



**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 and Nairobi, 6–9 June 2022**

Report of the resumed 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 hold the first global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) in Rio de Janeiro, Brazil, from 23 to 25 March 2020, as had originally been planned. Instead, the meeting was held in two segments: an online segment held from 2 to 4 June 2021 and an in-person segment held from 6 to 9 June 2022 at the headquarters of the United Nations Environment Programme (UNEP) in Nairobi. The in-person segment was held in a hybrid format, with some participants attending online.
2. The in-person segment of the meeting was opened at 3.10 p.m.¹ on Monday, 6 June 2022 by Mr. Arnold Kreilhuber, Deputy Director of the Law Division of UNEP, who also delivered opening remarks on behalf of Ms. Patricia Kameri-Mbote, Director of the Law Division.
3. Opening statements were delivered by the Co-Chairs, Mr. Timothy Epp (United States of America) and Mr. Marcelo Cousillas (Uruguay), who had been elected on 2 June 2021, during the online segment of the meeting.

II. Organizational matters

A. Election of officers

4. During the online segment of the first global meeting of national focal points, held from 2 to 4 June 2021, national focal points had elected the following officers for the meeting:

Co-Chairs:	Mr. Timothy R. Epp (United States of America)
	Mr. Marcelo J. Cousillas (Uruguay)
Rapporteur:	Ms. Kunzang (Bhutan)

¹ All references to times are to Nairobi time (UTC + 3).

Those officers remained in office for the duration of the resumed meeting.

B. Adoption of the agenda

5. The Co-Chair recalled that, during the online segment of the meeting, on 2 June 2021, the national focal points had adopted the following agenda for the 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 the in-person segment of the meeting, as set out in annex I to the annotated provisional agenda (UNEP/Env.Law/MTV5/GNFP.1/1/Add.2). To enable full consideration of agenda sub-item 4 (b), on priority areas for implementation, the national focal points agreed to defer to a future meeting their consideration of sub-item 4 (c), on emerging issues in environmental law. Consideration of agenda item 6, on the steering committee for implementation, had been concluded during the online segment of the meeting and was therefore not considered during the resumed meeting.

D. Attendance

7. National focal points representing the following Member States attended: Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Burkina Faso, Burundi, Brazil, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Egypt, El Salvador, Estonia, Eswatini, Ethiopia, Finland, France, Georgia, Germany, Ghana, Guatemala, Guinea, Guyana, Haiti, Hungary, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Latvia, Lithuania, Malawi, Maldives, Mauritania, Mauritius, Monaco, Morocco, Mozambique, Namibia, Nepal, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Seychelles, Sierra Leone, Slovenia, Somalia, South Africa, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.
8. The national focal point representing the State of Palestine also attended.
9. The European Union was represented as an observer.

10. Representatives of the following United Nations agencies, funds and programmes and secretariats of multilateral environmental agreements attended: Economic Commission for Latin America and the Caribbean, Food and Agriculture Organization of the United Nations, Office of the United Nations High Commissioner for Human Rights, Ozone secretariat, secretariat of the Minamata Convention on Mercury, UNEP, United Nations Office on Drugs and Crime.

11. Representatives of the following other international organizations attended: International Committee of the Red Cross, International Development Law Organization, International Union for Conservation of Nature and Natural Resources.

12. Representatives of the following non-governmental, industry, academic and other entities attended: Amnesty International Kenya, ASEAN Youth Forum, Basel Institute on Governance, Centro para el Desarrollo Agropecuario y Forestal (CEDAF), International Centre for Comparative Environmental Law (CIDCE), Center for International Environmental Law, Dalhousie University, Environmental Compliance Institute, Environmental Law Institute, Escazú Network, Federal University of Santa Catarina, Fundación Expoterra, Grantham Research Institute on Climate Change and the Environment of the London School of Economics and Political Science, IDESI Huánuco, International Institute for Sustainable Development, Jamii Asilia Centre, Kathmandu School of Law, Macquarie University, Major Group for Children and Youth, Stop Ecocide Foundation, Sustainable Oceans Alliance Caribbean, Thaksin University, Transfo Green World, Tribhuvan University Faculty of Law, University College London, University of Brasilia, University of Cape Town, Centre for Advanced Studies in Environmental Law and Policy of the University of Nairobi, University of Pretoria, Universal Rights Group.

