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**United Nations
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**Fifth Programme for the Development and
Periodic Review of Environmental Law
(Montevideo Programme V):
delivering for people and the planet
First global meeting of national focal points
Online, 2–4 June 2021***

Report of the first 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. Because of the ongoing coronavirus disease (COVID-19) pandemic, it was not possible to convene the first global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) from 23 to 25 March 2020 in Rio de Janeiro, Brazil, as had been planned originally. On 8 December 2020 the Secretariat informed participants that it planned to organize and facilitate the meeting in two segments: an online segment to be held in June 2021 and an in-person segment to be held in 2022 at a location and date to be determined.

2. The online segment comprised three two-hour online sessions held over three days, from 2 to 4 June 2021. The meeting was opened at 3 p.m.¹ on Wednesday, 2 June by Mr. Arnold Kreilhuber, Acting Director, Law Division, United Nations Environment Programme (UNEP). Ms. Inger Andersen, Executive Director of UNEP, then delivered an opening statement.

3. In her remarks, Ms. Andersen said that the ongoing pandemic was, in a sense, a warning sign of what would happen unless economies and societies were transformed and made sustainable through real and meaningful action to stabilize the climate, protect the natural world, and stem pollution. Strong environmental laws and governance, including the right to a healthy environment, effective institutions and access to environmental information and justice, were critical to achieving a transition to sustainable development. That was especially true for vulnerable indigenous peoples and local communities, who were the best stewards of the land but often faced threats because they defended it. For those reasons, environmental law and governance were central to the work of UNEP. The latter was deeply committed to Montevideo Programme V, and to working thereunder with Member States and other partners, whose involvement was critical to the Programme's success, to strengthen the rule of environmental law across the globe. She wished participants fruitful deliberations to begin substantive activities under Montevideo Programme V and encouraged them to take advantage of the new Law and Environment Assistance Platform (LEAP) (<https://leap.unep.org>), a tool designed to

* The report of the meeting is being issued in two parts. The present document covers the proceedings of the online segment, held from 2 to 4 June 2021. The report of the in-person segment will be issued as an addendum to the present document.

¹ All references to times are to East Africa Time (UTC + 3).

facilitate implementation and the sharing of information on environmental rule of law, which UNEP would launch during the meeting.

II. Organizational matters

A. Election of officers

4. The national focal points elected the following officers for their first global meeting:

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

Mr. Marcelo J. Cousillas (Uruguay)

Rapporteur: Ms. Kunzang (Bhutan)

The two Co-Chairs delivered opening statements.

B. Adoption of the agenda

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

1. Opening of the meeting.
2. Organizational matters:
 - (a) Election of officers;
 - (b) Adoption of the agenda;
 - (c) 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:
 - (a) Designation of the steering committee for implementation;
 - (b) Modalities of work for the steering committee for implementation.
7. Date and venue of the second 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

6. The national focal points agreed to the proposed organization of work for their first global meeting set out in annex I to the annotated provisional agenda (UNEP/Env.Law/MTV5/GNFP.1/1/Add.1), with two additions proposed by the Co-Chairs for the online segment. First, the secretariat would arrange for each region to hold informal online consultations on 2 or 3 June to discuss its nominations to the steering committee for implementation, in preparation for the discussion of agenda sub-item 6 (a) (Designation of the steering committee for implementation) on 4 June. Second, all comments on and proposed amendments to the draft modalities of work for the steering committee for implementation (UNEP/Env.Law/MTV5/GNFP.1/5), to be considered on 4 June under agenda sub-item 6 (b) (Modalities of work for the steering committee for implementation), should be submitted to the secretariat in writing by the end of 3 June in order to enable the secretariat to circulate a revised version of the document on 4 June.

D. Attendance

7. National focal points representing the following Member States attended: Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Estonia, Eswatini, Fiji, Finland, France, Germany, Ghana, Guinea, Honduras, Hungary, Israel, Jamaica, Jordan, Kenya, Kuwait, Malawi, Maldives, Mexico, Monaco, Montenegro, Mozambique, Namibia, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Portugal, Qatar, Romania, Saint Lucia, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, State of Palestine, Suriname, Switzerland, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

8. Representatives of the following United Nations agencies, funds and programmes, and convention secretariats attended: Economic Commission for Latin America and the Caribbean, Office of the United Nations High Commissioner for Human Rights, secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, secretariat of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, secretariat of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, secretariat of the Convention on the Conservation of Migratory Species of Wild Animals, secretariat of the Minamata Convention on Mercury, UNEP, United Nations Office on Drugs and Crime.

