

Delivering for People and the Planet: Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo V)

Proposal for the work by the United Nations Environment Programme in the area of environmental law for a specific period beginning in 2020

First draft

1. The fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo V) is an intergovernmental programme designed to guide the identification and implementation of priority actions in the field of environmental law to be undertaken by the United Nations Environment Programme, in collaboration with other relevant actors, for the decade beginning in 2020. It is aimed at supporting countries to implement and develop effective environmental law.

Vision:

2. Environmental law, coupled with effective institutions to ensure its implementation, is an indispensable tool for countries to address increasing environmental pressures and to ensure the best possible use of our natural resources for economic and social growth while, at the same time, protecting people, societies and the environment from pollution and other environmental issues that negatively impact health and ecosystems. Natural resources that are managed sustainably, transparently, and on the basis of the rule of law can be the engine for sustainable development as well as a platform for peace and justice.
3. Montevideo V will build on the successes of past Montevideo Programmes and further prioritize work aimed at strengthening environmental law to support the environmental dimension of sustainable development. In doing so, Montevideo V will support the United Nations Environment Programme in meeting environmental objectives identified in resolutions adopted by the United Nations Environment Assembly (UNEA) and, as appropriate, multilateral environmental agreements.
4. Work in the area of environmental law by the United Nations Environment Programme in the decade commencing in 2020 should promote the development and implementation of

environmental rule of law and enhanced capacity of countries to implement environmental law.¹

5. By doing so, and owing to environmental law's cross-cutting nature, Montevideo V can contribute to the goals and targets of the 2030 Agenda as a whole. The following goals and targets of the 2030 Agenda for Sustainable Development are, however, specifically identified as relevant goals and targets that the Montevideo V can contribute to:
 - (a) Goal 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all;
 - (b) Goal 16.6: Develop effective, accountable and transparent institutions at all levels;
 - (c) Goal 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels;
 - (d) Goal 16.8 Promote and enforce non-discriminatory laws and policies for sustainable development; and
 - (e) Goal 17.9 Enhance international support for implementing effective and targeted capacity building in developing countries to support national plans to implement all the Sustainable Development Goals, including North-South, South-South and triangular cooperation.

Objectives:

6. In the context of the above vision, the objectives of Montevideo V are to:
 - (a) Catalyze action to address environmental issues and achieve environmental objectives, along with the related public health benefits, prioritizing issues and objectives identified in UNEA resolutions, by promoting adequate environmental legislation and legal frameworks;
 - (b) Improve the implementation, compliance with and enforcement of environmental law through increased institutional and human capacity;
 - (c) Provide practical guidance, innovative tools and resources, including model laws and approaches, to Member States for effective legislative implementation and enforcement frameworks in a manner consistent with Decision 27/9 adopted by the Governing Council of the United Nations Environment Programme;

¹ This has also been underlined by UNEA Resolution 2/5 which called for enhanced institutional and human capacities, as well as policy and legal frameworks towards effectively integrating and implementing the environmental dimension of the 2030 Agenda for Sustainable Development.

- (d) Support countries capacity to implement and enforce rights and responsibilities pertaining to public participation, access to information and judicial and administrative proceedings, including redress and remedy, in environmental matters in accordance with Principle 10 of the Rio Declaration and UNEA Resolution 1/13, including rights to safe and healthy environment where granted by applicable law;
- (e) Increase the recognition of the mutually reinforcing relationship between environmental law and the three pillars of the United Nations.

Strategic activity areas:

7. Montevideo V, under the guidance and direction of Member States through the national focal points steering committee, will focus on the following strategic activity areas to achieve the objectives set out above:
 - (a) Promotion of quality information and data exchange among legal stakeholders, education, and capacity-building with the aim of strengthening the implementation of environmental law and supporting national Governments in the development and implementation of environmental rule of law;
 - (b) Collaboration and promotion of partnerships across the United Nations and with other relevant entities in the field of environmental law;
 - (c) Promotion of the continued engagement of judges, prosecutors, lawmakers, auditors and other related authorities, such as inspectors, investigators, police, regulatory enforcement officials and other components of the environmental, legal and enforcement community and the institutions they represent, including associated networks, in the development and implementation of environmental law;
 - (d) Data collection and monitoring of the state of environmental law, including environmental rule of law, as well as exchange of information and best practices, including among the designated national focal points for the Programme;
 - (e) Development of guidance, tools, resources and model laws/approaches for Member States and relevant stakeholders aimed at enhancing the implementation and development of environmental law at national, sub-regional, regional and global level;
 - (f) Promotion of public participation, access to information and access to justice in environmental matters, including specifically the promotion of gender equality in

environmental law and relevant legal frameworks as well as the active participation of women, children and youth, indigenous peoples and those living in the most vulnerable situations;

- (g) Research, including studies and reports, on emerging environmental concerns;
- (h) Promotion and development of initiatives that raise awareness for environmental law, recognize and celebrate good and innovative practices in the implementation and development of environmental law, and support environmental law education.

