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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  
Nairobi, 6–9 June 2022\*  
Agenda item 4 (a)\*\***

**Implementation of the Fifth Programme for the Development  
and Periodic Review of Environmental Law: status of  
implementation, activities and funding**

## **Status of implementation, activities and funding**

### **Report by the secretariat**

#### **Introduction**

1. In its resolution 4/20 of 15 March 2019, the United Nations Environment Assembly of the United Nations Environment Programme adopted the fifth Programme for the Development and Periodic Review of Environmental Law for the decade beginning in 2020 (Montevideo Programme V).<sup>1</sup> Paragraph 6 (a) of Montevideo Programme V requires the United Nations Environment Programme (UNEP) to serve, within its current mandate and available resources, as the secretariat for the Programme, and to perform certain institutional and monitoring functions, including the preparation of progress reports. The present report, prepared pursuant to paragraph 6 (a) (x) of the Programme, outlines the status of implementation, activities and funding for the Programme.

#### **I. Status of implementation**

2. Montevideo Programme V started on 1 January 2020 and will conclude on 31 December 2029. The first global meeting of national focal points was scheduled to be held in Rio de Janeiro, Brazil, from 23 to 25 March 2020. It was expected to identify priority areas of implementation for the Programme and take the necessary institutional decisions to facilitate the implementation of substantive activities. In February 2020, in the light of the risks and travel restrictions caused by the continuing global coronavirus (COVID-19) pandemic, the secretariat postponed the meeting until September 2020. On 22 June 2020, the secretariat, in consultation with national focal points, postponed the meeting a second time until a date to be determined, for the same reasons. On

\* 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. The report of the online segment is set out in document UNEP/Env.Law/MTV5/GNFP.1/6.

\*\* UNEP/Env.Law/MTV5/GNFP.1/1.

<sup>1</sup> UNEP/EA.4/19, annex.

15 October 2020, the secretariat advised national focal points that it was actively monitoring the situation and would, if necessary, explore and propose holding the meeting online or in other possible formats to ensure that the necessary institutional and implementation decisions for the Programme could be taken by national focal points. On 8 December 2020, the secretariat informed participants that it planned to organize and facilitate the meeting in two segments, the first online, to be followed by an in-person meeting. On 24 January 2022, in the light of the evolution of the COVID-19 pandemic and the concerning spread of the Omicron variant, the secretariat proposed to the steering committee for implementation that the resumed meeting should be held in Nairobi over four afternoon sessions from 6 to 9 June 2022, with online participation for those who could attend in person.

3. At the online segment of the first global meeting, national focal points designated a steering committee for implementation<sup>2</sup> and adopted its modalities of work.<sup>3</sup> Furthermore, national focal points agreed to focus on an initial priority area for the implementation of the Programme, entitled “legal responses to address the air pollution crisis”, pending further consideration of priority areas for implementation during the resumed meeting.

4. The steering committee met for the first time on 5 August 2021. At that online meeting, the Committee elected Mr. Timothy Epp of the United States of America and Mr. Marcelo Cousillas of Uruguay as Co-Chairs, and Ms. Kunzang of Bhutan as Rapporteur, by acclamation. In addition, the Committee endorsed the proposal by the secretariat to develop a roadmap for the initial priority area referred to in paragraph 3 above. Finally, the Committee agreed to meet twice in a virtual setting for two hours each in 2022 – on 23 March 2022 and on 7 October 2022 – and to meet immediately before the in-person segment of the first global meeting, with the date and location for that meeting to be determined at a later stage.

5. Following the resignation of Ms. Tanja Pucelj Vidović of Slovenia from the steering committee, she was replaced by Ms. Nataša Petrovčič on 3 January 2022. Following the resignation of Mr. Ashfaque Islam Babool from Bangladesh from the steering committee, he was replaced by Mr. Mohammad Abdul Wadud Chowdhury on 13 March 2022. In accordance with paragraph 6 of the modalities of work of the Committee, these members will serve for the remainder of the terms of the members that they replaced.

6. On 23 March 2022, the steering committee had its second meeting. At this online meeting, the steering committee received updates on the preparations for the resumed meeting, on the implementation of the roadmap to deliver the initial priority area for implementation referred to in paragraph 3 above, on resource mobilization, and on the UNEP Law and Environment Assistance Platform Clearing-house Mechanism. There was convergence around the view that requests for technical assistance from countries submitted through the UNEP-LEAP Clearing-house Mechanism should be prioritized, without prejudice to the future consideration of requests from other stakeholders.

7. Given the significant delays in holding the first global meeting caused by the continuing COVID-19 pandemic, substantive activities directly under the Programme were delayed until June 2021, when the national focal points agreed at the online segment of the first global meeting on “legal responses to address the air pollution crisis” as an initial priority area of implementation under the Programme. However, and notwithstanding the delay in holding the first global meeting to agree on the priority areas of implementation under the Programme, the secretariat used the time from the adoption of the Programme until June 2021 to invest in and undertake a range of preparatory activities to ensure that the Programme was optimally positioned to begin effective implementation following the first global meeting. Those activities include the following:

(a) **Development of the UNEP Law and Environment Assistance Platform.** The secretariat has developed UNEP-LEAP as the central delivery and coordination mechanism for information exchange and implementation of activities under the Programme. UNEP-LEAP is an online platform, available at <https://leap.unep.org>. It comprises three substantive and interconnected sections: (a) technical assistance, which consists of a clearing-house mechanism for countries to request technical assistance and includes a menu of services connected to the core objectives of the Programme; (b) a knowledge base containing cutting-edge environmental law information with a particular focus on national-level legislation; and (c) country profiles. The Platform also provides supporting information on Montevideo Programme V, including an activity calendar with events, meeting documents, contact details for all national focal points, information on the steering committee for implementation and details on the Programme’s partners. The secretariat presented and launched UNEP-LEAP during the online segment of the first global meeting of national focal points and since

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<sup>2</sup> See <https://leap.unep.org/content/basic-page/steering-committee>. Accessed in March 2022.

