

## Summary of the Resumed First Global Meeting of National Focal Points Under the Fifth Programme for the Development and Periodic Review of Environmental Law: 6-9 June 2022

Strong environmental laws and institutions underpin the successful implementation of any environmental goal, policy, or commitment, whether national or under a multilateral agreement. Over its 40 years of existence, the UN Environment Programme's (UNEP) Montevideo Environmental Law Programme has sought to: promote the development and implementation of environmental rule of law; strengthen related capacities; and contribute to the environmental dimension of development.

The outcome of the review of the previous iterations of the Montevideo Programme resulted in a mandate to sharpen the Programme's focus, with the purpose of heightening its profile and increasing its impact and effectiveness. Despite delays caused by the COVID-19 pandemic, UNEP and its Montevideo Programme partners have worked hard to realize this vision under the fifth version of the Programme (Montevideo Programme V) covering 2020-2030. The first virtual segment of the First Global Meeting of National Focal Points (NFPs) under the Montevideo Programme, held in June 2021, began work on the prioritization of thematic areas and set up the governance structure for its implementation. The resumed meeting, which this report summarizes, was expected to finish launching the Programme V, sketching out its trajectory through 2030 and giving specific marching orders for the Secretariat and the Steering Committee to lead it to full implementation mode.

The resumed meeting was held in a hybrid format, with some delegates attending in person at UNEP headquarters in Nairobi, Kenya, and those who could not travel due to COVID-19 restrictions participating through an online platform. The meeting faced the sort of technical challenges many international hybrid meetings have encountered, such as connectivity issues, temporary loss or mix-up of simultaneous translation, and even temporary loss of sound and/or picture for the online participants. Even so, delegates endured and engaged in lively and robust discussions about how the Montevideo Programme will evolve over the next eight years.

The meeting set priorities for Montevideo Programme V work, deciding to focus thematically on the triple planetary crises (climate change, biodiversity, and pollution), and a series of cross-cutting activities in support of these themes. For each issue, Montevideo Programme V will, among other things, seek to help

countries with legal responses to implement their obligations under the relevant multilateral environment agreements (MEAs), such as the Paris Agreement, the Convention on Biological Diversity (CBD), and the Basel Convention on Transboundary Movements of Hazardous Wastes, while cooperating with the MEA secretariats to avoid duplication of efforts and ensure synergies.

NFPs reviewed and provided feedback on the roadmap prepared by the Secretariat for the first issue chosen for Programme work by the virtual segment of the First Global Meeting, namely air pollution. They broadly welcomed the first steps taken and work underway to advise countries on adopting or improving their air quality legislation. The NFPs requested the Secretariat to prepare similar roadmaps for the other issues approved at the meeting's resumed session, namely climate change, biodiversity, waste, and compliance and enforcement to address pollution.

NFPs also discussed parameters for Programme partnerships across the United Nations and with other relevant entities in the field of environmental law. Taking this input into account, the Secretariat will now develop a strategy on partnerships for consideration by the Programme's Steering Committee for Implementation at its next meeting, tentatively scheduled for October 2022.

### In This Issue

A Brief History of the Montevideo Programme . . . . .	2
Report of the Resumed First Global Meeting of NFPs . . .	3
National Focal Points . . . . .	3
Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law . . . . .	3
Partnerships and Stakeholder Engagement. . . . .	8
Date and Venue of the Second Global Meeting of National Focal Points . . . . .	9
Other Matters . . . . .	10
Adoption of Outcomes and Closure of the Meeting . .	10
Upcoming Meetings . . . . .	10
Glossary. . . . .	10

In addition, NFPs discussed and provided guidance on proposed criteria for assessing requests for legal technical assistance under Montevideo Programme V. The Secretariat is already providing technical assistance on air pollution, and interest is strong for further assistance in that and other areas now that a trust fund has been established for the Programme.

Delegates also reviewed the evolving online platform created for the Programme, UNEP's Law and Environment Assistance Platform (LEAP), and offered suggestions for its further development.

The resumed First Global Meeting took place in person in Nairobi, Kenya, as well as virtually, from 6-9 June 2022. The online segment of the First Global Meeting took place in June 2021.

### A Brief History of the Montevideo Programme

Since 1982, UNEP's environmental law activities have been organized and coordinated through a series of 10-year programmes, adopted by the UNEP Governing Council (GC) and later by its replacement, the UN Environment Assembly (UNEA). These programmes, known as the Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme), were established for the development and periodic review of environmental law.

The Montevideo Programme has guided the international community in developing environmental law that transforms science-based policies into action-oriented rules and standards of conduct. Additionally, some MEAs, such as the Vienna Convention on the Protection of the Ozone Layer and the Basel Convention on Transboundary Movements of Hazardous Wastes, negotiated under the auspices of UNEP, find their roots in work fostered by the Montevideo Programme.

### Key Turning Points

**Montevideo Programme I** was adopted by the UNEP GC in 1982 as a strategic guidance plan for fulfilling UNEP's mandate to undertake activities regarding the conclusion of international agreements and the development of international principles, guidelines, and standards. It was divided into five parts: subject areas, objectives, and strategies; elements of strategy; methods of implementation, review, and follow up; general development of environmental law; and specific recommendations for initial action.

Major subject areas included: marine pollution from land-based sources; protection of the stratospheric ozone layer; and transport, handling, and disposal of toxic and dangerous wastes. Other subject areas included international cooperation in environmental emergencies, coastal zone management, and soil conservation.

