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**Policy issues: state of the environment**

**Fourth Programme for the Development and Periodic Review of  
Environmental Law**

**Note by the Executive Director**

**Addendum**

**Report on the review of the third Programme for the Development  
and Periodic Review of Environmental Law**

*Summary*

The annex to the present note contains a report on the implementation of the third Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme III) for the period from its adoption in February 2001 to January 2009. It presents highlights of activities by the United Nations Environment Programme and relevant developments in the respective programme areas of Montevideo Programme III. The annex has been reproduced without formal editing.

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\* UNEP/GC.25/1.

## Annex

### **Report on the implementation of the third Programme for the Development and Periodic Review of Environmental Law**

#### **I. Introduction**

1. The Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-first Century (Montevideo Programme III) was adopted by the Governing Council of the United Nations Environment Programme (UNEP) in its decision 21/23 of 9 February 2001 as the broad strategy for the activities of UNEP in the field of environmental law for the first decade of the twenty-first century. The Montevideo Programme III contains the following programme areas:

- I. Effectiveness of environmental law
  1. Implementation, compliance and enforcement
  2. Capacity-building
  3. Prevention and mitigation of environmental damage
  4. Avoidance and settlement of international environmental disputes
  5. Strengthening and development of international environmental law
  6. Harmonization and coordination
  7. Public participation and access to information
  8. Information technology
  9. Innovative approaches to environmental law
- II. Conservation and management
  10. Freshwater resources
  11. Coastal and marine ecosystems
  12. Soils
  13. Forests
  14. Biological diversity
  15. Pollution prevention and control
  16. Production and consumption patterns
  17. Environmental emergencies and natural disasters
- III. Relationship with other fields
  18. Trade
  19. Security and the environment
  20. Military activities and the environment

2. UNEP, in accordance with its catalytic role, has been taking action in these areas in coordination and cooperation with States, conferences of the parties and secretariats of multilateral environmental agreements, other international organizations, non-State actors and relevant stakeholders. For UNEP, these activities have been carried out through the biennial programmes of work of UNEP.

3. This report presents highlights of the implementation of the Montevideo Programme III for the period from its adoption in February 2001 to January 2009. The information is presented in the order of the programme areas of the Montevideo Programme III as listed in paragraph 1 above.

## II. Effectiveness of environmental law

### A. Implementation, compliance and enforcement

4. Since the adoption of the Montevideo Programme III in 2001, and in particular after the World Summit on Sustainable Development in 2002, an increased focus has been placed on the implementation of the existing internationally agreed environmental goals and objectives, as contained in the outcomes of the relevant United Nations summits and conferences (such as Agenda 21, the Further Programme for the Implementation of Agenda 21, the Johannesburg Plan of Implementation, the UN Millennium Declaration, the 2005 World Summit Outcome), as well as international treaties in the field of the environment (often cited as multilateral environmental agreements). The informal consultative process at the General Assembly on the follow up to paragraph 169 of the 2005 World Summit Outcome regarding international environmental governance has also underscored, among other things, the importance of promoting the implementation of and compliance with the existing international obligations. The Bali Strategic Plan for Technology Support and Capacity-building, adopted by the Governing Council in its decision 23/1 in February 2004, also identifies this area as one of its key component where UNEP should provide support to developing countries and countries with economies in transition.

#### Legal technical assistance

5. In order to support efforts of Governments to implement, comply with and enforce the relevant environmental objectives and goals, UNEP has been providing technical assistance to developing countries and countries with economies in transition to develop and strengthen their national environmental legislation, regulatory frameworks and relevant institutions. Such support includes activities designed to build their institutional capacity for strengthening their legislation and regulatory frameworks for the implementation of their international commitments and obligations, including multilateral environmental agreements. For the reporting period, about 40 developing countries and countries with economies in transition in all regions, upon their request, received such assistance from UNEP.

