

COMMENTS RECEIVED FROM NATIONAL FOCAL POINTS, ENVIRONMENTAL LAW EXPERTS AND MAJOR GROUPS AND STAKEHOLDERS ON THE DRAFT PROPOSALS FOR THE WORK BY THE UNITED NATIONS ENVIRONMENT PROGRAMME IN THE AREA OF ENVIRONMENTAL LAW FOR A SPECIFIC PERIOD BEGINNING IN 2020

1. Following the first global meeting of national focal points for the Montevideo Programme for the Development and Periodic Review of Environmental Law in September 2018 in Geneva, Switzerland, the secretariat of the United Nations Environment Programme prepared draft proposals (“the draft”) for the work by the United Nations Environment Programme in the area of environmental law for a specific period beginning in 2020.

2. On 13 November 2018, the secretariat of the United Nations Environment Programme invited national focal points, select environmental law experts and major groups and stakeholders and relevant Multilateral Environmental Agreements to provide written comments on the draft.

3. As at 22 November 2018, several focal points, experts and representatives of major groups and stakeholders had provided written comments. The secretariat has compiled the written comments in the table below.

Paragraph of the draft	Comment	Attribution
1	Insert the words “develop and” immediately before the word “implement” and delete the words “and develop” immediately after the word “implement”	Ethiopia

	<p>Include a reference to the Global Pact for the Environment or the efforts to support the recognition of a human right to a healthy environment and sustainable environment under this paragraph</p> <p>Insert the phrase “and stakeholders” after the phrase “relevant actors”</p>	<p>World Resources Institute</p> <p>CIDCE</p>
2	<p>Delete paragraph 2 and replace with the following “Strengthening the law and institutions for effective implementation of environmental principles, sustainable utilization of natural resources and protection of the environment”.</p> <p>Reword to make environmental rule of law the focus of the programme</p> <p>Reword to remove the over-emphasis on natural resources</p> <p>Delete the phrase “the best possible” appearing in the paragraph and replace with “sustainable”</p> <p>Insert the word “equitably” after the word “transparently”</p> <p>Insert the phrase “security, solidarity” after the word “peace” in the second sentence of this paragraph</p>	<p>Uganda</p> <p>Ethiopia</p> <p>Ethiopia</p> <p>Finland</p> <p>Finland</p> <p>CIDCE</p>
3	<p>Delete the word “meeting” and replace with “addressing”</p>	<p>Finland</p>

	Delete the word “objectives” and replace with “concerns	Finland
4	Delete the word “should” and replace with “shall”.	Uganda
	Insert the word “Institutional” after the word “enhanced”	Uganda
	Insert the word “effectively” after the phrase “countries to” and before the phrase “implement environmental law”	CIDCE
5	Delete “cross cutting nature” and replace it with “broad scope.”	Uganda
	Delete “can” and replace it with “will.”	Uganda
	Insert further SDG targets including 16.10, 16A, 16.8 and 16B	Finland
	Remove the list of SDGs or include only those relevant to the environmental dimension	Ethiopia
	In addition to SDG 16 and 17, include SDGs 2, 6, 7, 11, 12, 13, 14, 15 and any other SDG relevant to the environmental dimension of sustainable development.	FPW
	Insert SDG target 17.14 on enhancing policy coherence for sustainable development	FPW

	<p>Insert SDG target 17.16 on enhancing global partnership for sustainable development</p> <p>Insert SDG target 16.10 on ensuring public access to information and protecting fundamental freedoms</p> <p>Re-number SDG target “16.8” to “16.b”</p> <p>Insert SDG target 17.14 on enhancing policy coherence for sustainable development</p>	<p>FPW</p> <p>CIDCE</p> <p>CIDCE</p> <p>CIDCE</p>
6 (a)	<p>Delete the phrase “catalyze action” and replace with “promote adequate environmental legislation and legal frameworks.”</p> <p>Delete the phrase “catalyze action” and replace with “steering” or “directing”</p> <p>Delete the phrase “by promoting adequate environmental legislation and legal framework”</p> <p>Delete the words “UNEA resolutions” appearing immediately after the phrase “objectives identified in” and replace with “resolutions and decisions of UN bodies, including UNEA and regional organizations</p>	<p>Uganda</p> <p>Finland</p> <p>Uganda</p> <p>Ethiopia</p>