**Montevideo Programme II** was adopted by the UNEP GC in 1993. It was based largely on the requirements outlined in Agenda 21, which was adopted at the UN Conference on Environment and Development in 1992. It was divided into 18 programme areas, which detailed their respective objectives, strategies, and activities for the Programme. These areas included: implementation of international legal instruments in the environmental field; dispute avoidance and settlement; transboundary air pollution control; management

of coastal areas; and international cooperation in environmental emergencies.

**Montevideo Programme III** was adopted by the UNEP GC in 2001. It included 20 components, organized under three main themes:

- effectiveness of environmental law, which considered capacity building, harmonization and coordination, and innovative approaches to environmental law;
- conservation and management, which addressed freshwater resources, biological diversity, and production and consumption patterns; and
- relationship with other fields, which focused on: trade, security and the environment, and military activities and the environment.

**Montevideo Programme IV** was adopted by the UNEP GC in February 2009. It covered 27 programme areas, each consisting of an objective, strategy, and set of actions, organized in four clusters:

- effectiveness of environmental law, focusing on cross-cutting issues that affect it;
- conservation, management, and sustainable use of natural resources, such as fresh and marine water, aquatic living resources, forests, biological diversity, and sustainable production and consumption patterns;
- challenges for environmental law, such as climate change, poverty, pollution prevention and control, and new technology; and
- relationship between environmental law and other fields, including human rights, trade, security, and military activities.

**UNEA-5:** The fifth session of UNEA (UNEA-5) in March 2019 requested the UNEP Executive Director to implement Montevideo Programme V through the UNEP Programme of Work for the decade beginning in 2020, and in a manner fully consistent with relevant UNEP medium-term strategies. The UNEP medium-term strategy for the period 2018–2021 identified seven priority focus areas: climate change; resilience to disasters and conflicts; healthy and productive ecosystems; environmental governance; chemicals, waste, and air quality; resource efficiency; and environment under review.

The UNEP medium-term strategy for the period 2022–2025 focuses on developing responses and deploying solutions that aspire to achieve three interlinked strategic objectives:

- climate stability, where net zero greenhouse gas emissions and resilience in the face of climate change are achieved;
- living in harmony with nature where humanity and nature prosper; and
- towards a pollution-free planet, where pollution is prevented and controlled, while ensuring good environmental quality and improved health and wellbeing for all.

**Online Segment of the First Global Meeting of NFPs Under the Montevideo Programme V:** Held virtually from 2-4 June 2021, the online segment established the Steering Committee for Implementation and adopted its rules of procedure. It discussed priority areas for implementation and agreed to identify air pollution as a focus area while agreeing to continue prioritizing other areas of work at the in-person segment. It also held an initial discussion about partnership and stakeholder engagement.



Arnold Kreilhuber, Deputy Director, Law Division, UNEP



Meeting Co-Chair Marcelo Cousillas, Uruguay

### Report of the Resumed First Global Meeting of NFPs

On Monday, 6 June 2022, Arnold Kreilhuber, Deputy Director, Law Division, UNEP, opened the meeting. Delivering remarks on behalf of the Director of the Law Division, Patricia Kameri-Mbote, he noted the Montevideo Programme celebrated its 40th birthday on 31 May 2022. He highlighted that during its 40-year tenure the Montevideo Programme has played a “powerful and transformational role” in helping the formation of national environmental laws and the negotiation of several MEAs, while providing a consistent guide for UNEP in the field of environmental law. Kreilhuber recalled the strategic objectives and activities for the Montevideo Programme V agreed by UNEA-5 for the decade beginning in 2020.

Meeting Co-Chair Timothy Epp, United States, explained the COVID-19 pandemic had forced the Programme to postpone the in-person First Global Meeting originally planned for Rio de Janeiro, Brazil, in 2020. He explained the meeting then bifurcated into a virtual session held in June 2021 so discussion on critical decisions for the Programme could begin, and that this in-person session would address the remaining aspects of the Programme’s agenda. However, COVID-19-related travel restrictions necessitated holding the second segment as a hybrid meeting, in person but with virtual participation for those unable to travel. He urged delegates to “focus on the practical,” particularly on defining priority areas for action, while considering measurable outcomes that are achievable within the 10-year timeframe of Montevideo Programme V.

Meeting Co-Chair Marcello Cousillas, Uruguay, recalled that the Montevideo Programme has been responsible for formulating guidelines and principles that evolved into chemicals and waste-related MEAs and was instrumental in the formulation of the Vienna Convention for the Protection of the Ozone Layer. He highlighted how Montevideo Programme V differs from its predecessors, as it has a supervisory structure, an emphasis on measurable results, a framework vision to be fleshed out by the selection of priority areas for action, and a mandate to consider partnerships and stakeholder engagement.

Co-Chair Epp noted the agenda for the First Global Meeting was adopted by the June 2021 virtual segment ([UNEP/Env. Law/MTV5/GNFP.1/1/Add.2](https://www.unep.org/press/2021/06/01/unep-law-mtv5-gnfp-1-1-add-2)). Given the time constraints of a

hybrid meeting, he said the co-chairs recommended postponing discussion on emerging issues in environmental law to the Second Global Meeting. Delegates approved the amendment to the agenda.

