

Committee of Permanent Representatives  
Subcommittee Meeting  
Tuesday, 23 May 2023  
14:00 – 18:00 (GMT+3)  
Conference Room 1  
Hybrid meeting

**Agenda item 4: Briefing on the Montevideo Programme.**

This background document has been developed by the Secretariat to inform the Committee of Permanent Representatives on the implementation of the Montevideo Programme. More specifically, it includes detailed information on the following aspects of the Montevideo Programme:

- Introduction;
- Vision, objectives, and strategic activities;
- Institutional arrangements;
- Report on implementation;
- Relationship of the information provided to UNEP's Programme of Work;
- Next steps;
- Relevance for the Committee of Permanent Representatives.

Following the presentation, Member States and Stakeholders are invited to engage in an exchange of views with the Secretariat regarding the Montevideo Programme.

# Montevideo Environmental Law Programme – Background document

## I. Introduction

1. Since 1982, the United Nations Environment Programme (UNEP) has conducted its environmental law activities on the basis of sequential ten-year Montevideo Programmes for the Development and Periodic Review of Environmental Law. In its resolution 4/20 of 15 March 2019, the United Nations Environment Assembly of UNEP adopted the fifth Programme for the Development and Periodic Review of Environmental Law for the decade beginning in 2020 (Montevideo Programme V or Programme).<sup>1</sup> This is a ten-year intergovernmental programme on promoting, implementing, and strengthening the environmental rule of law worldwide. UNEP, through the Law Division, is the secretariat of the programme.

2. Paragraph 6 (a) of Montevideo Programme V requires UNEP to serve, within its current mandate and available resources, as the secretariat for the Programme, and to perform certain institutional and monitoring functions, including the preparation of progress reports.

## II. Vision, objectives, and strategic activities

3. The vision of the Montevideo Programme V (paragraph 2) is to promote the development and implementation of environmental rule of law, strengthen the related capacity in countries and contribute to the environmental dimension of the 2030 Agenda for Sustainable Development. The Programme's vision is further reflected in six objectives and nine strategic activities (paragraphs 3 and 4, respectively).

## III. Institutional arrangements

4. The institutional arrangements for the Montevideo Programme V (paragraph 6) include:
- a. UNEP, through the Law Division, serving as secretariat, and mandated to coordinate and deliver the Programme;
  - b. A global network of national focal points designated by each Member State, meeting on a biennial basis to provide strategic advice and direction; there are currently 146 Montevideo national focal points, and the four observers (Cook Islands, European Union, Niue, and Palestine);
  - c. The steering committee for implementation, composed from two to three representatives nominated from each United Nations region, and working together with the secretariat for the implementation of the Programme, based on recommendations and overall guidance form the global meetings of the national focal points.

5. Due to the COVID-19 pandemic, the first global meeting of national focal points, which was initially scheduled for 23-25 March 2020 in Rio de Janeiro, was postponed. It was reorganized and held in two segments: the first segment was held virtually from 2 to 4 June 2021, and the second segment was held in a hybrid format from 6 to 9 June 2022, with in-person attendance at the United Nations Environment Programme Headquarters in Nairobi, Kenya.<sup>2</sup> At that meeting, the national focal points, in the light of the uncertainty imposed by the COVID-19 pandemic, agreed to request the secretariat, in consultation with the steering committee, to determine, and communicate to them, in

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<sup>1</sup> <https://www.unep.org/resources/policy-and-strategy/delivering-people-and-planet-fifth-montevideo-programme-development>.

<sup>2</sup> The documentation, including the report, of the first global meeting of national focal points is available at: <https://leap.unep.org/about/meetings/global/past>.

due course, the dates and venue of their second global meeting.<sup>3</sup> As at May 2023, the consultations between the secretariat and the steering committee indicate that the second global meeting will take place in June 2024.

