

Co-Chairs' Summary
Second Meeting of the Steering Committee for Implementation
to the Fifth Montevideo Programme
for the Development and Periodic Review of Environmental Law
23 March 2022
Virtual Meeting

Item 1: Welcome remarks from the secretariat

1. The meeting was opened by Ms Patricia Kameri-Mbote, 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 (Montevideo Programme V). Ms Kameri-Mbote welcomed meeting participants and brought to the attention of the Steering Committee for Implementation the recent high-level political declaration adopted at the special session of the United Nations Environment Assembly to commemorate the fiftieth anniversary of the establishment of the United Nations Environment Programme (UNEP@50). Through the declaration, Heads of State and Government, ministers, and high-level representatives recognized the role of the Montevideo Programme V in promoting environmental rule of law and invited Member States to increase their support to the Programme.
2. Mr Timothy Epp, Co-Chair, welcomed the secretariat's remarks and highlighted the important role of the Steering Committee for Implementation in providing guidance to the secretariat for the preparation of the upcoming in-person/hybrid segment of the First Global Meeting of National Focal Points. In addition, Mr Marcelo Cousillas, Co-Chair underscored the renewed optimism after the positive outcomes of the resumed fifth session of the United Nations Environment Assembly (UNEA 5.2) and UNEP@50. He reminded the Steering Committee members of the work ahead to carry out the important objectives of the Montevideo Programme V.
3. Mr Epp announced the following changes in the Steering Committee membership: Ms Nataša Petrovčič (Slovenia) has been designated to replace Ms Tanja Pucelj Vidović on the Steering Committee as of 3 January 2022, and Mr Mohammad Abdul Wadud Chowdhury (Bangladesh) has been designated to replace Mr. Ashfaqu Islam Babool on the Steering Committee as of 13 March 2022.
4. Mr Epp invited the members attending the meeting to introduce themselves. Mr Mariano Castro Sánchez-Moreno (Peru) announced that he would continue to serve as a member of the Steering Committee *ad interim* in view of his upcoming new appointment in Peru.

Item 2: Adoption of the agenda

5. The agenda that was circulated by the secretariat prior to the meeting was adopted.

Item 3: Arrangements and organization of work for the in-person session of the First Global Meeting of the National Focal Points

6. Mr Marcelo Cousillas, Co-Chair, introduced Agenda Item 3 and invited the secretariat to present on the arrangements and organization of work for the in-person/hybrid segment of the First Global Meeting of the National Focal Points (6–9 June 2022, Nairobi, Kenya). The secretariat presented the proposed organization of work, the six core meeting documents and timetable for their finalization, plans regarding side-events, and arrangements for conference services. The secretariat informed the Steering Committee members that the International Institute for Sustainable Development (IISD) will provide daily coverage of the meeting through the Earth Negotiations Bulletin (ENB). Following the secretariat's presentation, the Co-Chair opened the floor for discussion.

- a) One member proposed to schedule the meeting from 10 a.m. to 1 p.m., East Africa Time (UTC + 3). The Co-Chair noted that the timetable proposed by the secretariat aims to accommodate most time zones around the world, allowing for the broadest participation possible.
- b) One member asked why the agenda item on “emerging issues in environmental law” is not mentioned in the draft organization of work. The secretariat explained that the proposal as included in the annotated agenda for the in-person/hybrid segment of the First Global Meeting is to defer consideration of this agenda item given the limited time available for the in-person/hybrid segment.
- c) One member informed that she will explore collaboration with the secretariat of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazu Agreement) on a side-event proposal.

Item 4: Update on the roadmap to deliver the initial priority area for implementation, namely, “legal responses to address the air pollution crisis”

7. Mr Epp, Co-Chair, introduced Agenda Item 4. The secretariat presented an update on 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” which was sent to the members of the Steering Committee on 15 March 2022. Ongoing activities under the roadmap include: technical legal assistance being provided to two countries for the development of air quality guidelines, the consideration of a request for technical legal assistance that was submitted by another country and the preparation of a legislative guide on ambient air quality. Recalling that the roadmap will be revised in light of the outcomes of the in-person/hybrid segment of the First Global Meeting, the Co-Chair opened the floor to high-level comments.

- a) One member noted that it is key to clearly establish the linkage between environmental and health issues, taking into account the WHO air quality guidelines. The secretariat explained that the links between air pollution, human health and climate change have been addressed in the [First Global Assessment of Air Pollution Legislation](#), and will also be made clear in the upcoming Guide on Ambient Air Quality Legislation.