### National Focal Points

Co-Chair Cousillas introduced this agenda item on Monday, 6 June. Allan Meso, Secretariat, presented its note outlining the status of nominations of NFPs ([UNEP/Env.Law/MTV5/GNFP.1/3/Rev.1](https://www.unep.org/press/2022/06/06/unep-law-mtv5-gnfp-1-3-rev-1)), reporting the designation of 141 NFPs as of 20 March 2022, as well as NFP designations from Palestine, the Cook Islands, Niue, and the European Union (EU). Cousillas invited delegates to provide any updates and corrections to the Secretariat in writing.

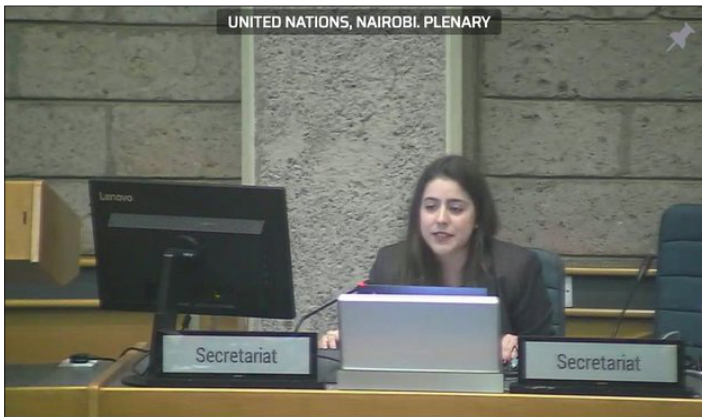
### Implementation of the Fifth Programme for the Development and Periodic Review of Environmental Law

#### Status of Implementation, Activities, and Funding:

Co-Chair Epp introduced this agenda item on Monday, saying Montevideo Programme V calls for the Secretariat to report on this topic every two years. He recalled that the Secretariat had provided an initial report during the June 2021 virtual segment.

Maria Socorro Manguiat, Secretariat, presented the Secretariat’s updated report ([UNEP/Env.Law/MTV5/GNFP.1/2/Rev.1](https://www.unep.org/press/2022/06/06/unep-law-mtv5-gnfp-1-2-rev-1)), explaining it provides updates on activities undertaken since the virtual segment, including the outcomes of the first two meetings of the Steering Committee and on the development of LEAP. She reported that UNEP established a Trust Fund to manage funds earmarked for the Programme, and already received funding pledges from Norway and the UK. She pointed out that an annex to the report includes the final version of the roadmap developed by the Secretariat to deliver the initial priority area selected by the virtual segment, namely legal responses to address the air pollution crisis. She said the roadmap outlines objectives, strategy, key outputs, and activities, and planned future activities.

She also noted developments since the report was prepared, including the first in-person meeting of the Steering Committee held that morning to consider preparations for the resumed session, as well as the designation of two new Committee



Marina Venâncio, Secretariat

members: Jimpson Dávila Ordoñez, Peru, and Helena Kramar, Slovenia.

Marina Venâncio, Secretariat, updated delegates on the development of LEAP while demonstrating its features in an overhead display. She explained LEAP has four principal hubs:

- “About,” which provides information and documents regarding the Programme, the Steering Committee, and Global NFP Meetings, as well as an up-to-date list of NFPs and Programme news;
- “Technical Assistance,” which allows governments and others to directly submit online requests for legal technical assistance, as well as provides tracking of approved requests where beneficiaries have agreed to have the information published;
- “Knowledge Base,” which provides a glossary, legislation and case law, guidance products and model laws, tool kits, publications and reports, policy briefs, e-learning courses, and tools and resources offered by Programme partners; and
- “Country profiles,” offering legislation, case studies, lists of experts, and other information sorted by country.

Many delegations hailed LEAP as a significant achievement. The UK, GERMANY, and SWITZERLAND called for completing and updating country profile information. Some countries suggested that the Secretariat contact NFPs to complete information in national country profiles.

SAINT LUCIA suggested the results of side events during the hybrid meeting be reflected on the LEAP platform, particularly those addressing possible priority areas.

The UK suggested providing a feedback option for users of LEAP’s technical assistance request mechanism, while FRANCE asked what improvements were foreseen in the request mechanism. UNEP indicated it is working to improve the technical assistance request mechanism to make it more user friendly.

SIERRA LEONE said his country is among the first to access technical assistance through LEAP. He added his country received assistance to assess and enhance its legal framework on air quality. PALESTINE and DEMOCRATIC REPUBLIC OF CONGO noted their countries submitted requests to receive technical assistance on air pollution legislation. PAKISTAN, KENYA, and others indicated they also intend to request legal technical assistance, with a focus on air pollution legislation.

The Secretariat said the Montevideo Programme Steering Committee recognized funding limitations and the need to prioritize technical assistance requests. She said requests by observers are recorded, but, at the instruction of the Steering Committee, priority is given to countries. IRAQ drew attention to the technical assistance needs of least developed countries (LDCs) and vulnerable countries in addressing climate change and biodiversity challenges. The Secretariat highlighted already available tools to support LDCs to comply with MEAs, as well as means of support beyond a legal scope.

The NETHERLANDS welcomed the news about the Trust Fund. GERMANY, supported by others, called for clearer information on Programme financing needs. The Secretariat said identification by member states regarding Programme priorities and implementation activities is key to offer indicative figures.