6. In Africa, UNEP has provided legal technical assistance systematically to 13 countries in the region under a project entitled “Partnership on the Development of Environmental Law and Institutions in Africa (PADELIA)”. In assisting each Government, UNEP undertook required action in close cooperation with other UN bodies and agencies (such as UNDP and FAO), international financial institutions (such as World Bank and regional development banks), the secretariats of the selected multilateral environmental agreements, and other intergovernmental and international non-governmental organizations (such as European Commission, World Conservation Union (IUCN), and the International Network on Environmental Compliance and Enforcement). For other regions (e.g. Asia and the Pacific, Latin America and the Caribbean), UNEP has provided legal technical assistance on a bilateral basis to countries upon their request, in order to meet their specific needs ranging from constitutional reform, the development of a framework environmental law or laws governing specific thematic issues, and strengthening of relevant institutions. The outcomes of UNEP’s activities, working in cooperation with partner organizations, resulted in the further development and improvement of national environmental laws, regulations and institutional arrangements in the respective countries.

#### South-South cooperation

7. In support for South-South cooperation in the field of environmental law, UNEP and the Governments of Indonesia and South Africa jointly convened a New Asian-African Strategic Partnership-UNEP Workshop on Environmental Law and Policy in Jakarta and Bandung, Indonesia in December 2006. The outcome of the workshop - the *Bandung roadmap for advancement of environmental law in support of the New Asian-African Strategic Partnership*, identified the problems in the implementation and enforcement of environmental law as well as a way forward for advancement of environmental law and policy to achieve environmental goals and objectives for sustainable development.

### **Support to facilitate compliance with and enforcement of multilateral environmental agreements**

8. In order to strengthen support to Governments to facilitate their compliance with and enforcement of multilateral environmental agreements, UNEP organized an intergovernmental consultative process to prepare the Guidelines for Compliance with and Enforcement of Multilateral Environmental Agreements, which was adopted by the Governing Council of UNEP in decision SS.VII/4 of 15 February 2002. As requested by the Governing Council in the same decision, the UNEP secretariat widely disseminated the Guidelines to Governments, convention secretariats and relevant organizations, and conducted a series of activities in all regions for strengthening the capacity of developing countries and countries with economies in transition for them to comply with and enforce multilateral environmental agreements using the Guidelines. Also, UNEP prepared and published a manual to facilitate the use of the Guidelines to further promote comply with and enforce multilateral environmental agreements. Before its finalization in 2006, the manual was tested at workshops in all regions, and it has been made available on UNEP website.

9. A green customs initiative, customs officials - a joint programme of several UNEP offices and with funding from varied sources - contributed to supporting efforts of Governments in improving compliance with and enforcement of trade-related measures in a joint programme of several UNEP offices and with funding from varied sources, which contributed to compliance with and enforcement of trade-related multilateral environmental agreements.

10. UNEP in cooperation with the International Network for Environmental Compliance and Enforcement (INECE) developed indicators to assess the implementation, compliance with, and enforcement of a cluster of biodiversity-related multilateral environmental agreements through a project involving South Africa, Brazil, Kenya and Costa Rica as pilot countries, which was concluded in April 2006. INECE published the updated draft *Performance Measurement Guidance for Compliance and Enforcement Practitioners* in April 2008.

11. Initiatives for harmonizing reporting were undertaken, in particular through regular consultations with the biodiversity related multilateral environmental agreements secretariats on the development of synchronized reporting cycles and harmonization of national reporting. This included the organization of a Workshop on Knowledge Management for Multilateral Environmental Agreements and a presentation of the Knowledge Management Programme for multilateral environmental agreements and facilitation of related discussions during the Fifth Meeting of the Liaison Group of the Biodiversity-Related Conventions.

### **Compilation of international environmental goals**

12. With a view to supporting Governments to more systematically address and implement the existing international commitments and obligations in the field of the environment, UNEP initiated in 2008 the preparation of a compilation of internationally agreed environmental goals and objectives. The draft compilation, prepared with the assistance of a small group of independent experts, was presented to the Meeting of Senior Government Officials Experts in Environmental Law to Prepare the Fourth Montevideo Programme that met in Nairobi from 29 September to 3 October 2008. The preliminary compilation has been made available to the twenty-fifth session of the Governing Council/Global Ministerial Environment Forum in document UNEP/GC.25/INF/16.