9. Representatives of the following intergovernmental organizations attended: Commonwealth Secretariat, International Committee of the Red Cross, International Development Law Organization, International Union for the Conservation of Nature and Natural Resources, Organisation for Economic Co-operation and Development.

10. Representatives of the following governmental, non-governmental, industry, academic and other bodies attended: African Council of Religious Leaders, Anglican Consultative Council, Children and Youth International, CIDCE (International Centre of Comparative Environmental Law), Center for International Environmental Law, École Nationale de la Magistrature et des Greffes de Madagascar, Environmental Law Institute, Future Earth, International Council of Environmental Law, Institute for Governance and Sustainable Development, Lake Baikal Foundation for Environmental Applications and Research, Marine Ecosystems Protected Areas (MEPA) Trust, Saudi Green Building Forum, South Africa Judicial Education Institute, South Africa Supreme Court of Appeal, Stockholm Environment Institute, Supreme Court of Sierra Leone, Tilburg University, World Resources Institute.

III. National focal points

11. Introducing the sub-item, a representative of the secretariat presented a note by the secretariat on national focal points (UNEP/Env.Law/MTV5/GNFP.1/3), which set out (in annex I) a list of the national focal points designated as at 25 March 2021 and (in annex II) a list of the United Nations regional groups showing which Member States had designated national focal points and which had not. Belarus, Israel, Kazakhstan, Monaco, Romania and Uzbekistan had designated their national focal points since the document's issuance. Participants were told that an up-to-date list of national focal points was available on LEAP and were asked to inform the secretariat of any errors or omissions by writing to unep-montevideo@un.org.

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

A. Status of implementation, activities and funding

12. Introducing the sub-item, the Co-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.

13. A representative of the secretariat presented the secretariat's report on the status of implementation, activities and funding of the Programme (UNEP/Env.Law/MTV5/GNFP.1/2), highlighting preparatory activities undertaken to ensure effective implementation following the first

global meeting, including the development and launch LEAP. He also drew attention to the lack of dedicated funding available to implement Montevideo Programme V and noted that, in accordance with the Programme requirements adopted by Member States, the secretariat would, if necessary, consider the establishment of a trust fund to ensure dedicated funding for the Programme.

14. Participants then viewed a video presentation on LEAP. The platform had three main sections: a technical assistance section, a knowledge base and a country profiles section. The technical assistance section consisted of a clearing-house mechanism through which national focal points, other representatives of national Governments, United Nations country teams and other stakeholders could submit technical assistance requests under the Programme. The knowledge base was a repository of environmental law guidance products and models, publications and reports, legislation and case law, toolkits, policy briefs, e-learning courses, partners' tools and other resources. The country profiles section presented the information in the knowledge base by country. Information sessions on LEAP would be held in the near future; details would be provided in due course.

15. Several participants welcomed the launch of the platform.

16. Under the sub-item, a number of national focal points submitted written interventions, which were taken note of by the secretariat.

B. Priority areas for implementation

17. Introducing the sub-item, the Co-Chair recalled that in paragraph 6 (b) (i) of Montevideo Programme V national focal points were asked to identify priority areas for Programme implementation. Given the limitations of the online format, national focal points had been asked to identify a limited number of focused and feasible priority areas for implementation to enable substantive activities under the Programme to start, with the full set of priority areas for implementation to be defined during the in-person segment of the meeting, in 2022. Participants in the online segment were therefore asked to focus on agreeing on one or two initial priority areas for intersessional work and were encouraged to send their input on the broader set of priority areas to the secretariat in writing for consideration during the in-person segment of the meeting.

18. A representative of the secretariat presented the secretariat's report on the matter (UNEP/Env.Law/MTV5/GNFP.1/4), which identified eight possible priority areas for implementation. The eight areas had been identified on the basis of a global survey of national focal points undertaken in January 2021 and the key thematic focal areas identified by Member States in the UNEP medium-term strategy for 2022–2025 (UNEP/EA.5/3/Rev.1) adopted by the United Nations Environment Assembly during the first segment of its fifth session, in February 2021. The report also proposed “legal responses to address the air pollution crisis” as the initial priority area for the implementation of the Programme pending consideration of the full list of priority areas during the in-person segment of the meeting.