Noting paragraph 16 of the [Political Declaration of the UNEA Special Session to Commemorate the 50th Anniversary of the Establishment of UNEP](#), which called for strengthening the capacity of member states and specialized agencies in the development and implementation of environmental rule of law, FRANCE asked how the Secretariat intended to help implement this provision. The Secretariat highlighted UNEP’s long-standing work in providing legal technical assistance and capacity building to member states. She added that the Declaration strengthened UNEP’s mandate to provide such support, and that the identification of priority areas will help focus the provision of support on concrete areas.

FRANCE asked the Secretariat to further elaborate on activities undertaken on air pollution. Noting the roadmap for air pollution may serve as a model for roadmaps for other issue areas the Global Meeting selects, the NETHERLANDS offered a detailed critique of the roadmap, including:

- the need for an overarching objective that guides prioritization of activities;
- the need for a clear timeline linked to indicative resource needs;
- not limiting country-level engagement to the framework of triangular and South-South cooperation, to enable increased engagement with other stakeholders; and
- prioritization of envisioned future activities, including through a stepwise approach where one activity builds on another.



Gudi Alkemade, the Netherlands

The Secretariat noted that the air pollution roadmap builds on the findings of the [First Global Assessment of Air Pollution Legislation](#) (GAAPL), released in 2021. She said the next step is a legislative guide on ambient air quality that should be available by the end of 2022 but noted the GAAPL is already being used in technical assistance projects.

**Priority Areas for Implementation:** This agenda item was discussed throughout the week. On Monday, Kreilhuber presented the Secretariat's revised proposal for priority areas for implementation (UNEP/Env.Law/MTV5/GNFP.1/4/Rev.1), recalling the online segment had agreed to focus work on legal responses to address the air pollution crisis. He said the revised proposal reflected written submissions by NFPs. He noted the three proposed thematic areas represent legal responses to address the pollution, climate, and biodiversity crises, which are supplemented by identified cross-cutting activities.

During discussions on Monday and Tuesday, most delegates expressed support for focusing work on the three thematic areas identified. While supporting the triple focus, SWITZERLAND called for measurable activities, framed under a short list of concrete priorities to be implemented under a realistic schedule. FINLAND supported a more detailed description of the Programme's activities prioritized by countries. CANADA urged being realistic about what Montevideo Programme V can achieve within its remaining eight years. The NETHERLANDS said it was not realistic for the Programme to address all elements of relevance to the thematic areas prioritized before 2030. He said the First Global Meeting should focus on what can be realistically accomplished in the next two years prior to the Second Global Meeting. The US agreed, noting the Programme's direction can be adjusted every two years.

ETHIOPIA and SIERRA LEONE stressed the interconnection between the proposed three thematic areas. MALAWI inquired about the mid-term indicators envisioned for the pollution thematic area.

Others suggested specific focuses in diverse areas. The AFRICAN GROUP supported focusing on, *inter alia*: transboundary aspects of pollution; integrated regional approaches to wildlife crimes and conservation and restoration of nature; and impacts of climate change on vulnerable communities. In cross-cutting areas, she supported capacity needs assessments, inclusive approaches for environmental law practitioners, and strengthening education in environmental law.



Ayele Hegena Anabo, Ethiopia



María Alejandra Guerra, Chile

CHILE suggested work on: legal instruments for implementation of the Paris Agreement on climate change; restoration of ecosystems; access to benefits of biodiversity; liability and reparations for environmental damage; and access to environmental justice. The REPUBLIC OF CONGO emphasized work on waste law.

GUYANA suggested work on environmental law regarding: the post-2020 global biodiversity framework; low-carbon development; valuation of ecosystem services; and environmental crime and liability. PERU suggested a focus area on risk to ecosystems due to environmental crimes such as trafficking of wildlife or mercury released by illegal mining. NORWAY urged aligning the work on pollution with the ongoing negotiations for an MEA on plastic pollution.

BURKINA FASO, CHAD, and SRI LANKA urged linking the three thematic areas with Programme activities on awareness raising and communication, since these were critical to ensuring that environmental legislation adopted actually influenced behavioral changes.

The MAJOR GROUP FOR CHILDREN AND YOUTH called for explicit inclusion of young lawyers, law students, and scientists in Programme implementation plans. The INTERNATIONAL CENTER FOR COMPARATIVE ENVIRONMENTAL LAW (CIDCE) urged Programme work on legal indicators for environmental law. STOP ECOCIDE INTERNATIONAL urged work on ecocide in the Programme.

BRAZIL cautioned against further definition of activities, noting this could be too restrictive in the long run for countries that require legal support according to their specific needs and circumstances. She urged "finding a middle ground between flexibility and focus."

ETHIOPIA called for taking subregional and regional priorities and needs into account. The CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) cautioned against too strong a focus on developing domestic law instead of multilateral law, noting the Montevideo Programme's past contributions to developing MEAs.

Several delegations suggested gearing work in the three thematic areas toward the implementation needs of the respective MEAs involved. BARBADOS asked for help in harmonizing reporting obligations under MEAs. NORWAY asked if the



Rachel Westrate, United States



Lucianara Andrade Fonseca, Brazil, on behalf of GRULAC

Secretariat had conducted a survey of MEA secretariats on what their implementation needs are. SWITZERLAND and the US said Montevideo Programme V work should provide value added to the work already being done under MEAs. FINLAND supported strong partnerships with MEA secretariats and identifying gaps to provide support. FRANCE called for greater emphasis on access to environmental information and environmental justice in any roadmaps developed.

