Closure of the meeting

10. The Co-Chairs thanked the members of the steering committee and the Secretariat for a productive discussion and closed the meeting.