6. At the virtual segment of their first global meeting,<sup>4</sup> national focal points elected members of the steering committee for implementation as nominated by the respective regions.<sup>5</sup> They also adopted the modalities of work for the steering committee for implementation, as amended to reflect the discussion. Accordingly, the term of office of the members of the steering committee runs from the closure of the global meeting at which they are designated and remain in office until the closure of the next global meeting. To date, the steering committee on implementation has held five meetings.

7. This global network on environmental law is complemented by strong partnerships with stakeholders for implementation. The programme partners with, inter alia, academia, civil society, the private sector, secretariats of multilateral environmental agreements, UN agencies, and intergovernmental organizations.

#### IV. Report on implementation

8. Substantive activities under the programme did not start until the first global meeting of the national focal points was concluded in 2022, which gave clear direction for delivery and implementation. Key activities are:

- a. **Priority areas for implementation - Implementation roadmaps.** In paragraph 6 (b) (i) of Montevideo Programme V national focal points were asked to identify priority areas for Programme implementation. At the virtual segment of the first global meeting (June 2021), national focal points agreed to focus their work on “legal responses to address the air pollution crisis”;<sup>6</sup> and at their resumed hybrid segment (June 2022), they identified<sup>7</sup> three priority areas, that is legal responses to address the pollution crisis, the climate crisis and the biodiversity crisis, which are aligned with UNEP’s medium-term strategy for 2022-2024. The three thematic areas are supplemented by cross-cutting activities, and for each thematic area, national focal points identified priority areas. On that basis, the secretariat, under the strategic direction of the steering committee, has developed the implementation roadmap, approved by the steering committee in March 2023,<sup>8</sup> and is now implementing the activities described therein.
- b. **Partnerships and stakeholder engagement strategy.** According to paragraph 4 (e) of Montevideo Programme V, the Programme will support collaboration and the promotion of partnerships with United Nations and other relevant entities, including civil society organizations, in the field of environmental law. Following the direction of the first global meeting, and in consultation with the steering committee members, the secretariat prepared an annotated outline,<sup>9</sup> which will open for online consultations in May/June 2023 with all identified stakeholders and partners. An advance draft of the strategy will be presented for discussion at the steering committee meeting in October 2023. In parallel,

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<sup>3</sup> UNEP/Env.Law/MTV5/GNFP.1/6/Add.1, Report of the resumed first global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V): delivering for people and the planet,

<sup>4</sup> UNEP/ENV.LAW/MTV5/GNFP.1/6, Report of the first global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V): delivering for people and the planet.

<sup>5</sup> See current members at: <https://leap.unep.org/content/basic-page/steering-committee-implementation>.

<sup>6</sup> UNEP/Env.Law/MTV5/GNFP.1/4.

<sup>7</sup> [https://leap.unep.org/sites/default/files/inline-files/MV5\\_1st-global-meeting-part2\\_Co-Chairs-Summary\\_final.pdf](https://leap.unep.org/sites/default/files/inline-files/MV5_1st-global-meeting-part2_Co-Chairs-Summary_final.pdf)

<sup>8</sup> [https://leap.unep.org/sites/default/files/inline-files/EN\\_2.pdf](https://leap.unep.org/sites/default/files/inline-files/EN_2.pdf).

<sup>9</sup> [https://leap.unep.org/sites/default/files/inline-files/EN\\_0.pdf](https://leap.unep.org/sites/default/files/inline-files/EN_0.pdf).

the secretariat will continue internal consultations to ensure that the strategy is aligned to UNEP policies, strategies and procedures relating to stakeholders and partners.

- c. **Resource mobilization strategy.** At the resumed, in-person (hybrid) segment of the first global meeting of national focal points for Montevideo Programme V (June 2022), national focal points invited the secretariat to prepare and provide an estimate of the resources needed to implement the Programme and the implementation roadmaps, and to develop a resource mobilization strategy for the Programme. The latest version of the strategy was discussed at the March meeting of the steering committee.<sup>10</sup> The strategy is reviewed on a regular basis to reflect experiences and possible new priorities identified during the global meetings of national points. It should be noted that following the mandate in paragraph 6 (a) (xi) of the Programme, in September 2021, the secretariat established a trust fund (the Montevideo Trust Fund) for the core activities of the Montevideo Programme V, which became operational in May 2022 upon approval by the Controller of the United Nations Secretariat. The Trust Fund has received the generous contribution from the United Kingdom of Great Britain and Northern Ireland, as well as contributions from Germany, the Netherlands, Norway, and the Commonwealth Secretariat.

