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**United Nations
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**National focal points for the Montevideo Programme
for the Development and Periodic Review of
Environmental Law (Montevideo Programme IV)
First global meeting**
Geneva, 12–14 September 2018

Report of the first global meeting of national focal points for the Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV)

I. Opening of the meeting

1. The meeting was opened at 9.10 a.m. on Wednesday, 12 September 2018, by Ms. Elizabeth Maruma Mrema, Director of the Law Division of the United Nations Environment Programme (UNEP). Following her opening statement, she explained that, for budgetary reasons, it would not be possible to hold a second global meeting of national focal points in November 2018 as had been planned. She proposed, instead, that the focal points consider the establishment of a smaller group of focal points to meet in November 2018 to draft a proposal for the work of UNEP in the area of environmental law beyond 2020 and requested regional groups to nominate representatives to the group by the end of the present meeting.

II. Organizational matters

A. Election of officers

2. At the 1st plenary session, the focal points elected the following officers for the meeting:

Co-chairs:

Mr. Timothy Epp (United States of America)

Mr. Marcelo Cousillas (Uruguay)

Rapporteur:

Ms. Kunzang (Bhutan)

3. Opening statements were delivered by both the Co-Chairs.

B. Adoption of the agenda

4. At the 1st plenary session, the focal points adopted the agenda for the meeting, on the basis of the provisional agenda (UNEP/ENV.LAW/MTV.4/FP.REV.1), as follows:

1. Opening of the meeting.
2. Organizational matters:
 - (a) Election of officers;

- (b) Adoption of the agenda;
 - (c) Organization of work.
3. Presentation and discussion of the draft assessment of Montevideo Programme IV.
 4. 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.
 5. Other matters.
 6. Adoption of the meeting report.
 7. Closure of the meeting.

C. Organization of work

5. At the same session, the focal points agreed that the meeting would be held for a duration of three working days. It was also agreed that the Co-Chairs would produce a summary of the discussions at the meeting, including conclusions, together with recommendations for the way forward.

III. Presentation and discussion of the draft assessment of Montevideo Programme IV

A. General introduction to the assessment

6. At the 1st plenary session, the focal points considered agenda item 3. An introductory presentation was made by Mr. Michael Spilsbury, Director, UNEP Evaluation Office, on the role and activities of the office and its part in the assessment. Ms. Johanna Bernstein, a consultant engaged by the Evaluation Office, made a presentation on the key findings of the draft assessment in relation to the 4 key pillars, 27 programme areas and 250 action areas of the fourth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), as contained in document UNEP/ENV.LAW/MTV.4/FP.2.

7. At the same session, general statements on the assessment and on the presentations made by Mr. Spilsbury and Ms. Bernstein were delivered by the representatives of Algeria, Bahrain, Burkina Faso, Cameroon, Ethiopia, Iran (Islamic Republic of), Jordan, Kenya, Mexico, Sierra Leone, Swaziland, the Syrian Arab Republic, Timor-Leste, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia.

8. Statements were also delivered by independent experts: Mr. Daniel Magraw, Adjunct Lecturer in International Law and Organizations and Energy, Resources and Environment, Johns Hopkins School of Advanced International Studies, and Mr. Masaharu Nagai, former Deputy Director, UNEP Law Division, and by a representative of the non-governmental organization Aide Humanitaire aux Vulnérables du Congo.

9. Ms. Bernstein responded to the questions posed in those statements.

B. Panel discussion on the first pillar of the Montevideo Programme IV: effectiveness of environmental law

10. At the 2nd plenary session, on the afternoon of 12 September, the focal points discussed the achievements and shortcomings of the first pillar of the Montevideo Programme IV and their related vision for a future programme. Following an introduction by Ms. Bernstein, statements were made by the following panel members: Ms. Elisa Samuel, Director, Judicial and Legal Training Centre (Centro de Formacao Juridica e Judiciaria), Mozambique; Mr. Magraw; Ms. Walker Smith, Director, Office of Global Affairs and Policy, Environmental Protection Agency of the United States; Mr. Gilbert Bankobeza, Legal and Compliance Chief, Ozone Secretariat; Ms. Elena Trigo, Legal Adviser, Legal Affairs Division, Federal Office for the Environment of Switzerland; and Ms. Juliette Voinov Kohler, Legal and Policy Adviser and Head of the Legal and Policy Unit, secretariat of 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 and the Stockholm Convention on Persistent Organic Pollutants.

