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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

Draft mapping report and preliminary findings of the assessment of the fourth programme for the development and review of environmental law (Montevideo IV) - Discussion draft

Note by the Secretariat

The Secretariat is pleased to forward this draft report prepared by the Evaluation Office of UN Environment, which provides a preliminary mapping of the activities that UN Environment has developed in response to the fourth Programme for the Development and Review of Environmental Law (Montevideo IV).

This draft report is a component of the independent assessment of Montevideo IV, mandated by the United Nations Environment Assembly (UNEA) and which is currently being undertaken by the Evaluation Office of UN Environment. It also contains preliminary findings of the assessment, which will be discussed at the first global meeting of national focal points for the Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV).

In preparation for the meeting in Geneva, participants may wish to consider the following questions in order to assist UN Environment Evaluation Office towards the completion of the assessment of Montevideo Programme IV:

1. How has the Montevideo Programme IV equipped your country to strengthen the effectiveness of environmental law?
2. How has the Montevideo Programme IV equipped your country to strengthen domestic environmental law-making in relation to the conservation, management and sustainable use of natural

resources (i.e. freshwater, marine living resources, soils, forests, biodiversity and sustainable consumption and production)?

3. How has the Montevideo Programme IV equipped your country to address new and emerging challenges to environmental law (i.e. climate change, poverty, access to drinking water, environmental emergencies, pollution prevention, technology)?

4. How has the Montevideo Programme IV equipped your country to address the linkages between environmental law and other fields (i.e. human rights, trade, security and conflict)?

Fourth Programme for the Development and Review of Environmental Law
(Montevideo IV)

DRAFT MAPPING REPORT AND PRELIMINARY FINDINGS –
DISCUSSION DRAFT

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Office

Disclaimer: The views expressed in this report do not necessarily represent the opinions of UN
Environment staff and senior management.

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Executive Summary	5
I. Introduction and Preliminary Findings of the Assessment	9
1. Background	10
2. About the Montevideo IV Programme	12
3. Overview of the 2018 assessment process of the Montevideo IV Programme	14
4. Scope of the assessment	17
5. Preliminary findings of the assessment	
II. Mapping report of Montevideo IV Programme	
Pillar 1: Effectiveness of environmental law	26
A. Implementation, compliance and enforcement	32
B. Capacity-building	35
C. Prevention, mitigation and compensation of environmental damage	39
D. Avoidance and settlement of international disputes relating to the environment	42
E. Strengthening and development of international environmental law	45
F. Harmonisation, coordination and synergies	47
G. Public participation and access to information	50
H. Information technology	53
I. Other	55
J. Governance	56
Pillar 2: Conservation, management and sustainable use of natural resources	58
A. Fresh, coastal and marine water and ecosystems	64
B. Aquatic living resources, including marine living resources	68
C. Soils	69
D. Forests	71
E. Biological Diversity	73
F. Sustainable production and consumption patterns	76
Pillar 3: Challenges for environmental law	78
A. Climate Change	82
B. Poverty	85
C. Access to drinking water and sanitation	87
D. Ecosystem conservation and protection	89
E. Environmental emergencies and natural disasters	91
F. Pollution prevention and control	93
G. New Technologies	96
Pillar 4: Relationships with other fields	98
A. Human rights and the environment	103
B. Trade and the environment	106
C. Environment and security	108
D. Environment and military activities	110

Executive summary

This draft report is a preliminary *mapping* of the activities that UN Environment has developed in response to the fourth Programme for the Development and Review of Environmental Law (Montevideo IV). The present report also contains preliminary findings of the assessment which is currently being undertaken by the Evaluation Office of UN Environment. This report is a component of the preparation of the independent assessment of Montevideo IV, which has been mandated by the United Nations Environment Assembly (UNEA).

In UNEA resolution 2/19, Member States requested UN Environment to prepare an “assessment of the implementation, effectiveness and impact of the fourth Programme for the Development and Periodic Review of Environmental Law” and to prepare “proposals for the work of UN Environment in the area of environmental law for the period beginning 2020.” The final assessment of the Programme will serve as the basis for discussing proposals for the work by UN Environment in the area of environmental law for the period beginning in 2020. The assessment and the proposals will be submitted to the United Nations Environment Assembly in March 2019.

From 1982 to date, UN Environment’s environmental law activities have been organized and coordinated through a series of 10-year programmes, adopted by UN Environment’s Governing Council, for the development and periodic review of environmental law. The Programme for the Development and Periodic Review of Environmental Law (known as the Montevideo Programme) has consistently set the strategy for UN Environment’s engagement in the field of environmental law. It has also provided the framework within which many multilateral environmental agreements have been conceived and negotiated under the auspices of UN Environment.

The current fourth Montevideo Programme (Montevideo IV) was approved as a broad strategy for the international law community and the United Nations Environment Programme in formulating activities in the field of environmental law for the decade beginning in 2010.

As the implementation period comes to an end, it is now time to clearly identify main achievements and limitations of Montevideo IV. It is equally important to understand the evolution of needs, so as to propose a way forward for a possible future environmental law programme.

This mapping has been specifically prepared as an intermediate step in the direction of developing the mandated assessment. The mapping provides the national focal points (nominated under Resolution 2/19) as well as major groups and stakeholders and other relevant stakeholders), with the basis upon which they can contribute (in addition to the inputs already provided through regional consultations, surveys and bilateral interviews), to assessing the effectiveness of Montevideo IV activities in their countries and regions.

The present report also contains preliminary findings of the assessment which is currently being undertaken by the Evaluation Office of UN Environment. The additional feedback of focal points and

other stakeholders will contribute to the formal assessment that is being conducted externally in response to UNEA resolution 2/19, which Member States adopted in May 2016.

Key Achievements

The overview of activities that have been mapped in this report reveals a very impressive picture of UN Environment's efforts to support countries in the development and implementation of environmental law. Some of the key achievements are summarised below.

Pillar 1 "Effectiveness of Environmental Law" is perhaps the most important pillar of the entire Montevideo Programme IV. Much of the impact that UN Environment has had in empowering countries to develop and implement environmental law, has been through its work executed under Pillar 1's various programme areas.

First and foremost, as regards support for *implementation and enforcement*, UN Environment's work on the environmental rule of law has been pivotal. It has enabled many countries to open up new frontiers of adjudication on environmental rights, and to integrate environmental crime in national penal codes. Moreover, through its *capacity building* efforts, UN Environment has equipped law and policy makers to implement multilateral environmental agreements (MEAs), to develop new national legislation, as well as to ensure the harmonisation of environmental law jurisprudence on national and international levels.

Equally, UN Environment's efforts to support the further *development of international environmental law* have also been noteworthy, from the adoption of the Minamata Convention on Mercury to the Nagoya-Kuala Lumpur Protocol on Liability and Redress.

Additionally, UN Environment's work on promoting *harmonised approaches* in environmental law-making and implementation has helped countries to develop national strategic frameworks to deliver on the environmental dimension on the Sustainable Development Goals (SDGs) and MEAs in a coherent coordinated manner.

And finally, UN Environment's consultative process on *International Environmental Governance* (IEG) has enabled governments to articulate important reform options, which in turn were adopted at Rio+20. This includes the upgrading of UN Environment and the creation of the UNEA.

Pillar 2 "Conservation, management and sustainable use of natural resources" embraces UN Environment's law related work in the areas of freshwater, soils, forests, biodiversity and sustainable production and consumption.

Some of the key milestones under Pillar 2 include the UNEA resolution on *marine pollution*, which commits countries to develop policies and measures by 2025 to address this emerging challenge. As well, on *forests*, most of UN Environment's work has been conducted through the UN REDD Programme, which has supported countries to develop strategies and legal frameworks to reduce emissions from deforestation and degradation. On *biodiversity*, UN Environment has helped countries to develop implementing legislation for Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as well as for the Nagoya–Kuala Lumpur Supplementary Protocol on

Liability and Redress to the Cartagena Protocol on Biosafety under the Convention on Biological Diversity. Another important milestone is its work promoting the synergies among biodiversity related MEAs.

Under *Pillar 3 “Challenges for environmental law”*, UN Environment has supported decision-makers to integrate climate adaptation challenges into national climate strategies. Moreover, its global review of climate litigation has provided judges and lawmakers with an overview of climate litigation trends. On *drinking water*, a central milestone has been UN Environment’s work on greening national water law. It has also worked with basin organizations to strengthen governance frameworks. And on *ecosystems*, UN Environment has worked with over 100 countries to develop biodiversity strategies and legal frameworks for access and benefit sharing.

Under *Pillar 4 “Relationship with other fields”* UN Environment has played an important role in advancing environmental rights. UN Environment’s ongoing collaboration with the Special Rapporteur on Human Rights and the Environment has helped to sensitise the judiciary on constitutional environmental rights. This collaboration has also contributed to the growing political recognition of the linkage between human rights and the environment—as reflected by a number of important Human Rights Council resolutions.

Equally important under this pillar is UN Environment’s work tackling the illegal trade in environmentally sensitive commodities. UN Environment has worked closely with INTERPOL to combat environmental crime and together they have succeeded in raising global awareness of the links between environmental crime and other forms of transnational organized crimes. As regards UN Environment’s work on environment and security, recent UNEA resolutions have committed member states to cooperate to address the impacts of armed conflict on the environment

Process for the final assessment of Montevideo Programme IV and the development of proposals for a new phase of the Programme

In its resolution 2/19 on the midterm review of the fourth Montevideo Programme, 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. To this date, over 90 Member States have nominated national focal points.

Pursuant to UNEA Resolution 2/19, UN Environment has therefore undertaken an open and all-inclusive process for the final assessment of the fourth Montevideo Programme. In this process, Governments, United Nations bodies, other relevant intergovernmental bodies and organisations, secretariats of the relevant multilateral environmental agreements, expert institutions, academia and civil society have been invited to submit information to UN Environment relevant to the implementation of the Programme, including their relevant experiences, progress or challenges regarding Montevideo Programme IV, and views concerning important and emerging issues in the field of environmental law. In this context, four regional consultations of national focal points have been organised between June and July 2018 in Africa, Latin America and the Caribbean, West Asia, and Asia Pacific. A survey has also been circulated

to all national focal points and other stakeholders with specific questions on the status of implementation of the programme.

The final assessment of the Programme will serve as the basis for discussing proposals for the work by UN Environment in the area of environmental law for a specific period beginning in 2020. The final assessment and the proposals will be presented at the UN Environment Assembly in March 2019.

Part 1

Introduction

Inside Part 1- Introduction

1. Background
2. About the Montevideo IV Programme
3. Overview of the 2018 assessment of the Montevideo IV Programme
4. Scope of the assessment
5. Preliminary findings of the assessment

1. Background

This draft report is a preliminary *mapping* of the activities that UN Environment has developed in response to the fourth Programme for the Development and Review of Environmental Law (Montevideo IV). The present report also contains preliminary findings of the assessment, which is currently being undertaken by the Evaluation Office of UN Environment. This report is a component of the preparation of the independent assessment of Montevideo IV, which has been mandated by the United Nations Environment Assembly (UNEA).

In UNEA resolution 2/19, adopted in May 2016, Member States requested UN Environment to prepare an “assessment of the implementation, effectiveness and impact of the fourth Programme for the Development and Periodic Review of Environmental Law” and to prepare “proposals for the work of UN Environment in the area of environmental law for the period beginning 2020.” The final assessment of the Programme will serve as the basis for discussing proposals for the work by UN Environment in the area of environmental law for the period beginning in 2020. The assessment and the proposals will be submitted to the United Nations Environment Assembly in March 2019.

This mapping has been specifically prepared to provide the national focal points (that governments were invited to designate under resolution 2/19) with the basis upon which they can further contribute to assessing the effectiveness of UN Environment’s Montevideo IV activities in their countries and regions, in addition to the inputs they have provided in previous consultations.

The feedback of focal points will contribute to the formal assessment that is being conducted externally in response to UNEA resolution 2/19. It should be emphasised that detailed reports summarising the focal point discussions at the regional meetings (held between June and July, 2018) are posted on the Montevideo Programme website. The key points raised in these discussions are reflected in this draft in tables that capture focal points’ feedback for each programme area. The focal point reflections will be expanded upon in the final assessment report after the focal points will have the opportunity to provide and exchange feedback on the effectiveness of Montevideo IV at a global meeting of focal points in Geneva on September 12-14, 2018.

This meeting is the penultimate in a series of consultations, which UN Environment has organised for focal points to exchange views about Montevideo IV.¹ The next global focal point meeting will be held in November 2018 in Nairobi, Kenya to review and discuss the proposals for the work of UN Environment on environmental law for the period beginning in 2020, based on more refined findings of this report and on the conclusions of the assessment report that is being prepared. While national focal points play a

¹ Regional consultations were organised by UN Environment in Nairobi, Kenya for Africa (June 4-6 2018), in Panama City, Panama for LAC (20-22 June, 2018), in Amman, Jordan for West Asia (July 9-10, 2018) and in Bangkok, Thailand for East Asia and the Pacific (24-26 July, 2018). The third day of each of the consultations was facilitated by the independent consultant and involved a series of interactive group exercises designed to elicit feedback from the focal points on the 27 programme areas under Montevideo IV and to provide an opportunity for focal points to reflect on key environmental law-making needs moving forward.

central role in conducting the assessment and proposing a possible new programme, major groups and other stakeholders are also being consulted as requested in Resolution 2/19.

2. About the Montevideo Programme

From 1982 to date, UN Environment's environmental law activities have been organized and coordinated through a series of 10-year programmes for the development and periodic review of environmental law (known as the Montevideo Programme), adopted by UN Environment's Governing Council. This Programme has consistently set the strategy for UN Environment's engagement in the field of environmental law, and the latest version, Montevideo IV, was also intended to provide a broad strategy for the international community at large. Many multilateral environmental agreements have been conceived and negotiated under the auspices of UN Environment, in the ambit of the Montevideo Programme.

The First Montevideo Programme, adopted in 1982, was developed as a strategic guidance plan in fulfilment of UNEP's mandate to develop international agreements, principles, guidelines and standards.

The Second Montevideo Programme, adopted in 1993, was based largely upon the requirements outlined in Agenda 21 adopted at the 1992 United Nations Conference on Environment and Development.

The Third Montevideo Programme, adopted in 2001, addressed a broader range of issues, including twenty components organised under three main themes: effectiveness of environmental law; conservation and management; and relationship with other fields.

Montevideo IV was adopted in 2009 by Governing Council decision 25/11, as a broad strategy for the international law community and UN Environment in the formulation of activities in the field of environmental law for the decade beginning in 2010.

It should be emphasised that the Montevideo Programmes were always intended to provide a broad strategy, based on sets of priorities, in the development of environmental law. They were not designed as programmes in the conventional results-based management perspective, with a clearly articulated institutional and governance framework, concrete outcomes and impacts, and performance metrics.

Resolution 2/19 has introduced a new component to the Montevideo Programme, notably the introduction of national focal points. The focal points provide an important platform for the exchange of information and capacity building, which will hopefully assist in strengthening the implementation of Montevideo IV. This is a new feature, which has been designed to enhance the engagement of countries in the strengthening and development of environmental law worldwide. These focal points, although nominated at a later phase of implementation of Montevideo IV do nevertheless play a key role in assessing the Programme and in identifying priorities and direction for a possible new phase.

The diagram below provides an overview of the Montevideo IV's four main pillars. These four pillars address: the effectiveness of environmental law; the conservation, management and sustainable use of natural resources; challenges for environmental law; and relationship with other fields. A total of 27 programme areas are organised under the four pillars.



Figure 1: Overview of activities under Montevideo IV

3. Overview of the 2018 assessment process of the Montevideo IV Programme

As explained above, the assessment of Montevideo IV is a direct response to resolution 2/19. Under the auspices of UN Environment's Evaluation Office, the assessment is being led by an independent evaluation/assessment expert, Ms. Johannah Bernstein, an international environmental lawyer with over 25 years of professional experience advising the UN, national governments, international NGOs on a wide range of global sustainability issues. Ms. Bernstein has also undertaken many evaluations for UN Environment's Evaluation Office, notably on a range of governance processes.

This preliminary draft is an initial output before the finalisation of the full assessment.

The key steps in the assessment process are set out below.

A first desk review was prepared in early March 2018. It consisted in interviews with the staff of the UN Environment Law Division and the review of reports such as the documentation prepared for and after the 2015 meeting of environmental law experts in Montevideo, Uruguay, in relation to the mid-term review of Montevideo IV.

A broad literature review has been ongoing. The assessment team is in the process of preparing a master bibliography of the key sources that have been written by leading environmental law experts.

An electronic survey was circulated to all of the Montevideo focal points, including the MEA secretariats, other UN organisations and environmental law experts. The key questions addressed the achievements and shortcomings of Montevideo IV and invited suggestions for moving forward. The results of the survey are currently being compiled and analysed. They will be reflected in the final assessment report that will be revised following the September global meeting of focal points.

Bilateral interviews with focal points have been carried out since March 2018. Interviews already took place with focal points from Africa, Latin America and the Caribbean (LAC), West Asia, and Asia and the Pacific in advance of regional consultations organized in these four regions. Interviews with focal points from the Europe and North America regions will be conducted in September 2018.

Regional consultations were organised by UN Environment in Nairobi, Kenya for Africa (4 to 6 June 2018), in Panama City, Panama for LAC (20-22 June, 2018), in Amman, Jordan for West Asia (July 9-10, 2018) and in Bangkok, Thailand for Asia and the Pacific (24-26 July, 2018). The third day of each of the consultations was facilitated by the independent consultant and involved a series of interactive group exercises designed to elicit feedback from the focal points on the 27 programme areas under Montevideo IV and to provide an opportunity for focal points to reflect on key environmental law-making needs moving forward. Due to limited resources, regional consultations were not organised for Europe or North America. However, there will be dedicated sessions for these and the other regions to meet at global meeting of focal points taking place from 12-14 September 2018 in Geneva, Switzerland.

Regular consultations with staff of the UN Environment Law Division have been ongoing since February 2018. These have been essential for the adaptive management of this assessment and for deepening understanding of the challenges and opportunities with Montevideo IV.

Regular consultations with the Director of the UN Environment Evaluation Office has also been ongoing since February 2018. These have been essential for defining the scope of the assessment and for the regular exchange of views on methodological issues.

Interviews with UN Environment officials will be undertaken during the months of September and October 2018. These will focus on the overall impact of Montevideo IV and ideas for advancing UN Environment's environmental law work moving forward.

Interviews with MEA Secretariat officials will be undertaken during the months of September and October 2018. These will also focus on the overall impact of Montevideo IV in relation to national implementation challenges faced by countries in relation to key MEAs. These interviews will also focus on ideas for advancing UN Environment's environmental law work moving forward.

Interviews and webinars with environmental law experts will be organised during the months of September and October 2018. These will also focus on the overall impact of Montevideo IV and on ideas for advancing UN Environment's environmental law work moving forward.

Consultation with focal points at two global meetings of focal points will provide additional opportunities to obtain feedback from focal points on the assessment and on proposals for a possible future programme on environmental law.

TIMELINE FOR MONTEVIDEO PROCESS LEADING UP TO UNEA 4

Circulation of questionnaire to Montevideo stakeholders (all Governments, focal points, UN agencies, MEA Secretariats, civil society and environmental law experts)	7 May 2018
Regional consultations in Nairobi	4-6 June 2018
Regional consultations in Panama	20-22 June 2018
Regional consultations in West Asia	9-10 July 2018
Regional consultations in Bangkok	24-26 July 2018
First global meeting of Montevideo focal points in Geneva	12-14 September 2018
Second global meeting of Montevideo focal points in Nairobi	26-28 November 2018
Fourth United Nations Environmental Assembly (UNEA 4) in Nairobi	March 2019

4. Scope of the assessment

It is important to emphasise at the outset that the assessment that is being undertaken - and to which this document contributes - is very different in substance and methodology from a normal programme evaluation which would be carried out under the auspices of UN Environment's Evaluation Office.

