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**First Global Meeting of National Focal Points for the Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV)**  
Geneva, Switzerland, 12-14 September 2018

**Co-Chairs' Summary**

**I. Opening and organizational matters**

1. The meeting was opened at 9 a.m. on 12 September 2018 by Ms. Elizabeth Maruma Mrema, Director of the Law Division of the United Nations Environment Programme.
2. Mr. Timothy R. Epp of the United States of America and Mr. Marcelo Cousillas of Uruguay were elected as co-chairs of the meeting. Ms. Kunzang of the Kingdom of Bhutan was elected as rapporteur.
3. Following the election of officers, the agenda for the meeting was adopted and the co-chairs led the meeting in agreeing on the organization of work. Specifically, the co-chairs highlighted that meeting participants, including country focal points and representatives, invited experts, and representative of civil society organizations, would consider and discuss a draft assessment of the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV) as well as possible elements of proposals for the work of the United Nations Environment Programme in the area of environmental law for a specific period beginning in 2020. The co-chairs proposed that the output of the meeting, including recommendations on the way forward, would be reflected in a co-chairs' summary.

**II. Presentation and discussion of the draft assessment of Montevideo Programme IV**

4. The co-chairs invited the Evaluation Office of the United Nations Environment Programme to present the draft assessment of the implementation of Montevideo

Programme IV. In doing so, representatives from the Evaluation Office explained the methodology used for the assessment and that the assessment of the implementation of the Montevideo Programme IV focused on the achievements, strengths and weaknesses of the Programme.

5. This was followed by a detailed description of the four pillars, 27 activity areas and the 250 actions implemented under Montevideo Programme IV. The Evaluation Office offered an analysis of the Programme's main achievements, constraints, and success factors identified by the assessment, based on an electronic survey circulated to stakeholders, interviews and regional consultation meetings with national focal points and officials from four regions.
6. In response to the presentation, participants discussed and considered a number of achievements as well as shortcomings of Montevideo Programme IV, recalling that it was designed as a broad strategy, not only for the United Nations Environment Programme, but also for all environmental law stakeholders, at the national, regional and international levels. Based on these discussions, they also provided comments on the possible content of a future Montevideo Programme on environmental law beyond 2020.
7. Regarding achievements in the development of environmental law, participants noted among others that, in relation to the 27 activity areas under the Programme, there has been:
  - a) development of framework and sectoral environmental laws in several countries, as well as of model laws such as the Model Lead Paint Law;
  - b) strengthened environmental institutions, including ministries of environment and environmental protection authorities in several countries;
  - c) improved capacity of various legal stakeholders, including through development of information tools, guidance material, and effective models for the development and implementation of environmental law;
  - d) development and delivery of capacity building programmes, particularly for the judiciary, and sharing of good practices and lessons learned;
  - e) development and advancement of new norms and concepts, such as environmental constitutionalism in many countries and the environmental rule of law;
  - f) the recognition and elaboration of linkages between human rights and the environment;
  - g) regional developments in environmental law and governance, including through regional ministerial fora on the environment;
  - h) enhanced synergies in the implementation of multilateral environmental agreements and supported the development, ratification and implementation of

several agreements such as the Minamata Convention on Mercury, the Nagoya Protocol on Access and Benefit Sharing, and the Kigali Amendment to the Montreal Protocol; and