11. Statements were delivered by the representatives of Cameroon, Ethiopia, Jordan, Sierra Leone, the State of Palestine, Togo, Uganda and Zambia.

12. The panellists responded to the questions posed by representatives.
13. At the 3rd plenary session, on the morning of 13 September, additional statements were delivered by the representatives of Algeria, Bhutan, Burkina Faso, Guinea-Bissau, Haiti, Iran (Islamic Republic of), Madagascar and the Syrian Arab Republic.
14. The panellists responded to the questions posed by representatives.

C. Panel discussion on the second pillar of the Montevideo Programme IV: conservation, management and sustainable use of natural resources

15. At the 3rd plenary session, the focal points discussed the achievements and shortcomings of the second pillar of the Montevideo Programme IV and their related vision for a future programme. Following an introduction by Ms. Bernstein, statements were made by the following panel members: Mr. Humphrey Kasiya Mwale, Legal Director and Board Secretary, Environmental Management Agency, Zambia; Ms. Seita Romppanen, Senior Lecturer in International Environmental Law, Law School, University of Eastern Finland; Mr. Francesco Sindico, Co-Director, Strathclyde Centre for Environmental Law and Governance, United Kingdom; and Ms. Fazeela Ahmed Shaheem, Senior Legal Officer, Ministry of Environment and Energy, Maldives.

16. At the same session, statements were delivered by the representatives of Angola, the Democratic Republic of the Congo, Ethiopia, Indonesia, Jordan, Mongolia, Panama, Sierra Leone, Sri Lanka, the State of Palestine, Swaziland, the Syrian Arab Republic, the United States of America and Uruguay.

D. Panel discussion on the third pillar of the Montevideo Programme IV: Challenges for environmental law

17. At the 4th plenary session, on the afternoon of 13 September, the focal points discussed the achievements and shortcomings of the third pillar of the Montevideo Programme IV and their related vision for a future programme. Following an introduction by Ms. Bernstein, statements were made by the following panel members: Mr. Nagai; Mr. Dan Bondi Ogolla, former Director of and Principal Legal Adviser for Legal Affairs, secretariat of the United Nations Framework Convention on Climate Change; Ms. Margaretha Wewerinke-Singh, Senior Lecturer in Environmental Law, University of the South Pacific, Vanuatu, and Affiliate of the Centre for Climate Change Mitigation Research, University of Cambridge; and Mr. Rodrigo Garcia Galindo, Director of Parliamentary Services, Coordination Unit for Legal Affairs, Secretariat of Environment and Natural Resources, Mexico.

18. At the same session, statements were delivered by the representatives of Cambodia, the Democratic Republic of the Congo, Guinea-Bissau, Japan and Togo.

E. Panel discussion on the fourth pillar of the Montevideo Programme IV: relationships with other fields

19. At the 4th plenary session, the focal points discussed the achievements and shortcomings of the fourth pillar of the Montevideo Programme IV and their related vision for a future programme. Following an introduction by Ms. Bernstein, statements were made by the following panel members: Mr. Westmin R.A. James, Deputy Dean for Academic and Student Affairs and Lecturer, Law Faculty, University of the West Indies, Barbados; Ms. Patricia Kameri-Mbote, Professor, School of Law, University of Nairobi; Mr. Marcos Orellana, Director, Environment and Human Rights Division, Human Rights Watch; Mr. Mohammad Al-Agha, Director, Legal Affairs Unit, Ministry of Environment, Jordan; Ms. Soo-Young Hwang, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights.

20. At the same session, statements were delivered by the representatives of Cameroon, Chile, Ethiopia, Indonesia, Mexico, Sierra Leone, the State of Palestine, the Syrian Arab Republic, Togo and Uganda.

21. A statement was also delivered by a representative of a non-governmental organization, the Conflict and Environment Observatory.

IV. 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

22. At the 5th plenary session, on the morning of 14 September, the focal points considered agenda item 4. Introducing the item, Mr. Arnold Kreilhuber, Deputy Director, UNEP Law Division, introduced document UNEP/ENV.LAW/MTV.4/FP.3, noting that it was intended to facilitate discussions. The possible elements set out in the document built on the draft assessment of the Montevideo Programme IV and the outcomes of four regional consultations of national focal points that had taken place in June and July 2018 in the following regions: Africa, Latin America and the Caribbean, West Asia and Asia-Pacific. The possible elements of proposals were categorized as relating to implementation and structure or to substance.