## **B. Capacity-building**

13. UNEP has continued its support for strengthening the regulatory and institutional capacity of developing countries and countries with economies in transition to develop and implement environmental law. Through its programmes UNEP has extended its support to a wide range of legal stakeholders who are in a position to influence the development, further strengthening, implementation and enforcement of environmental law, such as government officials, judges, legal practitioners, members of the academia, the private sector and civil society groups engaged in legal work. The specific capacity building activities in the field of environmental law included, but not limited to: training programmes at global, regional and national levels, training concerning the negotiation of international environmental agreements, legal technical legal assistance for the development of national environmental law and strengthening of the institutions, preparation and wide dissemination of publications and other materials on environmental law, and strengthening the teaching of environmental law at universities.

## **Judges programme**

14. During the mid 1990s, UNEP commenced the awareness raising and sensitization among judges in developing countries on environmental policies and law under the Montevideo Programme II. In 2002, on the margins of the World Summit on Sustainable Development, UNEP convened a Global Judges Symposium, which gathered Chief Justices from about 60 countries. On the basis of its outcome, UNEP initiated a long-term capacity building programme for the judiciary and other legal stakeholders directly involved in the application of law. The Global Judges Symposium highlighted the role of the judiciary in safeguarding the rule of law and governance in the area of environment and sustainable development, and resulted in a set of principles endorsed by the participants in the meeting. It was followed by global and regional needs assessment meetings, which set the stage and defined the details for a worldwide capacity-building programme to be implemented ultimately at the national level, through, inter alia, training and dissemination of environmental law materials. The national level implementation has already started. The main objective of the programme is to sensitize judiciaries and legal stakeholders on current environmental law issues and to provide a forum for exchange of information and an occasion to learn from other jurisdictions on various ways of handling environmental issues.

15. For the past several years, the initiatives to follow up the outcomes of the Global Judges Symposium have been taken up by the judiciary in some countries and led to the establishment of an environmental bench within the supreme court system or the designation of selected courts to deal specifically with environmental issues (e.g. such as Thailand and the Philippines). UNEP, in collaboration with relevant partners (such as the Asian Environmental Compliance and Enforcement Network, Asian Development Bank) support such endeavours.

## **Training programmes on environmental law**

16. Since 2001 UNEP has organized four Global Training Programmes on Environmental Law and Policy every two years targeting mostly officials from developing countries and countries with economies in transition but also open to participation from developed countries. From among the candidates for trainees nominated by over 100 countries, about 40-50 officials were trained in various aspects of environmental law and policies for 2-3 weeks in Nairobi at each Global Training Programme. Many of those participated in a Global Training Programme have become key players in intergovernmental negotiations on environmental policies and legal instruments, including negotiations under multilateral environmental agreements, as well as in the development and enforcement of national environmental law and policies in their respective Governments. The Global Training Programmes have been replicated at the regional level, in particular in Asia and the Pacific and Latin America and the Caribbean regions.

17. In 2003 UNEP has initiated collaboration with the University of Joensuu in Finland for organizing an annual Course on International Environmental Law-Making and Diplomacy, focusing every year on a specific topic, and its courses have been held in Finland as well as in South Africa. Also, since 2006 UNEP in collaboration with University of Geneva and other partners organizes regularly an Environmental Diplomacy Training Course as part of the Geneva Programme in Environmental Diplomacy, to teach the skills necessary to participate in global negotiations in environment, sustainable development and related fields. In addition, national training programmes are undertaken on a regular basis, according to the needs expressed at the sub regional and national levels and to the extent that resources are available.