The latter are undertaken in accordance with a very rigorous methodology that applies a theory-based approach to first establish the causal logic of interventions by reviewing or reconstructing a programme or project's Theory of Change and then assessing performance along the confirmed causal pathways. This approach allows for explicit assumptions and drivers to be identified that underpin causal chains from inputs to outputs and through to outcomes, intermediate states and impact. The feasibility of this approach depends on the pre-existence of measurable performance targets and indicators, without which it is impossible to assess overall performance or mid-term progress.

The Montevideo Programme IV was designed to be a broad strategy for formulating environmental law activities. As such it does provide a very comprehensive framework of activities that address the whole spectrum of environmental law challenges and the specific functional challenges that countries face in the actual development, implementation and enforcement of environmental law.

However, because the Montevideo Programme IV was not designed as a programme in the conventional sense, it lacks many of the attributes that would enable a formal evaluation. The Programme is characterised by a noticeable lack of a clear results framework that specifies intended outcomes (expected accomplishments), indicators of achievement, quantitative targets indicators and timelines. The Programme does not specify a discreet set of activities to be implemented and outputs to be delivered nor does it have defined resource envelope. Baselines against which progress might be measured are absent. The lack of these key attributes makes it difficult to measure performance at outcome level, discern intended impacts, or for that matter, track the attribute any observed impacts to the Montevideo Programme IV.

Against this backdrop, it was agreed with UN Environment's Evaluation Office that the assessment would only be able to highlight: (i) important UN Environment developments/milestones in relation to each of the 27 programme areas set under Montevideo IV; (ii) anecdotal reporting of the effects that these efforts have led to which can be further enriched by the further feedback that is being sought from Member States. That said, the overview of activities that have been mapped in this report does reveal a positive picture of the extensive array of UN Environment's efforts to support countries in the development and implementation of environmental law.

It should also be emphasised that, whilst Montevideo IV was intended to be a broad strategy for the entire international community, it is beyond the scope of this report and of the overall assessment to evaluate the specific activities that were undertaken by other international organisations. Therefore, the assessment will focus solely on UN Environment's initiatives, including those undertaken in collaboration with other international organisations and other partners.

The primary resources used for the assessment of the 27 programme areas included: the 2015 Midterm Review of Montevideo IV, UN Environment Annual Reports and reports of UN Environment's Law Division going back to 2015, programme performance reports from the biennia 2012-13 to 2018-19 as well as articles published by leading environmental law experts. A master bibliography is being prepared and will be included in the draft that will be distributed at the Geneva meeting from 12-14 September 2018.

And finally, since the Montevideo focal points were only recently appointed, only some of them had been engaged in the past and had extensive knowledge about the Montevideo activities that UN Environment has implemented in their countries. In this light, the consultations planned for September will provide an important opportunity for focal points to provide new and additional feedback on the effectiveness of Montevideo IV in their countries and regions, which in turn will be key to refine the elements of a possible new programme in law.

5. Preliminary findings of the assessment

5.1. Accomplishments with the Montevideo IV Programme

As revealed by the milestones that have been mapped in this report, the Montevideo Programme IV has been instrumental in steering the efforts of the international community to develop environmental law and in supporting countries to develop, implement and enforce environmental law. The section below provides a high-level overview of the key achievements under each of Montevideo IV's four pillars and some highlights of initiatives undertaken under each programme area.

Pillar 1- Effectiveness of environmental law

Much of the impact that UN Environment has had in empowering countries to develop and implement environmental law, has been through its work executed under Pillar 1's various programme areas.

Concerning support for *implementation and enforcement*, UN Environment's work on the environmental rule of law has been pivotal. As a result of the UNEP Governing Council Decision 27/9, the development of the term environmental rule of law has become increasingly embedded in national legislative frameworks and judicial rulings. Consequently, this has enabled many countries to open up new frontiers of adjudication on environmental rights, and to integrate environmental crime in national penal codes. Increased opportunities for the exchange of best practices, not to mention the ever-important regional ministerial platforms, have increasingly contributed to a higher standard of practice as well as more coherence within environmental decision-making at all levels.

As well, through *capacity building* efforts, UN Environment has equipped law and policy makers with information to support the implementation of MEAs in national legislation, and the improvement of environmental law jurisprudence. Third, UN Environment's efforts to support the further development of international environmental law have also been noteworthy. A number of new environmental law and global policy frameworks have been adopted during Montevideo IV. These range from the Nagoya-Kuala Lumpur Protocol on Liability and Redress Protocol (2010) through to the 2015 Sendai Framework on Disaster Risk Reduction.

Moreover, UN Environment has also played a key role in the strengthening of transboundary freshwater governance regimes, thereby enhancing the capacity of basin organisations to address legal challenges inherent in the management of transboundary basins.

Additionally, UN Environment's work on promoting *harmonised approaches* in environmental law-making and implementation has helped countries to develop national strategic frameworks to deliver on the environmental dimension on the SDGs and MEAs in a coherent coordinated manner.

As well, UN Environment's work on promoting *public participation* has contributed to adoption of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, the world's second regional agreement on access,

participation and justice and heralded as one of the most important human rights agreements of the last 20 years.

And finally, UN Environment's consultative process on *International Environmental Governance (IEG)* has enabled governments to articulate important reform options, which in turn were adopted at Rio+20. The upgrading of UN Environment and the creation of the UNEA represent a significant milestone in the strengthening of IEG. Moreover, UN Environment's support to regional and sub-regional ministerial fora has helped to strengthen environmental cooperation at these levels

Pillar 2 – Conservation, management and sustainable use of natural resources

UN Environment's efforts to enhance *fresh, coastal and marine water and ecosystems* have involved a range of activities for the development and implementation of national, regional and global instruments. As a result of this work, the capacity of key actors to strengthen fresh water laws, governance frameworks and institutions, as well as SDG 6, is being enhanced. Another important milestone in this area is the recent UNEA resolution on marine pollution that was adopted by Member States in 2017 (UNEP/EA.3/L.20). In this resolution, Member States have committed to step up actions including policies and measures by 2025 to address marine pollution. Another important law-related dimension of the resolution is the agreement by Member States to cooperate to develop harmonised standards and methodologies for measuring and monitoring marine litter and microplastics. In addition, following the successful conclusion of the first International Environment Forum for Basin Organisations, UN Environment has helped countries to strengthen freshwater law and governance frameworks in order to address key national and international water law issues.

As regards the *sustainable management and use of soils*, the principal milestone has been the adoption of a draft resolution "managing soil pollution to achieve sustainable development." This resolution was adopted at the third session of the UN Environmental Assembly on 4-6 December 2017. The resolution addressed the legal dimensions of managing soil pollution and provides a new framework to guide country level law-making in this area.

In regard to the need to *conserve and to manage all types of forests*, most of UN Environment's work in this area has been conducted through the unique inter-agency partnership—the UN REDD Programme (which comprises UN Environment, UNDP and FAO). The UN REDD Programme supports forest countries in developing strategies, legal and regulatory frameworks as well as institutional arrangements to reduce emissions from deforestation and degradation. As a result of the UN REDD Programme, countries are increasingly strengthening laws, policy and regulations to integrate environmental and social safeguards in REDD+ activities.

As regards biodiversity, UN Environment has supported countries in developing implementing legislation for CITES as well as the Nagoya and Kuala Lumpur Protocols. UN Environment's work in this area has helped to deepen understanding on the part of law and policy makers of the significance of these international instruments and their implementation challenges. Another important milestone in the area of biodiversity is UN Environment's work in supporting the coherent and integrated implementation and synergies of biodiversity MEAs. UN Environment's work in promoting synergies at

the international level is helping countries to more effectively meet their legal obligations under the rapidly expanding sphere of biodiversity related MEAs.

Pillar 3 – Challenges to environmental law

On *climate change*, UN Environment's support to countries has helped decision-makers and legal drafters to incorporate measures for adapting to the adverse impacts of climate change into their national climate strategies. UN Environment also played an important role in the negotiations of the 2015 Paris Agreement (ratified by 179 countries) and is working actively with countries to help them implement their Paris commitments into national legislation. As well, the *Guidebook on National Legislation for Adaptation to Climate Change* has helped lawmakers to incorporate adaptation measures into national sustainable development policies, plans and programmes. Additionally, the 2017 *Status of Climate Change Litigation: A Global Review*, prepared by UN Environment and Columbia University provides judges, advocates, researchers with a survey of global climate change litigation, an overview of litigation trends, and descriptions of key issues that courts must resolve in the course of climate change cases

The *UNDP-UNEP Poverty-Environment Initiative* has been supporting country-led efforts to mainstream poverty-environment *objectives* into national development and sub-national development planning, from policy-making to budgeting, implementation and monitoring.

On *drinking water*, a central milestone has been UN Environment's work with countries to assist them in greening national water law.

To tackle *ecosystem conservation and protection*, UN Environment has worked with more than 100 countries to implement policies and strategies on biodiversity, desertification, biosafety, agriculture, forestry and access and benefit sharing.

Pillar 4 – Relationship with other fields

On *human rights and the environment*, UN Environment's ongoing collaboration with the Special Rapporteur on Human Rights and the Environment and the UN Office of the High Commissioner on Human Rights (UNHCHR) has enhanced the capacity of states and citizens to strengthen and operationalise the linkages between human rights and the environment. One of the notable achievements is UN Environment's joint global work with the Special Rapporteur to raise awareness of the judiciary on constitutional environmental rights. As well, in 2016, UN Environment contributed towards the Human Rights Council Resolution on Human Rights and the Environment, which encouraged countries to adopt a normative framework for environmental human rights. Another important area is UN Environment's work to protect environment defenders, which has contributed to the historic 2018 Human Rights Council resolution on Environmental Human Rights Defenders.

Equally important is the recent Human Rights Council resolution, whereby the Council recognised the ongoing need to clarify key aspects of human rights and the environment. In response to this request,

the Special Rapporteur submitted a report on *framework principles on human rights and the environment* to the 37th session of the Council. And finally, UN Environment supported Latin American and Caribbean countries and stakeholders in the negotiation and the 2018 adoption of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Escazú, Costa Rica, heralded as one of the most important environmental human rights agreement adopted in the past 20 years.

UN Environment's work on *Trade and the Environment* has had an important legal dimension in its work tackling the illegal trade in environmentally sensitive commodities. As well, an important development in this field is the adoption of the UNEA-1 resolution addressing illegal trade in wildlife and wildlife products. Under the Green Customs Initiative (GCI) and Regional Enforcement Network for Chemicals and Waste (REN) umbrellas, the capacity of over 360 national enforcement officers, representing customs, police and environmental authorities has been strengthened, to detect, prevent and control the operation of illegal trade streams in environmentally sensitive commodities.

Concerning linkages between *security and the environment*, UN Environment has continued to promote awareness of environmental crime as one of the top global law enforcement priorities. UN Environment has been working closely with INTERPOL to combat transnational organised crime in relation to environmental crime. In November 2016, the UN General Assembly adopted a resolution which recognises for the first time ever that environmental crime is part of other transnational organised crimes. This represents a milestone in raising awareness about the increasing threat that environmental crime poses for peace and security, sustainable development and environmental rule of law.

Although limited progress has been made in implementing the Programme in relation to the *environmental threats posed by conflicts and disasters*, it is worth noting the adoption of two UNEA resolutions on this issue. During UNEA-2, Member States adopted a resolution on protection of the environment in areas affected by armed conflict, under which they agreed to implement applicable international environmental law in situations of armed conflict. Moreover, the resolution underlined the importance of the implementation of international law applicable to the protection of the environment in areas affected by armed conflict. At UNEA-3, Member States adopted a resolution in which they agreed to cooperate in preventing, minimising and mitigating the negative impacts of armed conflict or terrorism on the environment

5.2. Shortcomings with the Montevideo IV Programme

Broad strategy nature of the Montevideo Programme - The Montevideo IV Programme, far from being designed as an outcome oriented and measurable programme, was designed as a broad strategy on environmental law. As such, it is formulated as a compendium of priorities, which are already embedded throughout UN Environment's Law Division and its seven thematic sub programmes. The Montevideo IV Programme does not have any of the classic characteristics of UN programmes, notably: robust institutional arrangements with clearly defined roles and responsibilities; governance arrangements; programme areas that are defined by clear objectives, and which are measurable in accordance with performance metrics.

Low profile - It is clear that despite the long life of the Montevideo Programme, currently its profile is rather low within the UN system, among national governments and the international environmental law community. The low profile came into sharp relief during the regional consultations with focal points and the bilateral interviews. Early on, it was clear that despite the fact that these government officials had been appointed by their national governments as Montevideo focal points, they had limited knowledge about the work that UN Environment had undertaken either in country or at the regional or international levels under the ambit of the Montevideo Programme. Whilst they were well equipped to identify law-making challenges that needed to be addressed in the next decade, they were often unable to provide any concrete feedback on either the accomplishments or shortcomings of the Montevideo IV Programme. Their recent appointment may well be a contributing factor, but this low level of awareness or brand recognition is indeed a challenge that will need to be addressed moving forward.

Overly broad scope - As noted above, because Montevideo IV was designed as a broad strategy for environmental law for UN Environment and the rest of the international community, its scope is extremely broad. The intention at the time of the adoption of Montevideo IV was to secure a mandate for UN Environment to deal with existing as well as new and emerging issues. Montevideo IV is defined by a set of four overarching pillars, across which 27 programme areas are distributed. There are an average of 10 to 15 action areas under each of the 27 programme areas. This represents almost 250 action areas that have been mandated by the Programme, which are difficult to monitor because of the lack of performance metrics.

The reach of Montevideo IV is also an issue that should be addressed for the next decade. Montevideo IV was specifically designed to provide the strategy for environmental law for both UN Environment and the rest of the international community. However, since Montevideo IV was adopted by Member States at UN Environment's own governing body, the Environment Assembly, it is not possible for the UN Environment Assembly to commit any other body, other than UN Environment, to a specific mandate of activities. Equally, the broad reach makes it difficult to track results when the constituencies vary so significantly.

Lack of results-based management approach - Each of the four Montevideo programmes share a common design flaw, namely the lack of a results-based management (RBM) framework. To be fair, Montevideo Programmes I-III were designed before RBM was introduced into the UN system. However,

Montevideo IV does not contain any of the RBM elements that enable outcomes and desired longer-term results to be properly assessed. It is not possible to meaningfully evaluate Montevideo IV's activities and outputs, let alone assess the outcomes and impacts of stemming from these activities because of the lack of baselines, performance targets, indicators and means of verification for outputs, outcomes (expected accomplishments), and higher-level results indicators.

Lack of Theory of Change methodology - Equally important is the fact that Montevideo IV is not underpinned by a Theory of Change (TOC) or Logical Framework analysis. The TOC is an essential part of programme design, articulating the pathways of change and ideas and assumptions of how change is expected to happen. It also provides a basis for tracking progress towards outcomes and final intended impacts and provides an essential framework for expressing the intervention logic of a programme. A robust TOC will facilitate the early identification of the inevitable problems within a programme and move forward with sound adaptive management.

Lack of implementation structure - The establishment of national focal points is a good start but a more robust structure needs to be put in place to monitor the implementation of the programme.

PART II: Mapping report of Montevideo IV Programme



Pillar 1 - Effectiveness of environmental law

Overview of Pillar 1

The ten Programme Areas of Pillar 1

This diagram provides an overview of the ten programme areas under Pillar 1, all of which are designed to improve the overall effectiveness of environmental law at the country level.

These ten programme areas represent the range of functions that are employed by countries in the development, adoption, implementation and enforcement of environmental law.

The strategic objectives of the ten programme areas of Pillar 1

This diagram captures the strategic objectives that have been framed for each of the ten programme areas under Pillar 1.

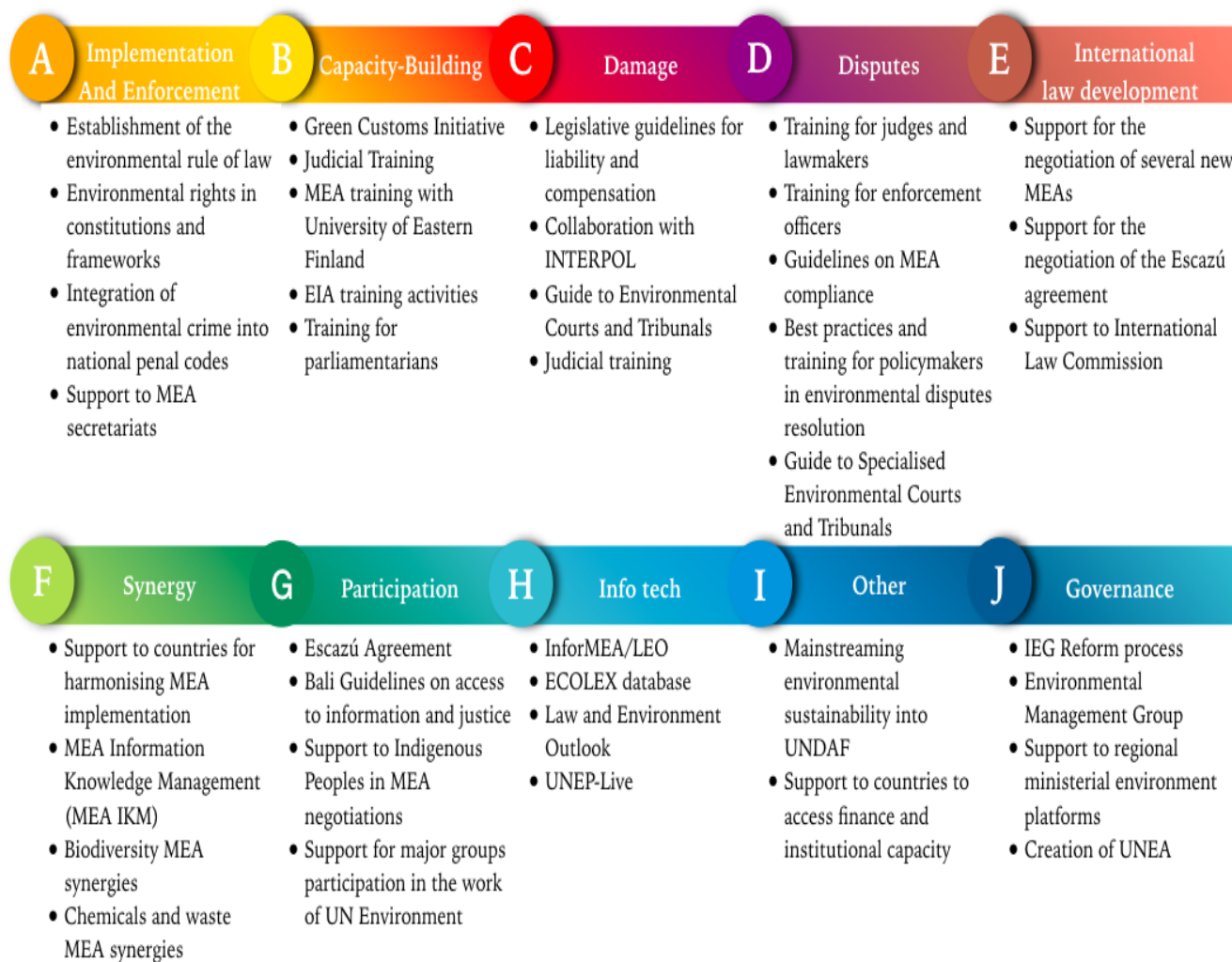
Table of Strategic Objectives of Programme Areas I. Effectiveness of environmental law

A Implementation	B Capacity	C Damage	D Disputes	E Law development
<ul style="list-style-type: none"> • To achieve effective implementation of, compliance with, and enforcement of environmental law. 	<ul style="list-style-type: none"> • To strengthen the regulatory and institutional capacity of developing countries, and countries with economies in transition, to develop and implement environmental law. 	<ul style="list-style-type: none"> • To strengthen measures to prevent environmental damage, and to mitigate such damage when it occurs. 	<ul style="list-style-type: none"> • To improve the effectiveness and measure and methods for avoiding and settling international environmental disputes. 	<ul style="list-style-type: none"> • To strengthen and further develop international environmental law, building on the existing foundations and successes
F Synergy	G Participation	H Info tech	I Other	J Governance
<ul style="list-style-type: none"> • To promote, when appropriate, harmonised approaches to the development and implementation of environmental law, and to encourage coordination of relevant institutions. 	<ul style="list-style-type: none"> • To enhance the quality of decision making on environmental matters through increase transparency, access to information and public participation. 	<ul style="list-style-type: none"> • To advance further the use of information technologies in decision making processes at national and international levels improve the content and effectiveness of environmental law. 	<ul style="list-style-type: none"> • To improve the effectiveness of environmental law through the application of innovative approaches. 	<ul style="list-style-type: none"> • To achieve the realisation of optimal governance structures, processes and practices for environmental protection at the national and international levels.