<sup>3</sup> Ibid. See also UNEP/Env.Law/MTV5/GNFP.1/6, annex.

then has been actively working on refinements to the mechanism. As at 20 March 2022, the secretariat had received requests for technical legal assistance through the UNEP-LEAP clearing-house mechanism from the State of Palestine and four non-governmental organizations. Other requests for support from States have been received and acted upon by UNEP since the start of the Programme. While these pre-date the identification of priority areas for implementation by national focal points, they are directly related to the objectives and strategic activities of Montevideo Programme V. These other requests for assistance that were not received through UNEP-LEAP will be uploaded to the platform for tracking purposes.

(b) **Development of communication products to build awareness of the Programme.**

The secretariat has developed five key communication products to help to build awareness of the Programme among national focal points and stakeholders. All communication products relating to the Programme are currently available on the UNEP website<sup>4</sup> and on UNEP-LEAP. The products are as follows: a user-friendly version of the text of Montevideo Programme V as adopted by the United Nations Environment Assembly at its fourth session; a brochure summarizing the key features of Montevideo Programme V; a short video explaining Montevideo Programme V; a short video explaining UNEP-LEAP; and a factsheet for national focal points, which is available in all six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).<sup>5</sup>

(c) **Increasing the number of designated national focal points.** The secretariat, including through its regional offices, has actively sought the designation of national focal points by member States that have not yet done so. As at 20 March 2022, the secretariat had received confirmation of the designation of national focal points from 141 member States, in addition to designations from the State of Palestine, the Cook Islands, Niue and the European Union. More information on the status of national focal points is set out in document UNEP/ENV.LAW/MTV5/GNFP.1/3/Rev.1 and is available on UNEP-LEAP. The secretariat has also engaged with national focal points through requests for information concerning the global assessment of air pollution legislation report, which was launched on 2 September 2021 with the title *Regulating Air Quality: The First Global Assessment of Air Pollution Legislation*; the survey on national policy and legislation on the management of different types of COVID-19-related waste; the survey conducted as part of updating the publication *Environmental Courts and Tribunals: a Guide for Policymakers*, and five regional webinars on the above-mentioned air pollution report.

(d) **Outreach to partners of the Programme.** The secretariat convened an inter-agency dialogue entitled “Advancing Environmental Rule of Law Together” in Geneva from 26 to 28 November 2019 to build partnerships for the effective implementation of Montevideo Programme V. The meeting was attended by seven secretariats of multilateral environmental agreements, nine United Nations entities, intergovernmental organizations, the International Union for Conservation of Nature and colleagues from across UNEP. All the participants expressed strong support for Montevideo Programme V and expressed their willingness to partner with UNEP in the implementation of the Programme.<sup>6</sup> A group called “Legal Officers Network for Montevideo Programme V” was also established. The secretariat has also provided bilateral briefings on Montevideo Programme V to various stakeholders during 2020 and 2021, including member States, civil society organizations, academic institutions, other United Nations bodies and private sector entities.

(e) **Seeking strategic alignment with the UNEP programme of work and budget for the biennium 2022–2023 and the Medium-Term Strategy for the period 2022–2025.** In its resolution 4/20, the United Nations Environment Assembly requested the Executive Director to

<sup>4</sup> See [www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1/](http://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1/). Accessed in March 2022.

<sup>5</sup> [www.unep.org/resources/factsheet/montevideo-environmental-law-programme-national-focal-points](http://www.unep.org/resources/factsheet/montevideo-environmental-law-programme-national-focal-points). Accessed in March 2022.

<sup>6</sup> Representatives were in attendance from the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention); 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; the Stockholm Convention on Persistent Organic Pollutants; the Convention on Biological Diversity; the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the Convention on the Conservation of Migratory Species of Wild Animals and its associated agreements; the Vienna Convention for the Protection of the Ozone Layer; the United Nations Framework Convention on Climate Change; the Food and Agriculture Organization of the United Nations; the Office of the United Nations High Commissioner for Human Rights; the United Nations Human Settlements Programme (UN-Habitat); the United Nations Office on Drugs and Crime; the Commonwealth Secretariat; the International Union for Conservation of Nature; the Organisation for Economic Co-operation and Development; and the World Trade Organization.

implement Montevideo Programme V through the programmes of work for the decade beginning in 2020, as approved by the Environment Assembly, in a manner that strengthened the related capacity in member States, contributed to the environmental dimensions of the 2030 Agenda for Sustainable Development and was fully consistent with relevant medium-term strategies of UNEP. The secretariat has sought to ensure that Montevideo Programme V is appropriately aligned with and integrated into the programme of work and budget for the biennium 2022–2023 and the Medium-Term Strategy for the period 2022–2025, as adopted by the Environment Assembly at its fifth session.

## II. Implementation of the initial priority area on legal responses to air pollution

8. At the online segment of the first global meeting, national focal points decided on an initial priority area for the Programme, namely legal responses to address the air pollution crisis. At the first meeting of the steering committee for implementation, held on 5 July 2021, the Committee endorsed the proposal by the secretariat to develop a roadmap for this initial priority area. The final version of the roadmap, reflecting comments received from the steering committee for implementation, was circulated to national focal points on 26 November 2021. That version, which has been reproduced without formal editing, is set out in annex II to the present report. At the same time, the secretariat of Montevideo Programme V invited requests for technical legal assistance. One request, from the State of Palestine, has been received and is currently being evaluated.

9. As part of the activities under the roadmap, the report *Regulating Air Quality: The First Global Assessment of Air Pollution Legislation*<sup>7</sup> (the GAAPL) was launched on 2 September 2021. The report presents the findings of a study of air quality legislation in 194 countries and the European Union. Using the Air Quality Guidelines developed by the World Health Organization as a starting point, the study examines the legal measures for determining whether air quality standards are being met and what legal standards exist for failure to meet them. It emphasizes that robust air quality governance is critical to attaining air quality standards and public health goals, provides recommendations to assist countries in strengthening air quality governance and serves as a resource for countries wishing to effectively address air pollution and contribute to the achievement of the Sustainable Development Goals. The launch of the report was followed by several outreach activities to enhance the visibility of the study and, in particular, its key findings. The structure of an online database for the material collected on air pollution legislation around the world as a result of the study is currently being explored.