19. In the ensuing discussion, many national focal points took the floor to express support for the eight priority areas identified in the document and particularly for the selection of “legal responses to address the air pollution crisis” as the initial priority area. Many of those who spoke welcomed the opportunity to share legislative expertise and experience in relation to air pollution.

20. Additional priority areas listed in the document were also singled out by many speakers for consideration as initial priority areas, with area 3 on biodiversity receiving the most mentions, particularly in the light of the ongoing discussions on the post-2020 global biodiversity framework and the importance of supporting the implementation of that framework once adopted. Other areas mentioned were area 2 on climate change; area 6 on public participation, access to information and access to justice; and area 8 on strengthening education and training in environmental law. Transboundary issues were mentioned as meriting specific consideration, including in the context of air pollution.

21. A number of priority areas in addition to those mentioned in the document were suggested, including environmental finance, trade in used goods, sustainable agriculture, water and marine pollution, illegal trade in wildlife, and chemicals and waste. One national focal point proposed reducing the number of priority areas for the sake of feasibility and ensuring that activities focused on achieving results.

22. During the discussion, a representative of the United Nations Office on Drugs and Crime spoke about the tools provided or being developed by the Office, in collaboration with UNEP, to help tackle crimes affecting the environment, such as guidelines on crime affecting wildlife, fisheries and forests, on waste trafficking and on illegal mining. The Office also collected legislation and case law

through its Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal.

23. After the discussion, the national focal points agreed to focus their work on “legal responses to address the air pollution crisis”, as described in the annex to the report by the secretariat (UNEP/Env.Law/MTV5/GNFP.1/4), pending further consideration of priority areas for implementation during the in-person segment of the meeting.

24. Under the sub-item, a number of national focal points submitted written interventions, which were taken note of by the secretariat.

V. Partnerships and stakeholder engagement

25. Introducing the item, the Co-Chair drew attention to several paragraphs of Montevideo Programme V that emphasized the central role of partnerships and stakeholder engagement in the implementation of the Programme, as outlined in the annotated provisional agenda (UNEP/Env.Law/MTV5/GNFP.1/1/Add.1). Although the current online format did not afford the opportunity to give the agenda item the attention that it deserved, the national focal points were invited to provide initial comments on how partnerships could be developed and harnessed for the implementation of the Programme.

26. A representative of the secretariat underscored that partnerships and stakeholder engagement were an integral part of Montevideo Programme V and were instrumental to achieving its goals and vision. Accordingly, the secretariat had undertaken several activities to support, foster and develop partnerships and stakeholder engagement for the Programme. Such activities included the convening of an inter-agency dialogue, entitled “Advancing Environmental Rule of Law Together”, in Geneva from 26 to 28 November 2019; the creation of a new legal officers’ network for the Programme; the provision of bilateral briefings on the Programme to various stakeholders during 2020 and 2021; the launch of LEAP, which, among other things, provided stakeholders with information on how to become an official partner of the Programme; and the launch of a “partner of the Programme” initiative, through which all relevant groups listed in the Programme were invited to become Programme partners.

27. In the ensuing discussion, the national focal points who took the floor emphasized the importance of partnerships to the successful implementation of Montevideo Programme V, in particular the implementation of activities in priority areas identified by Member States, and welcomed the work done by the secretariat to foster such partnerships.

28. Two national focal points suggested that the secretariat, with support from the steering committee for implementation, should be tasked with developing a working document on partnerships. One of them stressed that the document should identify ways to mainstream partnerships and ensure the free flow of information of partnerships at all levels, from the global to the subnational. The other suggested that the secretariat identify actions and strategies to develop and expand partnerships, such as the creation of internships in the UNEP Law Division for aspiring environmental lawyers; the launch of monthly dialogues on social media or television through which Montevideo Programme V partners and stakeholders could share information and exchange ideas; the use of LEAP or another platform to invite environmental law academic researchers to showcase their work and get involved in Montevideo Programme V; and the development of toolkits targeted at partners and stakeholders.

29. Many national focal points expressed support for the identification of specific types of entities and sectors with which productive partnerships could be developed. Potential sectors or partners identified by national focal points included the security sector, which was sometimes complicit in violations of environmental law; municipalities and local authorities, which played a major role in the enactment and enforcement of environmental rules, especially in priority areas such as air pollution, and were part of larger initiatives such as the African Clean Cities Platform; private-sector entities and donors that could help secure funding and other resources for the implementation of environmental law; the business sector, the media, and the legal profession; and local religious and political leaders, who in many countries exerted considerable influence.