9. In addition, the **UNEP Law and Environment Assistance Platform (UNEP-LEAP)** is an online platform,<sup>11</sup> that facilitates the central delivery and coordination of information exchange and implementation of the activities under the Programme. It comprises three substantive and interconnected sections: technical assistance (a clearing-house mechanism for countries to request technical assistance and a menu of services connected to the core objectives of the Programme); a knowledge base with cutting-edge environmental law information; and country profiles. The platform also provides supporting information on Montevideo Programme V, including an activity calendar with events, meeting documents, contact details for all national focal points, information on the steering committee for implementation and details regarding the Programme's partners. Since the start of the project, the secretariat has received requests for technical assistance from approximately 20 countries, some through LEAP, and plans to organize trainings for the LEAP use in UN official languages, other than English.

10. Finally, the secretariat has developed communication materials to build awareness about the Programme among national focal points and stakeholders.<sup>12</sup>

## V. Relationship of the information provided to UNEP's Programme of Work

11. In its resolution 4/20, the United Nations Environment Assembly requested the Executive Director to implement Montevideo Programme V through the programmes of work for the decade beginning in 2020, as approved by the Environment Assembly, in a manner that strengthened the related capacity in Member States, contributed to the environmental dimensions of the 2030 Agenda for Sustainable Development and was fully consistent with relevant medium-term strategies of UNEP. In developing the implementation roadmaps (see para. 8 (a) above), the secretariat has sought to ensure that Montevideo Programme V is appropriately aligned with and integrated into the programme of work and budget for the biennium 2022–2023 and the medium-term strategy for the period 2022–2025, as adopted by the Environment Assembly at its fifth session.

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<sup>10</sup> [https://leap.unep.org/sites/default/files/inline-files/EN\\_3.pdf](https://leap.unep.org/sites/default/files/inline-files/EN_3.pdf).

<sup>11</sup> Available at <https://leap.unep.org>.

<sup>12</sup> The products include a user-friendly version of the text of Montevideo Programme V; a brochure summarizing the key features of Montevideo Programme V; a short video explaining Montevideo Programme V; and a factsheet for national focal points, which will be available in all six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish); see <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1> and <https://leap.unep.org/about>.

## **VI. Next steps**

12. In the coming months the secretariat has invested in:
  - a. Focused delivery of activities defined in the implementation roadmaps, including activities for technical legal assistance and capacity building (e.g., under the Green Customs Initiative);<sup>13</sup>
  - b. Completion and publication of key reports on “The Status of Climate Litigation: A Global Review” and the “Guide on Ambient Air Quality Legislation”;
  - c. Finalization of the Partnerships and stakeholder engagement strategy in 2023 for consideration by the second global meeting of the national focal points;
  - d. Further refinement of the UNEP-LEAP digital platform to enhance its features for the user;
  - e. Continued efforts to raise awareness about the Programme, through regional consultations, among all stakeholders;
  - f. Implementation of the resource mobilization strategy to seek additional resources for the Programme.

## **VII. Relevance for the Committee of Permanent Representatives**

13. The CPR Subcommittee may wish to:
  - a. Call on representatives to liaise with the responsible ministries to designate national focal points, for the Member States that have not done so, and to provide updated information on their previously designated national focal points;
  - b. Join in the secretariat’s efforts to enhance the visibility of the Programme both within the United Nations system and among Member States;
  - c. Actively support the secretariat seeking to procure appropriate funding for the implementation of activities under the Montevideo Programme V, by actively promoting the Programme to Governments, private sector entities and donors, that could help secure funding.

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<sup>13</sup> <https://www.greencustoms.org/>.