10. As a follow up to the global assessment, UNEP is preparing a guide on ambient air quality legislation. The Guide will provide assistance to national lawmakers and policymakers in developing, scrutinizing and updating national air quality legislation, with the aim of promoting robust national systems of outdoor air quality governance that prioritize public health outcomes. The Guide will draw on research surveying national air quality legislation around the world (the global assessment), current WHO outdoor air quality guidelines and technical expertise (on ambient air quality monitoring and modelling in particular). The Guide will be available in the second half of 2022.

11. An initial mapping of potential partners and stakeholders for work relating to the global response to the air pollution crisis has been developed, with initial outreach activities focusing on the GAAPL and the Guide. The mapping and outreach activities seek to establish and strengthen coordination among stakeholders to ensure complementarity and avoid duplication of work. The aim is to identify potential activities to be undertaken in collaboration with relevant partners and stakeholders prior to the in-person segment of the first global meeting of national focal points.

## III. Status of activities

12. Paragraph 4 of Montevideo Programme V outlines nine strategic activities on which the Programme will focus to achieve its six objectives. Of note is the fact that UNEP has continued to deliver a substantial programme on environmental law in the implementation of the environmental governance subprogramme set out in its Medium-Term Strategy for the period 2018–2021 and its programme of work and budget for the biennium 2020–2021. Many of those activities are relevant to the objectives and strategic activities of Montevideo Programme V. The activities delivered during the period 2020–2021 and which are relevant to the objectives and strategic activities of Montevideo Programme V are listed in annex I to the present report.

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<sup>7</sup> [www.unep.org/resources/report/regulating-air-quality-first-global-assessment-air-pollution-legislation](http://www.unep.org/resources/report/regulating-air-quality-first-global-assessment-air-pollution-legislation).

## IV. Status of funding

13. As the report of the Executive Director to the Environment Assembly at its fifth session (UNEP/EA.5/15) concerning the availability of adequate funding to support implementation of Montevideo Programme V pursuant to resolution 4/20 indicates, previously, there is no dedicated funding available to the secretariat to implement the Programme. Instead, UNEP has been undertaking its work associated with the Programme using resources allocated to the UNEP Law Division that were intended for its role in implementing the environmental governance subprogramme of the UNEP programme of work for the biennium 2020–2021. Those resources comprise allocations from the Fund of the United Nations Environment Programme and extrabudgetary resources from bilateral donors for earmarked purposes.

14. It will not be possible to provide an informed estimate of funding needs for activities under Montevideo Programme V until national focal points are able, at their first global meeting, to identify the priority areas for the implementation of the Programme.

15. The secretariat is required to seek to procure appropriate funding for the implementation of activities under Montevideo Programme V and consider establishing a trust fund for the management of designated funds, as appropriate, in accordance with relevant decisions of the Environment Assembly, and including through other sources of funding, such as voluntary contributions from Governments, the private sector, foundations and other organizations.<sup>8</sup> It has contacted potential donors and concluded contribution agreements for a total amount of approximately US\$1,575,100 with Norway and the United Kingdom of Great Britain and Northern Ireland. The secretariat encourages and welcomes additional voluntary contributions from Governments, the private sector, foundations, and other organizations. Furthermore, the secretariat has initiated the process of establishing a trust fund for the management of designated funds, as appropriate, in accordance with relevant decisions of the Environment Assembly.

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<sup>8</sup> UNEP/EA.4/19, annex, para. 6.

## Annex I

### List of activities implemented in 2020 and 2021 relevant to the objectives and aligned to the strategic areas of the Programme

#### I. Provision of practical guidance, tools, innovative approaches and resources

1. To support the effective and inclusive development and implementation of environmental law, the secretariat has developed and published the first global assessment of air pollution legislation; participated in the continuous updating and expansion of the *Law and Climate Change Toolkit* by adding a standalone section on aquaculture legislation; produced the policy note entitled *Green Approaches to COVID-19 Recovery: Policy Note for Parliamentarians* in collaboration with the Inter-Parliamentary Union, highlighting the unique role of parliamentarians in the coronavirus disease (COVID-19) emergency and recovery processes and the practical approaches towards an environmentally sustainable economic recovery, providing examples at both the national and regional levels; produced a publication entitled *Legislative Approaches to Sustainable Agriculture and Natural Resources Governance* in partnership with the Food and Agriculture Organization of the United Nations; and developed and produced *Tackling Plastic Pollution: Legislative Guide for the Regulation of Single-Use Plastic Products* in partnership with the World Resources Institute to help legislators and policymakers to explore options for reducing the harmful impact of single-use plastic products by regulating their production and consumption, promoting alternatives and improving the management, recycling and final disposal of single-use plastic waste. Workshops on “green” COVID-19 recovery were held in Seychelles and Zimbabwe with Members of Parliament of those countries and their staff on the basis of the policy note.

2. In addition, the secretariat has reviewed the draft regulations of China on ozone-depleting substances to include hydrofluorocarbons and the draft climate change bills of Fiji and Maldives. It has assisted Viet Nam in assessing the assignment of responsibility in State management on environmental protection under its 2014 Law on Environmental Protection and other related legislation, and has provided assistance in developing recommendations to improve its management of wet markets. It has supported the development of regulations based on the Climate Change Management Act 2015 of Papua New Guinea. The secretariat has also assisted the Islamic Republic of Iran by reviewing its draft Montreal Protocol Regulation and Executive Instruction on the Montreal Protocol Regulation, and provided advisory services and technical assistance to Guinea Bissau to revise and update its 2011 Framework Law on Environment. Moreover, the secretariat has provided initial assistance to Botswana in relation to the development of new or revised Montreal Protocol regulations. It has also assisted Colombia and Mexico in developing plastics legislation and Eswatini in developing a draft climate change bill. Pakistan was also assisted by the secretariat in reviewing its 2021 Montreal Protocol Rules. Legal and policy guidance on addressing marine litter to strengthen national legislative action was provided to Cambodia, Malaysia and the Philippines.