III. National focal points

13. Introducing the item, a representative of the secretariat drew attention to the note by the secretariat on national focal points (UNEP/Env.Law/MTV5/GNFP.1/3/Rev.1), which in annex I set out a list of the national focal points designated as at 20 March 2022, including their gender, organization and title, and in annex II set out a list of national focal points by United Nations regional group, showing which Member States had designated national focal points and which had not. He asked participants to inform the secretariat of any errors or omissions by writing to unep-montevideo@un.org.

14. One national focal point drew attention to paragraph 3 of the same document stating that the secretariat had received designations from four members that were not Member States of the United Nations. She requested that, for the sake of transparency, the secretariat revise the document to include the details of those members.

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

A. Status of implementation, activities and funding

15. Introducing the sub-item, the Co-Chair recalled that, under paragraph 6 (a) (x) of Montevideo Programme V, the secretariat was required to report biennially on the implementation, activities and funding of the Programme. During the online segment of the meeting, the secretariat had presented a report highlighting preparatory activities undertaken to implement Montevideo Programme V, including the development and launch of the UNEP Law and Environment Assistance Platform (UNEP-LEAP).² Several national focal points had submitted written interventions, of which the secretariat had taken note.

16. A representative of the secretariat presented an updated report by the secretariat on the status of implementation, activities and funding of the Programme (UNEP/Env.Law/MTV5/GNFP.1/2/Rev.1) and outlined the main sections of the document. She said that, since the publication of the updated report, two members of the steering committee, representing Peru and Slovenia, had been replaced; the committee had held an in-person meeting on 6 June 2022, in preparation for the current meeting; and the secretariat had established a trust fund to manage funds designated for Montevideo Programme V.

² Available at <https://leap.unep.org/>.

17. Another representative of the secretariat presented the key features and updates of UNEP-LEAP, which had been launched during the online segment and was the digital backbone of Montevideo Programme V. The platform supported the delivery of Montevideo Programme V objectives and activities through four main sections or “hubs”: an “about” hub, which provided information on the platform and Montevideo Programme V in the six official languages of the United Nations; a “technical assistance” hub, which enabled countries to electronically submit technical legal assistance requests to the secretariat, thereby facilitating the management, assessment and implementation of such requests; a “knowledge base” hub, which had more than 19,000 resources, including legislation, case law, toolkits and courses; and a “country profile” hub, which organized the knowledge collected under the second and third hubs by country. She invited participants to explore the platform website and to share it with their networks.

18. In the ensuing discussion, participants expressed appreciation to the secretariat for the information provided and the activities undertaken thus far under Montevideo Programme V, in particular in the area of air pollution, despite the challenges imposed by the COVID-19 pandemic.

19. Many participants commended the secretariat on the launch of the UNEP-LEAP platform, calling it a valuable tool for information sharing and collaboration that would help to implement, monitor and raise awareness of Montevideo Programme V and its activities. Several participants said that some of the information provided in the “country profiles” section, and in particular that related to legislation, was outdated and appeared to have been randomly selected, and asked the secretariat to work with the countries concerned to improve and update that section and to populate its “experts” tab. One participant requested that the secretariat post on the UNEP-LEAP platform the useful information shared during the side events of the current meeting, including on countries’ experiences with tackling air pollution. Another participant thanked the donors who had contributed to funding the platform.

20. Several participants thanked UNEP for the legal, technical and financial assistance provided to their countries, including in the initial priority area of air pollution, as well as the area of waste management. Several participants said that they had recently submitted technical assistance requests to the secretariat or would soon do so. A number of representatives requested information about the number of requests submitted to the secretariat through UNEP-LEAP and the criteria used by the secretariat to handle such requests.