Guiding Principles:

8. The following guiding principles will inform and guide the implementation of Montevideo V:
 - (a) The Programme will respond to countries' needs and priorities, focusing on strategic priorities and areas where environmental law, through the implementation of the Programme, can make a positive difference for people and the planet;
 - (b) The implementation of the Programme will be guided by orienting all action and use of resources towards achieving clearly defined and demonstrable results aimed at achieving the vision and objectives of the Programme;
 - (c) Activities under the Programme will, to the extent possible and feasible, actively engage and be implemented in partnership with relevant international organizations, multilateral environmental agreements, and major groups and stakeholders;
 - (d) Activities under the Programme will be guided by the objective of sustainability and ensuring long-term impacts, especially in the area of capacity building;
 - (e) All relevant activities implemented under the Programme should be grounded in science and the best available data and be consistent with the goals and targets of the 2030 Agenda for Sustainable Development, relevant resolutions adopted by the United Nations Environment Assembly, and not inconsistent with decisions of intergovernmental fora, including regional environmental ministerial fora;
 - (f) Activities under the Programme should be guided by and promote gender equality considerations.

Means of implementation:

9. The means of implementation for Montevideo V shall include the following arrangements:

- (a) The United Nations Environment Programme is to serve, within its current mandate and within available resources, as the Secretariat for Montevideo V and fulfil the following functions:
- i. To implement activities under the Programme and contribute to the fulfilment of the Programme's vision and objectives at the direction of Member States through the national focal point steering committee;
 - ii. To cooperate with, respond to, liaise closely with, and follow the direction of Member States, through the designated national focal points for the Programme, in the implementation of the Programme;
 - iii. To organize and service relevant meetings of the designated national focal points and the steering committee under the Programme;
 - iv. To promote the exchange of information, experiences and best practices, as well as the building of capacity among the designated national focal points for the Programme;
 - v. To prepare progress and other relevant reports for the effective implementation of the Programme;
 - vi. To foster the active participation of the relevant major groups and stakeholders in the implementation of the Programme;
 - vii. To monitor the implementation of the Programme and maintain a current list of the designated national focal points for the Programme, activities, projects and requests for support by Member States made under the Programme;
 - viii. To report on the implementation, activities and funding of the Programme on a biennial basis.
- (b) Governments who have not yet done so, are encouraged to nominate a designated national focal point for the Programme.² Designated national focal points should be senior Government officials and experts in environmental law. The designated national focal points are to:
- i. Collaborate with and guide the Secretariat in the implementation of Montevideo V;
 - ii. Review and promote the implementation of Montevideo V;

² See UNEA Resolution 2/19, para. 1

- iii. Assist the Secretariat in the collection of national data in the field of environmental law and the identification of global, regional and national needs and priorities;
 - iv. Liaise with other government officials and key stakeholders at the national level relevant to the implementation of activities under the Programme;
 - v. Participate in the global [biennial] and other relevant meetings of the designated national focal points;
- (c) The designated national focal points for the Programme will, at their first global meeting in 2020, elect a geographically and, as much as possible, gender- balanced steering committee. The steering committee will:
- i. Based on recommendations and overall guidance from the designated national focal points, provide strategic advice, guidance, and direction to the Secretariat in the delivery of the Programme consistent with relevant UNEA resolutions;
 - ii. Provide input and direction to the development of thematic and other priorities for the strategic activity areas under the Programme;
 - iii. Review progress reports submitted by the Secretariat and make recommendations with a view to continuously strengthen the application of the Programme;
 - iv. Contribute to catalyzing action to address emerging environmental issues through the law.
- (d) The Secretariat should make necessary arrangements to ensure appropriate funding, including consideration of establishing a trust fund to receive and administer resources for the implementation of the activities under the Programme in a stable, sustained, and predictable manner. The Secretariat should also seek other sources of funding, including voluntary contributions from governments, the private sector, foundations, and other organizations.
