

Co-Chairs' non-paper

Agenda Item 4(b), Priority areas for implementation

The Co-Chairs invite national focal points to consider the following paragraphs and annex relating to item 4 (b) of the agenda (Priority areas for implementation) of the first global meeting of national focal points under the fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (the Programme) to be included in the report on the in-person segment of the first global meeting:

Paragraphs for consideration:

1. National focal points considered document UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1, which sets out possible priority areas for implementation for the remainder of the Programme until 31 December 2029, together with modalities and mechanisms to support countries in their implementation of the Programme.

2. The national focal points agreed to three core and interlinked thematic areas within which the national focal points will, through an iterative process throughout the decade, identify the priority areas for the implementation of the Programme. The thematic areas, which are legal responses to address the pollution crisis, the climate crisis, and the biodiversity crisis, supplemented by relevant and interlinked cross-cutting activities, express the objectives for an impactful decade of action and implementation. The thematic areas and initial priority areas for the implementation of the Programme that the national focal points identified during this first global meeting of the national focal points, are set out in Annex I to the report (UNEP/Env.Law/MTV5/GNFP.1/X), and are subject to the following guidance:

(a) National focal points invited the secretariat to develop, in consultation with the Steering Committee for Implementation and taking into consideration comments shared by national focal points during the first global meeting,¹ one or more roadmaps to implement the identified priority areas for implementation and cross-cutting activities described in Annex I to the report (the Implementation Roadmap(s)) to be considered and approved by the Steering Committee. The Implementation Roadmap(s) may focus on specific priority areas for implementation or cross-cutting activities or may address identified priority areas within one or more thematic areas, as may be appropriate, taking into account, inter alia, the scope and detail of the planned implementing work, the length of time covered by the roadmap, and possible funding sources. The Implementation Roadmap(s) should describe: (i) the strategies for implementation; (ii) the planned implementing work until the next global meeting of national focal points as

¹ At the in-person segment of the global meeting, several participants underscored specific priorities, including: Enhancing access to environmental information, public participation in environmental decision-making and access to justice in environmental matters; support and guidance on enhancing implementation, compliance and enforcement; combating crimes that affect the environment, including cross-border crime; legal frameworks to support implementation of the post-2020 Global Biodiversity Framework; transboundary pollution; plastics pollution; enhancing children and youth participation; and water pollution.

well as work planned or anticipated in later time periods, as appropriate; (iii) how the implementing work will be conducted; (iv) the estimated cost of the planned implementing work; and (v) intended outcomes, which should be clearly defined, measurable, verifiable, and results-orientated.

(b) Priority areas and activities under the Programme should be implemented considering needs expressed by countries, including through technical legal assistance requests received through the UNEP Law and Environment Assistance Platform and across categories and criteria listed in Annex II. National focal points noted that areas or activities that are not included in the priority areas and activities referred to in the Annex I to this report may be considered by the secretariat, in consultation with the Steering Committee for Implementation.

3. Several participants noted paragraph 16 of the political declaration of the special session of the United Nations Environment Assembly to commemorate the fiftieth anniversary of the establishment of the United Nations Environment Programme, which invites Member States and members of specialized agencies to increase their support to the Programme. National focal points invited the secretariat to prepare and provide an estimate of resources needed to implement the Programme and the Implementation Roadmap(s).

Annexes for consideration:

