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## United Nations Environment Programme

### **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\*

Item 4 (a) of the provisional agenda\*\*

**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 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

\* The first global meeting will be held in two parts. The first part will be held online from 2 to 4 June 2021, while the second will be held in person at a location and date to be determined.

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

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

it planned to organize and facilitate the meeting in two segments, the first online, to be followed by an in-person meeting.

3. Given the significant delays in holding the first global meeting caused by the continuing COVID-19 pandemic, substantive activities under the Programme have not yet started. In the absence of the first global meeting to facilitate substantive activities, the secretariat has used the time since the adoption of the Programme to invest in and undertake a range of preparatory activities to ensure that the Programme is optimally placed to begin effective implementation following the first global meeting. Those activities include the following:

(a) *Development of the UNEP Law and Environment Assistance Platform (UNEP-LEAP).*

The secretariat has developed 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>. 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; 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 regarding the Programme's partners. The secretariat will present and launch UNEP-LEAP during the online segment of the first global meeting of national focal points.

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

The secretariat has developed four 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>2</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 Environment Assembly at its fourth session; a brochure summarizing the key features of Montevideo Programme V; a short video explaining Montevideo Programme V; and a factsheet for national focal points, which will be available in all six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).

(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 from member States that have not yet done so. As at 15 March 2021, the secretariat had received confirmation of the designation of 128 national focal points. More information on the status of national focal points is set out in document UNEP/ENV.LAW/MTV5/GNFP.1/3 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, the report of which is soon to be published 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 being conducted as part of updating the publication "Environmental Courts and Tribunals: a guide for policy-makers", and a webinar 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>3</sup> A group called "Legal Officers Network for Montevideo

<sup>2</sup> See <https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1/>.

<sup>3</sup> In attendance were representatives 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; the United Nations Office on Drugs and Crime; the

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 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. Status of activities

4. 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. Nevertheless, for the reasons outlined above, substantive implementation under the Programme will only begin once national focal points provide guidance, at their first global meeting, on what should be the priority areas of implementation for the Programme.

## III. Status of funding

5. 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, 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.

6. 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.

7. 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>4</sup> It has contacted potential donors, but to date no firm commitments have been obtained. The secretariat encourages and welcomes any voluntary contributions from Governments, the private sector, foundations and other organizations. Furthermore, the secretariat will examine the funding position for the Programme in July 2021 and, if necessary, consider 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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Commonwealth Secretariat; the International Union for Conservation of Nature; the Organisation for Economic Co-operation and Development; and the World Trade Organization.

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