Snapshot of selected UN Environment initiatives under Pillar 1

The diagram below presents a snapshot of some of the prominent UN Environment initiatives, which have been executed under the ambit of each of the ten programme areas under Pillar 1.

Overview of key initiatives under the ten Programme Areas I. Effectiveness of environmental law



Key Achievements of Pillar 1

Pillar 1 is perhaps the most important pillar of the entire Montevideo Programme IV. Most of the achievements made by UN Environment in empowering countries to develop and implement environmental law, have been through its work executed under Pillar 1's various programme areas.

First and foremost, as regards support for *implementation and enforcement*, UN Environment's work on the environmental rule of law has been pivotal. As a result of UN Environment's Governing Council Decision 27/9 the development of the term *environmental rule of law* has become increasingly embedded in national frameworks and constitutions as well as the judicial rulings. Consequently, this has enabled many countries to open up new frontiers of adjudication on environmental rights, and to integrate environmental crime in national penal codes. Increased opportunities for the exchange of best practices have increasingly contributed to a higher standard of practice in strongly embedding the environment in the rule of law.

Secondly, through *capacity building* efforts, UN Environment has equipped law and policy makers with information and knowledge to support the implementation of MEAs and the strengthening of national environmental legislation. It has also equipped judges with knowledge regarding environmental principles and practices for clearer decisions and more effective remedies UN Environment's support in the form of training programmes for parliamentarians and environmental negotiators has also served to deepen national debates as well as further engagement in international forums. Furthermore, country-tailored training programmes have enhanced capacities to enforce environmental law, for example through the development of guidance and manuals, or the integration of environmental law into national curricula.

Third, UN Environment's guidance regarding domestic legislation for *liability* has been critical in the creation of rules on liability, response and compensation for environmental damage. In several cases, countries have been empowered successfully integrate environmental crimes into their national penal codes. Again, the environmental rule of law work has proved critical. It has increased public understanding of peoples' environmental rights and has enhanced the capacity of judges to adjudicate environmental rights issues.

Fourth, the dissemination of knowledge and best practices in *environmental adjudication* has equipped environmental policy makers with knowledge on dispute avoidance and settlement mechanisms. UN Environment's work in this area has not been as widespread as in other areas under this pillar. However, it is a highly important challenge that will require increased country support. With the growth in transboundary environmental disputes arising over increasingly scarce natural resources, countries will need more assistance in both preventing and resolving disputes.

Fifth, UN Environment's efforts to support the further *development of international environmental law* have also been noteworthy. A number of new legal instruments have been adopted during Montevideo IV, with the direct or indirect support of UN Environment. These include: the Nagoya-Kuala Lumpur Protocol on Liability and Redress Protocol (2010); the Minamata Convention on Mercury (2013); the Aktau Protocol on Regional Preparedness for Oil Pollution in the Caspian Sea (2011) and the Environmental Impact Assessment Protocol (2018) both of which were adopted under the Tehran Convention.

UN Environment has also played a key role in the strengthening of transboundary freshwater governance regimes, by enhancing the capacity of basin organisations to address legal challenges inherent in the management of transboundary basins. Moreover, UN Environment's compendium on human rights and environment has been an important resource for judges and lawmakers, equipping them with best practices on legislation and case law on the relationship between human rights and the environment. And finally, UN Environment's work with various partners in environmental crime, with a strong focus on illegal trade in wildlife and forest products, has produced several knowledge products that have contributed to raising awareness about the impacts of these illegal activities on the livelihoods of communities, the environment and peace and security.

Sixth, UN Environment's work on promoting *harmonised approaches* in environmental law-making and implementation has helped countries to develop national strategic frameworks to deliver on the environmental dimension on the SDGs and MEAs in a coherent and coordinated manner. Several countries have been equipped with tools to mainstream the MEAs and SDG priorities in national policy planning and to ensure the synergies between conventions. As well, UN Environment's knowledge management tools, focusing on over 50 multilateral environmental agreements, are equipping countries with an information and knowledge base to help create harmonised approaches in the implementation of key MEAs.

Seventh, UN Environment's work on promoting public participation has contributed to the adoption of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (adopted at Escazú, Costa Rica on 4 March 2018), the world's second regional agreement on access, participation and justice in environmental matters. Technical assistance has continued to equip countries and civil society in developing and or strengthening national legislation related to access to information, participation and civil society in developing and or strengthening national legislation related to access to information, participation and justice. As a result, both national and inter-governmental decisions are increasingly recognising the view of major groups and stakeholders earlier on in the decision-making process.

Eighth, advances have been made in the *development of web tools* to support the implementation of multilateral environmental conventions and to develop and implement

environmental law. These include United Nations Information Portal on Multilateral Environmental Agreements (known as InforMEA) and ECOLEX, a gateway to environmental law. Together they provide decision makers with a wide range of information resources and of online learning tools. The new knowledge platform on human rights and the environment is beginning to equip decision-makers with best practices on law and jurisprudence. Additionally, the Environment-Live portal uses world data to generate environmental information including integrated analysis, and progress reporting on global environmental goals.

And finally, UN Environment's consultative process on *International Environmental Governance* enabled governments to articulate important reform options, which in turn were adopted at Rio+20. The upgrading of UN Environment and the creation of the UN Environment Assembly represent a significant milestone in the strengthening of international governance for the environment. Moreover, UN Environment's support to regional and sub-regional ministerial foras has helped to strengthen environmental cooperation at these levels. This contributed to increased coherence in international environmental decision-making processes. As well, UN Environment's scientific assessments have equipped decision-makers with the capacity to bridge the science-policy divide and to ensure evidence-based decision-making.

Detailed overview of Pillar 1 Programme Areas

Programme Area A - Implementation, Compliance and Enforcement

Objective: To achieve effective implementation of, compliance with, and enforcement of environmental law.

Strategy: Promote the effective implementation of environmental law through, inter alia, the widest possible participation in multilateral environmental agreements and the development of relevant strategies, mechanisms and national laws.

Overview of mandated action:

Study the effectiveness of environmental law
Exchange of best practices
Develop review mechanisms
Identify implementation constraints
Improve MEA compliance
Develop environmental dispute resolution
Produce guidance material
Analyse MEA compliance mechanisms
Promote facilitative means of implementation/compliance
Promote the use of disincentives (including civil liability mechanisms)
Promote the use of criminal and administrative law
Enhance involvement of non-State actors
Regional and sub-regional cooperation
Early notification transboundary harm
Environmental transboundary cooperation
Enforcement mechanisms in new MEAs

Achievements under Programme Area A

- UN Environment Governing Council Decision 27/9 decision, introducing the term environmental rule of law has been transformative on many levels, since other international organisations and national institutions have taken up the concept and its elements. Many countries have now embedded environmental rights in their constitutions and national frameworks. Whilst this concept includes the respect of human rights and public participation, for which progress is reported under the section covering Pillar IV on relationship with other fields, this concept also enshrines the importance of strong and accountable institutions, laws that are designed effectively and are enforced.
- As regards multilateral environmental agreements (MEAs), UN Environment has been providing programmatic and technical advisory support to many of the MEA Secretariats for many years. This support has contributed to the progressive development of key MEAs and has also helped to enhance implementation. Many of UN Environment's targeted capacity-building and awareness-raising programmes have enhanced the capacity of countries to implement their MEA obligations. Guidance material has also assisted countries in fulfilling MEA commitments and in developing national legislation addressing crosscutting or specific thematic issues.
- UN Environment-led initiatives have also promoted the sharing of best practices in the effective enforcement of national environmental laws and helped enforcement officers to address the growing trend in environmental crime. This has contributed to a growing number of countries that are now beginning to integrate environmental crime in their national penal codes and to engage in transboundary collaborative efforts to curb illegal trade. Training institutions for the enforcement sector have benefitted not only from dedicated training (for example through the Green Customs Initiative) but also the integration of environmental law in respective training institutes, for instance for prosecutors.
- As well, UN Environment's support to regional platforms for the development of common environmental outcomes has helped to enhance regional consensus, link global processes to regional agendas, and increase the reflection of regional priorities in global policy processes, such as Rio+20, UNEA and more recently the High-Level Political Forum on SDGs.

Challenges and gaps

- Despite the important accomplishments described above, countries continue to face challenges in implementation of multiple MEAs. Many countries also face challenges in translating high-level global policy into concrete international law. Limited synergy among MEAs at the international level makes integrated implementation at the national level difficult.
- An underlying challenge is the lack of coordination between government departments and economic sectors. This makes environmental mainstreaming into policy areas such as mining, forestry, and fisheries, including in related legislation, more difficult.
- There is still much work to do in supporting countries with the capacity to develop appropriate criminal and civil sanctions, and to put in place harmonized approaches among countries to avoid

loopholes. This will help enormously to ensure more effective enforcement of environmental laws.

- Strengthening participatory environmental decision-making remains a need and support in this direction is needed.

FOCAL POINT MESSAGES PROGRAMME AREA A

Africa

- MEA ratification is a time-consuming process for many countries. Procedures are slow and cumbersome, and in many cases, there is limited institutional capacity for implementation as a whole. Support with implementation is imperative.
- Countries need access to best practices in environmental law implementation.

Latin America and the Caribbean

- Countries need support to improve compliance with and enforcement of environmental laws through increased resources for and training of relevant parties.
- There is also a need for: guidance material on MEA implementation; more exchange of best practices; guidance for national reporting; joint regional centres for technical assistance and capacity building; support to enhance engagement of NGOs; and support for the creation of national advisory councils; performance reviews and auditing.

West Asia

- Whilst there were many good examples of environmental law having been adopted at the national level, implementation and enforcement remained a concern.
- In particular, technical assistance is needed for the following: training prosecutors and the judiciary, valuing environmental harm and training government officials in natural accounting, monitoring environmental trends and collecting data.
- Environment Ministry officials are often limited in their powers - this has also impeded implementation for environmental law.

Asia-Pacific

- Many countries have developed framework for environmental laws, however implementation suffers from gaps in knowledge, political will, institutional capacity, and legal redress.

Europe and North America

- Need more feedback from focal points

Programme Area B - Capacity Building

Objective: To strengthen the regulatory and institutional capacity of developing countries, in particular the least developed and small island developing States, and countries with economies in transition, to develop and implement environmental law.

Strategy: Provide appropriate technical assistance, education and training to those concerned, based on an assessment of their needs.

Overview of mandated actions:

Develop domestic environmental law, procedures and institutions
Develop exchange programmes
Enhance participation in MEA negotiations
Promote environmental law education
Facilitate environmental law training programs
Promote environmental jurisprudence
Strengthen coordination among international organizations
Support national authorities in the use of environmental information
Produce environmental law publications

Achievements under Programme Area B

- UN Environment has provided law and policy makers with the tools, knowledge and resources needed to develop and strengthen environmental law.
- UN Environment's *capacity building for judges* has significantly increased their grasp of environmental law. Publications such as the 2016 "Environmental Courts and Tribunals; A Guide for Policymakers" have been used in training programmes for tribunal members and as a result, judges have been equipped with resources to improve the adjudication of environmental matters.
- As well, judges and environmental law experts have acquired an increasing understanding about the operationalisation of constitutional environmental rights. This is particularly important considering that over 100 national constitutions now enshrine a right to a healthy environment. For example, African judges have been equipped with the knowledge of how best to integrate environmental rights into the jurisdiction of the African Court on Human and Peoples' Rights. The

European Parliament recently adopted a resolution on wildlife trafficking and specifically recognised UN Environment's Global Judges Programme as models for the EU to follow.

- Another important dimension of UN Environment's capacity building has been the *training of environmental policy makers*. For example, UN Environment has provided training for climate negotiators from African and SIDS countries. Moreover, it has conducted annual MEA training in collaboration with the University of Eastern Finland. Additionally, it has hosted bi-annual global training programmes on environmental policy and law and issue specific trainings such as impact assessment law and policy in urban decision-making, to name but a few. The training programmes have helped to raise awareness of legal and institutional developments and have also transferred important skills for the translation of MEAs and other global goals and emerging approaches into national legislation. As well, these training programmes have created important opportunities for government officials exchange to network and exchange best practices on environmental law-making and have at times led to the drafting of new legislation as a follow up to the training.
- *Environmental law-making* has been an important focus on the UN Environments capacity building work in recent years. Several of its country-tailored training programmes have enhanced the impact of enforcement officers in measuring enforcement, calculating environmental damage, developing joint enforcement action and measuring the effectiveness of such action. UN Environment's work under the auspices of the Green Customs Initiative has empowered customs and border control officers to more effectively prevent illegal trade in environmentally sensitive commodities.
- *Training for parliamentarians* has strengthened their capacity to deepen debate, to improve role in environmental law making, and to enhance their accountability and oversight role has been strengthened.
- The *capacity of environmental negotiators* has also been enhanced and they have been empowered to engage more systematically in international and regional environmental negotiation forums.

Challenges and gaps

- There is a continuing need for support to countries in developing *whole-of-government approaches* in the implementation process.
- *National level implementation capacity* to achieve international commitments needs to be further developed.
- *Lack of resources* limit the ability of national governments to effectively implement MEAs and to implement domestic environmental legislation.
- Countries also lack the capacity to *integrate environmental priorities* into sectoral and cross-sectoral government policies and laws to ensure that key economic sectoral policies do not

undermine the objectives of the environmental legislation.

- Systematic engagement of stakeholders in the law-making and implementation phases still needs to be strengthened and become integral part of law development and implementation. .
- In addition, in many countries there is a lack of capacity for both developing and reviewing regulatory frameworks. Strengthening this is important to ensure the timely updating of laws and regulations to ensure that countries respond to or anticipate emerging challenges. To this end, countries need additional support to strengthen their ability to monitor and report on overall progress, as well as to assess the effects of legislation

FOCAL POINT MESSAGES PROGRAMME AREA B

Africa

- Capacity building has been limited in the region.
- Support is required for the creation of a national committee for the development and implementation of environmental law.
- Further support for the training of environmental lawyers.
- Training is required for environmental officers including police, judges, prosecutors, and environmental assessment officers.
- *Further support needed* for data collection, monitoring and surveillance.
- African countries need to further engage in the exchange of best practices.

Latin America and the Caribbean

- Requires more coordination between the executive, the judicial and other environmental actors.
- Has limited capacity for developing and implementing environmental law and requires specialised training in drafting environmental law.
- There is a need to develop more opportunities for public participation in environmental law, specifically concerning ethnic communities.
- Has limited finance as priorities lay in other domains.

West Asia

- Government officials, prosecutors, judges and environmental inspectors require more support and training for implementation and enforcement.
- Harmonisation of internal procedures is required at each step in the environmental law-making stages.
- Need support to more effectively engage their legislative and judicial branches of government.
- Need training of stakeholders on practical ways to implement different MEAs.
- Need more training of environmental law officials.
- Many countries in this region need support for the transposition of MEA's into the national legislation.
- Needs to improve public awareness in school curriculum.

Asia-Pacific

- Needs more support in capacity building and technology transfer.
- Needs increased support in implementation process.
- Montevideo Programmes needs a clear framework that distinguishes between international, regional and national levels lawmakers
- Stakeholders must work closely to combine environmental protection with economic development.
- Requires support from UN Environment to create an environmental lawyers' forum to help communication information and best practices.

Europe and North America

- Need more feedback from focal points

Programme Area C- Prevention, mitigation and compensation for environmental damage

Objective: To strengthen measures to prevent environmental damage, and to mitigate such damage when it occurs.

Strategy: Promote the development and application of policies and measures to prevent environmental damage and mitigate such damage by means such as restoration or redress, including compensation, where appropriate.

Overview of actions mandated under Programme Area C

Promote best practice standards
Study civil liability regimes
Study compensation, remediation, replacement and restoration
Enhance access to justice and redress
Support national liability regimes
Promote collaboration in strengthening regimes
Develop legislative, administrative and institutional mechanisms

Achievements under Programme Area C

- UN Environment's guidelines for domestic legislation on liability have provided important direction to states in the creation of domestic rules on liability, response and compensation for damage caused by dangerous activities. Countries have also been equipped with UN Environment's compilation of suggested sanctions for environmental violations. This guidance aims to support countries in determining when and where to use civil or criminal remedies.
- UN Environment's collaboration with INTERPOL has helped to assess the scale and impact of environmental crime. UN Environment has also played an important role in promoting awareness raising to help citizens understand their environmental rights. Both of these are avenues to help address environmental damage.
- UN Environment's work on the environmental rule of law has significantly enhanced the capacity of judges to adjudicate environmental matters and to reinforce understanding of the concept of environmental rule of law. UN Environment's 2016 Guide to Specialised Environmental Courts and Tribunals has provided policymakers with best practices in a range of institutional models for

environmental dispute resolution. The dissemination of best practices is designed to empower key actors to improve the way in which they identify and settle environmental disputes.

- UN Environment continually addresses issues relating to dispute avoidance and settlement as part of its training programmes. Policy makers are becoming more adept in their use of these mechanisms. Training programmes are enhancing policy makers abilities to use mechanisms relating to dispute avoidance and settlement.
- Specialised environmental courts have sprawled around the world; in some cases following the engagement of the highest level of national judiciary representatives in UN Environment led judicial colloquia. Training programmes and knowledge products support the work of these and of non-specialised courts in adjudicating on environmental cases.

Challenges and gaps

- There is a continuing need for UN Environment step up its work in supporting countries to develop national liability regimes and to equip judges and other legal professionals with knowledge and tools to assess and calculate environmental damage

FOCAL POINT MESSAGES PROGRAMME AREA C

Africa

- Despite adopting legislation, enforcement and capacity to prevent mitigate and compensate needs to be improved.
- Requires support for the development of alternative dispute settlement techniques.
- Requires support to assess environmental damage and to conduct environmental studies.
- *Needs to be increased* exchange of information regarding MEA requirements.
- *There is a need* to reinforce capacity and raise awareness on environmental rights and preventative measures.

