

Regional Stakeholders' Consultations to Identify Legal Responses to Address Biodiversity Loss

Legal Responses to Combat the Biodiversity Crisis - Leveraging the Montevideo Programme

Draft Report of Options for Clearly Defined Priority Areas to Strengthen, Develop, or Implement Appropriate Legal and Institutional Frameworks at the National or Sub-national level to Implement Biodiversity related Goals and Commitments

Introduction:

The Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V) was adopted by the United Nations Environment Assembly (UNEA) Resolution 4/20, to identify priority actions and develop and implement environmental law from 2020 to 2029. Montevideo Programme V has designated national focal points from most countries, and it holds Global Intergovernmental Meetings for National Focal Points to identify priority actions in environmental law and to review implementation of the program. A Steering Committee for Implementation of Montevideo Programme V is also constituted with representatives from all regions to guide the process of identification and implementation of priority actions in the field of environmental law to be undertaken by UNEP, in collaboration with other relevant partners, for the decade.

The Regional Stakeholders Consultations on Legal Responses to the Biodiversity Crisis are organized to identify areas of advancing biodiversity law and related institutions and building capacity of developing countries in environmental law. The areas to be identified must align to UNEP programs and contribute to the environmental dimension of the 2030 Agenda for Sustainable Development, Goal 15 of the 2030 Agenda for Sustainable Development is devoted to protecting, restoring and promoting sustainable use of terrestrial ecosystems, sustainably managed forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

Mandate- Legal Responses to Combat the Biodiversity Crisis under Montevideo Programme V

The First Global Meeting of National Focal Points under Montevideo Programme V was held in June 2022. On thematic area 3 on legal responses to combat the biodiversity crisis, the meeting identified two initial priority areas to be implemented under the framework of Montevideo Programme V :-

- 1) Legal responses to enhance compliance with, and enforcement of biodiversity related laws, including criminal laws, and institutions are developed or implemented in and among countries; and
- 2) Preparation of a report for the national focal points on options for clearly defined priority areas to strengthen, develop or implement appropriate legal and institutional frameworks at the national or subnational level to implement biodiversity related goals and commitments.

The first priority area listed above on 'Legal responses to enhance compliance with and enforcement of biodiversity related laws, including criminal laws and institutions, are developed in and among countries' *was already agreed*. These regional stakeholders' consultations are focusing mainly on the second priority area to get clearly defined priority areas for the 'Preparation of a report for the national focal points with options of clearly defined priority areas to be presented to the Second Meeting of Montevideo Programme National Focal Points in June 2024 for approval.

Regional Stakeholders Consultations

The regional stakeholders' consultations are taking place in three regional offices for Africa, Asia and the Pacific, Latin America and Caribbean to identify options on clear priority areas of legal responses for combating the biodiversity crisis.

The consultations will engage national focal points of Montevideo Programme V as well as relevant stakeholders in the field of environmental law including MEA focal points to identify options for clearly defined priority areas to strengthen, develop or implement appropriate legal and institutional frameworks at the national or subnational level to implement biodiversity related goals and commitments.

Since at the global level biodiversity is regulated by a number of multilateral environmental agreements MEAs such as the Convention on Biological Diversity (CBD) and related Protocols; the Convention on International Trade in Endangered Species (CITES); the Convention on the Migratory Species (CMS); the United Nations Convention to Combat Desertification (UNCCD), the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention). The participation of MEA secretariats in these consultations will be crucial in ensuring coherence in coordinating, implementing, and delivering activities for Montevideo Programme V and in avoiding any duplication of effort.

The Kunming-Montreal Global Biodiversity Framework (GBF) which was adopted in December 2022 is also an area that Montevideo Programme V will be seeking to contribute to in the options for clearly defined priority areas that will be developed

and compiled in the Options paper. This is the right time to consult countries on the GBF and other biodiversity related areas because parties to CBD have embarked on updating their National Biodiversity Strategies and Action Plans (NBSAP) to include the goals and targets of the GBF to be achieved by 2030 and they are working towards achieving the vision of living in harmony with nature by 2050.

Link to the Triple Planetary Crisis

In relation to the triple planetary crisis climate change, biodiversity loss and pollution the identification of options and strategies for biodiversity related legal responses can also link to the co benefits which pollution and climate change provide to biodiversity. Biodiversity is impacted by climate change, but it also provides solutions to climate change in the form of sinks. Biodiversity is also affected by pollution from various sources including from chemicals and waste which impacts on terrestrial resources and related ecosystems, freshwater water resources and the marine and coastal environment.

The main outcome of these consultations are options of clearly defined priority areas to strengthen, develop or implement appropriate legal and institutional frameworks at the national or subnational level to implement biodiversity related goals and commitments.

Potential Areas of Identifying Legal Responses to address Biodiversity Loss to inform Stakeholders on the Type of Activities to be supported under Montevideo Programme V

Main Outcome for all activities– to strengthen develop and implement laws and institutions and build related capacity to support relevant goals and commitments under biodiversity related conventions and agreements, including the Kunming-Montreal Global Biodiversity Framework.

Examples of Articulating Options for Clearly Defined Priority Areas

- Effectiveness of biodiversity related laws- develop and strengthen biodiversity related national legislation.
- Strengthen capacity of various stakeholders to develop and implement biodiversity related MEAs.
- Develop knowledge products and research to address information gaps on aspects of biodiversity to assure wider appreciation of legal related biodiversity issues.
- Address biodiversity related crimes and weak enforcement through sharing experiences of countries and generate best practices on enforcement of biodiversity related MEAs for reference and replication.

- Articulate regional specific priorities to address the biodiversity crisis.
