



Distr.: General
20 September 2017

Original: English



**United Nations
Environment Assembly of the
United Nations Environment
Programme**

**United Nations Environment Assembly of the
United Nations Environment Programme
Third session**

Nairobi, 4–6 December 2017

Item 5 of the provisional agenda*

**Performance of the programme of work and budget,
including implementation of the resolutions of the
Environment Assembly**

**Progress made in the implementation of resolution 2/19 on the
midterm review of the fourth Programme for the Development
and Periodic Review of Environmental Law (Montevideo
Programme IV)**

Report of the Executive Director

Summary

The present report is submitted pursuant to resolution 2/19 on the midterm review of the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), by which member States were invited to designate national focal points for exchanging information and building capacities in order to collaborate with and guide the United Nations Environment Programme in strengthening the application of the Montevideo Programme and to monitor and evaluate its implementation.

The resolution also included requests to the Executive Director with regard to the prioritization of action on environmental law during the remaining period of the fourth Programme; the production of guidance to member States for effective legislative, implementation and enforcement frameworks in a manner consistent with Governing Council decision 27/9 on advancing justice, governance and law for environmental sustainability; and the preparation of an assessment of the implementation, effectiveness and impact of the fourth Programme and proposals for the work carried out by the Environment Programme in the area of environmental law for a specific period beginning in 2020.

The Executive Director continues to respond to such requests through the implementation of projects in the area of environmental law, including through the initiation of new projects and initiatives in line with expected accomplishment (b) of the environmental governance subprogramme of the respective biennial programmes of work for 2016–2017 and 2018–2019.

* UNEP/EA.3/1.

I. Introduction

1. In its resolution 2/19 on the midterm review of the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), the United Nations Environment Assembly invited member States to designate national focal points for exchanging information and building capacities in order to collaborate with and guide the United Nations Environment Programme in strengthening the application of the Montevideo Programme and to monitor and evaluate its implementation.

2. The resolution also included requests to the Executive Director with regard to the implementation of the fourth Montevideo Programme during its remaining period. The Executive Director continues to respond to such requests through the initiation of new projects and initiatives in line with expected accomplishment (b) of the environmental governance subprogramme of the respective biennial programmes of work for 2016–2017 and 2018–2019.

II. Progress in the implementation of resolution 2/19

3. Pursuant to resolution 2/19, 84 member States have, as at the time of reporting, nominated national focal points for exchanging information and building capacities in order to collaborate with and guide the United Nations Environment Programme in strengthening the application of the Montevideo Programme and to monitor and evaluate its implementation.

4. The United Nations Environment Programme has initiated coordination with the designated national focal points and, in July 2017, shared with them a strategy aimed at guiding collaboration going forward, within the framework of resolution 2/19. The Environment Programme has also begun to involve the focal points in the ongoing and future development of guidance to member States for effective legislative, implementation and enforcement frameworks in a manner consistent with Governing Council decision 27/9. Such guidance includes an upcoming global report on environmental rule of law, an expert process on crimes that have serious impacts on the environment, carried out pursuant to resolution 2/14 on illegal trade in wildlife and wildlife products, and two environmental law knowledge-sharing tools, namely, the United Nations Information Portal on Multilateral Environmental Agreements, InforMEA, and the environmental law database, ECOLEX.

5. Going forward, and subject to available resources, the aim is to further formalize and institutionalize collaboration between the national focal points and the Environment Programme. The process will include virtual meetings of the focal points in the second half of 2017 and a face-to-face meeting of all national focal points in the first quarter of 2018, during which period the initiation and launch of activities required for the final assessment of the fourth Programme and the development of a new environmental law programme for 2020 and beyond are envisaged. To further advance the work of the Environment Programme on the Montevideo Programme and integrate the collaboration with the national focal points, a dedicated project is envisaged under the programme of work for 2018–2019.

6. As requested in resolution 2/19, the Environment Programme continues to make efforts to prioritize action during the remaining period of the fourth Programme in areas highlighted by senior government officials expert in environmental law during the midterm review of the fourth Programme, including the nexus between environment and public health in the context of addressing pollution and promoting air quality under paragraph 2 (a) of resolution 2/19. For example, the Environment Programme has provided guidance on establishing lead paint elimination laws with support from the United States of America and in collaboration with the World Health Organization and the Global Alliance to Eliminate Lead Paint.