- i) enhanced inter-agency collaboration and the establishment of key partnerships on important environmental issues, such as regarding crimes that have serious impacts on the environment, in accordance with the catalytic role of the United Nations Environment Programme.
8. With regard to shortcomings of the Programme, participants noted among others:
- a) difficulties in attributing achievements in the development of environmental law at the national, regional or global levels to the Programme due to its breadth, lack of focus and multiple, overlapping programs, absence of clearly defined indicators to measure impacts and results, and lack of any programmatic structure to develop and take actions;
  - b) the lack of an effective governance, accountability and monitoring structure to oversee the Programme's implementation; and
  - c) the low profile of the Programme.
9. Based on the findings of the draft assessment of Montevideo IV, participants stressed that a future Montevideo Programme on environmental law should, *inter alia*:
- a) focus on strategic priorities and areas where environmental law, through the implementation of the Programme, can make a difference for people and the planet;
  - b) be aligned to the relevant goals and targets of the 2030 Agenda for Sustainable Development;
  - c) be goal-oriented and results-based, including through the use of targets and indicators;
  - d) promote and implement sustainable capacity building programmes for the implementation and development of environmental law;
  - e) build on the successes of Montevideo Programme IV and continue to enhance the capacity of relevant legal stakeholders to implement and develop environmental law, such as judges, prosecutors, law enforcement officers, bar associations, the private sector, schools, academia and non-governmental organizations;
  - f) further develop innovative approaches or models to address environmental issues through the law, for example building on approaches used under the implementation of Montevideo Programme IV to eliminate and regulate the use of lead paint;

- g) provide a platform for experience and information sharing on environmental law, including on good practices and approaches;
- h) promote and develop initiatives that recognize and celebrate good and innovative practices in the implementation of environmental law;
- i) avoid duplication with existing multilateral and bilateral agreements as well as other environmental initiatives;
- j) promote synergies between other environmental initiatives, where appropriate;
- k) include a clear governance structure, building on the opportunities provided by the establishment of national focal points, to increase support for and visibility of the Programme at the national, regional and international levels;
- l) look at ways and means to integrate shorter programming cycles within a longer-term framework Programme; and
- m) promote and build effective partnerships with the private sector, academia, non-governmental organizations and inter-governmental bodies and organizations.

### **III. Discussion on possible elements of proposals for the work of the United Nations Environment Programme in the area of environmental law for a specific period beginning in 2020**

10. The secretariat of the United Nations Environment Programme presented possible elements for consideration in the context of a future programme on environmental law. Two aspects were highlighted: a) substantive elements and b) elements pertaining to implementation and structure.
11. Under substantive elements, the Secretariat suggested to build on the successful outcomes and results achieved under implementation of the Montevideo Programme IV in terms of enhancing capacity at the national level to increase the effectiveness of environmental law, including through the development of indicators, criteria and methodological approaches towards assessing the effectiveness of environmental law and the state of environmental rule of law.
12. In terms of supporting legislative developments to address environmental issues, the Secretariat put forward some suggestions aimed at furthering the achievement of the Sustainable Development Goals and other internationally agreed environmental goals, targets and objectives, including through international cooperation. Key areas of work could include: promotion of public participation, access to justice and information in environmental matters; prevention and control of different forms of pollution, including air and water pollution and the regulation of relevant pollutants; as well as regulatory needs identified in the 2030 Agenda for Sustainable Development and the Sustainable

Development Goals, and/or resolutions adopted by the United Nations Environment Assembly, among others.

13. The Secretariat also referred to the increasing linkages between environmental law and other legal disciplines and the pillars of the UN charter as a whole. These linkages underscored the interconnectedness of environmental law with sustainable development as well as the pillars that are at the foundation of the work of the United Nations.
14. A new programme could also enhance actions and involvement by major groups and stakeholders, in particular the private sector through voluntary instruments to supplement and reinforce legal obligations.
15. Under elements for consideration with regards to the implementation and structure of a new programme, the Secretariat referred to the findings of the draft assessment of Montevideo IV and that the Programme currently does not provide for an implementation structure that can adequately support the implementation, monitoring and evaluation of the actions mandated under its 27 programme areas. Further, in the absence of an adequate implementation structure, the assessment of Montevideo IV also points to a lack of ownership and accountability in the implementation of the Programme.
16. In response to these findings, a clear governance structure for the Montevideo Programme could be considered building on the establishment of the national focal points along with the United Nations Environment Programme as the programme's Secretariat.
17. Finally, the Secretariat put forward that a new programme should be results-based and capture and respond to needs and demands of countries. In doing so, the establishment of shorter programming cycles, combined with regular reporting cycles, and further alignment with the biennial programming cycle of the United Nations Environment Programme and its medium-term strategy could be considered.
18. Following the Secretariat's presentation, participants offered various views on the scope, content and structure of a future Montevideo Programme. There was general support expressed for the Secretariat's description on possible structural and substantive elements for a future programme. Many participants expressed support that a future programme should have a clear governance structure. Many participants also noted that, building on the establishment of the national focal points, a steering committee from among the focal points and a clear designation of the United Nations Environment Programme as the Secretariat, could increase ownership and accountability, as well as strengthen the mandate and capacity of the United Nations Environment Programme in the area of environmental law.
19. Participants encouraged a shorter cycle within the framework of 10 years' period programme with periodic review to provide check and balance on effectiveness of the programme.