21. A representative of the secretariat thanked participants for their feedback on UNEP-LEAP, which the secretariat was continuously working on to make it more user-friendly. The secretariat would consider how best to improve the country profiles section of the platform, including by engaging with national focal points to request information, and would report on progress to the steering committee. With regard to technical assistance requests, four had been received through the UNEP-LEAP platform and many more through the UNEP regional offices and other channels. The secretariat aimed to eventually include all requests in UNEP-LEAP. As to how requests were handled, in accordance with guidance from the steering committee, the secretariat gave precedence to requests submitted by countries over those submitted by observers.

22. One participant suggested that, in addition to the guidance of the steering committee, the focal points should consider developing additional criteria for the treatment of technical assistance requests. Another participant said that requests from least developed countries and developing countries most vulnerable to the crises of biodiversity loss, climate change and pollution should be given priority.

23. The representative of the secretariat replied that one of the priority areas for the work of UNEP, both under Montevideo Programme V and more widely, had been to provide support to least developed countries and developing countries that were especially vulnerable to environmental pressures in order to help them meet their obligations under multilateral environmental agreements, including by developing various tools to strengthen capacity in the areas of biodiversity loss, climate change and pollution.

24. Many participants expressed support for the priority areas of biodiversity loss, climate change and pollution, and one participant proposed specific activities to be prioritized under each of those areas and under the cross-cutting activities identified in document UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1, on priority areas for implementation. Many participants welcomed the roadmap for delivering on the initial priority area of legal responses to the air pollution crisis (UNEP/Env.Law/MTV5/GNFP.1/2/Rev.1, annex II) and suggested that a similar roadmap be developed for the other priority areas on the basis of feedback from the national focal points. One participant said that the air pollution roadmap should be further examined in order to, among other things, identify strategic priorities and activities thereunder, identify clear timelines and resource needs for the implementation of proposed activities, develop an overarching objective, and set priorities for

future activities. Another said that Montevideo Programme V must focus on implementing measurable actions and delivering tangible outcomes.

25. With regard to funding, several participants welcomed the establishment of a dedicated trust fund for Montevideo Programme V and thanked those who had made contributions to it, encouraging others to follow suit. Many participants asked the secretariat to specify the financial resource needs of Montevideo Programme V, stressing that it was difficult for them to encourage their respective governments to contribute to the Programme if there was no clear understanding of its resource needs.

26. The representative of the secretariat explained that, while the secretariat knew how much different types of activities would cost, it was unable to provide a specific figure for the estimated resource needs of the Programme before the national focal points provided guidance on the products and activities they expected the Programme to undertake, or the number of countries they expected the Programme to assist. Once such guidance had been provided, the secretariat would provide resource need estimates to the national focal points. Responding to further queries from the floor, she said that the Programme had supported and would continue to support Member States at the regional, subregional and country levels in the area of environmental law, thereby contributing to the implementation of paragraph 16 of the political declaration adopted during the special session of the United Nations Environment Assembly to commemorate the fiftieth anniversary of the establishment of UNEP.³ Regarding the findings of and follow-up to the UNEP report entitled *Regulating Air Quality: The First Global Assessment of Air Pollution Legislation*,⁴ she said that the report had developed a model for a robust air quality governance system in which legislation played a central part, and that the secretariat was using the report's findings to provide technical legal assistance to countries upon request, and to develop a legislative guide on ambient air quality that it expected to publish by the end of 2022.

27. The national focal points took note of the information provided.

B. Priority areas for implementation

28. Introducing the sub-item, the Co-Chair recalled that paragraph 6 (b) (i) of Montevideo Programme V required national focal points to identify priority areas for Programme implementation. During the online segment of the meeting, national focal points had identified legal responses to address the air pollution crisis as an initial priority on which substantive work could start, pending further consideration of priority areas for implementation during the in-person segment of the meeting. Several national focal points had submitted written interventions, of which the secretariat had taken note.

29. A representative of the secretariat presented a revised document on priority areas for implementation (UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1), which outlined possible priority areas for implementation for the period up to 31 December 2029, supported by cross-cutting activities, and modalities and mechanisms for supporting countries in their implementation of the Programme.

