

**In-person Segment of the First Global Meeting of National Focal Points Fifth Montevideo
Programme for the Development and Periodic Review of Environmental Law**

Nairobi, 6-9 June 2022,¹ Co-Chairs' Summary

Item 1: Opening of the meeting

1. The meeting was opened at 15h00 Nairobi time (UTC +3) on 6 June 2022. Mr. Arnold Kreilhuber, Deputy Director of the Law Division, United Nations Environment Programme (UNEP) read opening remarks on behalf of Ms. Patricia Kameri-Mbote, Director of the Law Division, UNEP.
2. The opening statement welcomed participants and emphasized the important role of the Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V or the Programme) in developing and strengthening environmental rule of law, especially at the national level. The opening remarks also highlighted the history of the Montevideo Environmental Law Programme, noting that the 40th anniversary of the Programme was celebrated on 31 May 2022 with a 24-hour celebration for environmental rule of law. The statement concluded by highlighting the critical role of national focal points (NFPs) in identifying and providing guidance on the priority areas for the implementation of the Programme.
3. Mr. Timothy R. Epp of the United States of America and Mr. Marcelo Cousillas of Uruguay, Co-Chairs of the meeting, welcomed all participants and noted that the goal of the meeting was to identify additional priority areas of the Programme that are both measurable and capable of demonstrating dramatic change in the world. The Co-Chairs underscored the strength of the Programme, reinforced by its vision and overall objectives.

Item 2: Organizational Matters

4. Mr. Epp, Co-Chair, introduced the proposed annotated agenda, with the suggestion that consideration of agenda item 4(c) on emerging areas of environmental law be deferred to reflect the time-constrained reality of the meeting. National focal points agreed to the proposed organization of work.

Item 3: National Focal Points

5. The secretariat introduced document UNEP/Env.Law/MTV5/GNFP.1/3/Rev.1 on the status of nominations of national focal points, requesting that any amendments related to errors or omissions be sent via email to the secretariat at unep-montevideo@un.org. One participant requested the inclusion of information on designations received for the State of Palestine, the Cook Islands, Niue and the European Union in the next update of the document.

¹ The first global meeting is being held in two segments – an online segment held from 2 to 4 June 2021 and an in-person segment to be held in Nairobi from 6 to 9 June 2022.

Item 4: Implementation of the fifth Programme for the Development and Periodic Review of Environmental Law

Agenda Item 4 (a): Status of implementation, activities and funding

6. Mr. Epp, Co-Chair, introduced Agenda Item 4(a) - Status of implementation, activities and funding, and requested the secretariat to present document UNEP/Env.Law/MTV5/GNFP.1/2/Rev.1. The secretariat provided updates occurring since the publication of the report, informing that the steering committee for implementation had its first face-to-face on 6 June 2022, with some participants attending virtually. Discussions focused on preparations for the in-person segment of the First Global Meeting. The secretariat noted that some changes to the membership of the steering committee had taken place since the release of the report, namely, that for Peru, Mr. Jimpson Davila Ordoñez had replaced Mr. Mariano Castro Sanchez-Moreno effective 29 April 2022 and that Slovenia was now represented by Ms. Helena Kramar, who replaced Ms. Nataša Petrovčič effective 23 May 2022. The secretariat also informed the participants that the trust fund to manage funds designated for the Programme had been established.
7. The secretariat gave an introductory presentation on the UNEP Law and Environment Assistance Platform (UNEP-LEAP), which was launched at the online segment of the First Global Meeting of National Focal Points.
8. Several participants applauded UNEP-LEAP as a means of taking concrete action in relation to development and enforcement of environmental law, continually emphasizing the need to focus on a specific, measurable and achievable work programme with time-bound results in all aspects of the Programme.
9. Several participants offered comments on how to improve UNEP-LEAP, including suggestions on improving the technical assistance function and country profile pages. The secretariat assured the participants that, following the meeting, the secretariat will reflect on the comments to improve UNEP-LEAP and will strengthen engagement with NFPs.
10. One participant noted that the roadmap to deliver the initial priority area for implementation, legal responses to address the air pollution crisis, should help define a clear timeline for implementation of activities, providing estimates for resource needs and monitoring of progress. The participant emphasized that it would be beneficial to set out the overarching objectives of the Montevideo Programme in relation to air pollution in the roadmap.
11. The delegation of Trinidad and Tobago requested recognition of the passing its National Focal Point, Ms. Judy Daniel, who passed away on 24 February 2022. Other participants supported commemoration of Ms. Daniel's passing.

Agenda Item 4 (b): Priority Areas for Implementation

12. Mr. Cousillas, Co-Chair, turned to Agenda Item 4(b) – Priority Areas for Implementation by introducing document UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1. The document, presented by the secretariat, 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.