## **Training on international environmental negotiations and diplomacy**

18. In order to assist Governments of developing countries and countries with economies in transition to increase their readiness for international environmental negotiations, in particular those under multilateral environmental agreements, UNEP's training programmes and workshop normally incorporate sessions that are designed to increase knowledge base of participants in the issues associated with such negotiations. Furthermore, UNEP, in cooperation with the secretariats of the relevant multilateral environmental agreements, has organized regional workshops and briefings for negotiators, such as the regional briefing meetings for the preparation of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

19. In support for capacity-building for negotiators from developing countries and countries with economies in transition, UNEP published several guidance materials, including the following: *Guide for Negotiators of Multilateral Environmental Agreements*, published in partnership with the Foundation

for International Environmental Law and Development (FIELD), which provide an introduction, tips and tricks for negotiators of multilateral environmental agreements; *Glossary of Terms for Negotiators of Multilateral Environmental Agreements*, a support tool on the terms used in negotiations under various multilateral environmental agreements; *Compliance Mechanisms under Selected Multilateral Environmental Agreements*, a comparative analysis of compliance mechanisms under major multilateral environmental agreements; *Negotiating and Implementing Multilateral Environmental Agreements: A Manual for Non-Governmental Organizations*; *Multilateral Environmental Agreements Negotiators' Handbook*.

### **Environmental law knowledge and information materials**

20. With a view to bridging the information gap between developed and developing countries in environmental law and promoting wider appreciation of environmental law, UNEP has prepared, in collaboration with members of the academia and other partners, a range of publications on environmental law, and disseminated them to government officials and relevant stakeholders in developing countries and countries with economies in transition. Some of these publications were also translated into national languages (e.g. Chinese, French, Khmer, Laotian, Spanish and Vietnamese). Those publications designed in particular for legal capacity building include, for instance, judges handbooks on environmental law, training manual on international environmental law, three compendiums of summaries of judgements in environment related cases, legal drafters' handbooks on the development of sectoral environmental legislation, and multimedia materials for environmental law training, such as videos, power point presentations and CD ROMs containing training modules for legal practitioners on environmental law.

21. In addition, UNEP has developed many environmental law publications with specific thematic focus with a global, regional or national scope. These range from publications analysing specific environmental law issues (e.g. Responsibility for Environmental Damage, Legal Regime for the Biotechnology Security in Latin America, etc.) to compendia of judicial decisions and legislation from a specific country (e.g. Guide to Environmental Law in Uganda: Judicial Cases), region (compendia of African legislation), or worldwide (compendium of judicial decisions). UNEP regional offices were normally involved in this exercise. Some publications were directly produced, through UNEP's assistance, by national universities or other institutions.

22. Through several initiatives UNEP also promoted improved access to environmental law information. The Environmental Law Bulletin for instance provides summary information about the activities undertaken by UNEP, its regional offices and the secretariats of the relevant multilateral environmental agreements, to be distributed to all Governments and relevant organizations. Also, a Register of International Treaties and Other Agreements in the Field of Environment, which provide information on the status of ratification and signature of international treaties and related instruments is maintained, regularly updated, distributed to all Governments and relevant organizations and made available online. Information on additional initiatives to promote access to information in the field of environmental law will be provided under the programme component on public participation and access to information below. These include the ECOLEX environmental law database and the new environmental law website and assistance to developing countries to develop their own environmental law database systems.

23. Efforts have been made to promote and strengthen the teaching of national and international environmental law, through the provision of expertise and support for the development of environmental law curricula, the development and dissemination of teaching materials to institutions of higher learning and the creation and strengthening of partnerships with the Academia. For instance two symposia of lecturers on environmental law from selected African Universities were held, which provided a platform for sharing and exchanging information and stimulating the teaching of the subject in Africa. UNEP also initiated, jointly with the Environmental Law Foundation of the United Kingdom of Great Britain and Northern Ireland, the programme Law Is For Everyone (LIFE) to disseminate law publications received from universities, courts and legal practitioners in Europe to universities, judicial institutions and other relevant institutions in developing countries. Several higher learning institutions in African countries have already benefited from this programme. An initiative was also undertaken in North America to promote collaboration between UNEP and North American excellence universities, for facilitating access to training and information by students from different areas of the world through a specifically devoted website.