#### II. Developing and promoting information and data exchange among legal stakeholders

3. The secretariat has developed the UNEP Law and Environment Assistance Platform (UNEP-LEAP) as the central delivery and coordination mechanism for information exchange and implementation of the activities under the Programme. UNEP-LEAP is an online platform, available at <https://leap.unep.org>.

4. In 2021, the secretariat developed a legal database to link groups and individuals working on environmental matters across all regions, and the general public, to public interest law clinics and other organizations that can provide them with legal support on matters related to the environment and natural resources. The database is searchable by organization type, country, region and suite of services provided and is available at <https://environmentallegalprotection.informe.org/>.

### III. Promoting public participation, access to information and access to justice in environmental matters

5. In June 2021, the Executive Director of UNEP endorsed STEP-UP, a joint commitment by heads of United Nations entities to promote the right of children, youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels in relation to climate action and climate justice. The secretariat has contributed to the drafting of the Joint Commitment as part of the United Nations inter-agency group created by the Secretary-General's Call to Action for Human Rights and is in the process of implementing the Joint Commitment, including through organizing consultations with children and young people.

6. In May 2021, the secretariat launched a report entitled *Neglected: Environmental Justice Impacts of Marine Litter and Plastic Pollution*, which examines the environmental justice implications along the plastics life cycle and in line with the Sustainable Development Goals. A key message of the report is the need for public participation, access to information and access to justice when addressing marine litter and plastic pollution. The secretariat has also supported the compilation of research in the Democratic Republic of the Congo, Ghana, Kenya and South Africa on the topic of procedural rights of access to information, public participation and access to justice. The findings of the research will enable State and non-State actors to advance discussions and options for a region-wide approach to procedural access rights.

7. In June 2021, the secretariat supported the ASEAN Intergovernmental Commission on Human Rights to hold an expert working group meeting on the promotion of human rights and the environment, in particular through access rights in environmental decision-making. A technical briefing paper entitled *Access to Information, Public Participation and Access to Justice in Environmental Decision-making in Asia-Pacific* was prepared to support the meeting.

### IV. Promoting recognition of the mutually reinforcing relationship between environmental law and the three pillars of the Charter of the United Nations

8. The secretariat provided legal and technical support to member States in the adoption of Human Rights Council resolution 48/13 of 8 October 2021,<sup>1</sup> which recognized the right to a clean, healthy and sustainable environment as a human right for the first time at the global level. The right to a healthy environment, rooted in the 1972 Stockholm Declaration (the output of the first United Nations Conference on the Human Environment, held in Stockholm from 5 to 16 June 1972), has already been recognized by at least 155 States at the national and regional levels. The Human Rights Council resolution clarifies the relationship between environmental law and human rights by affirming that the full implementation of the multilateral environmental agreements is required for the promotion of the right to a healthy environment.

9. The secretariat also led the joint statement of United Nations entities to the Human Rights Council at its forty-sixth session in support of the efforts by States to advance the right to a healthy environment.<sup>2</sup>

10. In 2020 and 2021, the secretariat, together with the Office of the United Nations High Commissioner for Human Rights (OHCHR), produced four resources that promote the recognition of the interlinkage between environmental law and the three pillars of the United Nations, namely human rights, peace and security, and development. The resources provide key messaging on COVID-19 and the environment, biodiversity, hazardous substances, and gender and the environment.

11. In November 2021, the secretariat launched a publication entitled *Principles and Policy Guidance on Children's Rights to a Safe, Clean, Healthy and Sustainable Environment in the ASEAN Region*,<sup>3</sup> which provides member States with guidance on ways in which those rights can be promoted and protected.

<sup>1</sup> A/HRC/RES/48/13.

<sup>2</sup> [www.unep.org/news-and-stories/statements/joint-statement-united-nations-entities-right-healthy-environment](https://www.unep.org/news-and-stories/statements/joint-statement-united-nations-entities-right-healthy-environment). Accessed in March 2022.

<sup>3</sup> [www.unep.org/resources/publication/principles-and-policy-guidance-childrens-rights-safe-clean-healthy-and](https://www.unep.org/resources/publication/principles-and-policy-guidance-childrens-rights-safe-clean-healthy-and). Accessed in March 2022.

## **V. Supporting collaboration and promoting partnerships in the field of environmental law**

12. Regarding partnerships in the field of environmental law, the secretariat is part of a coalition of United Nations entities and other organizations promoting the rights of the child to a healthy environment and has been part of the legal drafting group of the Global Alliance to Eliminate Lead Paint. In addition, the secretariat has renewed its support to a partner organization, Universal Rights Group, on the redesign and relaunch of a joint website ([www.environment-rights.org](http://www.environment-rights.org)).

13. The secretariat is part of the Oceania Environmental Law Global Partnership, which was launched following the International Union for Conservation of Nature (IUCN) World Conservation Congress, held in Marseille, France, from 3 to 11 September 2021 and attended by organizations that have a common goal in the advancement of the environmental rule of law in Oceania, including the IUCN World Commission on Environmental Law and the Global Judicial Institute on the Environment.

14. Pursuant to the memorandum of understanding signed between UNEP and the OHCHR in 2019, a community of practice, co-led by the secretariat, was established in 2020 to share information on, among other things, environmental and human rights law. The objective of the community of practice is to improve information and knowledge-sharing between the two organizations with the aim of strengthening existing linkages at the field, country, regional and global levels to implement areas of cooperation that have been agreed upon.