Latin America and the Caribbean

- Need technical expertise and improved judicial understanding of environmental law.
- Many countries require increased support for the realisation of EIA legislation.
- Access to justice is limited in scope so the Environment Ministry and prosecutors need to be trained more systematically.
- While regulations addressing the prevention of environmental damage are functioning well, mitigation of damage could be improved; this could be done by conducting baseline, i.e. pre-impact, studies as a part of EIA processes.

West Asia

- Need increased support for the prevention, mitigation and compensation of environmental damage, especially technical assistance in improving the valuation of environmental damage and calculation of compensation.
- Needs to Integrate environmental issues more proactively in primary, secondary and tertiary educational curricula, not to mention training for environmental law officials. This would help to raise public awareness on environmental issues.

Asia-Pacific

- Laws and regulations need to be put in place to address the impacts of large-scale polluting actors and need support to adopt overarching legislation to deal with marine litter, including the prevention, reduction and management.
- Technology for pollution prevention must be greatly strengthened.

Europe and North America

- Need more feedback from focal points

Programme Area D- Avoidance and settlement of international disputes relating to the environment

Objective: To improve the effectiveness of measures and methods for avoiding and settling international environmental disputes.

Strategy: Develop and promote new and existing means for avoiding environmental disputes and, where such avoidance is not possible, for their peaceful settlement.

Overview of mandated actions

Exchange environmental information regularly
Assess environmental transboundary impacts of activities
Encourage early notification and consultation regarding transboundary impacts
Develop innovative approaches to dispute avoidance
Study facilitative role of international bodies in dispute settlement
Study dispute settlement provisions in MEAs
Facilitate the use of expert opinions
Provide training on environmental dispute settlement
Compare best practices in dispute settlement

Achievements under Programme Area D

- Through all of UN Environment's training programmes for judges and law makers issues related to dispute avoidance and dispute settlement are always addressed. Participants have been educated on the different mechanisms for both these areas. For example, members of the Kenya Environmental Tribunal were trained in the adjudication of environmental issues. As well the Africa Asia enforcement meeting in 2017 focussed on joint enforcement action, the calculation of environmental damages.
- Many of UN Environment's capacity building programmes in relation to environmental crime have empowered enforcement officers with the capacity to investigate and to strengthen legal frameworks to prevent environmental crime.
- UN Environment has also created Guidelines on MEA Compliance.
- The UN Environment training manual also addresses mechanisms for both avoidance and settlement of international and environmental disputes.

- All the handbooks for the implementation of different MEAs address the full procedures and the institutions to address non-compliance.
- In the context of international and regional environmental negotiations, UN Environment regularly advises governments on different approaches for dispute avoidance and settlement.
- UN Environment also recently convened a meeting with two renowned judicial champions of the environment - Justice Antonio Benjamin and Justice Ragnhild Noer where discussions about the challenges of improving compliance were addressed.

Challenges and Gaps

- Increased awareness is needed about international dispute settlement regimes such as the international tribunal for the Law of the Sea and the role they can play in addressing environmental issues.
- Education and training of judges and prosecutors is essential in strengthening of dispute settlement procedures including to address transboundary issues.
- Increased attention is needed to equip law enforcement authorities with the tools needed to prosecute environmental crimes when dispute settlement mechanisms are not successful.
- UN Environment and the International Criminal Court could step up their collaboration to deepen understanding of how climate crimes may be intertwined with other serious international crimes.

FOCAL POINT MESSAGES PROGRAMME AREA D

Africa

- Needs support to strengthen international environmental dispute resolution capacity.
- Needs support to improve independent authorities' capabilities of mitigation and compensation.
- Requires increased promotion of MEA provisions and to resolve entailed disputes.
- There is a need to develop new legal instruments to promote the resolution of environmental conflicts

Latin America and the Caribbean

- Needs support for the strengthening of capacities in alternative conflict resolution methods.
- Requires capacity building in negotiation techniques to strengthen impact in MEA negotiations.
- New legal instruments are needed to develop dispute resolution systems and best practice guidelines would be useful.
- Relevant dispute resolution provisions in international and domestic environmental law must be transformed into municipal law.

West Asia

- Requires strengthening of dispute settlement and conflict management procedures, especially in cases of non-compliance by Parties with their obligations under MEAs.
- Need continuous, periodical training for different stakeholders on practical ways to implement the different MEAs.

Asia Pacific

- In APEC, conflicts have arisen from the Belt and Road project and the *Japan/China* air pollution dispute. In addition to multilateral mechanisms, bilateral mechanisms are also needed for dispute settlement

Europe and North America

- Need more feedback from focal points

Programme Area E – Strengthening and developing international environmental law

Objective: To strengthen and further develop international environmental law, building on the existing foundations and successes.

Strategy: Encourage international action to address gaps and weaknesses in existing international environmental law and to respond to new environmental challenges.

Overview of mandated actions

Assess response of international environmental law to emerging challenges
Develop criteria for exploring the feasibility of new MEAs
Assess implementation of international instruments
Assist governments to implement instruments
Strengthen collaboration in the development of MEAs
Examine relationship between international environmental law and other sectors

Achievements under Programme Area E

- UN Environment's efforts to support the further *development of international environmental law* have also been noteworthy.
- A number of new environmental law and global policy frameworks have been adopted during Montevideo IV with direct support from UN Environment. These include: the Minamata Convention on Mercury (2013); the Aktau Protocol on Regional Preparedness for Oil Pollution in the Caspian Sea (2011) and the Environmental Impact Assessment Protocol (2018) - both of which were adopted under the Tehran Convention.
- Other major agreements adopted during the Montevideo IV include the Nagoya-Kuala Lumpur Protocol on Liability and Redress Protocol (2010); The Paris Agreement (2015) and the Kigali Amendment. UN Environment is mostly involved in supporting implementation efforts for these new agreements.
- UN Environment has also supported the negotiations of the Latin American and Caribbean Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, developed under the aegis of ECLAC.
- UN Environment has also provided support to the international norms consolidation efforts undertaken by the International Law Commission, in the areas of climate change and armed conflict.

Challenges and Gaps

Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA E

Africa

- There is a need to raise public awareness and understanding about the importance of environmental law.
- Needs to reinforce the capacity of all key actors in the development of international environmental law.
- Requires support to conduct a study on the implementation of MEAs that they have ratified.
- There also needs to be increased support to deepen their understanding regarding the full scope of international environmental law and the importance of ratifying these treaties at the national level.
- Periodic training is necessary to stay up to date with the development of international environmental law.
- Increase capacity to expand national consultations and participate in technical processes. This requires the establishment of a commission of experts at the international level.

Latin America and the Caribbean

- There is a need for further capacity building to enhance national government's' capacity to influence MEA negotiations.
- Need new international environmental laws to resolve new and emerging transboundary disputes.
- Civil law systems need to be strengthened to the extent that common law systems have been developed in the region.

West Asia

- Need more feedback from focal points

Asia Pacific

- APEC focal points agreed that the environmental law system is fragmented, and that UN Environment could play a role albeit limited, in addressing some of the more pressing environmental problems related to fishing activities.

Europe and North America

- Need more feedback from focal points

Programme Area F – Harmonisation, coordination and synergies

Objective: To promote, where appropriate, harmonised approaches to the development and implementation of environmental law and to encourage coordination of relevant institutions.

Strategy: Promote global, national, regional and sub-regional actions to develop and apply the appropriate harmonised approaches to environmental law and to encourage coherence and coordination of international environmental law and institutions.

Overview of mandated actions

Improve environmental standards at the national level

Improve consistency between environment and other laws

Promote best practices in environmental mainstreaming

Promote ecosystem approach to ensure MEA implementation

Improve the coherence between MEAs

Analyse linkages between current MEAs and those being negotiated

Enhance cooperation between MEA secretariats and COPs

Promote synergies in the implementation of MEAS

Achievements under Programme Area F

- Countries have been supported in creating harmonised approaches in the implementation of key MEAs, including from the perspective of integrated reporting to multiple agreements, information and knowledge products that through common semantics enable the exploitation of linkages and synergies. As a result of this, countries have better access to information through the MEA Information and Knowledge Management initiatives to more effectively implement their key obligations and
- National reporting is becoming increasingly mainstreamed, which is relieving reporting burdens on countries.
- A growing number of countries have been supported in developing national strategies, which include multi-sectoral priorities to deliver on the environmental dimension on the SDGs and MEAs. UN Environment is supporting countries to do so in a coherent coordinated manner.
- Countries have also been supported in strengthening the link between conventions, for example between the convention on migratory species and SDGs and between biodiversity-related conventions and SDGs.

- Countries have been supported with tools for mainstreaming biodiversity into other sectors, including the extractive industry sector.
- African, Caribbean and Pacific countries have been equipped with tools to mainstream the MEAs and SDG priorities in national policy planning. Countries in the Caribbean have also been equipped with tools to ensure the synergies between the chemicals conventions.
- UN Environment has been promoting interlinkages and synergies among chemical and hazardous waste prevention treaties (Basel, Rotterdam and Stockholm conventions). This work is primarily focused on the secretariat-organisational level to ensure a more coordinated approach, which will assist countries in implementing these three conventions in a more coherent manner.

Challenges and gaps

- A challenge that countries continue to face is to difficulty to harmonise environmental policy making with other sectors. Specifically, countries are often ill-equipped to create synergies between environmental law and poverty reduction strategies.
- Countries need support to create and strengthen inter-ministerial institutions. Siloed decision-making continues to be the norm, and this is a problem that undermines the effectiveness of environmental law. In many cases economic interest continue to supersede environmental priorities. Countries need tools to more effectively value resources. This will help environment ministries to make more compelling economic arguments in favour of environmental protection.
- Harmonisation in terms of vertical integration, from the national to the local level, is a challenge which needs to be addressed.
- Countries need guidance in assessing the environmental impact of policies in the areas of energy, agriculture and trade policy.

FOCAL POINT MESSAGES PROGRAMME AREA F

Africa

- Need more support to improve harmonisation and synergies.
- Establishment of environmental law experts that can conduct performance reviews and advise on how to strengthen harmonisation is crucial.
- Need financial and technical support to integrate environmental law into other policy domains.
- Needs awareness raising campaign seminars to be organised to enhance the capacities of various stakeholders.

Latin America and the Caribbean

- Needs support in normative development and updating of existing policies for the development of environmental policies.
- Inter-ministerial/ cross-sectoral bodies exist. However, these need to be strengthened so that they can more effectively harmonise and coordinate environmental law across governments.
- In some cases, comprehensive legislation does exist, however efforts are needed to more regularly review and update.

West Asia

- There is a need to develop regional framework laws from which national implementing legislation could be further developed and concretised.

Asia Pacific

- Lack of harmonisation between government ministries continues to be a problem throughout the region.
- Environmental decision-making processes continue to be very siloed. This is another problem that continues to undermine the effectiveness of environmental law and policy. UN Environment should support more harmonised and coordinated approaches, which draw on the expertise from different line ministries.
- It was noted that some countries will expect neighbouring countries to sign transboundary treaties but will be reluctant to sign on themselves. This has resulted in a growth of bilateral treaties and a decrease in regional instruments. A possible solution is to create a standard template of environmental/social impact assessment so that countries' efforts in regulating EIA is more effectively harmonised.

Europe and North America

- Need more feedback from focal points

Programme Area G. Public Participation and access to information

Objective: To enhance the quality of decision-making on environmental matters through increased transparency, access to information and public participation.

Strategy: Promote and further develop legal and practical means to increase transparency, strengthen access to information and improve, promote and enhance public participation in processes leading to decision-making relating to the environment.

Overview of actions mandated under Programme Area G

Promote understanding of law and practices related to access to information, public participation and justice

Develop new means to collect environmental information

Promote public participation in the implementation, compliance and enforcement of environmental law

Convene training on law and practice related to access to information and participation

Assess how international instruments can improve access to information, participation and justice.

Enhance public participation and access to information in international negotiations

Achievements under Programme Area G

- One of the most important examples of UN Environment's impact in the area has been the adoption of the Escazù Agreement on Access to Information Participation and Justice in Latin America and the Caribbean. This multilateral instrument seeks to guarantee the rights of all inhabitants to access public information and ensure that the public is consulted on matters affecting their quality of life. Significantly, the agreement contains an express guarantee of protection for environmental defenders.
- UN Environment's Guidelines on the Development of National Legislation, Access to Information and Access to Justice in Environmental Matters (so-called the Bali Guidelines) were adopted by the Governing Council in 2010 and have been further operationalized through an Implementation Guide. These have equipped countries and stakeholders with a deeper understanding of the gaps that need to be addressed by national legislation.
- In providing technical support to countries for the development of national legislation, UN Environment consistently promotes the engagement of all relevant stakeholders in line with Principle 10.

- UN Environment's work on strengthening the links between human rights and environment has a strong focus on participatory rights, including public participation and access to information.
- The participation of major groups and stakeholders in the work of UN Environment has also been enhanced. As a result, inter-governmental decisions are increasingly recognising the views of major groups and stakeholders earlier on in the decision-making process.
- UN Environment has also supported the role of Indigenous Peoples in participating in inter-governmental processes. The engagement of stakeholders, including Indigenous Peoples has been improved in every step of REDD+ processes, including planning implementation, common monitoring and reporting.

Challenges and gaps

- In many countries around the world, civil society organisations and single individuals continue to face constraints in terms of their engagement in environmental decision-making.
- The problems faced by environmental defenders in many countries, culminating in some cases with death, demonstrates a strong need for intensified investment in promoting public participation in decisions that affect the environment and the people who live in it.

FOCAL POINT MESSAGES PROGRAMME AREA G

Africa

- Public participation and access to information can be increase by raising awareness in local languages
- Need to equip journalists in all media with better knowledge about environmental issues.
- Needs to widen access to information especially for administrative/political actors as well as magistrates in environmental law.

Latin America and the Caribbean

- There is a need to develop more opportunities for the public to participate in the environmental law process.
- New strategies are required to encourage open and transparent governance through the use of new technology platforms.
- Capacity building in public participation is needed - specifically ethnic communities.
- Require technical assistance to implement the Escazù Agreement on access to information, public participation and access to justice in environmental matters.
- Furthermore, several countries need to actively promote the Freedom of Information Act in the context of environmental issues.

West Asia

- Further need to significantly scale up public awareness raising and more specifically, to integrate environmental issues into primary school curriculum.
- Environmental education should become a core subject matter rather than a peripheral subject.

Asia Pacific

- Countries acknowledged the need to include the public in the development and implementation of environmental human rights. This will help to build ownership and buy-in for this new generation of rights.
- The challenge is to find new ways to engage stakeholders and mobilize them around critical situations, citing sand and dust storms as an example. UN Environment already has a mandate to disseminate all types of best practices on legislative and regulatory developments, new law-making processes, and of course examples of new environmental case law that has also helped to shape environmental law. These efforts need to be stepped up and new strategies for broadening dissemination should be considered. Environmental law experts from the region also emphasised that UN Environment's continuing outreach efforts to civil society have been recognized as extremely valuable.

Europe and North America

- Need more feedback from focal points

Programme Area H. Information Technology

Objective: To advance further the use of existing and new information technologies and other means of communication in decision-making processes at national and international levels in order to improve the content and effectiveness of environmental law.

Strategy: Promote the appropriate use of new and existing information technologies and other means of communication in the implementation and enforcement of environmental law and the dissemination of information relating to environmental law, taking into account the special needs and circumstances of countries with lesser access to information technology tools.

Overview of mandated actions

Promote new information technologies to improve dissemination of laws and decision-making procedures

Improve international arrangements for access to information on environmental legislation

Promote information technology to enhance public participation

Improve UN Environment website

Promote the development of joint environmental law databases with FAO, IUCN and ECOLEX

Enhance access to internet-based legal databases

Achievements under Programme Area H

- Advances have been made in the development of web tools to support the further development and implementation of environmental law including the MEAs.
- InforMEA and ECOLEX are supported by a common semantic basis (Environment and Law Ontology). These tools provide decision-makers with a gateway to environmental law, court cases and literature, and to over 50 conventions. These resources are assisting the implementation of MEAs at the national level and in the development and implementation of environmental law.
- A knowledge platform on human rights and the environment have equipped decision-makers with best practices on law and jurisprudence.
- UNEP-Live provides integrated analysis, and progress reporting on global environmental goals.

Challenges and gaps

- Notwithstanding the great progress in making environmental law information available, and in creating useful linkages and synergies among instruments through common semantics, the tools

put in place do not yet allow for automated analysis, which would be useful for monitoring and reporting on progress in environmental law.

FOCAL POINT MESSAGES PROGRAMME AREA H

Africa

- Requires support to develop cleaning house mechanisms and to establish robust database.
- There is a need for financial and technological support to increase their capacity to develop and use information technology.
- There needs to be increased access to new technologies as costs of new technologies can be high.

Latin America and the Caribbean

- The use of information systems needs to be incorporated into all levels of governance in order to ensure compliance of environmental law on all dimensions.
- Technological platforms for open and transparent environmental governance need to be further implemented throughout the region. Consequently, training and technical assistance is necessary.

West Asia

- In the region, countries have conducted consultation with key stakeholders and have tried to adapt policies to include more efficient use of information technology. However, the use of information technology needs to be further supported.

Asia Pacific

- Countries agreed that a future environmental law programme could be designed using the best available information technology, to provide users with more opportunities for interfacing with the material, which should be presented in a far more user-friendly fashion.

Europe and North America

- Need more feedback from focal points

Programme Area I - Other means to increase the effectiveness of environmental law

Objective: To improve the effectiveness of environmental law through the application of innovative approaches.

Strategy: Identify and promote innovative approaches, tools and mechanisms that will improve the effectiveness of environmental law.

Overview of mandated actions

Promote tools such as eco-labelling, certification, pollution fees, natural resource taxes and emissions trading

Voluntary codes of conduct

Measures for environmental values and concerns

Contribution from other fields of law

(e) Indigenous and local communities' practices

(f) Promotion of ecosystem management in law and practice

(g) Legal and policy frameworks to reduce the debt burdens

Achievements under Programme Area I

- In response to country requests, UN Environment has developed a project called *Integrating Environmental Sustainability in the UN Development Assistance Framework (UNDAF)* and UN Common Country Programming Processes. During the period 2014-2017, this project aimed to build capacities of the UN Country Teams to mainstream environmental sustainability into the programming process.
- UN Environment has also been supporting countries to enable Direct Access to the Adaptation Fund. It is also working with countries in Latin America, Africa and the Asia Pacific region to support their access to adaptation finance and institutional capacity development.

Challenges and gaps

Assessment ongoing in this area

Messages from focal points

Assessment ongoing in this area

Programme Area J - Governance

Objective: To achieve the realisation of optimal governance structures, processes and practices for environmental protection at the national and international levels.

Strategy: Enhance coherence and synergies as well as improving the capacity of countries to implement commitments and to help countries improve the scientific basis of decision-making.