13. Participants emphasized the need to carry out work under priority areas in a manner that respects the independence and mandates of various multilateral environmental agreements (MEAs) without duplicating any existing work already being undertaken. Further, several participants expressed that the focus of the Programme should be on the implementation of MEAs, while others cautioned against having this as a sole focus, noting that not all environmental issues are covered by MEAs. Several participants supported the need for harmonization of reporting mechanisms relating to various MEAs under the Programme.
14. Many participants stressed the need to develop a focused direction for the Programme, underpinned by a clear roadmap or roadmaps in order to better structure the path forward, set out priority implementation areas, identify desired goals and timeframes for each area, and elaborate upon specific steps to achieve these goals by taking a needs-based approach to implementation.
15. Several participants further emphasized the need to ensure sufficient financial, technical and technological capacity development and support in addition to legislative development for developing countries to facilitate implementation of the Programme. Some participants also emphasized the importance of ensuring interlinkages between the three priority areas, with one participant stressing that, by addressing one priority area, the other priority areas should be supported as well.
16. One participant suggested additional items as future priority areas, being the promotion or adoption of national or local laws on access to information, public participation and access to justice; compiling national or local model laws on waste management; and promoting national or local environmental law enforcement and implementation including planning tools, such as environmental impact assessments and permits. Other participants also suggested additional priority areas, including combatting desertification, strengthening information and data exchange, and strengthening education and cross border collaboration at administrative and judicial levels to tackle environmental crime.
17. Other topics of discussion included the need to ensure linkages between all stakeholders, including rural and local communities, to implement the priority areas; the need to clearly set out indicators for all outcomes; and the need to clearly differentiate between outputs and outcomes.
18. Mr. Cousillas, Co-Chair, before continuing with the consideration of the agenda item, paused to offer condolences for the recent passing of the Minister for the Environment of the Dominican Republic, Mr. Orlando Jorge Mera, observing a minute of silence in his memory. Mr. Epp, Co-Chair, expressed condolences to the Dominican Republic.
19. Several participants emphasized the need for implementation of the priority areas to be tailored towards national circumstances and priorities. There were repeated calls for increased partnership and financial support to ensure effective implementation of national environmental laws. Many participants also called for capacity building of their NFPs through technical and legislative trainings. Some participants sought clarity on the prioritization criteria proposed for assessment of requests for technical legal assistance.
20. Participants engaged in discussion over how best to approach the identified priority areas, with some participants suggesting that the areas be narrowed and focused, and others indicating that the areas should be broadened with a view to being more all-encompassing. Overall, many participants expressed interest in adopting the identified priority areas as proposed by the secretariat.

21. The Co-Chairs presented a non-paper by the secretariat outlining proposed priority areas for implementation under the Programme. The non-paper contains three parts including two annexes and incorporates views from preceding plenaries of the resumed meeting. The paper proposes three thematic areas (legal response to address the pollution crisis, the climate crisis and the biodiversity crisis), supplemented by cross-cutting activities. These thematic areas and initial priority areas for implementation of the Programme are set out in Annex I of the non-paper. Annex II of the non-paper sets out a set of criteria for assessment of technical legal assistance requests received through UNEP-LEAP.
22. The Co-Chairs, taking into account the views heard, informed the meeting that they will revise the language in the non-paper for incorporation into the report of the second part of the meeting.

Item 5: Partnerships and stakeholder engagement

23. Mr. Epp, Co-Chair noted the importance of partnerships and stakeholder engagement in implementing the Montevideo Programme V as evidenced by several references within the text of the Programme and resolution. The secretariat presented a working paper on partnerships and stakeholder engagement to provide a set of guiding questions to assist national focal points and stakeholders in their consideration of the agenda item and welcomed comments from NFPs on the paper.
24. Several participants provided suggestions in response to the guiding questions. The African Group suggested consideration of principles such as state responsibility, common but differentiated responsibilities, accountability, and sovereign equality.
25. Several participants emphasized the significance of partnerships in implementing the Programme. One participant welcomed the establishment of the UN Legal Officers Network. The secretariat was encouraged to actively promote partnerships especially through the UNEP-LEAP platform. Participants also called upon the secretariat to explore means to enhance the visibility of the Programme in order to attract more partnerships and stakeholder engagement.
26. The secretariat welcomed the comments and noted that a draft strategy will be prepared and shared with the steering committee for implementation for consideration at the next meeting in October 2022. One participant requested that all NFPs be involved in deliberations of the strategy at the steering committee phase.

Item 7: Date and venue of the second global meeting of national focal points

27. Mr. Epp, Co-Chair, introduced agenda item 7 on the date and venue of the second global meeting of focal points by recalling Paragraph 6(b)(vi) of Montevideo Programme V which contemplates biennial global meetings of the national focal points. The participants agreed to the Co-Chair's proposal for the secretariat, in consultation with the steering committee for implementation, to decide and communicate the date and venue of the next meeting.

Item 8: Other matters

28. Mr. Cousillas, Co-Chair, requested of the participants whether there were any additional matters to consider before closure of the meeting.
29. One participant raised the issue of partnership and collaboration among regions, applauding the work of the Co-Chairs in enhancing regional cooperation. Another participant reiterated the need to enhance regional cooperation through regional meetings in advance of future global meetings in order to enhance implementation of the Programme.

Item 9: Adoption of the outcomes of the meeting

30. Mr. Epp, Co-Chair, introduced agenda item 9 in relation to the adoption of the outcomes of the meeting. After the summary report of the in-person meeting was read out by Mr. Epp, he advised that the summary would be finalized and circulated in writing to participants in due course. Mr. Epp further noted that a formal report of the meeting will be prepared by the secretariat, to be circulated to participants, and which will serve as a record of the decisions taken.

Item 10: Closure of the meeting

31. Closing remarks were given by the Co-Chairs and the secretariat. The in-person segment of the meeting was closed at 6:15 p.m. Nairobi time (UTC +3) on 9 June 2022.

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