15. Following a request for assistance from the Global Alliance of National Human Rights Institutions (GANHRI) in December 2020, the secretariat has been working in partnership with GANHRI to support the efforts of national human rights institutions to integrate climate change and environmental matters into their work. Currently, UNEP, GANHRI and other relevant partners are developing legal tools for national human rights institutions to facilitate their work on reporting on and monitoring of environmental issues.<sup>4</sup>

## **VI. Encouraging and facilitating education on environmental law**

16. In the advancement of education on environmental law, the secretariat has supported the development of a Train the Trainers (TTT) manual and the organization of the third Scientific Conference and Workshop of the Association of Environmental Law Lecturers in Middle East and North African Universities and in 2021 supported the preparation of a report on environmental crime education in Ethiopia entitled *Assessment Report on Environmental Crime Education in Ethiopia*. In 2021, the secretariat further supported the development of TTT materials for women environmentalists and paralegals in Liberia and Sierra Leone. The secretariat supported a TTT programme in environmental law for early and mid-career legal educators from across India in November 2020. In 2021, the secretariat partnered with the Legal Education Board of the Philippines to launch the Environmental Law Teachers Online Training Programme to support all law schools in the Philippines to integrate mandatory environmental law courses within law degrees. In 2021, the secretariat supported the ASEAN Environmental Law Conference, the Oceania Environmental Law Conference and the South Asian Research Colloquium on Environment and Climate Change Law.

## **VII. Supporting awareness-raising initiatives on environmental law at various levels**

17. As regards awareness-raising initiatives on environmental law, the secretariat has developed eight videos on various aspects of human rights and the environment. The secretariat has also – jointly with OHCHR – launched a quarterly Environmental Rights Bulletin to share information on joint activities on an online platform and to promote information sharing and awareness-raising on human rights and the environment.

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<sup>4</sup> <https://ganhri.org/ganhri-and-unep/>.

## **VIII. Research on emerging environmental issues and on the relationship between environmental law and other, related legal fields**

18. The secretariat, in collaboration with the United Nations Children's Fund and the United Nations University, are co-leading a workstream for the High-level Committee on Programmes to explore and analyse the concepts of “intergenerational equity” and “duties to the future” as a first step towards developing analytical products in the future for the United Nations system.

## **IX. Promoting training for legal professionals and enforcement officials in the field of environmental law**

19. In the area of training for legal professionals and enforcement officials in the field of environmental law, the secretariat convened the Asia-Pacific Judicial Conference on Climate Change: Adjudication in the Time of COVID-19, held online from 9 to 11 December 2020; the World Judicial Conference on Environment, held in Kunming, China, on 26 and 27 May 2021; and the Asia-Pacific Judicial Symposium on Best Practices in Environmental Courts and Adjudication, held online on 17 and 18 June 2021. The secretariat also supported the development of an introductory course for judges on environmental governance and law in Thailand; training workshops for judges and magistrates in Zambia; an introductory course on environmental law for lawyers and judges in the Pacific; and training materials for women environmentalists and paralegals in Liberia and Sierra Leone. The secretariat also provided training for more than 200 national enforcement officers and other relevant authorities on waste trafficking.

20. The capacity of Kenyan customs and frontline officers on trade in environmentally sensitive commodities was enhanced through the development of a “green customs curriculum”, to be integrated into the regular customs training programme of the Kenya School of Revenue Administration. The curriculum includes the legal requirements under the trade-related multilateral environmental agreements.

21. The secretariat also provided support for developing training modules for law enforcement officials in Somalia in the handling of illegal wildlife trade issues.

## Annex II

### **Roadmap to deliver the initial priority area for implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law, namely, legal responses to address the air pollution crisis\***

#### **Background**

1. At the online segment 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 or Programme) held from 2 to 4 June 2021, national focal points decided on an initial priority area for the Programme, being *legal responses to address the air pollution crisis*. Further consideration of priority areas for Programme implementation will take place during the in-person segment of the meeting, which is envisaged to take place in 2022.
2. At the first meeting of the Steering Committee for Implementation of Montevideo Programme V held on 5 July 2021, the Committee endorsed the secretariat's proposal to develop a roadmap for this initial priority area.
3. Set out below is the final version of the roadmap reflective of comments received from the Steering Committee in September 2021. A report on the implementation of the roadmap will be prepared for the meeting of the Steering Committee immediately preceding the in-person segment of the first global meeting of national focal points.
4. Further background information supporting the roadmap is contained in the appendix to the present annex.<sup>1</sup>

#### **Objectives**

5. The roadmap will ensure a structured and strategic implementation of legal responses to the air pollution crisis in the lead up to the in-person segment of the first global meeting of national focal points. The roadmap will guide UNEP in taking achievable, clearly defined, measurable, verifiable and results-oriented action on the initial priority implementation area of air pollution. The roadmap also will help UNEP coordinate with countries with the design of interventions, coordinating and defining a clear timeline for implementation of activities, informing estimation of resource needs for implementing activities under the Programme, and monitoring of progress in the advancement of the priority area.
6. The roadmap will potentially serve as a model for the implementation of other priority areas to be identified at the in-person segment of the global meeting in terms of the process for designing the roadmap, its content and its implementation.
7. Where appropriate, the areas of focus and activities in the roadmap will build on key findings and recommendations of relevant reports, including the following UNEP reports:
  - (a) [\*Regulating Air Quality: The First Global Assessment of Air Pollution Legislation\*](#), released on 2 September 2021;
  - (b) The [\*Actions on Air Quality report\*](#) released in 2016 and its 2021 update, [\*Actions on air quality: A global summary of policies and programmes to reduce air pollution\*](#), released in early September 2021; and
  - (c) *Pollution Summary Report*, expected to be published by UNEP in December 2021.

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\* The present annex and the appendix thereto have been reproduced without formal editing.

<sup>1</sup> Editorial note: For the purposes of this document, annex I to the roadmap has been relabelled as appendix I to avoid confusion with the labelling of the roadmap as annex II. Other footnotes not found in the original version of the roadmap have also been added to the present annex to aid the reader.