30. In the ensuing discussion, participants thanked the secretariat for the revised document and expressed widespread support for the three priority areas identified therein and their alignment with the UNEP medium-term strategy for 2022–2025,⁵ on the understanding that the priority areas and related activities could be revised at future meetings of the national focal points. Many participants, including one speaking on behalf of a group of countries, suggested that Montevideo Programme V set realistic targets responsive to the needs, priorities and circumstances of different regions, subregions and countries.

31. Many participants said that the outcomes proposed in document UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1 were too abstract or far-reaching, and that specific, measurable objectives achievable within the time frame of the Programme should be identified. Several participants suggested that the list of activities in the document was too ambitious, given the timeline and resources available, and that priority should be given to activities whose implementation would have the greatest impact. One participant cautioned against excessively narrowing down the priorities and activities identified by the secretariat, stressing that a broader range of activities would enable different countries to identify their own needs and priorities, and to obtain Montevideo

³ UNEP/EA.SS.1/4.

⁴ UNEP, *Regulating Air Quality: The First Global Assessment of Air Pollution Legislation*, Air Pollution Series (Nairobi, 2021).

⁵ UNEP, *For People and Planet: The United Nations Environment Programme Strategy for Tackling Climate Change, Biodiversity and Nature Loss, and Pollution and Waste from 2022 to 2025* (Nairobi, 2021).

Programme assistance to address them. She asked the secretariat to ensure that the language used throughout the document was consistent and reflective of previously agreed language.

32. Some participants identified priority activities related to the three priority areas of pollution, biodiversity loss and climate change. Activities proposed to tackle the pollution crisis included the development of educational tools for the implementation of pollution-related legislation; addressing the transboundary aspects of pollution; supporting the negotiation of the expected new treaty on plastic pollution by identifying assistance needs and by developing model legislation and indicators to monitor progress in tackling plastic pollution; developing the capacities of departments responsible for the implementation and enforcement of pollution laws, including capacity to monitor pollution and polluting activities; and compiling national or local model waste management laws. In the area of biodiversity, priority activities proposed included adopting integrated regional approaches to addressing wildlife crimes; developing guidance relating to the goals of the post-2020 biodiversity framework expected to be adopted in late 2022; developing guidance on the protection of ecosystems and ecosystem services; and supporting nature conservation and restoration. Lastly, priority activities proposed to tackle climate change included the development of low-carbon development strategies; the development of legal tools for addressing the impact of climate change on vulnerable communities; and helping countries to access climate finance. Participants also identified as a priority improving the sharing of information, best practices and sound legal approaches to tackle pollution, biodiversity loss and climate change.

33. One participant suggested adding combating desertification as a fourth priority area of Montevideo Programme V, stressing that desertification was a serious global crisis that required urgent coordinated action and was closely related to the triple planetary crisis of pollution, biodiversity loss and climate change. Another participant said that it was important for the Programme to build strong linkages between, and address the common drivers of, the triple planetary crisis, while promoting the achievement of the Sustainable Development Goals.

34. With regard to cross-cutting activities, participants expressed support for providing capacity-building, technology transfer and technical assistance to countries that needed such support; promoting national and local environmental law enforcement and implementation, including through the use of planning tools such as environmental impact assessments and permits and through the training of legal officials, from judges to law enforcement officers; developing legislation to enhance public access to environmental information, public participation in environmental decision-making and access to justice in environmental matters; supporting environmental law education at universities; revising outdated legislation and mainstreaming Montevideo Programme V objectives into national legal frameworks; developing legal frameworks to protect environmental defenders; supporting public communication activities to raise public awareness of, and bolster public support for, specific environmental legal instruments; strengthening environmental education and cross-border cooperation among officials dealing with environmental law; and strengthening environmental criminal law, including by enhancing legal frameworks relating to environmental crime and environmental liability and by supporting enforcement of such frameworks. One participant called for the conduct of a capacity needs assessment to identify gaps in the technical, financial, technological and institutional capacities of countries, and the launch of periodic capacity-building programs for national focal points to support country implementation of Montevideo Programme V.