Co-Chair Cousillas said the co-chairs would produce and circulate a “non-paper” summarizing elements of consensus and outlining possible decision paths as a basis for further discussions.

On Wednesday, Co-Chair Cousillas presented [the non-paper](#), explaining that it included: a brief set of paragraphs describing the Global Meeting’s decisions on priority areas that will be included in the Meeting’s report; an annex outlining priority areas and cross-cutting activities selected; and another annex outlining categories and criteria for assessing technical legal assistance requests.

He noted the main text: states that the NFPs agreed to the three core areas prioritized and interlinked thematic areas to provide legal responses to the pollution crisis, climate crisis, and biodiversity crisis, which are supplemented by cross-cutting activities; and identifies three focuses under the pollution category, namely air pollution, wastes, and compliance and enforcement. Cousillas said the text invites the Secretariat to develop, in consultation with the Steering Committee and taking into consideration comments made by the NFPs during the First Global Meeting, one or more roadmaps to implement the identified priority thematic areas and cross-cutting activities. He added that the roadmaps should describe:

- implementation strategies;
- planned work until the next Global Meeting, as well as work planned or anticipated in later time periods;
- how the implementing work will be conducted;
- estimated cost of the planned implementing work; and
- intended outcomes, which should be clearly defined, measurable, verifiable, and results oriented.

Delegates expressed general support for the non-paper, with many indicating it goes in the right direction toward achieving a balance between flexibility and focus.

Brazil, on behalf of the LATIN AMERICA AND CARIBBEAN GROUP (GRULAC), welcomed the non-paper’s emphasis on the triple planetary crisis, but stressed that all work should be aligned with the 2030 Agenda on Sustainable Development and UNEP’s 2022-2025 Mid-term Strategy. She emphasized the region’s priorities in cross-cutting activities, including access to environmental information, access to justice, public participation, strengthening of teaching of environmental law, and capacity building. She also mentioned crimes affecting the environment, stressing this should be the terminology used rather than “environmental crime.” She also said emphasis on the triple crisis should not restrict the areas in which the Programme provides technical legal support, as the Programme should respond to the needs, realities, and priorities of those countries requesting support.

PAKISTAN stressed the importance of Programme help in his country’s work on air pollution. GHANA thanked UNEP for the technical assistance, which helped formulate the air pollution legislation now pending in his country’s parliament. IRAQ emphasized his country’s need on enhancing climate law.

The MALDIVES stressed that any work the Programme undertakes should not be duplicative, must be realistic, and can be accomplished within the eight years remaining in the Montevideo Programme V timeframe. NEPAL supported the focus on three core thematic areas but stressed the need for flexibility to respond to the specific needs and circumstances of countries.

CÔTE D’IVOIRE highlighted the importance of means of implementation, particularly for capacity building of NFPs and enforcement of environmental laws. QATAR highlighted the need for legal environmental training. CHAD emphasized the need to develop partnerships to mobilize resources and join forces in implementing legal mandates.

CHILDREN AND YOUTH supported prioritizing work on the humanitarian crisis created by climate change, drawing attention to the displacement of vulnerable women and children fostered by climate change. The OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS highlighted its partnership with UNEP to work on the protection of environmental defenders and the promotion of the human right to a clean, healthy, and sustainable environment. CIEL supported references in the non-paper to



Daniel Magraw, CIEL President and CEO

work with MEAs. Supporting GRULAC, he said UNEP should be able to consider requests beyond the established priority areas, such as in the field of water law.

The NETHERLANDS, the UK, the US, SAINT LUCIA, and others requested postponement of further discussion on the non-paper to allow time for countries to consider it in detail and consult regionally. Delegates agreed to return to the matter on Thursday, during which they discussed each of the non-paper's components in detail.

CIEL noted repeated references to work being handled only by the Secretariat and the Steering Committee, which he argued contradicted the Programme's emphasis on public participation in environmental decision making. He suggested instituting a consultative mechanism on all major proposals, publishing as much programming information and decisions as possible on LEAP, as well as allowing a few civil society representatives to participate as non-voting observers in Steering Committee deliberations.

CHILDREN AND YOUTH supported mechanisms to involve youth in the Steering Committee, as well as with the work of NFPs. He noted youth are also educators and can provide the necessary skills to help implementation of the Programme, including through partnerships with universities. PAKISTAN proposed that all Programme work prioritize aiding developing countries. IRAN said all work should be subject to the availability of technology transfer and financial resources, while the US voiced reservations about including language on technology transfer.



Tabitha Njeri Mbuthia, Major Group for Children and Youth

Regarding **decision language on priority thematic areas**, the AFRICAN GROUP supported developing roadmaps under the three thematic priority areas. The Group supported including clear, measurable indicators that can also be checked in terms of expected results. She added that the specific needs of developing countries should be considered. ARGENTINA suggested the priority areas and activities take into account the specificities of each region. IRAN said implementation of the roadmaps should also consider outcomes and results based on what the requesting country would expect from its requests for assistance. The AFRICAN GROUP said work on the three themes should consider member states that are particularly vulnerable in these areas.

SWITZERLAND, supported by the NETHERLANDS and the UK, suggested the strategies for the three thematic priorities should be worded in a similar and coherent manner. The NETHERLANDS recommended that the Secretariat develop a resource mobilization strategy for implementation of the Programme.