30. Many national focal points emphasized the importance of working with international and other partners active in the field of environmental law, both to avoid duplication of efforts and to build synergies between Montevideo Programme V and complementary initiatives and processes, including the process to develop a global pact for the environment.

31. Several national focal points emphasized that partnerships must recognize the primacy of States and public authorities in the implementation of Montevideo Programme V and the unique role of States as decision-makers in matters concerning environmental law. Two suggested that national-level partnerships should go through the Governments of the countries in question. Another national focal point said that clear rules should be developed to ensure that partnerships respected the prerogatives of States and that the latter were able to discharge their responsibilities without interference from non-state partners.
32. One national focal point said that civil-society organizations played a very important role in holding Governments accountable for the implementation of environmental law. She expressed support for partnerships with civil-society organizations and other relevant stakeholders that promoted public participation, transparency and accountability, stressing that UNEP had a long tradition of engaging with stakeholders and successfully promoting such partnerships.
33. One national focal point, noting that partners sometimes had different agendas, said that it was very important for all partnerships to clearly identify the responsibilities of each partner in order to ensure that agendas were aligned and common ground established. She suggested that partners could be invited to the biennial global meetings of the national focal points.
34. Several national focal points emphasized the importance of capacity-building at the national and regional levels for the successful implementation of environmental law, especially in areas such as wildlife trafficking and biodiversity, which could benefit from partnerships. One national focal point suggested that municipalities and other local partners, which played a major role in tackling pollution, should be the focus of capacity-building efforts.
35. The Co-Chair thanked national focal points and stakeholders for their input and said that the discussion on the agenda item would resume during the in-person segment of the first global meeting of the national focal points.

VI. Steering committee for implementation

A. Designation of the steering committee for implementation

36. On 4 June 2021, after the national focal points from each of the United Nations regional groups had held informal online consultations on 2 and 3 June 2021, the national focal points elected, by acclamation, the following members of the steering committee for implementation, as nominated by the respective regions:

African States:	Mr. Gontran Some (Burkina Faso)
	Ms. Sarah Naigaga (Uganda)
	Ms. Karen Banda (Zambia)
Asia-Pacific States:	Mr. Md. Ashfaquul Islam Babool (Bangladesh)
	Ms. Kunzang (Bhutan)
	Mr. Monyneath Vann (Cambodia)
Eastern European States:	Ms. Azra Rogović-Grubić (Bosnia and Herzegovina)
	Ms. Tanja Pucelj-Vidović (Slovenia)
Latin American and Caribbean States:	Mr. Mariano Castro Sánchez-Moreno (Peru)
	Ms. Kate Wilson (Saint Lucia)
	Mr. Marcelo J. Cousillas (Uruguay)
Western European and other States:	Ms. Charlotta von Troil (Finland)
	Mr. Vincent Bohnenblust (Switzerland)
	Mr. Timothy R. Epp (United States of America)

37. The Co-Chair confirmed that the term of office of the members of the committee would run from the end of the online segment of the first global meeting of the national focal points to the end of the second global meeting of the national focal points.

B. Modalities of work for the steering committee for implementation

38. The Co-Chair drew attention to the fact that paragraph 6 (c) of Montevideo Programme V provided for the secretariat to develop draft modalities of work for the steering committee for implementation for consideration by the national focal points at their first global meeting. Accordingly, draft modalities had been made available in working document UNEP/Env.Law/MTV5/GNFP.1/5. On the first day of the current meeting, the national focal points had been invited to provide their comments on the draft in writing to the secretariat before the meeting took up the agenda item.

39. A representative of the secretariat informed participants that all comments received by 7 p.m. on 3 June 2021 had been compiled, posted on LEAP and emailed to all the national focal points. A number of national focal points had submitted written comments, of which the secretariat had taken note. She presented the Co-Chairs' proposal for the draft modalities, which had been prepared by updating the version in document UNEP/Env.Law/MTV5/GNFP.1/5, taking into account the comments received.