35. Many participants, drawing attention to the roadmap adopted for the initial priority area of air pollution, voiced support for the development of similar roadmaps that set out clear goals, measurable objectives and clear timelines for each of the priority areas identified in document UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1. They said that the roadmaps should build on the lessons learned from previous iterations of Montevideo Programme V, which had suffered from too broad a scope and a lack of clear and measurable objectives and outcomes. Many participants suggested that, in order to increase its visibility and impact, Montevideo Programme V should build strong partnerships with the secretariats of multilateral environmental agreements, with a view to supporting countries in their efforts to implement such agreements through relevant legal frameworks, while avoiding duplication of work and ensuring that all efforts were mutually supportive and complementary. Several participants proposed that the secretariat assess the needs of the secretariats of multilateral environmental agreements in order to determine which activities to undertake.

36. One participant, stressing that most secretariats of multilateral environmental agreements provided assistance to member countries to support their implementation efforts, suggested that Montevideo Programme V focus on addressing environmental issues not currently covered by multilateral environmental agreements, whereby it could truly add value.

37. Several participants asked the secretariat to develop a harmonized approach to reporting Programme activities in order to make it easier for Member States to report on their implementation activities.
38. Responding to comments from the floor, the representative of the secretariat thanked participants for their contributions, recalling that Montevideo Programme V required the national focal points to meet every two years to review the implementation of the Programme and re-evaluate its priorities and activities. With regard to calls for harmonized reporting, he clarified that Member States did not have an obligation to report under Programme V, and that monitoring and reporting of Programme activities by the secretariat had been mainstreamed within UNEP and would be enhanced once all technical assistance requests were being channelled through UNEP-LEAP. With regard to concerns that the Programme might duplicate work being done under multilateral environmental agreements, he assured participants that, while Montevideo Programme V was intended to respond to country needs and some of those needs could be linked to the implementation of multilateral environmental agreements, the secretariat would coordinate with the secretariats of multilateral environmental agreements, many of which UNEP hosted, to ensure a synergistic approach and avoid duplication. With regard to the cross-cutting activities proposed in document UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1, which had been identified on the basis of survey responses from national focal points, they were all meant to help address the three planetary crises identified as priority areas, but the secretariat would be guided by the national focal points with regard to how much emphasis should be placed on each activity. Lastly, the secretariat would work to ensure that the terminology used in that document was consistent with previously agreed language.
39. Following the discussion, the national focal points agreed that the Co-Chairs would prepare, for further discussion at the current meeting, a non-paper identifying priority activities discussed by the focal points on which consensus seemed to be emerging, with a view to developing guidance for the secretariat on the implementation of Montevideo Programme V over the following two years.
40. Subsequently, participants discussed the non-paper prepared by the Co-Chairs, which had been posted on the UNEP-LEAP platform, proposing numerous changes to the text. It was agreed that the Co-Chairs would revise the non-paper in the light of the discussion in plenary, doing their utmost to reflect the convergence of views on priority areas for implementation.
41. The revised version of the document prepared by the Co-Chairs, reflecting the outcomes of discussions under the agenda item, is annexed to the present report.

V. Partnerships and stakeholder engagement

42. Introducing the item, the Co-Chair recalled that paragraph 4 (e) of Montevideo Programme V provided that the Programme would support collaboration and the promotion of partnerships with United Nations and other relevant entities, including civil society organizations, in the field of environmental law. During the online segment of the meeting, the focal points had made initial comments on how partnerships could be developed and harnessed for the implementation of the Programme, and had agreed to further consider the issue at the resumed meeting.
43. A representative of the secretariat drew attention to document UNEP/Env.Law/MTV5/GNFP.1/7, on partnerships and stakeholder engagement, which set out five guiding questions to assist national focal points and stakeholders in their consideration of possible arrangements for partnerships and stakeholder engagement for the implementation of the Programme, and described a number of activities undertaken by the secretariat to support and foster partnerships. The secretariat would use the feedback received at the current meeting to produce a strategy for the promotion of partnerships and stakeholder engagement in the implementation of the Programme for consideration by the steering committee, after which the secretariat would finalize the strategy in consultation with the steering committee.
44. In the ensuing discussion, participants thanked the secretariat for the document and the guiding questions in it, emphasizing the importance of partnerships to implement and enhance the impact of Montevideo Programme V; create synergies and avoid duplication of work; ensure the participation of all relevant actors and benefit from their knowledge, expertise and resources; help the secretariat to respond to technical assistance requests; and increase the visibility of the Programme within the United Nations system and beyond.
45. One participant said that there was a need to clarify the role of local communities, which played a key role in the successful implementation of environmental law, in the proposed strategy and in the implementation of Montevideo Programme V. Another participant suggested that different strategies be developed for partners and stakeholders.