## C. Prevention and mitigation of environmental damage

24. Through its technical assistance and training programmes, UNEP has frequently addressed issues relating to the legal aspects of prevention and mitigation of environmental damage, including the adoption of minimum international standards. UNEP has also conducted studies and organised meetings to respond to the call from the Montevideo Programme to strengthen and develop environmental law, including issues on liability and compensation for environmental damage, and promote the use of effective civil liability mechanisms to encourage compliance with environmental law. In 2002 UNEP convened a legal expert group meeting, which identified and recommended priority issues as well as gaps which UNEP should focus on. Among the recommendations for course of action for UNEP was the option to develop guidelines, best practices or recommendations that could facilitate the development and effective use of national and international environmental liability systems.

25. The first meeting of the UNEP Advisory Expert Group on Liability and Compensation for Environmental Damage produced a set of recommendations containing elements of guidelines on liability and compensation for environmental damage for the use of developing countries and countries with economies in transition in drafting their domestic legislation in this field (16-17 January 2007). The Advisory Expert Group identified a number of key elements and principles for inclusion in the Guidelines and recommended that further work be undertaken to flesh out the elements/principles in a “straightforward, user-friendly, flexible, yet sufficiently detailed and informative” way “by giving relevant examples” of state practice, both domestic and international. Specifically, the Advisory Expert Group recommended that the Guidelines reflect the Polluter-Pays-Principle as a central conceptual principle. The second Advisory Expert Group meeting, which convened from 31 October to 2 November 2007, reviewed a set of Draft Guidelines for the Development of National Legislation on Liability and Compensation for Environmental Damage. The Draft Guidelines were further considered, reviewed and completed at a Consultative Meeting of Government Officials and Experts that was held in Nairobi on 18 – 19 June 2008. The meeting recommended that the “Draft Guidelines for the development of national legislation on liability, redress and compensation for damage caused by activities dangerous to the environment” be submitted to the 25th session of UNEP Governing Council in February 2009, with a view of their adoption. The draft guidelines are intended to highlight core issues that developing countries and countries with economies in transition will have to face when drafting domestic laws and regulations on liability and compensation for environmental damage caused by activities dangerous to the environment. It is envisaged that they will be of assistance to, in particular, developing countries and countries with economies in transition, to create, as they deem appropriate, the necessary frameworks on which they might base national legislation or policy on liability and compensation for environmental damage caused by activities dangerous to the environment. The text of the draft guidelines is attached to the report of the Meeting held in June 2008 (document UNEP/Env.Law/CM/1/2). The Meeting also requested that, following their adoption by the Governing Council, the Guidelines “should be disseminated to all countries, in particular developing countries and countries with economies in transition, with a view to assist them to develop and/or to up-date their national legislation in this field.”

26. The legal aspects of prevention and mitigation of environmental damage were also the topic of several UNEP-organized training programmes, as well as several publications exploring the issue both at global and national regional levels, including with the aim of providing practical tools to legal practitioners. UNEP has at times provided its support to countries that suffered from major environmental damage (e.g. assistance to Côte d’Ivoire in assessing the damage and needs for assistance and provided financial and technical assistance on that basis).

27. In cooperation with IMO UNEP developed: IMO/UNEP Manual on the Assessment and Restoration of Environmental Damage following Marine Oil Spills. This is also reported under the component “Coastal and Marine Ecosystems”.

## D. Avoidance and settlement of international environmental disputes

28. UNEP has provided advisory guidance to Governments, in the context of intergovernmental processes, on the importance of notification and sharing of information as ways of avoiding disputes. It has published, and disseminated widely, a study made by a group of experts on dispute avoidance and dispute settlement in international environmental law. In addition, dispute avoidance and settlement mechanisms have been comprehensively dealt with in the UNEP global and regional training programmes, such as the UNEP- Kagawa University annual symposium, and in the UNEP training manual on environmental law.