Overview of actions mandated under Programme Area J

Study the vertical and horizontal dimensions of environmental protection methods

Analyse the levels at which environmental problems are addressed

Study approaches in transparency in decision making

Study the impact of government incentives on the private sector

Achievements under Programme Area J

- UN Environment's consultative process on International Environmental Governance enabled governments to articulate important reform options that were adopted at Rio+20. One of the most important reforms was the upgrading of UN Environment, including the creation of its new governing body, the UN Environment Assembly (UNEA).
- Through the Environmental Management Group (EMG), the UN system has increasingly addressed the challenge of building coherence within and among important environmental issues, such as biodiversity, green economy, and chemicals. The EMG has also identified law for environmental sustainability as an area of common interest and requiring further coordination in the UN system. An important development as a follow up to Rio+20 is the development of a UN System-Wide Framework of Strategies on the Environment, which provides an opportunity for further aligning strategies on the environment in the UN system.
- UN Environment's work with UN country teams and governments has enhanced the mainstreaming of environmental concerns into the development sector.
- UN Environment's support to regional and sub-regional ministerial fora has helped to strengthen environmental cooperation at these levels. This in turn has contributed to increased coherence in international environmental decision-making processes through a direct link between the outcomes of these fora and global processes such as the UN Environment Assembly.
- UN Environment's scientific assessments have equipped decision makers with the capacity to bridge the science-policy divide and to ensure evidence-based decision-making.

Challenges and gaps

- Despite important reform efforts, the coordination of environmental issues continues to be a challenge. Ongoing reforms of the UN system may lead to more systematic coordination and pooling of efforts in all spheres, which could have positive consequences for the environment.
- For many developing countries the science-policy divide continues to be significant.
- At the domestic level, countries require a significant level of support to bridge the gap between commitment and action. In large part this means stepping up governance systems to improve how environmental laws are developed, strengthened and implemented at the national level.
- UN Environment's level of support does not always match country needs, notwithstanding the fact that resource mobilisation is a significant challenge for all dimensions of UN Environment's work.

FOCAL POINT MESSAGES PROGRAMME AREA J

Africa

- There needs to be improved implementation and enforcement capacities for environmental law; this has to be tackled at strategic and operational levels.
- There is a need for mechanisms to identify and disseminate best and innovative practices.

Latin America and the Caribbean

- There needs to be a normative update of existing mechanisms to improve their efficiency.
- Requires support in learning methodologies from other disciplines to resolve problems innovatively.
- Training and technical assistance for the evaluation of ecosystem services as required.

West Asia

- It was agreed that the legislative and judicial branches of government need more heavily involved lawyers, prosecutors, and judges.

Europe and North America

- Need more feedback from focal points

**II. Conservation,
management and sustainable
use of natural resources**

**A. Fresh, coastal and
marine water and
ecosystems**

**B. Aquatic living
resources, including
marine living resources**

C. Soils

D. Forests

E. Biological diversity

**F. Sustainable production
and consumption patterns**

Overview of Pillar 2

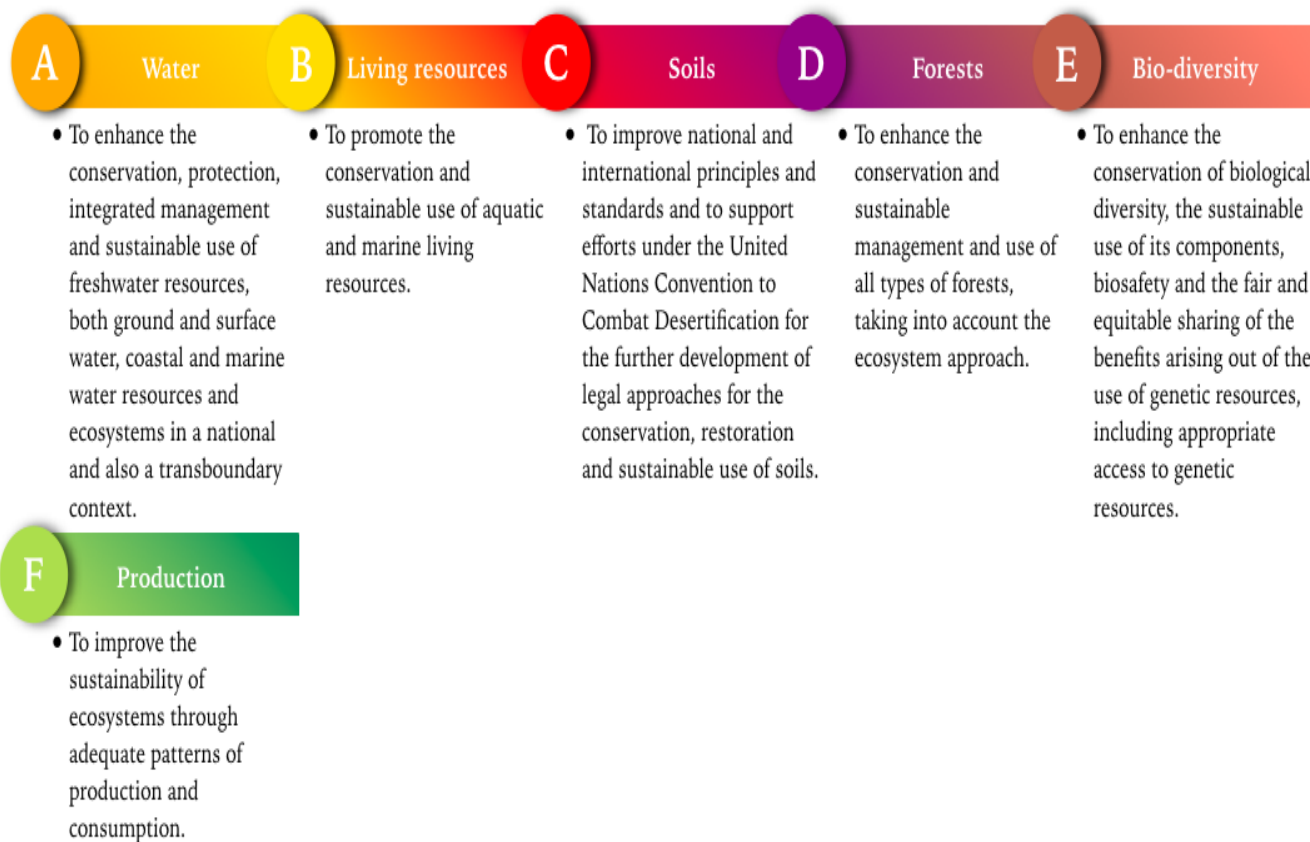
The six programme areas of Pillar 2

This diagram provides an overview of the six programme areas under Pillar 2. They are designed to increase the conservation, management and sustainable use of natural resources.

The strategic objectives of the six programme areas of Pillar 2

This diagram captures the strategic objectives that have been framed for each of the six programme areas under Pillar 2.

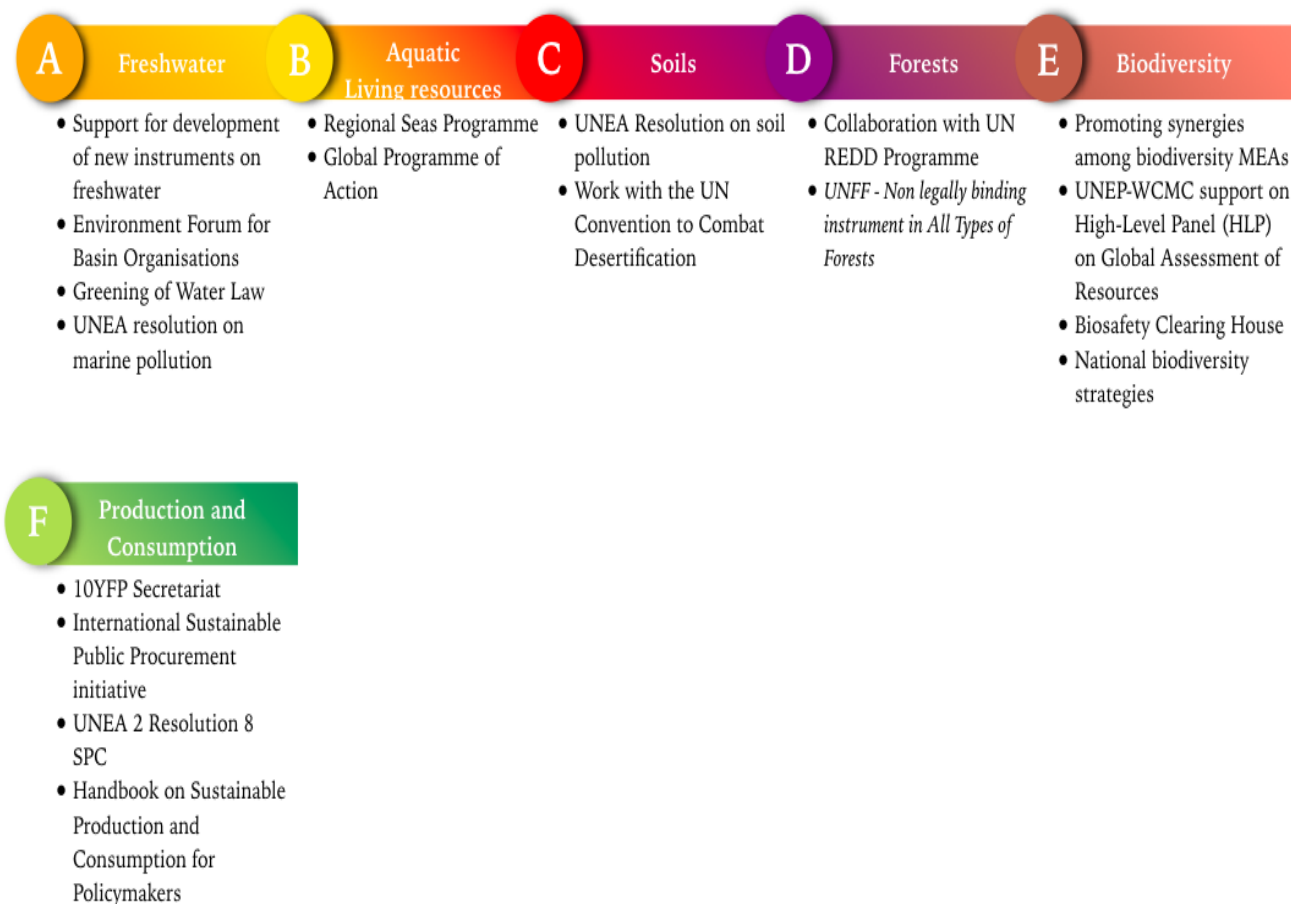
Table of Strategic Objectives of the six Programme Areas II. Natural resources



Snapshot of selected UN Environment activities under Pillar 2

The diagram below presents a snapshot of some of the prominent UN Environment initiatives, which have been executed under the ambit of each of the six programme areas under Pillar 2.

Overview of key initiatives under the six Programme Areas II. Natural resources



Key Achievements for Pillar 2

Pillar 2 of the Montevideo Programme IV embraces six programme areas, which are focused on the conservation, management and sustainable use of natural resources. Some of the key milestones are summarised here and described in more detail in this Pillar 2 chapter.

- First, UN Environment's efforts to enhance *fresh, coastal and marine water and ecosystems* have involved technical support for the development and implementation of regional and global instruments and policies for the sustainable use of freshwater resources. As a result of this work, the capacity of key actors to strengthen fresh water laws, governance frameworks and institutions, as well as SDG 6, is being enhanced.
- UN Environment has also organized training workshops for negotiators from developing countries in preparation for Conference of the Parties to the Ramsar Conservation on Wetlands. As well, another important milestone in this programme area is the recent UNEA resolution on marine pollution that was adopted by Member States in 2017 (UNEP/EA.3/L.20). This resolution encourages Member States to adopt policies and measures to eliminate and reduce marine litter and micro plastics. The resolution also requests UN Environment to provide the secretariat for an Ad Hoc Open-Ended Working Group to examine other legal options for combatting marine plastic litter and micro-plastics.
- Moreover, UN Environment's *Regional Seas Programmes* and the *Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA)* are the main vehicles of integration of the ecosystem approach in the efforts to sustain coastal and marine ecosystems. By the end of 2017, 61 per cent of regional seas, or their member states, demonstrated the usage of an ecosystem approach to improve the management of the marine environment.
- Second, as regards the *sustainable management and use of soils*, the principal milestone has been the adoption of a draft resolution "managing soil pollution to achieve sustainable development." This resolution was adopted at the third session of the UN Environmental Assembly on 4-6 December 2017. UN Environment worked with Member States to ensure that the resolution addressed the legal dimensions of managing soil pollution. Member States are called upon to formulate new law and policy to curb soil pollution. The resolution also gives a new mandate given to UN environment to support government's efforts to develop national and regional policies and legislation to address soil pollution. UN Environment has also organized training workshops for negotiators from developing countries in preparation for Conferences of the Parties to the UN Convention to Combat Desertification.
- Third, with regard to the need to *conserve and to manage, in a sustainable way, all types of forests*, most of UN Environment's work on this programme area has been conducted through the unique inter-agency partnership—the UN REDD Programme (which comprises UN Environment, UNDP and FAO), which supports forest countries in developing strategies and institutional arrangements to reduce emissions from deforestation and degradation. As a result of the UN REDD Programme,

countries are increasingly strengthening sustainable forestry laws, policies and regulations, and they are also integrating environmental and social safeguards in REDD+ activities. Moreover, countries are improving forest governance, notably enhancing the transparency and participatory dimensions. Countries are also addressing legal issues related to tenure rights over forests.

- Fourth, as regards *biodiversity*, UN Environment has supported countries in developing implementation legislation for CITES and the Nagoya and Kuala Lumpur Protocols. These processes have deepened understanding on the part of law and policy makers of the significance of these international instruments and their implementation challenges. One of the prominent achievements under this programme area has been UN Environment's work in supporting the coherent and integrated implementation and synergies of biodiversity MEAs. UN Environment's work in promoting synergies at the international level is helping countries to more effectively meet their legal obligations under the rapidly expanding sphere of biodiversity related MEAs.

Detailed overview of Pillar 2 programme areas

Programme Area A - Fresh, coastal and marine water and ecosystems

Objective: To enhance the conservation, protection, integrated management and sustainable use of freshwater resources, both ground and surface water, coastal and marine water resources and ecosystems, in a national and also a transboundary context.

Strategy: Encourage the development of national, regional and global policies, action plans and, where appropriate, legal instruments for the conservation, protection, regeneration, integrated management and maintenance of the quality, quantity and sustainable use of all water resources, including in areas beyond national jurisdiction.

Overview of mandated actions

Support states in developing and applying legal instruments for the sustainable use and conservation of water resources

Identify best practices on the conservation, protection, and integrated management of water resources and encourage their application

Continue promoting best practices in the conservation, protection, and sustainable use of transboundary water resources

Compile information on laws and regulations with a view to enhancing knowledge of the legal implications of the interface between freshwater and marine water

Promote respect for and effective implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and examine the feasibility of an internationally legally binding instrument on the marine environment

Support the implementation and further development of regional seas and watercourse conventions, protocols and related action plans;

Collaborate with international bodies on legal issues relating to water, marine resources and ecosystems

Collaborate with international organisation regarding legal issues arising from the creation of marine protected areas and on the conservation and sustainable use of coastal and marine ecosystems

Explore new legal approaches for the protection of coral reefs, wetlands and mangroves, and other coastal/marine ecosystems

Collaborate with international bodies in mainstreaming environmental issues into navigational safety rules

Encourage states to introduce water reuse and recycling measures

Achievements under Programme Area A

- UN Environment has supported the development and implementation of national, regional and global instruments and policies for the sustainable use of freshwater resources. As a result of this work, the capacity of key actors to strengthen fresh water laws, governance frameworks and institutions, as well as SDG 6, has been enhanced.
- For example, the 2014 International Environmental Forum for Basin Organisations and the 2015 Regional Environment Forum for Basin Organisations in Latin America (both organised by UN Environment) have increased the capacity of key actors to collaborate at the intra-regional level. UN Environment's study "Freshwater Law and Governance: Global and Regional Perspectives" also provides insights into how international water law and MEAs have been integrated into regional and basin-level water agreements.
- Following the successful conclusion of the first International Environment Forum for Basin Organisations, UN Environment embarked on follow up activities, which helped strengthen freshwater law and governance frameworks. They then advanced the dialogue on these issues within the broader context of multilateral environmental agreements and the 2030 Sustainable Development Agenda.
- Moreover, UN Environment has partnered with the International Association for Water Law and the water law committee of the International Bar Association to equip lawmakers with the resources needed to strengthen law-making efforts.
- Another important achievement in this programme area is the recent UNEA resolution on marine pollution that was adopted by Member States in 2017 (UNEP/EA.3/L.20). Member States agreed to adopt policies and measures to eliminate and reduce marine litter and micro plastics. The resolution also requests UN Environment to provide the secretariat for an Ad Hoc Open-Ended Working Group to examine other options for combatting marine plastic litter and micro-plastic
- UN Environment jointly developed a training course to equip policy and lawmakers with knowledge useful in addressing key national and international water law issues. It is anticipated that AIDA (International Association for Water Law) and IBA (International Bar Association) will use and share these modules among their considerable network as part of their capacity building initiatives in the future.
- In its efforts to promote the sustainable use of freshwater resources through greener water legislation, the ILU launched a study titled "Freshwater Law and Governance: Global and Regional Perspectives for Sustainability". A key conclusion of this study is that watercourse agreements and authorities are now increasingly focusing on the importance of environmental aspects of freshwater law and governance. Hence the need for continuous investment in communication, cooperation and coordination among the various actors involved in freshwater governance. The aforementioned

conclusions are providing to be useful guidance for stakeholders in the global basin forum as a platform for the implementation of MEAs.

Challenges and gaps

- There is no evidence of work having been done in relation to the following activity areas that were mandated by Montevideo IV:
 - ◇ Encourage states to introduce water reuse and recycling measures;
 - ◇ Encourage states to introduce water reuse and recycling measures
 - ◇ Collaborate with international bodies in mainstreaming environmental issues into navigational safety rules.

FOCAL POINT MESSAGES FOR PROGRAMME AREA A

Africa

- Need institutional and juridical support for the development of marine protected areas.
- Need technical and financial support to increase capacity for biodiversity conservation.
- Need support for information exchange and public awareness.
- Need support to develop governance systems and implementation capacity.
- Need a fine-tuning of fresh, coastal and marine water and ecosystems regulation.

Latin American and the Caribbean

- Montevideo has helped to highlight the gaps in national water legislation.
- Legislation needs to be updated to reflect emerging freshwater challenges.
- Need to improve the legislative capacities in the water sector.

West Asia

- Need to improve implementation of law and strengthen cooperation in the region for the protection of the natural resources, notably water resources.

Asia Pacific

- Countries have proposed the adoption of an overarching legal framework to deal with marine litter, including prevention, reduction and management.
- Participants agreed that the private sector must be more ambitious in reducing its own unsustainable production and consumption patterns.
- The institutions responsible for the enforcement of litter laws must be improved and strengthened.
- In addition, the processes by which marine litter is disposed of, for example, by using landfills and incinerators, must be retrofitted to diminish ecological footprint.
- More resources need to be allocated in developing new waste disposal processes.
- Regulatory efforts should be targeted toward the manufacturers of products that end up becoming marine litter. Efforts to date were primarily focused on the consumer side.

Europe and North America

- Need more feedback from focal points

Programme Area B. Aquatic Living Resources

Objective: To promote the conservation and sustainable use of aquatic and marine living resources.

Strategy: Promote effective implementation and enforcement of, and compliance with, international instruments and national laws and policies for the conservation and sustainable use of aquatic and marine living resources.