The NETHERLANDS proposed reference to "the contribution the Programme could make to assist member states with the implementation of MEAs while respecting their independence and avoiding duplication." The US proposed the Programme's limited resources should not be spent on work under the MEAs, many of which have their own resources and capacity-building mechanisms.

The NETHERLANDS suggested textual proposals to provide flexibility to the Programme to identify other priority areas for the second part of the decade, stating that the Secretariat "should" consider activities beyond the identified priority areas and report them to the Steering Committee, instead of consulting the Committee about them. She also proposed that the roadmaps identify potential funding sources. The UK suggested referring to "guidelines" that the Secretariat should follow when implementing activities instead of "guidance."

The UK supported having the Secretariat develop a structured consultative process between the biennial Global Meetings to identify additional priority thematic areas. FINLAND proposed asking the Secretariat to provide: a progress report one year in advance of a Global Meeting of Programme NFPs; and an update and recommendations on the Programme's implementation six weeks before the Global Meeting.

Delegates spent much of Thursday focusing on the **annex detailing the priority areas and cross-cutting activities**. In the climate change section, GRULAC proposed adding reference to the UN Framework Convention on Climate Change (UNFCCC) to the existing reference to the Paris Agreement. IRAQ said the reference in this section on capacity building should include mention of helping build the technical and scientific capacities of climate NFPs.

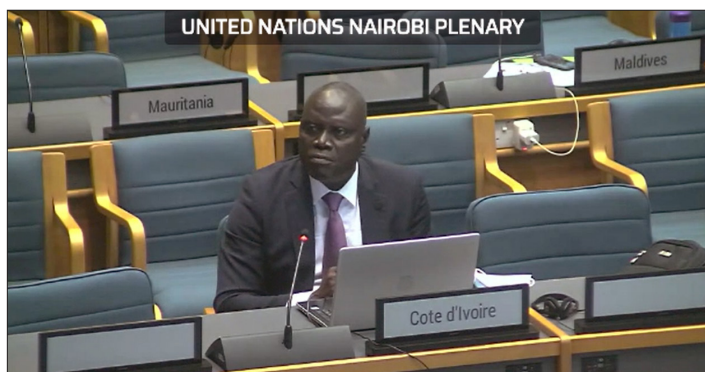
On the biodiversity thematic area, GRULAC proposed changing reference to biodiversity-related MEAs to biodiversity-related "conventions," while the US suggested "instruments" instead. Delegates also debated keeping references to environmental crime and cross-border crime. ARGENTINA and

BRAZIL proposed changing the former to “crimes against the environment,” saying this is agreed language used elsewhere. HAITI suggested a term other than environmental crime, considering that a crime only concerns serious violations, not environmental transgressions. While saying she could work with the change in terminology, the NETHERLANDS suggested instead using “enhanced compliance with and enforcement of biodiversity legislation and regulations.” CANADA suggested “legal responses to combat crimes that affect biodiversity and related environments.” GRULAC proposed deleting reference to cross-border crime and IRAQ and the US questioned the special focus on cross-border crime in this thematic area. SIERRA LEONE, NIGERIA, ANTIGUA AND BARBUDA, and NAMIBIA opposed changes on environmental crime, saying diluting language on crime would undermine the purpose of the Montevideo Programme.

In the section devoted to pollution, GRULAC asked to add reference to plastic pollution. The US recommended dropping the references to “crisis” regarding air pollution to allow work on legal issues involving air pollution even where it has not yet reached crisis levels. The US also suggested changing language on addressing waste pollution to legal responses to inappropriate waste management.

In the section on cross-cutting activities, CHILDREN AND YOUTH supported the elaboration of a toolkit for capacity building for NFPs and inclusion of ecocide as one of the crimes that affects the environment. NIGERIA suggested reviewing the UNEP Law Division’s global training programme that began under Montevideo Programme IV.

CANADA proposed adding language on access to environmental information, access to environmental justice, and public participation to better support vulnerable groups such as children and youth, women and girls, the LGBT community, Indigenous Peoples and local communities. NAMIBIA, NIGERIA, EGYPT, TOGO, and CÔTE D’IVOIRE objected to the LGBT reference. CHILE said excluding the LGBT community contradicted the 2030 Agenda’s call to “leave no one behind.” CANADA offered a compromise proposal drawing language from recent UN resolutions referencing “those that are vulnerable because of their gender orientation and transgender identity.” CÔTE D’IVOIRE, supported by EGYPT and NAMIBIA, suggested just referencing “vulnerable groups” without further categorization.



Eugene Zagre, Côte d'Ivoire

As for the **annex on legal assistance requests**, NAMIBIA called for funding to go to member states before being offered to other stakeholders.

The NETHERLANDS, supported by the MALDIVES, GERMANY, FINLAND, GHANA, the UK, and MALAWI, proposed omitting the criteria regarding the views of the Steering Committee and partners to assess a technical assistance request, noting the Committee’s infrequent meetings might make this a *de facto* barrier to request approvals. SWITZERLAND pointed out that the criterion is required “as appropriate” and, thus, is not mandatory. NAMIBIA and SAINT LUCIA supported retaining the language on Committee review but suggested adding language ensuring Committee members do not have conflicts of interest.