	<p>Delete the word “adequate” immediately after the word “promoting” and replace with “effective”</p> <p>Delete the words “legislation and” appearing immediately before the phrase “legal frameworks</p> <p>Insert the phrase “as appropriate to each party’s context at the end of the sub-paragraph</p> <p>Insert the phrase “and developing” between the word “promoting” and the word “adequate”</p> <p>Insert the phrase “and efficient” between the word “adequate” and the phrase “environmental legislation”</p>	<p>Ethiopia</p> <p>Ethiopia</p> <p>Ethiopia</p> <p>CIDCE</p> <p>CIDCE</p>
6 (b)	<p>Insert the following words “and exchange of information on enforcement and compliance among various environmental regimes” at the end of the sentence</p> <p>Delete the word “improve” and replace with the phrase “Enhance Institutional and human capacity for”.</p> <p>Delete the phrase “through increased institutional and human capacity</p>	<p>Ozone Secretariat</p> <p>Uganda</p> <p>Uganda</p> <p>Ethiopia</p>

	<p>Insert the words “principles, laws and standards” immediately after the word “environmental”</p> <p>Delete the phrase “increased institutional capacity” at the end of the sub-paragraph and replace with “enhanced financial, technological and capacity building support</p> <p>Insert the word “effective” after the phrase “improve the”</p> <p>Insert the word “of” between the words “implementation” and “compliance”</p>	<p>Ethiopia</p> <p>CIDCE</p> <p>CIDCE</p>
6 (c)	<p>Insert the phrase “best practice for adoption” after the word “provide” and before the word “practical”</p> <p>Insert the word “development” immediately after the word “legislative”</p> <p>Insert a new sub-paragraph immediately after sub-paragraph c as follows; “Greening the judiciary, capacity building for environmental inspectors, police forces and other law enforcers, as appropriate, and public prosecutors, including environmental policy makers”</p> <p>Insert the phrase “as well as environmental law indicators” between the word “approaches” and the phrase “to member states”</p>	<p>Uganda</p> <p>Ethiopia</p> <p>Ethiopia</p> <p>CIDCE</p>
6 (d)	Delete the word “capacity” and replace with “initiatives”	Uganda

	<p>Insert the word “developing” immediately after the word “Support” and then insert the phrase “develop environmental law, and” immediately before the word “implement”</p> <p>Insert the word “effectively” between the phrase “capacity to” and the word “implement”</p>	<p>Ethiopia</p> <p>CIDCE</p>
6 (e)	<p>Insert the word “Promote” at the beginning of the sentence and re-structure the sentence grammatically.</p> <p>Make the sub-paragraph more explicit. In addition, consider emphasizing the need to strengthen environmental law and making it an integrated part of sustainable societal development</p> <p>Delete the phrase “environmental law and” appearing immediately after the word “between”</p> <p>Insert the phrase “and strengthen coordinated efforts among all United Nations Agencies as appropriate” immediately after the phrase “pillars of the United Nations”</p> <p>Insert a full colon at the end of the sentence followed by the phrase “human rights, peace and security, and development”</p>	<p>Uganda</p> <p>Finland</p> <p>Ethiopia</p> <p>Ethiopia</p> <p>CIDCE</p>
7	Delete the phrase “Montevideo V” at beginning of the sentence and insert it after the phrase “steering committee”.	Ozone Secretariat