8. The reports listed above point to the following activities that could be delivered based on the roadmap:
- (a) Technical legal assistance to countries in establishing legislatively mandated air quality standards or assisting countries that have powers to use existing authority to establish air quality standards;
  - (b) Technical and legal assistance to countries that are in the process of either revising air quality legislation or planning to introduce/revise air quality standards in legislation;
  - (c) Technical and legal assistance to countries in establishing permitting programs as a key mechanism for controlling air pollution emissions at the level of individual source, linking source level emission limits to planning for attainment of ambient air quality standards, and defining monitoring and reporting obligations to provide the basis for compliance and enforcement;
  - (d) Developing guidance on the regulation / good practices for addressing indoor air quality or open burning of solid waste;
  - (e) Capacity-building and providing tools or equipment for enabling effective enforcement of air quality standards;
  - (f) Strengthening regional cooperation in addressing air pollution through joint research, sharing experience workshops; and
  - (g) Reporting on UNEP's achievable, clearly defined, measurable, verifiable and results-oriented action taken on the initial priority implementation area of air pollution.
9. The roadmap will guide legal technical assistance to countries seeking to improve legislation, implementation, and compliance in line with the above considerations, drawing on examples of air quality management good practices and legislative provisions.

## Strategy

10. As set out in the Annex to the [Priority Areas for Implementation](#) document,<sup>2</sup> the strategy for this priority area is to support countries to strengthen, develop and implement appropriate legal instruments and frameworks and build related capacity, to prevent, reduce and control air pollution in collaboration with relevant partners and stakeholders.
11. Successful air quality legislation often takes account of the following guiding considerations:
- (a) Air quality management is a continuous cycle of development and improvement with a goal of improving public health and the environment;
  - (b) Control of local air pollution and greenhouse gases and short-lived climate pollutants often goes hand-in-hand;
  - (c) National and sub-national regulations, often supplemented by voluntary and market-based programs, can be effective in achieving significant air pollution reductions;
  - (d) Cooperation across internal boundaries is critical for controlling air pollution that affects multiple sub-national jurisdictions;
  - (e) Providing information to the public enables them to play a key role in achieving standards and improving public health - transparency makes for better public policy.
12. Informed by the above, the following approaches will contribute to the achievement of this roadmap:
- (a) Legal responses that are based on science, technological innovation and advancement, and emerging developments in the field of international environmental law;
  - (b) Synergy and complementarity among efforts and the avoidance of duplication;
  - (c) Country-level engagement within the framework of triangular and South-South cooperation;

<sup>2</sup> Priority areas for implementation (UNEP/Env.Law/MTV5/GNFP.1/4).

- (d) Inclusiveness in the development and implementation of the roadmap, including through consultation with the Steering Committee<sup>3</sup> and national focal points;
- (e) Collaboration with relevant partners and stakeholders; and
- (f) Collection of data and reporting on the verifiable and measurable results produced by the actions UNEP takes consistent with the roadmap.

13. Criteria for considering activities under the roadmap include, among others:

- (a) Impact of a legal response;
- (b) Integration of the legal response into a broader national response framework;
- (c) Sustainability of the legal response; and
- (d) Identified actions are to be achievable, clearly defined, measurable, verifiable and results oriented.

14. The roadmap will be implemented in an iterative manner. It will be implemented through key UNEP activities and outputs that will be identified and prioritized based on the key findings and recommendations of available studies as well as studies to be developed under the umbrella of the roadmap. These key activities and outputs will be reviewed and updated through a process of consultation with the Steering Committee, national focal points, and other key stakeholders and actors. Specific activities will be implemented by actors that are identified under the roadmap, including established and new partners of UNEP, and voluntarily undertaken by Member States. While not all activities will be led by UNEP, those that are implemented under the roadmap will be monitored by the secretariat. The secretariat will encourage and provide technical support as required and requested to establish at the local, sub-national and national levels, monitoring and evaluation mechanisms to ensure effective implementation of and compliance with the strategies for implementation by relevant parties.

15. The roadmap will be reviewed in the lead-up to each global meeting of national focal points and revised following each global meeting. Reports on the implementation of the roadmap will be prepared for consideration by the Steering Committee and the global meetings on a regular basis.

### **Key outputs and activities**

16. From the last quarter of 2021 to the first half of 2022, UNEP intends to undertake the following activities:

- (a) Outreach for the First Global Assessment on Air Pollution Legislation (GAAPL)
  - (i) Launch the GAAPL on 2 September 2021 as part of event leading up to the International Day of Clean Air for Blue Skies celebrated on 7 September 2021;
  - (ii) Develop outreach activities to enhance the visibility of the GAAPL, in particular, its key findings, including through participation in conferences on environmental law and environmental management;
  - (iii) Establish an online database of air pollution legislation, drawing from data collected in the preparation of the GAAPL;
- (b) Map of key partners and stakeholders
  - (i) Undertake an analysis of potential partners and stakeholders at the international, regional, and national levels;
  - (ii) Develop outreach activities to establish and strengthen coordination among stakeholders;
  - (iii) Outline potential further activities to be undertaken in collaboration with relevant partners and stakeholders;

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<sup>3</sup> Priority areas for implementation (UNEP/Env.Law/MTV5/GNFP.1/4), paragraph 7, states that “Prioritization and details of each priority area would be discussed and finalized in close consultation with the steering committee for implementation.”

- (c) Identify potential areas of collaboration on transboundary air pollution
  - (i) Engage with existing collaboration efforts on transboundary air pollution, in particular with the UNECE as Secretariat to the Convention on Long-range Transboundary Air Pollution and its Forum on Global Cooperation on Air Pollution.