GERMANY, supported by FINLAND and the UK, proposed adding a criterion for assessing legal assistance requests based on their support to MEA implementation. He explained it should not be a mandatory acceptance criterion, but rather considered “a plus” if applicants can otherwise qualify. The US suggested the criterion instead should ensure alignment with the goals of MEAs.

The NETHERLANDS, the MALDIVES, GERMANY, FINLAND, SWITZERLAND, the UK, and the DEMOCRATIC REPUBLIC OF CONGO questioned including “history of collaboration with UNEP” among the criteria for assessing the requests. The Secretariat explained the intention was, where such a history exists, that the positive or negative outcome of past collaboration be considered.

The NETHERLANDS, supported by the MALDIVES, GERMANY, FINLAND, SWITZERLAND, and the UK, suggested the criterion on the availability of financing be amended to include co-financing. MALAWI opposed co-financing as a screening criterion, and instead supported its consideration once a project has otherwise qualified for legal assistance.

### **Partnerships and Stakeholder Engagement**

This agenda item was discussed on Wednesday, 8 June. Andrew Raine, UNEP, presented the Secretariat’s document on partnerships ([UNEP/Env.Law/MTV5/GNFP.1/7](https://www.unep.org/mtv5/gnfp.1/7)), noting it contained five questions to guide discussions by the NFPs:

- What would be the key objectives of a partnership and stakeholder engagement strategy?



Andrew Raine, UNEP



- What principles should be considered in the development of a partnership strategy under the Programme?
- What elements should be included in a partnership strategy under the Programme?
- How should priority areas for Programme implementation relate to the development of a partnership and stakeholder engagement strategy?
- What good practices for partnership engagement can inform the development of a partnership strategy under the Programme?

The AFRICAN GROUP, the NETHERLANDS, and SAINT LUCIA provided detailed responses to the questions on key objectives, principles, and strategy elements. Suggestions for key objectives included:

- broad stakeholder engagement and involvement in the Programme;
- promoting experience, knowledge, and information sharing;
- promoting synergies between the Programme and its partners and stakeholders; and
- ensuring inclusivity so the voices of all relevant stakeholders at the national, regional, and international levels are heard.

On principles, suggestions included:

- provision of relevant expertise;
- time-bound, action-oriented, and concrete partnerships;
- state responsibility;
- common but differentiated responsibilities;
- transparency;
- accountability;
- consideration of the polluter-pays principle;
- effective communication; and
- collaborative leadership.

On strategy elements, suggestions included:

- inclusivity;
- communications, monitoring, and reporting;
- stakeholder involvement; and
- resource mobilization.

The AFRICAN GROUP said most partnerships should have some alignment with the three prioritized thematic areas. The NETHERLANDS suggested the Secretariat borrow elements from UNEP's Partnership Strategy and, supported by ROMANIA, recommended separate strategies be presented on partnerships and



Maria Claudia Aaron Andries, Romania

on stakeholder engagement. SAINT LUCIA suggested creating a list of stakeholders that the Programme would like to engage with.

COLOMBIA said all partnerships with the Programme should be transparent. She suggested partnership objectives should include producing concrete, measurable results and, wherever possible, be linked to the priority areas.

SWITZERLAND urged working with all UN organs to promote synergies in environmental law matters. He said the Programme should seek partnerships with all entities that may contribute to it, including academia, the judiciary, and networks of jurists.

The UK said the partnership strategy should seek to increase the visibility of the Montevideo Programme within the UN system. She said the UK was pleased to see the creation of the legal officers' network, which will be an important tool for building partnerships among relevant UN agencies and MEA secretariats and facilitate coordination on environmental law matters.

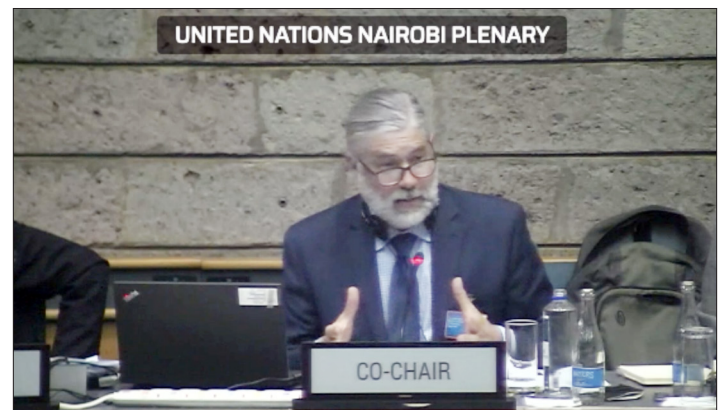
BURUNDI urged considering the ways in which local communities can contribute to the Programme. QATAR emphasized partnerships with universities. CIDCE called for partnerships to increase training in environmental law at the university and magistrate levels.

CHILDREN AND YOUTH asked the Secretariat to consider creating focal points for legislation regarding land, water, and all natural resources who would work hand in hand with all Major Groups. He advocated for creating a youth focal point, opined that most Programme partnerships should include youth and Indigenous communities, and stressed the need for NFPs to engage youth.

Raine invited delegates to submit all suggestions in writing. He said a draft strategy or strategies would be prepared for consideration by the Programme's Steering Committee at its next meeting slated for October 2022.

### ***Date and Venue of the Second Global Meeting of National Focal Points***

On Thursday, Co-Chair Epp introduced this agenda item. Delegates agreed to ask the Secretariat in consultation with the Steering Committee to decide and communicate to NFPs the date and venue of the Second Global Meeting.