Overview of mandated actions

Promote the implementation and enforcement and compliance with international instruments such as UNCLOS

Assist states in the development of national legislation

Collaborate with international bodies in studying legal issues relating to key threats

Collaborate with international bodies in studying legal issues relating to new uses of aquatic and marine living resources

Support states in development of national instruments related to the introduction of alien species relating to fishing

Achievements under Programme Area B

- UN Environment's Regional Seas Programme, launched in 1974, is one of its most successful achievements in the past forty years. Currently, there are 18 Regional Seas Conventions and Actions Plans, to which more than 143 countries are party. These instruments have enabled countries to promote the sustainable management and use of shared marine and coastal resources. These regional legal frameworks have also helped to foster cooperation among the neighbouring countries of regional seas around the world.
- Another important achievement under this programme area is the Global Programme of Action (GPA), which aims to prevent the degradation of the marine environment from land-based activities. It is currently the only global initiative that addresses the linkage between terrestrial, freshwater, coastal and marine ecosystems. UN Environment hosts the GPA Coordinating Unit and has established three global multi-stakeholder partnerships: the Global Partnership on Nutrient Management (GPNM), Global Partnership on Marine Litter (GPML) and the Global Wastewater Initiative (GWI).

Challenges and gaps and focal points messages

Assessment still ongoing

Programme Area C. Soils

Objective: To improve national and international principles and standards and to support efforts under the United Nations Convention to Combat Desertification for the further development of legal approaches for the conservation, restoration and sustainable use of soils.

Strategy: Promote the development, dissemination and implementation of laws and policies that aim to enhance the conservation, sustainable use, control and reduction of soil degradation and, where appropriate, restoration of soils, including in support of work conducted by relevant bodies such as the Conference of Parties, its subsidiary bodies and the secretariat of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.

Overview of mandated actions

Support national efforts to review and implement national laws
Support the integration of soil conservation into laws and policies to improve land use and planning and sustainable agriculture
Strengthen legal instruments to address the sustainable use of soils
Facilitate educational programs on legal issues related to the sustainable use of soils

Achievements under Programme Area C

- The principal achievement in this programme area has been UN Environment's efforts to support Member States in the adoption of a draft resolution "managing soil pollution to achieve sustainable development." This resolution was adopted at the third session of the UN Environmental Assembly on 4-6 December 2017. The legal dimensions of this resolution relate to the commitment by Member States to formulate new law and policy to curb soil pollution, and the new mandate given to UN Environment to support government's efforts to develop national and regional policies and legislation to address soil pollution.
- Whilst UN Environment has not done much work in this area, in 2017 it did collaborate with the Government of Uganda in convening an international workshop that explored possible new international legal instruments to address the sustainable management of soils, including a possible new protocol to the UN Convention to Combat Desertification (UNCCD).
- UN Environment has also organized training workshops for negotiators from developing countries in preparation for Conferences of the Parties to the UN Convention to Combat Desertification.

Challenges and gaps

- Due to limited resources, limited progress has been made in fulfilling the Montevideo IV mandate under this programme area. For example, there have been few efforts to support countries to develop new laws on soils.
- Furthermore, there is no evidence of the development of educational programmes on the legal issues related to the sustainable use of soils.

FOCAL POINT MESSAGES PROGRAMME AREA C

Africa

- Needs support from the Montevideo Programme to promote the UN Convention to combat desertification in the field of delivering legal approaches and to conduct studies on land degradation.
- Needs additional technical capacity, financial resources and public awareness in support of its compliance with the UN Convention to Combat Desertification.

Latin America and the Caribbean

- Need to improve the capacity of environment ministries to strengthen the implementation of desertification of laws and programmes.

West Asia

- Need more feedback from focal points

Asia Pacific

- Need more feedback from focal points

Europe and North America

- Need more feedback from focal points.

Programme Area D. Forests

Objective: To enhance the conservation and sustainable management and use of all types of forests, taking into account the ecosystem approach.

Strategy: Support the development and implementation of legal measures aimed at the protection, conservation and sustainable management and use of all types of forests, taking into account in particular, the Non-Legally Binding Instrument on All Types of Forests adopted by the General Assembly of the United Nations.

Overview of mandated actions

Support the integration of environmental concerns into national forest policies and legislation

Support countries in the implementation of laws and practices that promote the conservation and sustainable management of forests

Encourage the formulation, dissemination and implementation of national laws and enhanced international cooperation for the prevention of forest fires

Promote coordination in the implementation of international instruments on forests

Achievements under Programme Area D

- Most of UN Environment's work on this programme area has been conducted through the unique inter-agency partnership—the UN REDD Programme (which comprises UN Environment, UNDP and FAO), which supports forest countries in developing strategies and institutional arrangements to reduce emissions from deforestation and degradation. As a result of the UN REDD Programme, countries are increasingly strengthening laws, policy and regulations to integrate environmental and social safeguards in REDD+ activities. Moreover, countries are improving forest governance, notably enhancing the transparency and participatory dimensions. Countries are also addressing legal issues related to tenure rights over forests.
- UN Environment has also contributed to the work of the UN Forum on Forests, under whose auspices, the *Non-Legally Binding Instrument on All Types of Forests*. According to the FAO, this instrument has helped raise awareness among national legislators about the importance of forests and the need to strengthen forest legislation. Also, the Forest Instrument has helped to raise awareness among such stakeholders such as the judiciary, customs and excise as well as law enforcement agencies.²

Gaps and challenges

² <http://www.fao.org/docrep/019/mi749e/mi749e.pdf>

- UN Environment has not undertaken action on the following activities, which were mandated under this programme:
 - ◊ Encourage the development of national laws for the prevention of forest fires
 - ◊ Promote coordination in the implementation of international instruments on forests

FOCAL POINT MESSAGES PROGRAMME AREA D

Africa

Require support in:

- The Programme could firstly support the quarterly publication of forestry-related offences in order to combat the illegal exploitation of timber.
- Requires capacity building support and the increase of public awareness with respect to the conservation of its forests.
- Needs support in the establishment and revision of forest conservation laws as well as the enforcement of laws.
- Needs help in designing strategies for combating deforestation and managing the old forest resources.

Latin America and the Caribbean

The challenge now is to improve overall implementation.

- There are often tensions between the Environment Ministries and the Sectoral Ministries
- Need to strengthen the capacity of lawmakers in environmental ministries for the drafting and implementation of forest legislation.
- Enforcement officers also need to be empowered.

Asia Pacific

- Greater efforts are needed to deal with the increase in forest fires. The new UN goals to halt deforestation by 2030 will hopefully help countries to step up efforts.
- Discussions need to continue to focus on improving the overall efficiency of forestry operations. Improving operations means improving the interconnectivity and synergies between government departments.
- The training of environmental officials is critical for achieving the planned objectives.

Europe and North America

- Need more feedback from focal points.

Programme Area E - Biological Diversity

Objective: To enhance the conservation of biological diversity, the sustainable use of its components, biosafety and the fair and equitable sharing of the benefits arising out of the use of genetic resources, including appropriate access to genetic resources.

Strategy: Promote, in consultation and cooperation with relevant bodies such as the Conference of the Parties and the secretariat of the Convention on Biological Diversity, the development and implementation of national, regional and global policies and legal instruments, as appropriate, that provide for the conservation and sustainable use of biological diversity in all ecosystems, the fair and equitable sharing of benefits arising out of such use, and biosafety.

Overview of mandated actions

Promote in collaboration with relevant international bodies, the development of national biodiversity legislation
Assist countries in the implementation of international biodiversity instruments
Contribute to the analysis of the relationship between intellectual property rights, the knowledge, innovations and practices of local and indigenous communities and the conservation and use of biological diversity
Respond to the challenges posed by invasive alien species
Support the implementation of relevant multilateral environmental agreements, in particular the Convention on Biological Diversity and its Cartagena Protocol on Biosafety
Promote cooperation between countries to identify legal challenges regarding the environmental impacts of unsustainable agriculture
Promote the sharing of best practices in the application of biodiversity laws.
Study payments for ecosystem services and other positive measures.

Achievements under Programme Area E

- One of the prominent achievements under this programme area has been UN Environment's work in supporting the coherent and integrated implementation and synergies of biodiversity MEAs. UN Environment's work in promoting synergies at the international level is helping countries to more effectively meet their legal obligations under the rapidly expanding sphere of biodiversity related MEAs.

- UN Environment's guidance material has supported countries in preparing and updating their national biodiversity strategies. A growing number of countries are beginning to implement the institutional and strategic actions that are needed to enhance national level institutional cooperation and synergies.
- UNEP-WCMC has been supporting the work of High-Level Panel (HLP) on global assessment of resources for implementing the strategic plan for biodiversity 2011 - 2020. This has helped countries to improve implementation of the Aichi Biodiversity Targets.
- UN Environment has collaborated with the GEF and IUCN to strengthen the capacities of Latin American and Caribbean countries to develop national legal frameworks related to access and benefit sharing.
- UN Environment has supported countries in developing implementation legislation for CITES as well as organised workshops for African countries to implement the Nagoya and Kuala Lumpur protocols. These processes have deepened understanding on the part of law and policy makers of the significance of these international instruments and their implementation challenges.
- UNEP-WCMC has worked with environment ministries in several countries to support the revision of national biodiversity strategies and actions plans.
- UN Environment has also created a set of tools for integrating biodiversity into other policy domains. These were used by the Secretariat of the Biodiversity Convention to build capacity for the revision of national biodiversity strategies worldwide.

Challenges and gaps

- UN Environment has not undertaken action on the following activities that were mandated under this programme:
 - ◇ Respond to the challenges posed by invasive alien species and unsustainable agriculture

FOCAL POINT MESSAGES PROGRAMME AREA E

Africa

- National Biodiversity Strategies have been adopted but they have not been fully implemented.
- There is a need for support to conduct studies in order to review the implementation of the National Biodiversity Strategies. There is also a need to reinforce the capacities of the agents operating in the office of parks and resources.
- Technical and financial and research support is required to developing countries as well as support in improving data collection assessment tools.

Latin America and the Caribbean

- Biodiversity and conservation laws need to be developed and updated.

West Asia

- Need more feedback from focal points

Asia Pacific

- Need more feedback from focal points

Europe and North America

- Need more feedback from focal points

Programme Area F. Sustainable Production and Consumption patterns

Objective: To improve the sustainability of ecosystems through adequate patterns of production and consumption.

Strategy: Support the development and application of laws and practical methods of promoting sustainable patterns of production and consumption.

Overview of mandated actions

Identify best practices and laws and policies aimed at achieving sustainable production and consumption
Study best practices and innovative laws and policies that define the role and duties of producers and consumers
Study environmental regulations and practices.
Develop guidelines and promote green procurement.

Achievements under Programme Area F

- UN Environment is the secretariat of the 10-year Framework of Programmes on Sustainable Consumption and Production, (10-YFP). Under the ambit of the 10-YFP, UN Environment has been supporting countries and regions in their transition to an inclusive Green Economy and adoption of SPAC action plans at the national and sub-national levels. As of 2017, UN Environment had supported a total of 42 countries, 9 counties and cities, and 5 regions in the development of sustainable consumption and production action plans or green economy pathways.
- UN Environment has also been collaborating with UN partners in the Partnership For Action on Green Economy (PAGE). PAGE has been working with 30 countries to support the Green Economy transition.
- UN Environment has also published a handbook on sustainable production and consumption to provide aid policymakers with institutional, legal, technical and capacity building support for the implementation of strategic plans to promote sustainability in production and consumption in national legislation.

- UNEP launched in 2012 together with several governments and international organisations and International Sustainable Public Procurement Initiative. This collaborative effort promotes the global implementation of sustainable public procurement. UN Environment has supported over 20 countries in the development of sustainable public procurement action plans.

Challenges and gaps

Assessment still ongoing

FOCAL POINT MESSAGES PROGRAMME AREA F

Africa

- National sustainability strategies are needed along with the revision of environmental laws.
- There is a need for support to identify innovative practices and advance their integration into the relevant legal and regulatory instruments.
- Although laws regarding the conservation of nature have been adopted, there are no adequate implementation measures in place. In addition, financing support is needed in order to mobilise the key parties.

Latin America and the Caribbean

- Need more feedback from focal points

West Asia

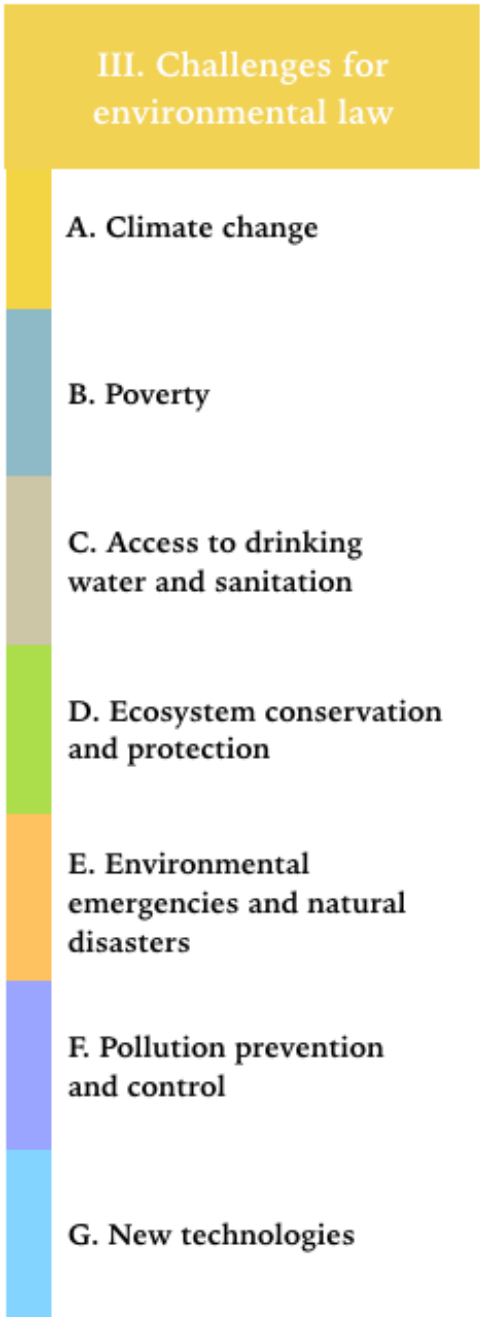
- Countries have identified consumption and production patterns as one of the most serious environmental challenges in the region.

Asia Pacific

- Countries agreed that the private sector must be more ambitious in reducing its own unsustainable production and consumption patterns.
- It was suggested that limiting or banning the production of single-use items, as well as the use of open dumps were key issues that needed to be addressed.

Europe and North America

- Need more feedback from focal points



Pillar 3: Challenges to Environmental Law

Overview of Pillar 3

The seven programme areas of Pillar 3

This diagram provides an overview of the seven programme areas under Pillar 3, which are designed to tackle emerging challenges for environmental law.

Strategic objectives of the seven programme areas of Pillar 3

This diagram captures the strategic objectives that have been framed for each of the seven programme areas under Pillar 3.

Table of Strategic Objectives of the Seven Programme Areas III. Challenges for environmental law

A Climate change	B Poverty	C Drinking water	D Eco-conservation	E Emergencies
<ul style="list-style-type: none"> To support efforts under the UN Framework Convention on Climate Change for the further development of legal approaches concerning the mitigation of and adaptation to climate change, and to promote the effective implementation of those approaches. 	<ul style="list-style-type: none"> To alleviate environmental conditions that contribute to poverty, with respect to equitable supply and sharing of environmental services to reduce poverty. Moreover to ensure that environmental law and policies are taken into account in policy reduction strategies and that it's enforcement contributes to poverty reductions. 	<ul style="list-style-type: none"> To explore legal approaches and criteria to facilitate access to drinking water and adequate sanitation, as well as the efficient management of water resources. 	<ul style="list-style-type: none"> <i>To promote and improve the conservation and management of ecosystems in a holistic manner in coordination with relevant organizations.</i> 	<ul style="list-style-type: none"> To strengthen the ability of the international community to prevent, control the effects of, and respond effectively to environmental emergencies arising from human-caused and natural disasters.
F Pollution	G New tech			
<ul style="list-style-type: none"> To prevent, reduce and control environmental pollution from all sources that could affect the environment and human health, taking into account the challenges presented by development. 	<ul style="list-style-type: none"> To promote the environmentally sound and sustainable development and application of new technologies. 			

Snapshot of selected UN Environment activities under Pillar 3

The diagram below presents a snapshot of some of the prominent UN Environment initiatives, which have been executed under the ambit of each of the seven programme areas under Pillar 3.

Overview of key initiatives under the seven Programme Areas III. Challenges for environmental law



Key achievements for Pillar 3

Pillar 3 of the Montevideo Programme IV is composed of seven programme areas that cover the new and emerging environmental challenges that are growing in importance for countries around the world. Some of the key achievements are presented here.

Firstly, UN Environment also played an important role in the negotiations of the 2015 Paris Agreement (ratified by 179 countries) and is working actively with countries to help them implement their Paris commitments into national legislation. UN Environment's *Guidebook on National Legislation for Adaptation to Climate Change* has helped decision-makers and legal drafters to incorporate measures for adapting to the adverse impacts of climate change into their national sustainable development policies, plans and programmes.

Secondly, the *UNDP-UNEP Poverty-Environment Initiative* has been supporting country-led efforts to mainstream *poverty-environment objectives* into national development and sub-national development planning. Successes have been realised in policymaking, budgeting, implementation and monitoring.

Third, in promoting *ecosystem conservation and protection*, UN Environment has worked with more than 100 countries to put in place policies and strategies on biodiversity, desertification, biosafety, agriculture, forestry and access and benefit sharing. Further support has been provided through global forums, review, data and capacity building.

Detailed Overview of Pillar 3 Programme Areas

Programme Area A - Climate Change

Objective: To support efforts under the United Nations Framework Convention on Climate Change for the further development of legal approaches concerning the mitigation of and adaptation to climate change, and to promote the effective implementation of those approaches.

Strategy: Support, in collaboration with relevant bodies such as the Conference of Parties, its subsidiary bodies and the secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol, the development and implementation of national, subregional, regional and global legal approaches to the mitigation of and adaptation to climate change, and promote the effective implementation of those approaches.

Overview of mandated actions

Promote information on legal approaches to climate mitigation and adaptation
Conduct studies on the effectiveness of existing legal approaches
Support countries in addressing the linkages between climate change and other policy demands.
Assist countries in elaborating their legal approaches
Address legal barriers and constraints to mitigation and adaptation technologies
Explore legal approaches to protect vulnerable groups in climate related disasters

Achievements under Programme Area A

- UN Environment has supported the process of building knowledge and capacities of countries to undertake vulnerability and adaptation assessments. It has also provided countries with policy and legal support to use these assessments in decision-making. For example, the *Guidebook on National Legislation for Adaptation to Climate Change* helps decision-makers and legal drafters to incorporate measures for incorporating adaptation measures into national sustainable development policies, plans and programmes.
- Moreover, UN Environment's guidebook *The Role of Legal Instruments to Support Green Low-Emission and Climate-Resilient Development: A Guidebook on Assessing, Selecting and Implementing Legal Instruments (2013)* provides guidance to decision makers on best practices in designing and modifying legal frameworks to support the development of green, low-emission and climate-resilient development.