20. Participants proposed that a future Montevideo Programme could align with the sustainable development goals and make use of the United Nations Environment Programme's catalytical role to address environmental issues through the law. Possible criteria for substantive interventions under a new programme could include: sustainability, longevity, impact, cost-effectiveness, avoidance of duplication, inclusiveness, and availability of resources.
21. Many participants expressed support for a future programme that would prioritize support for countries in:
  - a) Capacity building for increased effectiveness of environmental law at the national level;
  - b) Supporting legislative developments to address environmental issues at national, sub-regional regional and global levels, including through provision of model laws and other guidance material;
  - c) Advancing innovations in environmental law, including through the identification and promotion of initiatives that identify and share good practices in the implementation of environmental law;
  - d) Enhancing understanding of relationships between environmental law and other legal fields; and
  - e) Advancing public participation in decision-making, access to information and justice in environmental matters.
22. In supporting countries in the implementation of legal frameworks at national, sub-regional, regional and global levels, participants identified possible thematic areas such as:
  - a) prevention and control of different forms of pollution, including air pollution and the regulation of relevant pollutants, water and land pollution;
  - b) environmentally sound management of chemicals and wastes, including plastics, lead paints and ocean debris;
  - c) protection of freshwater resources, including groundwater;
  - d) protection of biological diversity; and
  - e) support for countries to implement and enforce rights and responsibilities pertaining to access to environmental information, public participation in decision-making, access to justice in environmental matters, pollution prevention, and environmental protection, including rights to safe and healthy environment, where granted by applicable law.
23. Emerging environmental issues of international significance, underpinned by science and on which actions are called for in the intergovernmental context, could be considered for inclusion in a new programme through shorter-cycle reviews.

24. Overall a new programme should take into account the core elements of the focused mandate of the UN Environment Programme in the field of environmental law.

#### **IV. Conclusion and next steps**

25. Most of the participants, while appreciating the significance and achievements of the Montevideo Programme IV, also acknowledged the existence of gaps and challenges in the development and implementation of environmental law at all levels. A future programme should seek to reduce these gaps and challenges.
26. With reference to the next steps of the process towards the future programme on environmental law, the co-chairs recalled the announcement made by the secretariat that, due to financial constraints, it would not be possible to organize a second global meeting of national focal points this year. In this regard, participants supported the establishment of a group of friends of the co-chairs from among the national focal points to meet in Nairobi, Kenya, from 26 - 28 November 2018 to draft a proposal for a new programme on environmental law for a specific period beginning in 2020, with a view to its presentation for consideration at the fourth United Nations Environment Assembly in March 2019. Throughout the drafting process, the co-chairs will solicit inputs from all focal points, civil society and other relevant stakeholders to ensure a transparent and inclusive process.
27. The group of friends of the co-chairs includes the following: Bhutan, Cameroon, Chile, China, Ethiopia, European Union, Iran, Jamaica, Japan, Jordan, Kenya, Mexico, Suriname, Syria, Switzerland, Uganda, United Kingdom, Uruguay, USA, and Zambia.
28. The final proposal from the group of friends of the co-chairs will be submitted to all national focal points and also shared for comments with non-governmental organizations and relevant stakeholders.
29. The meeting was closed at 4:30 p.m. on 14 September 2018.