- b) One member asked whether the stakeholder mapping will have a country-by-country indication of progress on air pollution to follow the updates. The secretariat explained that the stakeholder mapping does not go into that level of detail, but that the assessment referred to in paragraph 7 (a) above does, and that there are plans to update this assessment every five years.
- c) Some members requested clarification on the technical assistance request process under the UNEP Law and Environment Assistance Platform (UNEP-LEAP), on:
 - whether there is a template that countries should use for each request; and
 - if the requests that the secretariat has already received will be showcased on the website, noting that seeing the technical assistance requests on UNEP-LEAP would allow others to learn from this exercise.

The secretariat clarified that UNEP-LEAP contains an online form to request for assistance and will provide more information under Agenda Item 6. In addition, the platform is going to be upgraded, and it will be possible to view the submitted requests on the new dashboard.

- d) Members expressed support for the work on legal responses to air pollution and thanked the secretariat for the work accomplished despite the challenges in the context of the COVID-19 pandemic.
- e) One member noted the rising concern on transboundary air pollution.

Item 5: Resource mobilization update

- 8. Mr Cousillas, Co-Chair, introduced Agenda Item 5 and reminded members of the role of the Steering Committee of not only providing guidance but also helping securing resources. He then 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 various updates on resource mobilisation including: information on financial contributions to the programme provided by two Member States, the initial steps taken in establishing a trust fund, and plans for further resource mobilization. After stressing that implementation of activities set out by the Programme depends on strong resource mobilization, the Co-Chair opened the floor for comments. One member noted that in order to receive further funding, a stronger approach to communication, training and capacity building was needed to ensure broader impact.

Item 6: Presentation of the UNEP Law and Environment Assistance Platform Clearing House Mechanism

- 9. Mr Epp, Co-Chair, introduced Agenda Item 6 and invited the secretariat to present an update. The secretariat provided an overview of the ongoing process of developing UNEP-LEAP's Clearing House Mechanism and, in particular, the draft internal standard operating procedures for receiving, assessing and managing technical legal assistance requests. The secretariat invited the Steering Committee to provide further guidance on who should be able to submit requests for assistance through the Clearing

House Mechanism. Following the secretariat's presentation, the Co-Chair opened the floor for interventions.

- a) The majority of Steering Committee Members expressed the view that, at this initial stage, the submission of requests for assistance should be restricted to Member States given resource constraints. Members indicated that once the funding is stable, criteria should be discussed to consider allowing requests from other stakeholders, e.g., academia and environmental law experts, non-governmental organizations (NGOs).
- b) One member noted that the request submission procedure could be further streamlined.
- c) One member inquired on whether technical legal assistance would be available for requests based on specific priorities of countries or whether they would need to be aligned to the Programme's priorities.
- d) One member noted that it might be relevant to clarify what would happen in case the secretariat sends a request for input to a national focal point, or another entity being consulted, and no input is given by the deadline. It would be important to state if the secretariat would extend the deadline or if it would proceed without the input.
- e) Some members noted that the minimum threshold for the admissibility of a request and prioritization criteria should be set out very clearly.
- f) One member noted the need to clarify the scope of the feedback expected from the Steering Committee and to align further the assessment criteria relating to the programme objectives and technical assistance areas identified by the programme.

Item 7: Time and place of the next meeting of the Steering Committee for Implementation

10. Mr Cousillas, Co-Chair, introduced Agenda Item 7. He recalled that the Steering Committee agreed to hold its third meeting immediately before the in-person/hybrid segment of the First Global Meeting of the National Focal Points that will be held in June 2022 in Nairobi, Kenya and stressed that in-person participation to the global meeting would be very important. He invited the secretariat to present on this item. The secretariat presented two options for the next meeting of the Steering Committee: an in-person meeting on Monday, 6 June 2022 (9 to 11 a.m., Nairobi time, before the side events) in Nairobi or an online meeting on Friday, 3 June 2022 (4 to 6 p.m., Nairobi time) if participation of the members in the in-person/hybrid segment of the First Global Meeting is mostly virtual. The members were invited to indicate via a poll if they were planning to travel to Nairobi and attend the in-person/hybrid segment of the First Global Meeting in person. A majority of members confirmed their plans for in-person attendance. Based on this indication, the secretariat will follow up by email and confirm the final date and time for the next meeting of the Steering Committee.

Item 8: Any other business

11. No other business was discussed.

Item 9: Closure of the meeting

12. Mr Arnold Kreilhuber, Deputy Director of the Law Division of UNEP, thanked the members of the Steering Committee for their continuous support in the implementation of the Programme.

13. The Co-Chairs thanked the members of the Steering Committee and the secretariat for a productive discussion and closed the meeting.