- Since 2015, UN Environment has published the annual *Emission Gap Reports*, which assesses national mitigation efforts relative to the ambitions that countries have presented in their Nationally Determined Contributions (NDCs), which form the foundation of the Paris Agreement.
- More recently, in 2018, UN Environment and the Sabin Centre for Climate Change Law of Columbia University released the first ever global climate change litigation survey. This resource provides judges, advocates, researchers and the international community with a survey of global climate change litigation, an overview of litigation trends, and descriptions of key topical issues that courts must resolve. It has assisted judges in understanding the nature and goals and issues of different climate change cases and how to factor in political, legal, and environmental elements in to their resolution.
- UN Environment has also helped to enhance the capacity of policymakers and practitioners to cooperate on climate change and furthered the legal preparedness of developing countries under the Paris Agreement, at three regional Carbon Forums, which were attended by over 1,000 stakeholders. The capacity of stakeholders to articulate positions, understand key issues and negotiate on these at intergovernmental processes was elevated. Moreover, UN Environment worked closely with parliamentary associations to enhance the capacity of parliamentarians to implement and enforce environmental laws at the national level, particularly in the context of climate change and sustainable development.
- The capacity of countries to put in place the legal and institutional frameworks necessary for effective national implementation of the Paris Agreement and the NDCs of Parties to the Agreement has been significantly enhanced by the development and launch of the 'Law and Climate Change Toolkit,' which was developed jointly by UN Environment, the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat, and the Commonwealth Secretariat.
- The fundamental role of Parliamentarians in relation to climate change was reinforced at the 63rd Commonwealth Parliamentary Conference held in Dhaka, Bangladesh in 8 2017. Moreover, the UN Environment supported the Third Asian Judges Symposium on Law, Policy and Climate Change in September 2016. This meeting convened 10 chief justices, other senior judges, environmental law and climate experts, civil society representatives, and students who learned about the environmental rule of law in the context of climate change.
- Based on increased threats of climate change to human rights, UN Environment launched a Climate Change and Human Rights Report. UN Environment collaborated to provide useful recommendations for governments and private actors in formulating climate policies and action that respect human rights. In this context, UN Environment collaborated with the Office of the High Commissioner for Human Rights to prepare and promote a strategy for mainstreaming human rights in the Paris Agreement.

Challenges and gaps

Assessment still ongoing

FOCAL POINT MESSAGES PROGRAMME AREA A

Africa

- Further support is required for the implementation of climate change laws.
- Support is needed in developing technical and financial capacities.
- Needs to launch a revision of existing laws relevant to the issue of climate change.

Latin American and the Caribbean

- Need to develop a legal framework for the effective implementation of sustainable development.
- Requires assistance with regard to sectoral action plans; this includes the development of legislation that integrates climate change into planning and development legislation.

West Asia

- Lacks infrastructure, which means that west Asia remains vulnerable to external natural stresses, such as extreme rainfalls, droughts and sandstorms, which are expected to exacerbate under the current global climate change scenario.

Asia Pacific

- Effective implementation of climate policy requires implementable legislation, institutional effectiveness and efficiency, institutional collaboration, public participation and empowerment, and an independent and informed judiciary.
- The influence of climate change on human rights is not being acknowledged. This is evident in Australia's rejection of refugee claims based on climate change migration.
- It was also noted that there is no platform for nations to discuss the issue of climate change migration.

Europe and North America

- Need more feedback from focal points

Programme Area B – Poverty

Objective: To alleviate the environmental conditions that contribute to poverty, considering among others equitable supply and sharing of environmental services to reduce poverty, and, to that end, to ensure that environmental law and its enforcement contribute to poverty reduction and that environmental law and policies are taken into account in poverty reduction strategies.

Strategy: Encourage the complementarity and mutual supportiveness of measures relating to environmental protection and poverty reduction and to support implementation of the Millennium Development Goals that relate to poverty reduction and protection of the environment.

Overview of mandated actions

Examine the relationship between poverty and the environment
Conduct studies on environmental protection measures that have reduced poverty
Analyse legal measures to ensure environmental conditions promote the wellbeing of those living in poverty
Analyse existing legal frameworks that contribute to the exportation of pollution to poor countries
Analyse how MEA implementation contributes to poverty eradication
Promote community-based approaches to resource management
Address the legal implications of debt-financing that hampers poverty reduction
Promote awareness of the Millennium Development Goals (out-dated, SDGs today)

Achievements under Programme Area B

- *UNDP-UNEP Poverty-Environment Initiative (PEI)* supports country-led efforts to mainstream poverty-environment objectives into national development and sub-national development planning. Successes have been realised in policymaking, budgeting, implementation and monitoring. By 2016, the PEI achieved:
 - 47 national and 4,428 local policies and plans in 22 countries
 - 108 sectoral policies and plans in 17 countries
 - 33 monitoring and evaluation systems incorporating poverty-environment indicators in 17 countries
 - 67 national budgeting and expenditure processes in 14 countries

- The publication of *Mainstreaming Environment and Climate for Poverty Reduction and Sustainable Development: A Handbook to Strengthen Planning and Budgeting Processes* provides insight into the management of private investments in natural resources.

Challenges and Gaps

Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA B

Africa

- More support is needed in promoting national strategy that reconciles the twin needs of poverty alleviation and environmental protection.
- There is a lack of research and understanding on the linkages between poverty and environment. Support is required in conducting research to examine the impact of pollution and climate change on the living conditions of the nation's vulnerable groups; the study would also propose measures that integrate the fight against poverty into the nation's legal framework.
- There is a need to construct legal and regulatory tools that integrate the fight against poverty and environmental degradation.

Latin America and the Caribbean

- Despite the implementing of poverty reduction programmes, there is a need to strengthen the capacity of policy makers, to integrate environmental dimensions into these programmes.
- Support is needed to raise public awareness between the linkages of poverty and environment
- Within the region, there is a need to increase efforts to improve waste management.
- There needs to be greater cooperation and coordination between Environment Ministries and the Sectoral Ministries for the success of poverty reduction efforts.

Europe and North America

- Need more feedback from focal points

Programme Area C- Access to drinking water and sanitation

Objective: To explore legal approaches and criteria to facilitate access to drinking water and adequate sanitation, as well as the efficient management of water resources.

Strategy: Examine, in coordination with relevant international organizations and Governments, legal approaches to access to drinking water and adequate sanitation within the framework of integrated water resource management and related issues.

Overview of mandated action

Study existing legal approaches related to access to drinking water and sanitation

Develop new legal approaches

Promote national, sub-regional, and regional policies and laws

Promote international cooperation in the development and implementation of legal instruments of countries, especially in those countries experiencing drought

Share legal experiences regarding the management of water resources

Achievements under Programme Area C

- In 2010, UN Environment released a comprehensive guidebook for national, regional and international stakeholders in freshwater resources *Greening of Water Law: Managing Freshwater Resources for People and the Environment*.
- In relation to this guidebook, UN Environment has organised a series of regional conferences with the aim of promoting the integration of the environmental dimension in national water laws and raise the understanding on the benefits of “greening” national water laws.
- UN Environment has been tasked by UN-Water to lead on freshwater quality and aquatic ecosystem data and information inputs to the World Water Assessment Programme, and the main WWAP output, the World Water Development Report series. Part of this task has involved developing global water quality indicators and ultimately, a global water quality index.

Challenges and Gaps

Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA C

Africa

- Needs technical and financial assistance to develop the appropriate infrastructure capacity.
- Laws and regulations exist, but enforcement is lacking.

Latin America and the Caribbean

- Efforts are needed to adopt and implement legislation related to water resources.
- Some regulations must be reviewed and updated in order to maximise effectiveness of implementation.
- Regulations for drinking water are implemented unevenly.

Europe and North America

- Need more feedback from focal points

Programme Area D - Ecosystem conservation and protection

Objective: To promote and improve the conservation and management of ecosystems in a holistic manner in coordination with relevant organisations.

Strategy: Compile and assess current international instruments and national laws on ecosystem conservation and management, where appropriate, as well as on relevant laws on payments for ecosystem services, to promote the effective implementation of existing instruments and laws, and to assist in developing new national and international instruments when requested.

Overview of mandated actions

Promote legal measures to create protected areas, and payments for ecosystem services.

Explore developing new instruments for the conservation, management, and sustainable use of ecosystems.

Disseminate best practices on the conservation and management of ecosystems.

Achievements under Programme Area D

- UN Environment has worked with more than 100 countries to put in place policies and strategies on biodiversity, desertification, biosafety, agriculture, forestry and access and benefit sharing. Further support was provided through global forums, review, data and capacity building.
- UN Environment's *Regional Seas Programmes* and the *Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA)* are the main vehicles through which the integration of the ecosystem approach is promoted into coastal and marine ecosystem strategies. By the end of 2017, 61 per cent of regional seas, or their member states, demonstrated the usage of an ecosystem approach to improve the management of the marine environment.
- As per resolution 27/3 of the *UN Environment Programme Governing Council*, UN Environment has worked with countries to compile best practices and frameworks for water quality. The publication "*A Framework for Freshwater Ecosystem Management*" was launched during the 3rd session of the UN Environment Assembly.

Challenges and Gaps

Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA D

Africa

- Although, laws and regulations exist, their effectiveness is overly contingent on the actions of in-the-field agents, especially with respect to such party's knowledge of the laws.
- Conservation areas have been created, however bad governance diminishes their effectiveness.
- Promotion of the ecosystem approach through national policy on the environment and their national policy on climate change would be beneficial.
- Needs technical guidelines to develop/update their practices with respect to the fairly new ecosystems approach; additional support needed for capacity building.

Latin America and the Caribbean

- Harmonisation of management of protected areas being undertaken.
- Needs awareness building for judicial officers and local communities.
- Further support necessary to create protected areas in the context of regional development projects.

Asia Pacific

- Extremely technical solutions provided by environment ministry officials, may not always be best for the overall goal of environmental protection — engineering approach must be accompanied by the consideration of other key aspects.

Europe and North America

- Need more feedback from focal points

Programme Area E – Environmental emergencies and natural disasters

Objective: To strengthen the ability of the international community to prevent, control the effects of, and respond effectively to environmental emergencies arising from human-caused and natural disasters.

Strategy: Develop legal frameworks aimed at responding to and mitigating environmental emergencies arising from human-caused and natural disasters.

Overview of mandated actions

Promote approaches to prevent and control human caused disasters

Promote laws and institutions to respond to human caused and natural disasters

Promote cooperative mechanisms for disaster control and preparedness

Explore new legal frameworks for international cooperation

Explore the feasibility of developing a special legal status for those displaced as a result of environmental disasters

Achievements under Programme Area E

- One of the most important developments in this area has been the adoption of the 2015 Sendai Framework for Disaster Risk Reduction, to which UN Environment is a signatory and active supporter. UN Environment has been supporting the Sendai Framework's implementation through evidence-based advocacy, capacity development, partnerships and the field testing of ecosystems-based disaster risk reduction solutions.
- Established in 2003 and strengthened again in 2015, the Environment and Security Initiative (ENVSEC) has been helping governments to develop transboundary measures to address environment and security challenges. UN Environment is one of five partner organisations (UNDP, UNECE, OSCE and REC). One notable example includes UN Environment's work supporting the Government of Afghanistan in developing foundational environmental instruments, including the 2007 Environment Law and the 2010 National Environmental Action Plan.

Challenges and Gaps

Assessment still ongoing

FOCAL POINT MESSAGES PROGRAMME AREA E

Africa

- Lack of funding often negates possible prospects of addressing such issues.
- Needs to facilitate synergy building within the relevant ministries in order to strengthen environmental protection measures.

Latin America and the Caribbean

- Needs support in strengthening national institutions that deal with the mitigation of impacts from environmental damage.
- Needs legislation for mandatory evacuation of zones and mandatory access to information laws to assist the public when there is imminent threat of danger from human and natural disasters.
- Needs support to revise legislation that governs oil spill response.
- Needs more specific laws to govern environmental emergencies and natural disasters.

West Asia

- Need more feedback from focal points

Asia Pacific

- Need more feedback from focal points

Europe and North America

- Need more feedback from focal points

Programme Area F. Pollution, prevention and control

Objective: To prevent, reduce and control environmental pollution from all sources that could affect the environment and human health, taking into account the challenges presented by development.

Strategy: Strengthen existing instruments and develop new ones to prevent, reduce and control environmental pollution.

Overview of mandated actions

Promote the development of new agreements at all levels to combat transboundary pollution
Assist countries to strengthen national pollution prevention laws
Promote national laws to address transboundary air and water pollution
Support the implementation of international chemical conventions
Explore the possibility of a framework convention on chemicals
Promote the development of instruments to prevent the environmentally unsound relocation of harmful activities and substances
Assist countries to develop national pollutant release inventories
Support the development of national laws that encourage integrated pollution, prevention, and control
Analyse how MEA implementation contributes to poverty eradication
Intensify work to address urban environmental challenges
Promote the development of strategic environmental assessment
Assist states in the promotion of national laws and policies on the transfer of clean technology

Achievements under Programme Area F

- UN Environment works with the secretariats of the chemicals and waste MEAs to build the capacity of governments meet their obligations under the Basel, Stockholm and Rotterdam Conventions.
- UN Environment supported intergovernmental processes leading to adoption of new international agreements such as the Minamata Convention on Mercury and the Protocol on Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents in the Caspian Sea

- UN Environment/IOC Guidelines on Survey and Monitoring of Marine Litter assist policy makers to address the problems with the monitoring and assessment of marine litter. UN Environment provides technical and financial support.
- UN Environment has supported countries in developing approaches for integrated solid waste management.
- At the national level, UN Environment supported the development of integrated waste management strategies in Zambia and Gabon; assisted Liberia and Burkina Faso to develop legislative and regulatory framework strategy for sound management of persistent organic pollutants; and helped to promote environmentally sound management of hazardous waste in Republic of Marshall Islands.
- At the regional level, UN Environment provided technical support to African Group of Negotiators ahead of Minamata COP1. Similarly, they also provided negotiations, training and a Caribbean regional preparatory meeting. Moreover, they finalised a regional guidance document for Africa, with guidelines to develop national strategy for integrated waste management.
- UN Environment hosted a side event on Human Rights and Pollution: Advancing Pollution Controls through a Rights-based Approach. The event examined the human rights harms caused by all forms of pollution and the corresponding human rights obligations of duty-bearers to prevent and remedy them. The event also promoted effective action to prevent and remedy pollution-related human rights harms and preserve a safe, clean, healthy and sustainable environment for current and future generations

Challenges and Gaps

Assessment still ongoing

FOCAL POINT MESSAGES PROGRAMME AREA F

Africa

- Needs support to implement existing pollution prevention and control regulations.
- Needs support to popularise environmental norms and to improve the technical capacity to monitor and control pollution sources.

Latin America and the Caribbean

- Needs support to enforce existing legislative frameworks.
- Assistance is also required in the implementation of better technology.

West Asia

- Need more feedback from focal points

Asia Pacific

- It was suggested that countries should include pollution fines, establish environment courts, and dedicate special funds under the ambit of their national environment codes.
- A lack of political will as well as governance and institutional gaps was noted (MEAs often address single issue);
- There is a lack of adequate legal means to address multi pollutants and cross-region air pollution;
- There is a lack of multi-agency cooperation and the lack of regional and international cooperation);
- The implementation gaps need to be addressed (inadequate administrative financial institutional and technical capacity),
- Proposed that technology for pollution prevention must be greatly strengthened, such as public participation and supervision gaps.

Europe and North America

- Need more feedback from focal points

Programme Area G - New Technologies

Objective: To promote the environmentally sound and sustainable development and application of new technologies.

Strategy: Conduct studies of the regulation of new technologies and support the adoption, revision, when appropriate, and implementation of regulatory approaches to new technologies that adequately address their risks in a timely manner without unduly restricting their development, taking into account precaution.

Overview of actions mandated by programme area G

Conduct studies on the potential environmental impacts of new technologies

Explore the need for new legal frameworks at all levels to regulate new technologies

Achievements under Programme Area G

- During UNEA-3, Member States adopted a resolution that committed governments to step up investment in innovative environmental solutions to accelerate SDG implementation.

Challenges and Gaps

Assessment still ongoing

FOCAL POINT MESSAGES PROGRAMME AREA G

Africa

- More funding is required to incorporate and utilise new technologies.

Latin America and the Caribbean

- Better execution of environmental laws necessary to enhance effectiveness of renewable resources.
- There needs to be continued investigation of how new technologies can help environmental management e.g. blockchain, bitcoin, smart contracts.

West Asia

- Need more feedback from focal points

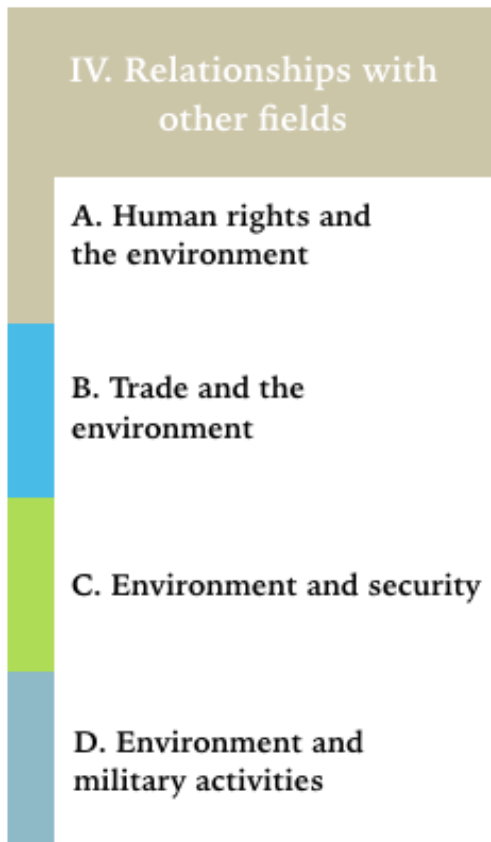
Asia Pacific

- Technology for pollution prevention must be greatly strengthened.
- Iran was denied access to other technologies, even though such a technology transfer would have helped reduce mercury use in the Iranian petrochemical industry.
- More support in terms of technology transfer is imperative

Europe and North America

- Need more feedback from focal points

Pillar 4- Relationship with other fields



Overview of Pillar 4

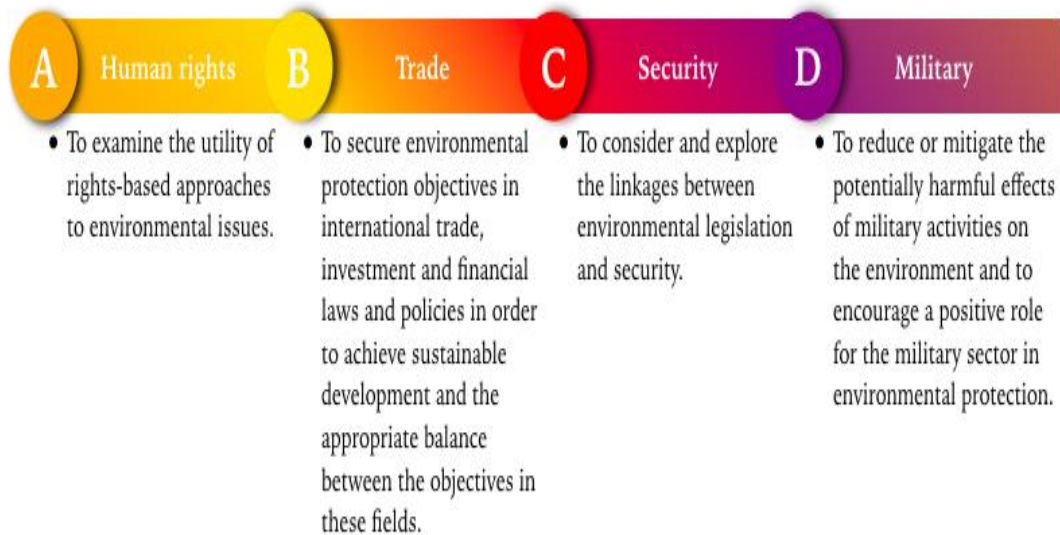
The four programme areas of Pillar 4

This diagram provides an overview of the seven programme areas under Pillar 4, which are designed to improve the coherence between environmental law and policy and other fields

The strategic objectives of the seven programme areas of Pillar 4

This diagram captures the strategic objectives that have been framed for each of the seven programme areas under Pillar 4.