29. In November 2006 UNEP in partnership with the Permanent Court of Arbitration (PCA) organized a meeting of an Advisory Group of high level experts in The Hague to consider recent developments on the matter of avoidance and settlement of environmental disputes. The Advisory Group adopted a series of conclusions with specific advice to UNEP as to how it might take forward its mandate with regard to the subject matter of the meeting. The meeting concluded that there was a need to reflect on broad systematic issues surrounding environmental dispute avoidance and dispute settlement, including a) consideration of the necessity of elaborating a conceptual framework in this area; b) adopting a more critical approach to the benefits and risks of institutional proliferation and c) seeking to develop a more integrated approach in judicial case-law to avoid the emergence of a disparate jurisprudence. The Advisory Group advised UNEP to develop sets of guidelines on: a) ways of increasing access to justice on environmental matters, inter alia, through public interest lawsuits to apply and implement environmental laws; b) use of preliminary remedies in environmental disputes; and c) use of environmental expertise in dispute settlement concerning environmental issues (e.g. with respect to the qualifications of third parties such as mediators and arbitrators, involved in dispute settlement and as an input to dispute settlement processes). After two further High Level Advisory group meetings which prepared a set of guidelines on access to information, public participation and access to justice in environmental matters, the Consultative Meeting of Government Officials and Experts which was held in Nairobi on 20 – 21 June 2008 and which is reported under programme area 7 on Public participation and access to information, further developed Draft Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters.

30. In addition to the reported above activities in the area of access to information, public participation and access to justice, further work may be needed to promote efforts by states to prevent environmental disputes and to address them when occurred. The work undertaken so far by UNEP in assessing and analyzing this topic and the outcome of the consultations referred to above could be the basis for more concrete steps pursuant to the Montevideo Programme III.

## **E. Strengthening and development of international environmental law**

31. During the period covered by the Montevideo Programme III, many new global and regional environmental conventions and protocols have been concluded. These are listed in the annex to this report.

32. UNEP has made a significant contribution to the development of new global and regional conventions, to the further development and strengthening of existing legal agreements and to the promotion of wide participation in existing agreements. It provided legal advice and other support (including initiating consultative processes) that lead to the development and entry into force of such key environmental agreements as the following: Cartagena Protocol on Biosafety (adopted 2000, entered into force 2003); Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (adopted 1998, entered into force 2004); Stockholm Convention on Persistent Organic Pollutants (adopted 2001, entered into force 2004); Revised Protocol on Shared Watercourses, developed by SADC (adopted 2000); Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific (adopted 2002); African Convention on the Conservation of Nature and Natural Resources (adopted 2003); ASEAN Agreement on Transboundary Haze Pollution (adopted 2002, entered into force 2003); and Convention on the Protection and Sustainable Development of the Carpathians.

33. Substantive legal support has been given to the Strategic Approach to International Chemicals Management process, which is not by itself a legally binding agreement but constitutes an overarching policy framework for the management of chemicals that support, among other things, strengthening the existing multilateral environmental agreements in field of chemicals and wastes. In addition, UNEP has provided legal advice and support to intergovernmental meetings held in the context of a number of global and regional environmental agreements. Recently UNEP has put its expertise at the service of the ad-hoc Working Group on Access and Benefit-Sharing (ABS) of the Convention on Biological Diversity. Several activities are undertaken at the regional level: for example, UNEP is supporting the South Asian countries, namely, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka to develop a South Asian Environmental Treaty. Legal advisory services were also provided to revise a statute on the African Network of Basin Organizations to reflect the outcomes of the African Ministerial Conference on Water with the objective of making the organization more inclusive to allow all African River and Lake Basins to be involved in the network.