Annex I

Priority areas for implementation of the Programme and cross-cutting activities

A. Strategies relevant to the thematic areas for implementation of the Programme:

1. In collaboration with relevant partners and stakeholders, and in cooperation, as appropriate, with the secretariats of multilateral environmental agreements to ensure the mutual supportiveness of efforts, support countries to strengthen, develop or implement appropriate legal instruments and frameworks and build the related capacity to prevent, control and manage pollution of the air and of freshwater, marine, coastal and terrestrial environments that could affect the environment and human health. This may include the development of domestic enforcement mechanisms to support goals consistent with multilateral environmental agreements and those of other existing frameworks on chemicals and waste;
2. In collaboration with relevant partners and stakeholders, support countries to strengthen, develop or implement appropriate legal and institutional frameworks at the subnational or national level and build the related capacity to mitigate and adapt to climate change, contributing to the goals of the Paris Agreement and other relevant multilateral environmental agreements;
3. In collaboration with relevant partners and stakeholders, and in cooperation, as appropriate, with the secretariats of multilateral environmental agreements, support countries to strengthen, develop or implement appropriate legal and institutional frameworks and build related capacity regarding the implementation of relevant goals and commitments under biodiversity-related conventions and other agreements, including the post 2020 global biodiversity framework that is expected to be adopted in 2022 by the Conference of the Parties to the Convention on Biological Diversity at its fifteenth meeting.

B. Thematic areas for the implementation of the Programme:

1. Thematic area 1: legal responses to address the pollution crisis, including the following initial priority areas the national focal points identified:
 - (a) Legal responses to address the air pollution crisis;
 - (b) Legal responses to address waste pollution; and
 - (c) Legal responses to enhance compliance and enforcement to address pollution.
2. Thematic area 2: legal responses to combat the climate crisis, including the following initial priority areas the national focal points identified:
 - (a) Preparation of a report for the national focal points on options for clearly defined priority areas to combat the climate crisis that would avoid duplicating or disrupting global climate change negotiations.

3. Thematic area 3: legal responses to combat the biodiversity crisis, including the following initial priority areas the national focal points identified:
 - (a) Legal responses to combat crimes that affect the environment, including cross-border crime; and
 - (b) Preparation of a report for the national focal points on options for clearly defined priority areas to combat the biodiversity crisis considering country needs and possible funding sources.
- C. Strategy relevant to the cross-cutting activities for implementation of the Programme:
 1. In collaboration with relevant partners and stakeholders, support countries to advance environmental rule of law through cross cutting and integrated activities that help to address the triple planetary crisis, including by providing support to implement multilateral environmental agreements, in cooperation with the secretariats of multilateral environmental agreements, as appropriate, to ensure the mutual supportiveness of efforts that are consistent with the vision, objectives and strategic activities of Montevideo Programme V.
- D. Cross-cutting activities for the implementation of the Programme: integrated legal responses to address the three planetary crises relating to climate change, biodiversity, and pollution:
 1. Enhancing access to environmental information, public participation in environmental decision-making and access to justice in environmental matters; and
 2. Strengthening education and capacity-building in environmental law.

Annex II

Categories and criteria for assessing technical legal assistance requests

1. Assistance will be delivered under the Programme for activities that support the development of adequate and effective environmental legislation and legal frameworks to address environmental issues, strengthen the effective implementation of environmental law, and support enhanced capacity-building. Upon receipt of a request for assistance, the secretariat will use the following criteria:
 - (a) Alignment with the objectives of the Programme (para. 3 of the Programme);
 - (b) Alignment with the strategic activities of the Programme (para. 4 of the Programme);
 - (c) Alignment with the UNEP medium-term strategy for the period 2022–2025 and with the relevant rules and procedures of UNEP; and
 - (d) Any future guidance to be provided by the global meetings of national focal points.

2. If a request meets the criteria set out above, the secretariat will then apply the following criteria in determining the prioritization of the request:
 - (a) Alignment with the Programme’s priority areas for implementation;
 - (b) Supportive feedback from a national focal point;
 - (c) The views of the steering committee for implementation and partners, as appropriate;
 - (d) The potential innovation, replicability and scalability of the proposal;
 - (e) Alignment with the country’s United Nations Sustainable Development Cooperation Framework;
 - (f) The history of collaboration between the requestor and UNEP;
 - (g) The comparative advantage of UNEP in the implementation of the request or the availability of an appropriate implementing partner; and
 - (h) The availability of funding for the activity.