Meeting Co-Chair Timothy Epp, United States

### Other Matters

On Thursday, BURKINA FASO highlighted a meeting hosted in the Latin America and Caribbean region where various aspects of interregional cooperation were discussed. Stressing the importance of interregional cooperation, he suggested the meeting be replicated in other regions.

SIERRA LEONE proposed organizing regional meetings that could help to:

- develop a coordination mechanism;
- evaluate and review Programme implementation; and
- identify regional gaps in environmental law.

### Adoption of Outcomes and Closure of the Meeting

On Thursday, Co-Chair Epp reviewed the [Co-Chair's summary of the meeting](#) and said the Rapporteur will finalize and circulate the full report of the online session after the meeting with the help of the Secretariat.

Co-Chair Cousillas thanked all participants for their hard work, as well as their constructive and collaborative efforts despite the technically challenging hybrid setting. Referring to the 50th anniversary of the Stockholm Conference and the 40th anniversary of the Montevideo Programme, he highlighted the 30th anniversary of the *Earth Negotiations Bulletin (ENB)*. He praised the ENB for its important role in supporting access to information on international environmental negotiations.

Co-Chair Epp congratulated NFPs and observers for what they have accomplished in the meeting, heralding their work in the past two years through a global pandemic as “extraordinary.” Among accomplishments, he highlighted the two sessions of the First Global Meeting and three meetings of the Steering Committee, which launched the Fifth Programme and resulted in the selection of three thematic areas to guide the Programme’s work, as well as the provision of guidance to the Secretariat to set a roadmap or set of roadmaps for the work plan.

Arnold Kreilhuber, Deputy Director, Law Division, UNEP, highlighted the week’s work as a significant step towards the contribution of the Programme to implementation of the 2030 Agenda. He said the achievements of the meeting showed how environmental law is showing its transformative role in responding to the planetary crisis we are all experiencing.

Co-Chair Cousillas closed the meeting at 6:35 pm East Africa Time.

### Upcoming Meetings

**Fourth Meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework:** This meeting will convene to advance preparations for the development of the post-2020 global biodiversity framework. The negotiating process is expected to culminate in the adoption of a post-2020 global biodiversity framework by the 15th meeting of the Conference of the Parties (COP 15) to the CBD. **dates:** 21-26 June 2022 **location:** Nairobi, Kenya **www:** [www.cbd.int/conferences/post2020/wg2020-04/documents](http://www.cbd.int/conferences/post2020/wg2020-04/documents)

**Third Extraordinary Session of the Meeting of Parties (ExMOP3) to the Aarhus Convention:** ExMOP3 to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) will convene to elect an independent Special Rapporteur on environmental defenders in line with a decision taken at the Seventh Ordinary Session of the MOP in October 2021. The ExMOP will also convene a roundtable to discuss the main trends, challenges, and good practices regarding the protection of environmental defenders. **dates:** 23-24 June 2022 **location:** Geneva, Switzerland **www:** [unece.org/info/Environmental-Policy/Public-Participation/events/365938](http://unece.org/info/Environmental-Policy/Public-Participation/events/365938)

**HLPF 2022:** The 2022 meeting of the High-level Political Forum on Sustainable Development, under the auspices of the UN Economic and Social Council, will convene under the theme, “Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development.” The 2022 meeting will hold in-depth reviews of Sustainable Development Goals 4 (quality education), 5 (gender equality), 14 (life below water), 15 (life on land), and 17 (partnerships for the Goals). **dates:** 5-7 and 11-15 July 2022 **location:** UN Headquarters, New York **www:** [sustainabledevelopment.un.org/hlpf](http://sustainabledevelopment.un.org/hlpf)

**CBD COP 15:** This Conference comprises CBD COP 15, the tenth Meeting of the Parties to the Cartagena Protocol on Biosafety (Cartagena Protocol COP/MOP 10), and the fourth Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (Nagoya Protocol COP/MOP 4). **dates:** 29 August – 9 September 2022 (tentative) **location:** TBD **www:** [www.cbd.int/meetings/](http://www.cbd.int/meetings/)

**Montreal Protocol MOP 34:** The 34th Meeting of the Parties (MOP34) to the Montreal Protocol will continue work on monitoring, energy efficiency, and Protocol implementation. **dates:** 31 October – 4 November 2022 **location:** Nairobi, Kenya **www:** [ozone.unep.org](http://ozone.unep.org)

**Sharm el-Sheikh Climate Change Conference:** UNFCCC COP 27, the 17th meeting of the COP serving as the Meeting of the Parties to the Kyoto Protocol (CMP 17), and the fourth meeting of the COP serving as the Meeting of the Parties to the Paris Agreement (CMA 4) will convene. **dates:** 7-18 November 2022 **location:** Sharm el-Sheikh, Egypt **www:** [unfccc.int/](http://unfccc.int/)

For additional meetings, see [sdg.iisd.org/](http://sdg.iisd.org/)

### Glossary

CIDCE	Center for Comparative Environmental Law
CIEL	Center for International Environmental Law
GRULAC	Group of Latin America and the Caribbean
LEAP	UNEP Law and Environment Assistance Platform
MEA	Multilateral environmental agreement
NFPs	National focal points
UNEA	UN Environment Assembly
UNEP	UN Environment Programme