34. Assessments of existing and emerging norms and principles in international environmental law have been central to UNEP work in this area. Taking into account existing regional instruments, especially the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, developed under the auspices of the United Nations Economic Commission for Europe, and the need to enhance public participation in environmental matters, UNEP was mandated by Governing Council decision 22/17 to determine the need for an international instrument relating to Principle 10 of the 1992 Rio Declaration. Activities that followed this decision are reported specifically under the component “Public participation and access to information”.

35. In June 2008 UNEP has also conducted studies on the application of the Rio Declaration in the Asia and the Pacific region, as well as on the application and effectiveness of Principles 10 and 15 (public participation and the precautionary approach) of the Rio Declaration. It is also currently examining the legal aspects of liability and compensation for environmental harm and the issue of prevention and avoidance of international environmental disputes, as mentioned under the relevant components above.

36. UNEP has also kept emerging issues under review, so as to ensure that its work in the field of environmental law takes into account major international developments including emerging environmental issues, newly undertaken international processes (e.g. the Millennium Ecosystems Assessment) and emerging concepts. In this context, UNEP organized a roundtable dialogue on advancing the Millennium Development Goals through the rule of law, which resulted in a set of conclusions and recommendations. Another similar initiative is the Bandung Roadmap for Advancement of Environmental Law in Support of the New Asian-African Strategic Partnership, adopted at a joint New Asian-African Strategic Partnership (NAASP) and UNEP Workshop on Environmental Law and Policy, where 58 experts from 40 Asian and African countries considered the problems and needs in environmental law and policy facing their countries and reviewed their own experiences in addressing them and identified a set of recommendations as a way forward to address them. The Bandung Roadmap presents a concrete step forward for enhancing south-south cooperation in the field of environmental law in support for the New Asian-African Strategic Partnership, as part of the direct implementation of the Bali Strategic Plan for Technology Support and Capacity-building.

## **F. Harmonization and coordination**

37. UNEP provides technical assistance to Governments, at their request, for the development and strengthening of their environmental legislation. With a view to harmonizing approaches to legislation on environmental issues, in June 2004 UNEP convened, under the PADELIA project, a meeting of experts to review framework legislation and to develop a model environmental framework law. In addition, through its technical assistance programme, UNEP has focused on the harmonization and coordination of environmental legislation with the environmental aspects of sectoral legislation as well as on harmonizing legislation among countries belonging to the same sub-regional group such as the Central Africa (CEMAC).

38. At the international level, the conferences of the parties to the Basel, Rotterdam and Stockholm Conventions, through their concurrent decisions, established the Ad hoc Joint Working Group on Enhancing Cooperation and Coordination Among the Basel, Rotterdam and Stockholm Conventions, which held three meetings between March 2007 and March 2008 and concluded its work by adopting its recommendations addressed to the conferences of the parties to the respective conventions. The recommendations address cooperation in support for the implementation of these conventions, programmatic cooperation and cooperation among those conventions and with UNEP and other relevant organizations (such as FAO, UNDP), and joint administrative arrangements. The Conference of the Parties to the Basel Convention at its ninth meeting in June 2008 and the Conference of the Parties to the Rotterdam Convention at its fourth meeting in October 2008 both adopted those recommendations, and the Conference of the Parties to the Stockholm Convention at its fourth meeting in May 2009 is to consider this matter.

## **G. Public participation and access to information**

39. The three elements of access to information, public participation and access to justice depend on each other to be effective. They form a trinity that generally improves the quality of decision-making and the implementation and enforcement of decisions and of environmental laws and regulations, thus contributing to the protection of human health and well-being and the conservation and sustainable use of nature and natural resources. In addition, the elements pave the way for peaceful settlement of environmental disputes. International norms and policies regarding access to environmental information,