46. Many participants reflected on one or more of the guiding questions set out in document UNEP/Env.Law/MTV5/GNFP.1/7. On the objectives of a Montevideo Programme V partnerships and stakeholder engagement strategy, participants identified as key objectives the effective delivery of Montevideo V Programme by ensuring the inclusive participation and engagement of all relevant stakeholders at the global, regional, subregional and national levels; the promotion of experience, knowledge and information sharing in environmental law; the achievement of a transparent decision-making process to which partners and stakeholders could contribute; and the building of synergies between the Programme and the work of partners and stakeholders, including multilateral environmental agreement secretariats.

47. With regard to the main principles that should guide the development of the strategy, participants identified the principles of state responsibility, common but differentiated responsibilities, transparency, accountability, trust, openness, the polluter-pays principle, public participation, state sovereignty, continuous monitoring and evaluation of all partnerships, diversity of perspectives, and effective collaboration.

48. With regard to what should be included in the strategy, participants identified as key elements stakeholder mapping and analysis; the identification of the roles and responsibilities of partners and stakeholders; resource mobilization; methods of engagement, including the types of activities, projects and programmes to be pursued through partnerships; communication; and monitoring and reporting. One participant said that the strategy should be precise, practical and clear.

49. Regarding how the priority areas of the Programme should relate to the development of the strategy, participants said that the strategy should be aligned with the priority areas and cross-cutting activities of Montevideo Programme V; that priority areas should serve to define the subject matter, level and scope of partnerships; and that, where possible, all priority areas should be covered by the strategy, but that the strategy should be adaptable to national and subnational contexts in order to ensure its effectiveness.

50. Lastly, regarding the issue of which best practices for partnership engagement could inform the development of the Montevideo Programme V partnership strategy, participants suggested that the secretariat could build on the partnership policies and experience of UNEP; that the terms of each partnership should be formalized and set out in written documents setting out clear objectives, expected outcomes, time frames, and the roles of each partner; and that continuous learning, leapfrogging and capacity-building should be incorporated. Other suggestions included administering a stakeholder questionnaire or analysis to encourage engagement from key stakeholders; engaging with partners on a continuous basis; and developing partner-friendly programs to ensure partner buy-in and build strong relationships with partners, based on accountability, transparency and mutual trust.

51. One participant requested additional information about the activities undertaken by the secretariat, in particular the creation of a new legal officers network mentioned in document UNEP/Env.Law/MTV5/GNFP.1/7. Another participant said that the new network was an important tool for building partnerships, not only for the implementation of Montevideo Programme V but also to facilitate strategic coordination between UNEP legal experts and their counterparts in the secretariats of multilateral environmental agreements.

52. Following the discussion, the national focal points agreed that, on the basis of their feedback, the secretariat would prepare a draft strategy on partnerships and stakeholder engagement for consideration and possible adoption by the steering committee at its next meeting, scheduled for October 2022.

VI. Dates and venue of the second global meeting of national focal points

53. In the light of the uncertainty imposed by the COVID-19 pandemic, the national focal points agreed to request the secretariat, in consultation with the steering committee, to determine, and communicate to them, in due course, the dates and venue of their second global meeting.

VII. Other matters

54. One participant proposed that, subject to the availability of resources, the secretariat organize regional meetings prior to the global meetings of the national focal points in order to facilitate regional coordination mechanisms and enable each region to evaluate the implementation of Montevideo Programme V at the regional level, stressing that such meetings would help each region to identify regional implementation gaps and challenges and inform the review of the Programme itself.