40. During the ensuing discussion, one national focal point, supported by several others, requested an amendment to indicate that the committee would work in all six official languages of the United Nations and that its reports would be made available in all six languages. A representative of the secretariat said that written reports by the steering committee to the global meetings would be issued as official United Nations documents in all six languages. With respect to the working language of the committee, the normal practice was to work in English, but interpretation services could be provided if sufficient financial resources were available. In that regard, a representative of the secretariat noted that the secretariat was responsible for seeking funding for the Programme and was in fact doing so.

41. One national focal point stressed the need for members of the steering committee for implementation to consult with Member States in their respective regions prior to steering committee meetings.

42. The national focal points adopted the Co-Chairs' proposal for the modalities of work for the steering committee for implementation, as amended to reflect the discussion (see the annex to the present report).

43. The Co-Chair noted that, notwithstanding paragraph 4 of the text, which provided for the members of the steering committee to begin their terms of office at the closure of the global meeting at which they were designated, the newly designated steering committee members would begin their terms of office at the closure of the online segment of the first global meeting rather than at the closure of the in-person segment of the meeting.

VII. Other matters

44. No other matters were discussed.

VIII. Adoption of the outcomes of the meeting

45. A representative of the secretariat read out a conference room paper – also simultaneously posted on the LEAP page for the meeting – containing a summary prepared by the Co-Chairs of meeting participants' deliberations up to that point. It was agreed that the full report of the online segment of the meeting, incorporating the points in the summary, would be finalized by the rapporteur after the meeting.

IX. Closure of the meeting

46. Following the customary exchange of courtesies, the meeting was adjourned at 5 p.m. on Friday, 4 June 2021.

Annex

Modalities of work for the steering committee for implementation

Structure

1. The steering committee for implementation (“the steering committee”) should have a minimum of 10 and a maximum of 15 designated national focal points as members, comprising two to three representatives from each United Nations region, ensuring gender balance to the extent possible.

Election of officers

2. The steering committee should elect two co-chairs and a rapporteur from among its members, ensuring gender balance to the extent possible. One of the co-chairs will be from a developed country and the other will be from a developing country.

3. The overall responsibility of the co-chairs is to represent the steering committee, oversee and guide its work, and act as the contact points between the secretariat and the steering committee, as well as serve as co-chairs for the global meeting that follows their election. The responsibility of the rapporteur is to oversee the preparation of the reports of the meetings of the steering committee and the report of the global meeting that follows his or her election.

Term of office and vacancies

4. The members of the steering committee should begin their terms of office at the closure of the global meeting at which they are designated and should remain in office until the closure of the next global meeting. Members of the steering committee may be subject to re-designation and may serve for a maximum of two consecutive terms.

5. A member State having designated as a member of the steering committee a national focal point who cannot attend a meeting of the committee may appoint an alternate member to serve on the committee for that meeting. The appointment should be communicated in writing, including by electronic means, to the co-chairs of the committee, with a copy to the secretariat.

6. Should a member of the steering committee resign or be unable to exercise her or his functions, the member State having designated that member as a national focal point should designate a replacement for the remainder of the term. The designation should be communicated in writing, including by electronic means, to the co-chairs of the committee, with a copy to the secretariat.

7. The co-chairs and the rapporteur should begin their terms of office at the meeting of the steering committee at which they are elected and should remain in office until the closure of the next global meeting. If the office of a co-chair becomes vacant, the other co-chair should act as the chair until the members of the steering committee elect a co-chair to serve for the remainder of the term.

8. If the office of the rapporteur becomes vacant, the functions of the rapporteur should be carried out by another member of the steering committee temporarily appointed by the co-chairs until the steering committee elects a successor to serve for the remainder of the term.

Meetings of the steering committee

9. The steering committee should meet as soon as possible after the designation of its members for the purpose of electing two co-chairs and a rapporteur and, in addition, should meet at least once a year, either online or in person. Prior to any such meeting, members of the steering committee should, to the extent possible, consult with national focal points in their United Nations regional groups.

10. The co-chairs may declare a meeting open when at least one third of the members of the steering committee and at least one representative from each of the United Nations regions are present.

11. At each of its meetings, the steering committee should decide on the date, time and venue of its next meeting.

12. The secretariat should organize and facilitate the meetings of the steering committee.

Reporting

13. The steering committee should prepare a written report to the global meetings of national focal points on its activities.

Revision of the modalities of work

14. The steering committee may consider revisions to its modalities of work as and when necessary and make relevant proposals for consideration and adoption by the national focal points at their next global meeting.
