

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 (Un-edited version)

Draft agreed during the meeting of the group of friends of the co-chairs for the Montevideo Programme IV

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. MV5 builds on the successes of the past MV programmes and supports UNEP in the field of environmental law to fulfil its core mandate¹ and meet the environmental objectives found in UN resolutions, in particular, those adopted by the UNEA and, as appropriate, reflected in obligations contained in multilateral environmental agreements. (agreed)

Vision:

2. MV5 promotes the development and implementation of environmental rule of law, strengthens the related capacity in countries and contributes to the environmental dimension of the 2030 Agenda. (agreed)

Objectives:

The Montevideo V Programme will pursue the following objectives:

- (a) Support for the development of adequate and effective environmental legislation and legal frameworks at all levels to address environmental issues, (agreed)
- (b) Strengthen the effective implementation of environmental law at national level (agreed)

¹ Paragraph 3 of the 1997 Nairobi Declaration on the Role and Mandate of UNEP, as reaffirmed in Paragraph 88 of the UN Conference on Sustainable Development, “The Future We Want”.

- (c) Support enhanced capacity building for increased effectiveness of environmental law for all stakeholders at all levels (agreed)
- (d) Support national governments upon their request in the development and implementation of environmental rule of law, consistent with UNEP Governing Council Decision 27/9. (agreed)
- (e) Promote the role of environmental law in the context of effective environmental governance (agreed)
- (f) Enhance responsiveness and effectiveness of the Montevideo Programme (agreed)

Strategic Activities:

- 6. Montevideo V will focus on the following strategic activities to achieve the objectives set out above:
 - (a) Provide practical guidance, tools, innovative approaches and resources, including effective law models and approaches, as well as best practices and model indicators to countries for the effective and inclusive development and implementation of environmental law in a manner consistent with Decision 27/9 adopted by the Governing Council of the United Nations Environment Programme (agreed)
 - (b) Develop and promote information and data exchange among legal stakeholders involved in the development and implementation of environmental law; (agreed)
 - (c) Promote public participation, access to information and access to justice in environmental matters; (agreed)
 - (d) Promote the recognition of the mutually reinforcing relationship between environmental law and the three pillars of the Charter of the United Nations. (agreed)
 - (e) Support collaboration and promotion of partnerships across the United Nations and with other relevant entities, including civil society organizations, in the field of environmental law. (agreed)
 - (f) Encourage and facilitate education on environmental law with a view to empowering people and communities and to strengthening institutional capacity of countries to address environmental issues. (agreed)
 - (g) Support awareness-raising initiatives at different levels on environmental law (agreed)
 - (h) Encourage research, including studies and reports, on emerging environmental issues and the relationship between environmental law and other related legal fields (agreed)
 - (i) Promote training in the field of environmental law, especially legal professionals such as judges and prosecutors and other enforcement officials. (agreed)

Implementation Guidelines:

- 7. The following guidelines will inform the implementation of Montevideo V. The MV 5 and its activities will:
 - (a) Respond to the needs and priorities of countries; (agreed)

- (b) Be achievable, clearly defined, measurable, verifiable and results-oriented; (agreed)
- (c) Be developed and implemented in cooperation, coordination, partnership, as appropriate, with relevant stakeholders, promoting public participation; (agreed)
- (d) Promote synergies and complementarity and avoid duplication with other initiatives and activities in the field of environmental law; (agreed)
- (e) Be grounded in science, best practices, and available data; (agreed)
- (f) Be consistent with the environmental dimension of the 2030 Agenda for Sustainable Development and relevant resolutions and decisions of the United Nations Environment Assembly, as well as having due regard to nationally determined priorities and relevant resolutions and decisions of other UN bodies, and other multilateral, including regional, environmental processes; (agreed)
- (g) Promote gender equality and active engagement of youth considerations as well as intra- and inter-generational equity; (agreed) and
- (h) Promote the application of environmental assessments for the sustainable management and use of natural resources and the protection of the environment. (agreed)

Institutional Arrangements and Monitoring: (agreed)

8. The institutional arrangements and monitoring for Montevideo V will include the following: (agreed)
 - (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: (agreed)
 - 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 (agreed);
 - ii. To cooperate with, respond to, liaise closely with, and follow the direction of Member States, through the national focal points for the Programme, in the implementation of the Programme; (agreed)
 - iii. To organize and facilitate meetings of the national focal points and the steering committee under the Programme; (agreed)
 - iv. To promote the exchange of information, experiences and best practices, as well as the building of capacity including among the national focal points for the Programme; (agreed)
 - v. To prepare progress and other relevant reports for the effective implementation of the Programme; (agreed)

- vi. To foster the active participation of the relevant stakeholders in the implementation of the Programme; (agreed)
- vii. To cooperate, as appropriate, with the Secretariats of Multilateral environmental agreements to ensure the mutual supportiveness of efforts (agreed)
- viii. To monitor the implementation of the Programme. (agreed)
- ix. To maintain a current list of the national focal points for the Programme, activities, projects and requests for support by Member States made under the Programme; (agreed)
- x. To report on the implementation, activities and funding of the Programme on a biennial basis. (agreed)
- xi. To seek to procure appropriate funding for the implementation of the activities under the programme and consider establishing a trust fund for management of designated funds as appropriate, in accordance with relevant UNEA decisions, and including through other sources of funding such as voluntary contributions from governments, the private sector, foundations, and other organizations. (agreed)
- xii. To ensure measurability, accountability, transparency, and results-oriented management of the funds allocated to the Montevideo Programme, as appropriate, and inform the national focal points. (agreed)

(b) National Focal Points: Recalling UNEA resolution 2/19, governments are invited to designate national focal points for the Montevideo Programme. The national focal points are, preferably, senior government officials expert in environmental law. The focal points will: (agreed)

- i. Identify the priority areas for the implementation of the Montevideo Programme V. (agreed)
- ii. Collaborate with and guide the Secretariat in the implementation of Montevideo V; (agreed)
- iii. Review, as appropriate, Montevideo V, including progress reports prepared by the Secretariat, and promote its implementation, with the support of the Secretariat. (agreed)
- iv. Provide the Secretariat with available national data in the field of environmental law development and implementation to fulfil its tasks and identify needs and priorities at all relevant levels. (agreed)

- v. Support efforts to liaise and collaborate among other government officials and key stakeholders at all relevant levels appropriate to the implementation of activities under the Programme; (agreed)
 - vi. Participate in the biennial global and other relevant presential or remotely organized, as appropriate, meetings of the national focal points; (agreed)
 - vii. Provide strategic advice, guidance, and direction to the Secretariat in the delivery of the Programme (agreed);
 - viii. Contribute to catalyzing action to address emerging environmental issues through the law. (agreed)
- (c) **Steering Committee for Implementation:** The national focal points for the Programme will, at the global meetings, designate a steering committee for implementation composed of 2-3 representatives nominated from each UN region, ensuring as much as possible gender- balance. The Steering Committee for implementation will work with the Secretariat in the implementation of the Programme, based on recommendations and overall guidance from the meetings of the national focal points. The Steering Committee for implementation will also work with the Secretariat and the other national focal points to prepare for meetings of the national focal points. The Secretariat will develop the draft modalities of work for the Steering Committee for implementation to be presented at the first global meeting for consideration and adoption. (agreed)
- (d) **Assistance for Implementation:** Academics and eminent experts in the field of environmental law, relevant civil society organizations, and the private sector may be invited to assist in the implementation mechanism of Montevideo 5, as appropriate and feasible. (agreed)