55. The national focal points took note of the proposal.

VIII. Adoption of the outcomes of the meeting

56. The Co-Chair presented an overview of a draft summary of the deliberations at the meeting up to that point, prepared by the Co-Chairs in consultation with the Rapporteur and posted on the UNEP-LEAP webpage for the meeting. It was agreed that the full report of the meeting, incorporating the points in the summary, would be finalized by the Rapporteur with the support of the secretariat after the meeting.

IX. Closure of the meeting

57. Following the customary exchange of courtesies, the meeting was declared closed at 6.35 p.m. on Thursday, 9 June 2022.

Annex

Outcomes of discussions under agenda item 4 (b), “Priority areas for implementation”

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 on three core and interlinked thematic areas and that the national focal points would, through an iterative process following guidance by the steering committee for implementation and the global meetings 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 the first global meeting of the national focal points are set out in appendix I to the present annex and are subject to the following implementing guidelines:
 - (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 road maps to implement the identified priority areas for implementation and any related cross-cutting activities described in appendix I to the present annex (the Implementation Roadmaps) to be considered and approved by the steering committee for implementation. The Implementation Roadmaps may focus on specific priority areas for implementation and any related cross-cutting activities or may address identified priority areas within one or more thematic areas, as may be appropriate. The Implementation Roadmaps should describe: (i) the strategies for implementation; (ii) the planned implementing work until the next global meeting of national focal points as 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 potential funding sources; and (v) intended results with clearly defined indicators, which should be measurable, verifiable and results-oriented.
 - (b) Priority areas and activities under the Programme should be implemented with due consideration of the needs expressed by countries and taking into account the specificities of each region, including through technical legal assistance requests received through the UNEP Law and Environment Assistance Platform (UNEP-LEAP) and in keeping with the categories and criteria listed in appendix II to the present annex. National focal points noted that areas or activities not included in the priority areas and activities referred to in appendix I to the present annex should, in accordance with the criteria set out in appendix II, be considered by the secretariat, and be reported to the steering committee for implementation.
3. Several national focal points emphasized the important contribution that the fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) could make, subject to the availability of resources, to assist Member States with the implementation of multilateral environmental agreements to which they are a party, while respecting the independence of those multilateral environmental agreements and avoiding duplication. Other national focal points expressed the view that the Programme’s limited resources should not be spent on the implementation of multilateral environmental agreements, many of which had their own resources, and that assistance with the development and implementation of countries’ domestic laws could contribute to the goals of relevant multilateral environmental agreements.

¹ During 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 for enhancing implementation, compliance and enforcement; combating crimes that affect the environment, including cross-border crimes; legal frameworks to support implementation of the post-2020 global biodiversity framework; transboundary pollution; plastic pollution; enhancing participation by children and youth; and water pollution.

4. Several national focal points referred to 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,² in which Member States and members of specialized agencies were invited to increase their support to Montevideo Programme V.
5. National focal points invited the secretariat to prepare and provide an estimate of the resources needed to implement the Programme and the Implementation Roadmaps, with careful attention to be given to the specific needs of developing countries. National focal points also invited the secretariat to develop a resource mobilization strategy for the Programme that, in addition to providing estimates of resources needed, should include a strategy for enhancing the visibility of the Programme, both within the United Nations system and among Member States, including by communicating achievements.
6. Furthermore, the secretariat was requested to provide a progress report in line with paragraph 6 (a) (x) of Montevideo Programme V one year in advance of each global meeting of national focal points, and to provide an update, including recommendations for the further implementation of the Programme, through its report on the status of implementation, activities and funding, six weeks in advance of each global meeting. In addition, the secretariat was requested to support the steering committee for implementation in its development of a structured consultative process for the periods between global meetings, involving regional consultations with national focal points via the steering committee for implementation, to identify additional priority areas for implementation so that national focal points would be optimally positioned to make informed decisions at their global meetings.

² UNEP/EA.SS.1/4.