7. The Environment Programme leads a joint global effort with the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Office of the United Nations High Commissioner for Human Rights to raise the awareness of members of the judiciary of constitutional rights to a healthy environment and to evaluate the impact of those rights, which have been enshrined in over 100 national constitutions worldwide. The Environment Programme also advanced the linkages between a healthy environment and human rights within the United Nations system in the context of the 2030 Agenda for Sustainable Development, by working with several United Nations system agencies and initiatives. That led to an increase in the inclusion of the work of the Environment Programme in system-wide guidance, for example to United Nations country teams. The Environment Programme also provides support to the work of the International Law Commission on the topic of the protection of the atmosphere.

8. Capacity-building for stakeholders engaged in the implementation of, compliance with and enforcement of environmental law, including multilateral environmental agreements, remains a high priority for the Environment Programme, particularly in the context of supporting member States in delivering on the environmental dimension of the 2030 Agenda and in addressing pollution. In 2016, the Environment Programme produced a guide for policymakers about environmental courts and tribunals. In May 2017, it published a global review on climate litigation and the legal issues involved. In addition, as part of work by carried out by the Environment Programme with judges worldwide, a second regional judicial colloquium, for Latin America and the Caribbean, focusing on constitutional rights and the environment, was held in Brazil. Over 60 judges from the region deliberated on procedural matters and on the ways in which courts can give effect to constitutional provisions related to environmental protection. The Environment Programme has also been working with judicial training institutions in Africa to make environmental law training part of judicial education in Africa, and train-the-trainer workshops have been organized to develop the skills required for delivering training on environmental law for judicial officers.

9. Furthermore, the Environment Programme and the United Nations Institute for Training and Research jointly developed and administered an online course on human rights and environmental protection for sustainable development. The Environment Programme also launched a course on greening water laws and legislation, focusing on the implementation of international principles for sustainable water management. Under the Green Customs Initiative, It is updating its Green Customs Guide and online resources and is working to develop a regional curriculum for East and Southern Africa that will be used to train customs officers in combating illegal trade in environmentally sensitive commodities and in enforcing the relevant multilateral environmental agreements.

10. Under the InforMEA initiative, the Environment Programme provides free and self-paced online courses to a growing user base from Governments, academia and civil society on issues of international environmental law. As part of this effort, it has collaborated with various universities in Kenya, contributing to environmental education and training by supporting access to environmental law information. A guide on the enforcement of environmental law detailing good practices from Africa, Central Asia, the countries of the Association of Southeast Asian Nations and China has been translated into Russian, and the document entitled “Putting Rio Principle 10 into Action: an implementation guide” has been translated into Spanish.

11. Progress on the implementation of resolution 2/19 will contribute to the environmental governance subprogramme of the programme of work for 2016–2017 in achieving the relevant key performance indicators under expected accomplishment (b), namely: (i) increase in the number of legal and institutional measures taken by countries to develop and enforce national laws and improve the implementation of internationally agreed environmental objectives and goals, with the assistance of the Environment Programme at the request of those countries; (ii) increase in the number of countries that undertake a review of, and adopt recommendations for, enhanced compliance with, and enforcement of, international environmental obligations, with the assistance of the Environment Programme at the request of the countries; (iii) increase in the number of initiatives and partnerships of major groups and stakeholders in support of the development and implementation of national and international environmental law, with the assistance of the Environment Programme.

12. Such progress will also contribute to achieving two of the indicators listed under the expected accomplishments of the programme of work for 2018–2019, namely: (a) (iii) increase in concerted policy action taken by countries on environmental issues of international concern; and (b) (i) increase in the number of countries that have enhanced institutional capacity and legal frameworks to fully implement the multilateral environmental agreements and for the achievement of internationally agreed environmental goals, including the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

13. There remain funding challenges with regard to the implementation of resolution 2/19. The Environment Programme will continue to raise funds to implement the resolution, in particular to facilitate the adequate engagement of the national focal points. It also intends to further consolidate and prioritize work on environmental law during the implementation of the programme of work for 2018–2019, while widening the partnership and resource base that will be supporting that work.

III. Recommendations and suggested actions

14. Member States are encouraged to continue to support the work carried out by the Environment Programme on environmental law and to designate a national focal point in cases where member States have not yet done so, in order to collaborate with and guide the Environment Programme in strengthening the application of the Montevideo Programme.