7 (a)	Delete the phrase “Promotion of” and replace with “Development of systems for”.	Uganda
	Move the current sub-paragraphs (d) and (e) and place them immediately after sub-paragraph (a)	Uganda
	Insert the words “local and” immediately after the word “supporting”	Ethiopia
	Insert the words “governments and sub-regional, regional and river basin actors immediately after the word “national”	Ethiopia
	Delete the phrase “rule of law” at the end of the sub-paragraph and replace with “legal frameworks”	Ethiopia
	Insert the phrase “and good governance” at the end of the sub-paragraph	Finland
	Clarify whether the phrase “quality information and data exchange” includes implementation of Conventions and National domestic frameworks	WRI

7 (b)	<p>Insert the word “support” at the beginning of the sub-paragraph</p> <p>Insert the words “development and implementation” at the end of the sub-paragraph</p> <p>Provide specific focus on the collaboration and partnerships e.g. Climate laws or Climate litigation.</p> <p>Insert the phrase “including civil society organizations” between the word “entities” and the phrase “in the field of environmental law”</p> <p>Insert the phrase “prevention and control of different forms of pollution, including indoor air pollution in transports (aeronautic problem) and air pollution and the regulation of relevant pollutants, water and land pollution;” at the end of the sub-paragraph</p>	<p>Uganda</p> <p>Ethiopia</p> <p>WRI</p> <p>CIDCE</p> <p>CIDCE</p>
7 (c)	<p>Delete the phrase “Promotion of” and replace with the word “Support” at the beginning of the sub-paragraph</p> <p>Delete the words “judges, prosecutors, lawmakers, auditors” after the words “engagement of” and replace with “lawmakers, inspectors, auditors, investigators, prosecutors, judges, enforcement officials”</p> <p>Delete the phrase “such as inspectors, investigators, police, regulatory enforcement officials and other components of the environmental legal</p>	<p>Uganda</p> <p>Ethiopia</p> <p>Ethiopia</p>

	and enforcement community and the institutions they represent, including associated networks” appearing after the word “authorities” and replace with “including non-Governmental actors involved”	
7 (d)	<p>Insert the words “activities related to” immediately after the phrase “monitoring of”</p> <p>Delete the phrase “including environmental rule of law” appearing immediately after the phrase “state of environmental law” and replace with the words “development and implementation”</p> <p>Include an element of regional focus under this sub-paragraph</p> <p>Insert the phrase “and its implementation” between the phrase “state of environmental law” and the phrase “including environmental rule of law”</p>	<p>Ethiopia</p> <p>Ethiopia</p> <p>WRI</p> <p>WRI</p>
7 (e)	<p>Insert the phrase “and evaluation” after the phrase “enhancing the implementation and development”</p> <p>Insert the phrase “development and” appearing immediately before the word “implementation”</p> <p>Delete the words “and development” appearing immediately after the word “implementation”</p>	<p>Finland</p> <p>Ethiopia</p> <p>Ethiopia</p>

	<p>Insert the word “local” immediately before the word “national”</p> <p>Insert the words “river-basin” immediately after the word “sub-regional”</p> <p>Insert the phrase “legal indicators” between the word “resources” and the phrase “and model laws/approaches”</p> <p>Insert the phrase “including civil society organizations” between the word “stakeholders” and the word “aimed”</p> <p>Insert the phrase “create an ombudsman environmental cell to juridical and technic mediation”</p>	<p>Ethiopia</p> <p>Ethiopia</p> <p>CIDCE</p> <p>CIDCE</p> <p>CIDCE</p>
7 (f)	<p>Delete the phrase “promotion of” at the beginning of the sub-paragraph and replace with “support platforms for”</p> <p>Delete the phrase “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 and replace with the following new sentence “ In relation to the above, ensuring the active participation of women, children, youth, indigenous peoples and those living in the most vulnerable situations</p>	<p>Uganda</p> <p>Ethiopia</p> <p>WRI</p>