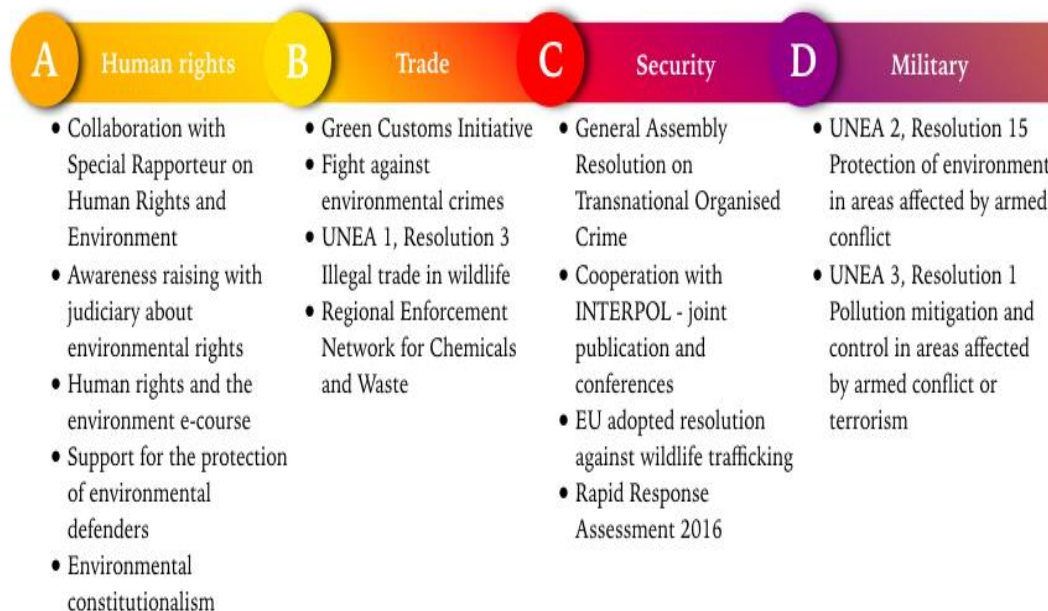
Table of Strategic Objectives of the Four Programme Areas IV. Relationships with other fields



Snapshot of selected UN Environment activities under Pillar 4

The diagram below presents a snapshot of some of the prominent UN Environment initiatives, which have been executed under the ambit of each of the four programme areas under Pillar 4. These are described in more detail below.

Overview of key initiatives under the four Programme Areas IV. Relationships with other fields.



Key achievements for Pillar 4

Pillar 4 of the Montevideo Programme IV examines the linkages between environmental law and other fields. Some of the key milestones of Pillar 4 are summarised below and are described in more detail in this chapter.

Firstly, on human rights and the environment, UN Environment has been working with the Special Rapporteur on Human Rights and the Environment and the UN Office of the High Commissioner on Human Rights to enhance the capacity of states and citizens to strengthen and operationalise the linkages between human rights and the environment. This work has included the identification of good practices on human rights and the environment; clarification of the linkages between human rights and climate change, biodiversity and the rights of the child; and producing best practices on human rights and the environment.

One of the notable achievements is UN Environment's joint global work with the Special Rapporteur to raise awareness of the judiciary on constitutional environmental rights. Also in 2016, UN Environment collaborated with key actors in the Human Rights Council Resolution on Human Rights and the Environment, which encourages countries to adopt a normative framework for environmental human rights. Another prominent area is UN Environment's work to protect environmental defenders, which has contributed to the historic 2018 Human Rights Council resolution on Environmental Human Rights Defenders.

Equally important is the recent Human Rights Council resolution whereby the Human Rights Council recognised the ongoing need to clarify key aspects of human rights and the environment. In response to this request, the Special Rapporteur submitted a report on *framework principles on human rights and the environment* to the 37th session of the Council. And finally, UN Environment supported Latin American and Caribbean countries and stakeholders in the negotiation and the 2018 adoption Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Escazú, Costa Rica, heralded as one of the most important environmental human rights agreement adopted in the past 20 years.

Secondly, UN Environment's work on *Trade and the Environment* has had important legal agreement in its work tackling the illegal trade in environmentally sensitive commodities. This work has been carried out in cooperation with various partners, such as INTERPOL. UN environment collaborated with Member States in the adoption of the UNEA-1 resolution on illegal trade in wildlife and wildlife products, including timber and marine species, globally. The National Law Unit (NLU) established new, and strengthened existing partnerships with, various legal stakeholders in the development of environmental law. Under its Green Customs Initiative (GCI) and Regional Enforcement Network for Chemicals and Waste (REN) umbrellas, the programme enhanced the capacity of over 360 national enforcement officers, representing Customs, police and environmental authorities, to detect, prevent and control the operation of illegal trade streams in environmentally sensitive commodities.

Third, concerning linkages between *security and the environment*, UN Environment has played a critical role in promoting awareness of environmental crime as one of the top global law enforcement priorities.

UN Environment has been working closely with INTERPOL to combat transnational organised crime. In November 2016, the UN General Assembly adopted a resolution which recognises for the first time ever that environmental crime is part of other transnational organised crimes. This represents a milestone in raising awareness about the increasing threat that environmental crime poses for peace and security, sustainable development and environmental rule of law. In partnership with RHIPTO-Rapid Response-Norwegian Centre for Global Analysis and INTERPOL, UN Environment developed and released a Rapid Response Assessment on World Environment Day on 5 June 2016, strengthening the reporting and awareness of environmental and natural resources crime in relation to sustainable development, rule of law, peace and security. UN Environment also convened a conference on environmental compliance that resulted in a global action plan for challenges related to multi-agency cooperation, police and judicial training, awareness raising, and strengthening legislative and regulatory mechanisms. UN Environment have begun follow-up activities with their training for police and judges, in cooperation with INTERPOL and others.

Lastly, in relation to the *environmental threats posed by conflicts and disasters*, the Law Division collaborated with Member States in the adoption of two UNEA resolutions. During UNEA-2, Member States adopted a resolution on protection of the environment in areas affected by armed conflict, under which they agreed to implement applicable international environmental law in situations of armed conflict. Moreover, the resolution underlined the importance of the implementation of international law applicable to the protection of the environment in areas affected by armed conflict. At UNEA-3, Member States adopted a resolution in which they agree to cooperate in preventing, minimising and mitigating the negative impacts of armed conflict or terrorism on the environment.

C. Detailed overview of Pillar 4 programme areas

Programme Area A – Environment and human rights

Objective: To examine the utility of rights-based approaches to environmental issues.

Strategy: Collect information about the extent to which national laws, international law and decisions of relevant international bodies adopt and use rights-based approaches to environmental protection and how international human rights instruments and bodies address environment-related issues.

Overview of mandated actions

Compile, analyse and disseminate national constitutional provisions, laws and jurisprudence
Compile, analyse and disseminate the provisions of international human rights instruments
Compile, analyse and disseminate the jurisprudence of global and regional human rights bodies
Cooperate with governments, international organisations and civil society to facilitate educational programmes

Achievements under Programme Area A

- UN Environment has been working with the Special Rapporteur on Human Rights and the Environment and the UN Office of the High Commissioner on Human Rights to enhance the capacity of states and citizens to strengthen and operationalise the linkages between human rights and the environment. This work has contributed to the increased understanding, awareness of the linkages between human rights and the environment among a wide spectrum of actors.
- Since 2012, UN Environment has supported the Special Rapporteur's consultations and expert seminars on human rights and the environment. This work has included the identification of good practices on human rights and the environment; clarification of the linkages between human rights and climate change, biodiversity and the rights of the child.
- Another landmark achievement is UN Environment's joint work with the Special Rapporteur to raise awareness of the judiciary about environmental rights. For example, in 2015, UN Environment held the first Africa Colloquium on Environmental Rule of Law convening judges, prosecutors, auditors, government representatives and other enforcement actors to help develop and implement the concept of the environmental rule of law and to define a new future for environmental justice, governance and law in the African Region and beyond. As well, UN Environment's publication about the new frontiers on environmental constitutionalism includes important essays by academics, experts and practitioners in the field of environmental human rights law, which describes how

constitutions around the world are integrating environmental rights. Another outcome is the ongoing development of training materials for judges on constitutional environmental rights. For example, in collaboration with UNITAR, UN Environment developed an e-course on human rights and the environment in 2016. The course played a critical role in elevating the understanding of environmental policy makers on the linkage between the environment and human rights.

- Also, in 2016, UN Environment collaborated with key actors in the 2016 Human Rights Council Resolution on Human Rights and the Environment, which encourages countries to adopt a normative framework for environmental human rights.
- Another prominent area is UN Environment's work to protect environmental defenders. Under its Defenders Policy, UN Environment is working to promote greater protection for environmental defenders. It is assisting countries to address environmental rights issues and will continue to work with judges around the world to develop and implement constitutional provisions to secure environmental rights. Most recently, in 2018, the UN Human Rights Council adopted a resolution to which UN Environment contributed, which includes the historic resolution on Environmental Human Rights Defenders.
- Equally important is the recent Human Rights Council resolution whereby the Human Rights Council recognised the ongoing need to clarify key aspects of human rights and the environment. In response to this request, the Special Rapporteur submitted a report on *framework principles on human rights and the environment* to the 37th session of the Council.
- And finally, UN Environment supported Latin American and Caribbean countries and stakeholders in the negotiation and the 2018 adoption Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Escazú, Costa Rica. Negotiated by States with the significant participation of civil society and the wider public, the Escazú Agreement aims to combat inequality and discrimination and to guarantee the rights of every person to a healthy environment and to sustainable development.

Challenges and Gaps

Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA A

Africa

- Despite having both ministries for the environment and ministries for human rights, there is often very little coordination between the two institutions. There is a need to learn from best practices on how to innovate in this area.
- In certain cases, there are legislative frameworks for environmental procedural rights. However, these rights are not guaranteed in national Bill of Rights. Awareness about the importance of enshrining these rights into the Bill of Rights is essential.

Latin American and the Caribbean

- Capacity building in environmental law is needed.
- Increased access to environmental justice is imperative.
- Increased support required in awareness raising of rights under the environment convention, as well as further training on implementation of human rights approaches.

Asia Pacific

- New dimensions on environment and human rights should be addressed including the rights of children and migrants. The Indonesia Environmental Law Art 66 states that “Everybody struggling for a right to the proper and healthy environment may not be charged with criminal or civil offence.”
- Nations should also improve constitutional protections for EHRDs as related to upholding basic rights and protection from imprisonment and prosecution for seeking to uphold environmental and human rights in the name of public good.
- Legal defence for environmental and human rights defenders must be strengthened.
- For the Pacific countries, the priority is to now develop and adopt agreements related to environmental rule of law and environmental human rights.

Europe and North America

- Need more feedback from focal points

Programme Area B - Trade

Objective: To secure environmental protection objectives in international trade, investment and financial laws and policies in order to achieve sustainable development and the appropriate balance between the objectives in these fields.

Strategy: Encourage further the complementarity and mutual supportiveness of measures relating to environmental protection and international trade, investment and finance.

Overview of mandated actions

Identify and promote legal instruments that integrate environmental laws with trade laws.
Identify and promote modalities for financing measures
Identify and promote economic and fiscal instruments for environmental protection and resource management,
Encourage studies to identify optimal coherence between environmental and trade-related international agreements
Encourage discussion, transparency and public participation on the relationship between trade disciplines and environmental information
Assist the development of the methodology for strategic environmental assessments of investment and trade liberalisation policies.
Collaborate with private and public financial institutions in development of guidelines and standards on environmental impact assessment and environmental protection.

Achievements under Programme Area B

- In recent years, UN Environment has been working with countries to promote the environmental rule of law. This has been particularly important in the in the fight against environmental crimes, including illegal trade in environmentally sensitive commodities. This work has been carried out in cooperation with various partners, such as INTERPOL.
- UN Environment also worked with Member States in the adoption of the UNEA 1 resolution on illegal trade in wildlife in 2014. Countries agreed to prevent, combat and eradicate the illegal trade in wildlife and wildlife products, including timber and marine species, globally. The resolution also referred to the UNEP Governing Council decision 27/9 on advancing justice, governance and law for environmental sustainability, in which the Council noted that offences against the environment are increasingly committed by organised criminal groups.
- In December 2017, UN Environment convened a capacity building workshop in Mumbai, India, for customs officers on the challenge of controlling illegal trade in chemicals and waste. Officers were

trained on the key requirements of the Rotterdam and Stockholm Conventions, as well as other MEAs relating to the illegal trade in chemicals or ozone depleting substances.

- UN Environment has also established new and strengthened existing partnerships with various legal stakeholders in the development of environmental law. Under its Green Customs Initiative (GCI) and Regional Enforcement Network for Chemicals and Waste (REN) umbrellas, the programme enhanced the capacity of over 360 national enforcement officers, representing Customs, police and environmental authorities, to detect, prevent and control the operation of illegal trade streams in environmentally sensitive commodities.

Challenges and gaps

- Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA B

Africa

- Assistance is needed for the mainstreaming of environmental issues into trade and investment policy.
- Further study is needed on the linkages and the best legislative and policy solutions.
- There is a need to raise awareness with enforcement officers on their MEA commitments regarding illegal trade.
- There is a need for capacity building in the ministry responsible for trade and in training institutions and chambers of commerce.

Latin America and the Caribbean

- There needs to be increased dissemination of Information to ministry of trade and customs officers with the aim of getting hazardous products on a negative list.
- Awareness training of customs officers on recognition of hazardous products is crucial

West Asia

- Need more feedback from focal points

Asia Pacific

- Illegal wildlife trade is becoming a key issue of concern for the region. Detection of illegal trade is difficult as it is embedded in legal wildlife trade. Resolutions are non-binding and only apply to international trade between countries. An environmental law expert questioned whether strict fines and penalties are sufficient deterrents to illegal wildlife trade. In the past, even the countries that have a licensing system in place, there have been incidents of illegal trade/movement of controlled substances, which is expected to be the same for HFC control.

Europe and North America

- Need more feedback from focal points

Programme Area C – Security

Objective: To consider and explore the linkages between environmental legislation and security.

Strategy: Encourage the consideration of environmental issues in policies, law and institutions related to national, sub-regional, regional and global security.

Overview of actions mandate by programme area C

Study the relationship between environmental protection and security issues.

Conduct studies on the concept of security and the environment.

Achievements under Programme Area C

- UN Environment has played a critical role in promoting awareness of environmental crime as one of the top global law enforcement priorities. This is reflected in the recent UN General Assembly Resolution, which recognise for the first time ever that environmental crime is part of other transnational organised crimes. This resolution was an important recognition of UN Environment's work about the increasing threat that environmental crime poses for peace and security, sustainable development and environmental rule of law.
- In response to this resolution, UN Environment has accelerated its cooperation with INTERPOL. Its joint publications and conferences have raised awareness about the causes and the impacts of environmental crimes. UN Environment's work with INTERPOL on illegal logging has helped to draw attention to the impacts that illegal logging places on the livelihoods of poor communities.
- Another example of achievement is the fact that in November 2016 the European Parliament adopted a resolution on the EU action plan against wildlife trafficking. This resolution was adopted following extensive engagement and consultation between UN Environment and the European Parliament.
- In partnership with RHIPTO-Rapid Response-Norwegian Centre for Global Analysis and INTERPOL, the Unit developed and released a Rapid Response Assessment on World Environment Day on 5 June 2016, strengthening the reporting and awareness of environmental and natural resources crime in relation to sustainable development, rule of law, peace and security.
- UN Environment has also been working in partnership with other actors to support countries in strengthening their legal frameworks for wildlife crime. In this context UN Environment has prepared an extremely useful rapid reference guide to support countries such as Kenya, for the investigation and prosecution of wildlife crime.

- UN Environment also convened a conference on environmental compliance and enforcement in November 2015 in Singapore. The conference produced a global action plan for challenges related to multi-agency cooperation, police and judicial training, awareness raising, and strengthening legislative and regulatory mechanisms. UN Environment has begun follow-up activities with their training for police and judges, in cooperation with INTERPOL and others.

Challenges and Gaps

Assessment still ongoing.

FOCAL POINT MESSAGES PROGRAMME AREA C

Africa

- Environmental issues have not been given sufficient attention in security policies, laws and institutions. Support is needed to raise awareness about the importance of the linkages
- *There needs to be increased* support for the promotion of environmental mainstreaming.

Latin America and the Caribbean

- Needs capacity building for environmental peace building.

West Asia

- Because of its geopolitical location and its oil resources, the *West Asia* region has been hit by rivalries and armed conflicts, which have an impact on the environment and human health. In turn, environmental harm can lead to conflict. As a result, peace, security and the environment are a priority in the region.
- It is very important to raise awareness of security agencies, the private sector and the society and to organise training on calculation of compensation in cases of environmental damage.

Asia Pacific

- Need more feedback from focal points

Europe and North America

- Need more feedback from focal points

Programme Area D - Environment and military activities

Objective: To reduce or mitigate the potentially harmful effects of military activities on the environment and to encourage a positive role for the military sector in environmental protection.

Strategy: Collaborate with Governments in developing and promoting compliance with environmental protection norms, standards and procedures relating to military activities so as to avoid and mitigate environmental damage.

Overview of actions mandate by programme area D

Encourage states to include in their national legislation principles of environmental protection as regards military activities
Examine the application of environmental norms, standards and procedures to military activities
Study the adequacy of existing legal regimes in protecting the environment from military activities
Support states in undertaking the assessment and development of norms, standards and procedures regarding environmental impacts of military activities
Support States in developing laws and policies that encourage environmental consideration in the design of new weapons and military equipment
Study the feasibility of developing legal mechanisms for mitigating damage caused by military activities

Achievements under Programme Area D

- At UNEA-2, Member States adopted a resolution on protection of the environment in areas affected by armed conflict. Under the resolution, Member States agree to implement applicable international environmental law in situations of armed conflict. The resolution highlights the importance of the implementation by all Member States of international law applicable to the protection of the environment in areas affected by armed conflict. The resolution also recognises UN Environment's efforts in supporting the capacity building of Member States in this regard.
- At UNEA 3, Member States adopted a resolution in which they agree to cooperate in preventing, minimising and mitigating the negative impacts of armed conflict or terrorism on the environment.

Challenges and Gaps

- UN Environment has not undertaken action on the following activities that were mandated under this programme:
 - ◇ Study the existing legal regimes in protecting the environment from military activities

- ◇ Examine the application of environmental norms, standards and procedures to military activities
- ◇ Support states in undertaking the assessment and development of norms, standards and procedures regarding environmental impacts of military activities
- ◇ Support states in developing laws and policies that encourage environmental consideration in the design of new weapons and military equipment.
- ◇ Study the feasibility of developing legal mechanisms for mitigating damage caused by military activity.

FOCAL POINT MESSAGES PROGRAMME AREA D

Africa

- Few activities have been developed to address the environmental consequences of military activities.
- There is the need to learn best practices that have improved collaboration between military and environmental institutions. There is a need to raise awareness about the laws pertaining to the intersection between the environment and military activities.
- Stronger partnerships with the military are needed to assist with the enforcement of national environment laws. The military should also be authorised to help enforce national environmental laws.

Latin America and the Caribbean

- Need more feedback from focal points

West Asia

- Need more feedback from focal points

Asia Pacific

- Need more feedback from focal points

Europe and North America

- Need more feedback from focal points