### Future activities

17. Building on outcomes of related initiatives undertaken under section on “Key outputs and activities” above and further guidance from the meeting of the Steering Committee, and subject to the outcomes of in-person segment of the first global meeting of national focal points for Montevideo Programme V, the following activities will be further elaborated on and implemented in the second half of 2022 and until the second global meeting of national focal points:

- (a) Map of key initiatives for implementation
  - (i) Develop list of potential areas of intervention, key milestones, and activities for the roadmap;
  - (ii) Consult with national focal points and UNEP regional offices to ensure activities align with and complement national and regional priorities, respectively;
  - (iii) Consult with key partners and stakeholders on the activities and milestones.
- (b) Support to countries in strengthening legal frameworks to regulate air pollution
  - (i) Develop guidance for countries on key elements for an effective and enforceable national legal framework on air quality.
- (c) Identify potential areas of collaboration on transboundary air pollution
  - (i) Collect and disseminate good legislative practices on addressing transboundary air pollution.
- (d) Collect data and report on the verifiable and measurable results produced by the actions UNEP takes consistent with the roadmap
- (e) Review actions at the local, sub-national and national levels towards effective implementation and compliance
- (f) Expand support to enhance legal frameworks on air pollution
  - (i) Develop practical guidance for countries on strengthening the development and implementation of national and subnational legal frameworks to regulate air pollution, such as:
    - a. The development of model indicators for effective regulation of air pollution;
    - b. Compilation of good practices;
    - c. The development of model legislation on the regulation of air pollution in general or on specific topics such as indoor air pollution, air quality management and planning, reduction of ground-level ozone emissions, reduction of methane emissions, reduction of particulate levels etc.;
    - d. Guidance on effective permitting and enforcement models, methods, and techniques;
  - (ii) Provide technical legal assistance to countries in the review and development of adequate and effective subnational or national environmental legislation and legal frameworks on air pollution, using the practical guidance developed above.
- (g) Expand support to countries on regulating transboundary air pollution
  - (i) Identify countries that have successfully established legislation on transboundary air pollution and undertake an assessment of legislation to understand good practices, challenges and to develop recommendations;

- (ii) Develop model national legislation and regional agreements for countries and regions wishing to improve governance on transboundary air pollution.
- (h) Improve capacity of stakeholders. Develop and undertake targeted capacity-building activities for enforcement officials and the general public on addressing air pollution through legal responses.

## Appendix

### Background information

#### A snapshot of the problem

1. This section provides an overview of the status of air pollution, defined in the *Pollution Summary Report* (PSR) that is being developed by the Economy and Science Divisions of UNEP as “the release of harmful pollutants in the air through manufacturing, transportation and other human activities.”
2. The PSR affirms that air pollution is the world’s single greatest environmental risk to health, that pollution touches all parts of the planet, and that its negative impacts to the air lead to unhealthy people and have huge social costs in terms of human health and well-being as well as on the formal economy and livelihoods worldwide. The PSR identifies multiple sources of outdoor air pollutants, which originate from, among others, fuel emissions for electricity and heat, transport, agriculture, incineration, and other unregulated sources of waste burning including plastics, metals, and batteries. Events leading to natural sources of outdoor air pollution include wildfires, volcanic eruptions, and the burning of peatland. In certain countries, indoor air pollution is attributed to a huge dependence on traditional technologies and fuels for cooking and lighting. A key driver of air pollution is subsidization and combustion of fossil fuels.
3. The PSR also demonstrates that air pollution does not occur in isolation, but can affect and/or is affected by changing climate, biodiversity loss, ecosystem degradation, desertification, and land degradation, which are closely related and reinforce each other.

#### Responses to the air pollution crisis: Initial mapping of key stakeholders and interventions

4. An initial, desk-based mapping of key stakeholders and interventions has yielded the following approach, which will be reviewed and revised during the roll-out and implementation of activities under the roadmap (see section on “Key outputs and activities” of the roadmap).
5. Within UNEP, work on air pollution is led by the Economy Division. In particular, the Pollution and Health Unit. This Unit was responsible for producing the global [Actions on Air Quality Report](#) released in 2016, together with the regional reports that outline actions taken by governments to improve air quality. An update to the 2016 report was released in September 2021 and is part of the “Air Pollution series”: the [Actions on air quality: A global summary of policies and programmes to reduce air pollution](#). Part of the same series is the report [Regulating Air Quality: The First Global Assessment of Air Pollution Legislation](#) (GAAPL), launched in early September 2021. The global assessment presents the findings of a study of air quality legislation in 194 countries and the European Union. Using the 2005 Air Quality Guidelines developed by the World Health Organization as a starting point, the report examines the legal measures for determining whether air quality standards are being met and what legal standards exist for failure to meet them.
6. UNEP also hosts the secretariat of the [Climate and Clean Air Coalition](#). The Coalition is a global effort that unites government, people, and the private sector in committing to improve air quality and protecting the climate by reducing short-lived climate pollutants. In Asia Pacific, the Coalition supports capacity building and the development of National Action Plans on short-lived climate pollutants for close to 20 countries. The [Global Environment Monitoring System for Air](#) (GEMS Air) is the UNEP mechanism on air quality monitoring that builds and maintains collaboration amongst global stakeholders to enhance and report data on the world’s air quality. It builds capacity and generates services in partnership with multiple stakeholders using low-cost sensors to support the development of evidence-based air quality management policies and to support actions for mitigating air pollution.

7. Outside of UNEP, key actors and stakeholders include the World Health Organization, which leads the development of air quality guidelines,<sup>1</sup> and the Global Platform on Air Quality and Health, UNDP, which supports air pollution initiatives at multiple scales,<sup>2</sup> and the World Bank.<sup>3</sup> The WHO, the World Bank, UNEP and Climate & Clean Air Coalition work together through the [BreatheLife network](#). BreatheLife combines public health and climate change expertise with guidance on implementing solutions to air pollution in support of global development goals. In addition to these entities, in line with its [vision and mission](#), UN-HABITAT works on improving air quality in the urban environment. Also, the [Urban Air Action Platform](#) aims to sustain and grow the world's foremost air quality databank. The data, shared on a single, UN-coordinated platform, empowers governments to improve policy, allows citizens to make more informed health choices and demand action from their governments, while giving businesses the ability to make investment decisions that promote a cleaner, greener environment.