	Mention specifically the Aarhus Convention and the Escazu Convention as well as how this may be relevant for other regions - Africa and Asia, in terms of comparisons, lessons learnt implementation and assessment of legal provisions.	
7 (g)	<p>Insert the word “undertake” at the beginning of the sub-paragraph and the phrase “and gaps” at the end of the sub-paragraph</p> <p>Include “informing on interlinkages and gaps in international environmental law” in the research work contemplated in this sub-paragraph. In addition, “studies and guidelines to inform the development of new and existing law and mechanisms” should also be reflected in this sub-paragraph</p> <p>Insert the words “and ongoing common” after the word “emerging”</p>	<p>Uganda</p> <p>Finland</p> <p>Ethiopia</p>
7 (h)	<p>Delete the words “promotion and development of” appearing at the beginning of the sub-paragraph and replace with the words “promote and develop”</p> <p>Insert the words “development and implementation” between the words “law” and “recognize”</p> <p>Delete the words “good and” appearing after the word “celebrate” and replace with the words “environmentally sound and”</p>	<p>Ethiopia</p> <p>Ethiopia</p> <p>Ethiopia</p>

	<p>Insert the words “technologies and” between the word “innovative” and the word “practices”</p> <p>Delete the phrase “in the implementation and development” appearing after the word “practices”</p> <p>Delete the phrase “and support environmental law education” appearing at the end of the sub-paragraph and replace with the phrase “development and implementation”</p>	<p>Ethiopia</p> <p>Ethiopia</p> <p>Ethiopia</p>
8 (a)	<p>Insert the phrase “sub-regions, river-basin and regions” between the word “countries” and the word “needs”</p> <p>Delete the phrase “through the implementation of the programme” appearing after the phrase “environmental law” and replace with the words “development and implementation”</p>	<p>Ethiopia</p> <p>Ethiopia</p>
8 (b)	<p>Delete the word “orienting” and replace with the words “the principle that”</p> <p>Insert the phrase “is to be directed” between the word “resources” and the word “towards”</p>	<p>Ethiopia</p> <p>Ethiopia</p> <p>Ethiopia</p>

	<p>Delete the phrase “aimed at achieving the vision and objectives of the programme” appearing at the end of the sub-paragraph and replace with “to achieve the vision and objectives of the programme”</p> <p>Insert the word “measurable” between the word “defined” and the phrase “and demonstrable”</p>	<p>CIDCE</p>
<p>8 (c)</p>	<p>Delete the phrase “multilateral environmental agreements”</p> <p>Insert a new sub-paragraph (c) as follows “With respect to activities under the Programme that pertain to the implementation or enforcement of multilateral environmental agreements, the secretariats of the relevant multilateral environmental agreements will be invited by UNEP to cooperate so as to ensure mutual supportiveness of efforts.” And then re-number the rest of the sub-paragraphs accordingly</p> <p>Insert the words “developed and” after the phrase “actively engage and be”</p> <p>Insert the phrase “UN Agencies, national governments, as appropriate” after the word relevant</p> <p>Delete the phrase “multilateral environmental agreements and major groups and stakeholders” appearing at the end of the sub-paragraph and replace with phrase “and other relevant actors”</p>	<p>Uganda</p> <p>BRS</p> <p>Ethiopia</p> <p>Ethiopia</p> <p>Ethiopia</p>

8 (d)	Insert the phrase “the principle of non-regression” after the word “sustainability”	CIDCE
8 (e)	<p>Delete the word “relevant” and replace with “agreed”, delete “should” and replace with “shall”, insert the word “science” after the phrase “be grounded in” and then insert the phrase “adopted best practice, agreed practical guidance” after the word “science” and delete the word “best” appearing before the phrase “available data”.</p> <p>Insert the words “decisions and” between the word relevant and resolutions</p> <p>Delete the phrase “and not inconsistent with decisions of intergovernmental fora, including regional environmental ministerial fora” appearing at the end of the sub-paragraph and replace with the phrase “multilateral environmental agreements developed by the parties, as appropriate”</p>	<p>Uganda</p> <p>Ethiopia</p> <p>Ethiopia</p>
8 (f)	Insert the phrase “and active engagement of youth” after the word “equality”	Ethiopia