Appendix I to the annex

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 in:

(a) Strengthening, developing and implementing appropriate legal instruments and frameworks at the national or subnational level and building the related capacity to prevent, control and manage pollution of the air and of freshwater, marine, coastal and all terrestrial environments that could affect the global 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;

(b) Strengthening, developing and implementing appropriate legal and institutional frameworks at the national or subnational level and building the related capacity to mitigate and adapt to climate change, contributing to the goals of the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement and other relevant multilateral environmental agreements;

(c) Strengthening, developing and implementing appropriate legal and institutional frameworks at the national or subnational level and building related capacity regarding the implementation of relevant obligations, goals and commitments, as appropriate, under biodiversity-related conventions and other instruments, 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 and other conventions related to biodiversity.

B. Thematic areas for the implementation of the Programme

2. Thematic area 1: legal responses to address the pollution crisis, including the following initial priority areas identified by the national focal points:

(a) Legal responses to address air pollution;

(b) Legal responses to address waste prevention and mismanagement, including to address plastic pollution;

(c) Legal responses to enhance compliance with and enforcement of legislation to address pollution.

3. Thematic area 2: legal responses to combat the climate crisis, including the following initial priority identified by the national focal points:

Preparation of a report for the national focal points on options for clearly defined priority areas for legal responses to address climate change that would strengthen, develop or implement appropriate legal and institutional frameworks at the national or subnational level and build the related capacity to mitigate and adapt to climate change, while avoiding duplication and ensuring the mutual supportiveness of efforts with processes under UNFCCC and the Paris Agreement.

4. Thematic area 3: legal responses to combat the biodiversity crisis, including the following initial priority areas identified by the national focal points:

(a) Legal responses to enhance compliance with and enforcement of biodiversity related laws, including criminal laws;³ and

³ Several national focal points emphasized the need to focus on transboundary crime and supported specifically mentioning environmental crime. Other national focal points supported using the wording “crimes that affect the environment” in accordance with General Assembly resolution 76/185 on preventing and combating crimes that affect the environment. A few national focal points expressed concern about including crime as a priority area, emphasizing that it was a national decision whether to criminalize violations of environmental law.

(b) Preparation of a report for the national focal points on options for clearly defined priority areas to strengthen, develop or implement appropriate legal and institutional frameworks at the national or subnational level to implement biodiversity-related goals and commitments.

C. Cross-cutting activities for implementation of the Programme

5. *Strategy*: In collaboration with relevant partners and stakeholders, support countries in advancing environmental rule of law through cross-cutting and integrated activities that help to address the three planetary crises relating to climate change, biodiversity and nature loss, and pollution and waste, 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, and considering the particularities of each region.

6. *Activities*: Integrated legal responses to address the planetary crises relating to climate change, biodiversity and nature loss, and pollution and waste:

(a) Enhancing access to environmental information, public participation in environmental decision-making and access to justice in environmental matters, in particular for vulnerable groups; and

(b) Strengthening education and capacity-building relating to environmental law, including legal and technical training for national focal points.

Appendix II to the annex

Categories and criteria for assessing technical legal assistance requests

1. Subject to the availability of resources, assistance will be delivered to countries under the Programme for activities that support the development or strengthening of adequate and effective environmental legislation and legal frameworks to address environmental issues, enhance the effective implementation of environmental law, and support enhanced capacity-building. Upon receipt of a request for assistance, the secretariat will be guided by 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 United Nations Environment Programme (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 national focal points at their global meetings.

2. If a request meets the above criteria, the secretariat will then be guided by the following criteria in determining the prioritization of the request:

- (a) Alignment with the Programme’s priority areas for implementation;
 - (b) Supportive feedback from the relevant national focal point;
 - (c) The views of the steering committee for implementation and partners, as appropriate;
 - (d) The potential impact, innovation, replicability and scalability of the proposal;
 - (e) Alignment with the country’s United Nations Sustainable Development Cooperation Framework;
 - (f) The potential contribution to the implementation of the goals of multilateral environmental agreements;
 - (g) Potential alignment or complementarity with other technical or capacity-building assistance provided by UNEP under the programmes of work for the period 2022–2023 and 2024–2025 or related programmes;
 - (h) The comparative advantage of UNEP in the implementation of the request or the availability of an appropriate implementing partner; and
 - (i) The availability of funding for the activity, taking into consideration the overall regional balance in the allocation of funding under the Programme and the specific needs of developing countries.
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