A. Implementation-related and structural elements

23. At the 5th plenary session, statements on possible implementation-related and structural elements of a future programme were made by the representatives of Algeria, Bahrain, Bhutan, Burkina Faso, Cameroon, Chile, China, El Salvador, Ethiopia, Finland, Guatemala, Hungary, Jamaica, Japan, Kenya, Madagascar, Mexico, Sierra Leone, the State of Palestine, Switzerland, the Syrian Arab Republic, Togo, Uganda, the United Kingdom, the United States and Zambia.

24. Statements were also made by the representative of the Ozone Secretariat, by independent experts Mr. Magraw and Mr. Sindico and by a representative of a non-governmental organization, the International Centre for Comparative Environmental Law.

25. Mr. Kreilhuber responded to the questions posed by representatives.

B. Substantive elements

26. At the 6th plenary session, on the afternoon of 14 September, statements on possible substantive elements of a future programme were made by the representatives of Cameroon, Chad, the Democratic Republic of the Congo, Ethiopia, Finland, France, Iran (Islamic State of), Jamaica, Japan, Jordan, Maldives, Mexico, Sierra Leone, Sri Lanka, Switzerland, the Syrian Arab Republic, Togo, Uganda, the United Kingdom and the United States.

27. Statements were also made by independent experts Mr. Magraw and Mr. Nagai.

28. Mr. Kreilhuber responded to the questions posed by representatives.

V. Other matters

29. At the 6th plenary session, recalling that budgetary constraints prevented the organization of a second global meeting of focal points, the Co-Chairs proposed the creation of a group of friends to begin drafting a future programme at a smaller-scale meeting to be held in Nairobi from 26 to 28 November 2018. The Co-Chairs suggested the following composition of such a group: Bhutan, Chile, China, Ethiopia, European Union, Germany, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kenya, Mexico, Suriname, Switzerland, Syrian Arab Republic, Uganda, Uruguay, United Kingdom, the United States and Zambia.

30. Proposals for improving the geographical, linguistic, sectoral and general representativity of that group were made by the representatives of Algeria, Burkina Faso, Cameroon and the United Arab Emirates.

31. Statements on the same matter were also delivered by independent experts Mr. Magraw and Mr. Orellana and by representatives of the non-governmental organizations, Aide Humanitaire aux Vulnérables du Congo and the Haiti Cholera Research Funding Foundation, Inc.

32. The Co-Chairs agreed to work in collaboration with the secretariat to improve the representativity of the group of friends on the basis of comments made and within budgetary constraints. The Co-Chairs invited all the participants in the present meeting to submit their written input on a future programme to the secretariat to assist the drafting process and undertook to make the outcome of the November meeting available online for further comment.

VI. Adoption of the meeting report

33. At the 6th plenary session, the Rapporteur presented a conference room paper containing a draft summary prepared by the Co-Chairs of the discussions that had taken place at the present meeting up to and including the 5th plenary session.

34. Statements on the Co-Chairs' summary were made by the representatives of Japan, Switzerland, Uganda and the Syrian Arab Republic.
35. Statements were also made by the representative of the Ozone Secretariat and by independent expert Mr. Magraw.
36. It was agreed that the Co-Chairs would make the necessary amendments to their summary on the basis of comments made. They invited all the participants in the meeting to submit additional comments in writing within one week of receipt of the updated summary, which would include the discussions held at the 6th plenary session.
37. The Co-Chairs' summary is set out in the annex to the present report and is also available on the website of the first global meeting of national focal points for Montevideo Programme IV: <https://www.unenvironment.org/events/conference/first-global-meeting-montevideo-iv>. It is presented without formal editing.

VII. Closure of the meeting

38. Following the customary exchange of courtesies, the meeting was declared closed at 4.15 p.m. on Friday, 14 September 2018.

Annex

Co-Chairs' summary of the first global meeting of national focal points for Montevideo Programme IV

I. Opening and organizational matters

1. The meeting was opened at 9.10 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 4.15 p.m. on 14 September 2018.