	Insert the phrase “as well as by the principle of intra and inter-generational equity” at the end of the sub-paragraph	CIDCE
9	Include a reference to the work programme and programme cycle in the chapeau. Further, include reference to a shorter program cycle than the current 10 year (for example a 4-year cycle) well integrated into UNEP’s other work	Finland
9 (a)(i)	No comment	N/A
9 (a)(ii)	No comment	N/A
9 (a)(iii)	No comment	N/A
9 (a)(iv)	No comment	N/A
9 (a)(v)	No comment	N/A
9 (a)(vi)	Insert a new sub-paragraph (vi) as follows “To cooperate with the secretariats of multilateral environmental agreements when the activities under the Programme pertain to the implementation or enforcement of those agreements so as to ensure mutual supportiveness of efforts;”	BRS
9 (a)(vii)	No comment	N/A
9 (a)(viii)	No comment	N/A
9(a)(ix)	Insert a new sub-paragraph 9(a)(ix) as follows “The Secretariat shall 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.”	Uganda

9(b)	Insert a new sub-heading as follows “designated national focal points”	Uganda
9 (b)(i)	No comment	N/A
9 (b)(ii)	No comment	N/A
9 (b)(iii)	Insert the phrase “development and implementation” after the words “environmental law”	Ethiopia
	Insert the words “national, river-basin, sub-regional, regional and” after the words “identification of”	Ethiopia
	Delete the phrase “regional and national” appearing after the word “global	Ethiopia
9 (b)(iv)	Insert the phrase “including civil society organizations” between the word “level” and “relevant” and then insert the phrase “and promote collaboration between stakeholders” at the end of the sub-paragraph	CIDCE
	Insert the words “river-basin, sub-regional, regional” after the word “national”	Ethiopia
	Delete the word “relevant”	Ethiopia

9 (b)(v)	No comment	N/A
9 (c) (i)	<p>Delete the phrase “Based on recommendations and overall guidance from the designated national focal points, provide” appearing at the beginning of the sub-paragraph and replace it with the word “Provide”.</p> <p>At the end of the sub-paragraph, insert the phrase “based on recommendations and overall guidance from the designated national focal points.”</p>	Uganda
		Gilbert (Ozone Secretariat)
9 (c)	<p>Insert a new sub-heading “The Steering Committee”</p> <p>Include language reflecting that the steering committee will consist of experts providing advice and guidance through written procedure and video conferences to reduce the need for physical meetings which entails additional funding</p> <p>Delete the phrase “as much as possible” appearing in the chapeau of the sub-paragraph</p>	<p>Uganda</p> <p>Finland</p> <p>CIDCE</p>
9(c)(i)	Insert the words “decisions and” after the phrase “relevant UNEA”	Ethiopia
9(c)(ii)	No comment	N/A
9(c)(iii)	No comment	N/A
9(c)(iv)	No comment	N/A
9 (d)	Delete from here and insert as new sub-paragraph 8(a)(ix)	Uganda

	<p>Remove reference to Trust Fund</p> <p>Delete the word “should” wherever it appears in the sub-paragraph and replace with the word “shall”</p>	<p>Finland</p> <p>CIDCE</p>
General Comments	<p>Integrate the theme on "environmental law and the digital economy" in Montevideo V.</p>	Emmanuel Kam Yogo (Expert)
	<p>The draft programme seems quite different in its architecture than its predecessor especially as it does not identify any particular "substantive" areas of work.</p> <p>The approaches under "objectives", "strategic activity areas" and "guiding principles" are not clear - how are these different, what are the goals to be achieved, and how are these approaches interrelated.</p>	Seita Romppanen
	<p>A clearer connection to the Agenda 2030 could be made, especially as there are no substantive areas (climate change, pollution etc.) of work identified.</p>	
	<p>If the purpose is not to identify any substantive areas, then the themes already included (institutions, participation etc.) could be more explicit</p>	
	<p>With reference to para 6(c) of the draft proposal “model laws have not had positive results when considered in light of their implementation and compliance. Model laws are not necessarily responsive to the differentiated capabilities of States”.</p>	FPW