8. Regional actors and initiatives that should be further examined include the following:

(a) In the Asia-Pacific Region:

- (i) The [Asia-Pacific Clean Air Partnership](#) (APCAP), which was launched by UNEP and its partners in 2015. APCAP is a platform for policy makers and stakeholders to share knowledge, tools, and innovative solutions to tackle air pollution in the region. It brings together countries, networks and initiatives that focus on clean air in the region;
- (ii) The [Acid Deposition Monitoring Network in East Asia \(EANET\)](#). EANET is a science-based network established in 1998 to foster collaboration to combat acid deposition and related atmospheric pollution. It aims to generate shared understanding of acid deposition problems by providing data and information to policy makers and facilitating cooperation among participating countries. UNEP hosts the secretariat of the network;
- (iii) The WHO Western Pacific Office supports the [Asia Pacific Regional Forum on Health and the Environment](#). The Forum seeks to create greater synergy among relevant government departments to address environmental and health issues. Every three years, ministers of both health and environment come together to set the overall policy direction of the Forum, while their high-level officials meet every 18 months to deal with policies, strategies, budgets, and plans. The Forum addresses environment and health priorities in ways that add value to the ongoing efforts of countries and other regional and sub regional bodies.

(b) In Europe:

- (i) Fifty-one Member States of the United Nations Economic Commission for Europe (UNECE) are Parties to the Convention on Long-Range Transboundary Air Pollution (1979), though not all of these Member States are also Parties to each of the Convention's eight protocols. The GAAPL, which was released on 2 September 2021, notes that the Convention and its Protocols have resulted in a very high incidence of legislative ambient air quality standards (AAQS) and legal provisions relating to transboundary air pollution within the European Union.<sup>4</sup> The experiences of the Convention Parties could be a reference for

<sup>1</sup> [Evolution of WHO air quality guidelines: past, present and future](#) (2017) summarizes key WHO publications in the field of air quality and health since the 1950s, which led to the development of the series of WHO air quality guidelines. It outlines the evolution of the scientific evidence on the health effects of air pollution and of its interpretation, supporting policy and other decision-makers in setting outdoor and indoor air quality management strategies worldwide. Current WHO activities and their future directions in this field are also presented.

<sup>2</sup> For example, in Vietnam there is [The Green E-Transportation Initiative](#), a public-private initiative and jointly planned and implemented by UNDP, MBI Viet Nam, Ecopark, Ecotek, and Hue city. Its objective is to promote green mobility to reduce air pollution and health risks resulting from pollution. In Bosnia and Herzegovina, there is the [Go Green Initiative](#), which aims to combat air pollution and adapt to climate change through planting of trees.

<sup>3</sup> Among other things, it hosts the [Pollution Management and Environmental Health Program](#) (PMEH) secretariat. The PMEH is a multi-donor trust fund to promote more systematic and effective responses to deadly and costly air pollution launched to provide increased support on pollution management in order to respond to the magnitude of the threat to human health and economic growth. PMEH focuses on air quality management, water pollution, and toxic sites management and currently operates in China, Egypt, India, Nigeria, South Africa, and Vietnam.

<sup>4</sup> [Regulating Air Quality: The first global assessment of air pollution legislation](#), 2021, p. 46 and p. 40.

countries and regions wishing to develop national legislation or regional legal, policy and scientific coordinated approaches on transboundary air pollution.

- (ii) The [EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil'](#) (2021) includes directions to be taken by EU Member States towards zero air, water and soil pollution. It sets out the vision of a pollution-free world and combines all the ongoing and planned efforts in an integrated strategy that puts pollution prevention first.
- (iii) The U.S.-Canada Air Quality Agreement, established in 1991, addresses transboundary pollution between the two countries. Initially established to address sources of acid rain, it was expanded in 2000 to cover precursors of ground level ozone. Under the agreement the two countries also cooperation on a number of scientific, technical, and regulatory issues related to air quality.

### **A roadmap for legal responses to address air pollution world-wide**

9. As indicated in [Priority areas for implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law \(Montevideo Programme V\)](#), one of the documents presented at the online segment of the first global meeting of national focal points for the Programme:

“Effective laws and strong institutions provide the enabling environment necessary to achieve the Sustainable Development Goals and other relevant environment-related commitments. As outlined in the UNEP publication *Environmental Rule of Law: First Global Report*, well-designed laws implemented by capable government institutions held accountable by an informed and engaged public ensure that environmental goals and commitments can be achieved.”<sup>5</sup>

10. In the context of air pollution, the GAAPL assesses that:

Efforts to attain the 2005 WHO air quality guideline values and interim targets, and to significantly reduce the danger posed by air pollution to human health, cannot succeed without a legal and institutional foundation that establishes a robust system of air quality governance.<sup>6</sup>

11. The 2016 [Actions on Air Quality](#) report identified air quality laws and regulations as one of the key policy actions to significantly improve air quality.

12. The GAAPL defines legislation to include “all laws and regulations established by any formal state-sponsored legal process, and includes both primary legislation (enacted by a parliament or legislature) and secondary legislation (created under delegated legislative authority).”<sup>7</sup> Legislation is presented in the GAAPL as the bedrock of a robust system of air quality governance for at least three reasons, namely:

- (a) Legislative processes are well adapted to the nature of the air pollution problem, which is cross-sectoral and evolving;
  - (b) The enforceability of legislation is important in implementing air quality standards;
- and
- (c) Legislation is significant symbolically, both in projecting an authoritative State-sponsored vision on air quality issues, and in facilitating social and economic change.<sup>8</sup>

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<sup>5</sup> Priority areas for implementation, UNEP/Env.Law/MTV5/GNFP.1/4, para. 3.

<sup>6</sup> *Regulating Air Quality: The First Global Assessment of Air Pollution Legislation*, 2021, p. 11.

<sup>7</sup> *Ibid.*, p. 17.

<sup>8</sup> *Ibid.*, p. 13.