public participation and access to justice regarding domestic environmental matters have evolved during recent decades. Principle 10 of the Rio Declaration on Environment and Development, adopted by consensus at the United Nations Conference on Environment and Development (UNCED) and therefore representing a significant universally endorsed statement of general rights and obligations of states affecting the environment, is a fundamental milestone. Since its adoption, the elements of Rio Principle 10 have progressively gained momentum and have increasingly been implemented globally. As a result the public is gradually becoming a more important actor in environmental decision-, law- and policy-making and in compliance and enforcement actions at the national level, but also increasingly in decision-making and policy development at the international level. Montevideo Programme III incorporated partly work to promote access to information, public participation and access to justice in programme areas 3 on Prevention and mitigation of environmental damage and 7 on Public participation and access to information respectively. The UNEP Advisory Group of High Level Experts that worked on the matter of avoidance and settlement of environmental disputes (see programme area 4 on Avoidance and settlement of international environmental disputes) recommended that UNEP should as a first step take the lead in the development of guidelines on increasing access to justice in environmental matters, as it was perceived as a very important component of, and as a starting point for, the discussion on settlement of environmental disputes. This issue also includes/is closely related to access to information and decision making and therefore the issue was taken further in the context of work on the three related areas of access to information, public information and access to justice, described below.

40. UNEP undertook consistent efforts in this direction, based both on the recommendations of the Advisory Group and encouraged by several decisions adopted by its Governing Council. Decision 21/24 on Policy and advisory services in key areas of institution-building, for instance, requested the Executive Director to “continue to undertake appropriate actions designed to improve public access to information on environmental matters and environmental policy instruments and to promote the development of relevant skills and capacity of the key stakeholders and partners”. It also requested the Executive Director to “present a report on international legal instruments reflecting provisions contained in principle 10, including an assessment and evaluation of their actual coverage vis à vis principle 10”. Furthermore, the Governing Council urged Governments “to take steps to enhance access to environmental information held by public authorities and to encourage participation by all relevant sectors of society in the decision-making process in environmental matters, in accordance with relevant legislation or arrangements, bearing in mind the crucial role which it plays in institution-building for environmental protection and sustainable development” and to “take measures to establish, where appropriate, at the national and regional levels, judicial and/or administrative procedures for legal redress and remedy for actions effecting the environment that may be unlawful or infringe on rights under the law”.

41. Pursuant to Governing Council decision 21/24, UNEP undertook a study which focused on both international instruments (see document UNEP/GCSS.VII/INF/7, International legal instruments reflecting provisions contained in principle 10 of the Rio Declaration on environment and development) and various models of national legislation, policies and guidelines on access to information, public participation in decision making and access to justice in Africa, Asia and the Pacific and Latin America and the Caribbean. Following subsequent Governing Council decision 22/17 UNEP was required to conduct a survey on whether Governments wished to develop global guidelines on enhancing the application of principle 10 of the Rio declaration. Following that decision, meetings were held in 2007 and 2008 to further discuss the issue.

42. At a Consultative Meeting of Government Officials and Experts held in Nairobi on 20 – 21 June 2008, Draft Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters prepared by the UNEP High Level Advisors on Environmental Dispute Avoidance and Settlement were revised and further developed. They are available as Annex to the report of the meeting (document UNEP/Env.Law/CM.Acc/1/2 ). The Meeting recommended to the Executive Director to submit them to the 25th session of UNEP Governing Council in February 2009, with a view to their adoption. It also requested that, following their adoption by the Governing Council, the Guidelines “should be disseminated to all countries, in particular developing countries and countries with economies in transition, with a view to assist them to develop and/or to up-date their national legislation in this field.” The purpose of the Guidelines is to provide general guidance to States who so wish, primarily developing countries and countries with economies in transition, on promoting the effective implementation of their commitments to Rio Principle 10 within the framework of their national legislation and processes. The Guidelines seeks to assist such countries in filling possible gaps in their respective relevant national legislation in order to facilitate broad access to information, public participation and access to justice in environmental matters.

43. In addition to promoting the further development of legal instruments in this area, UNEP has contributed to building capacities in developing countries to translate principle 10 into concrete measures. A project on the development of national legal databases to enhance access to environmental law information in Africa is being implemented in 20 countries, with the objective of assisting them to develop skills and national databases as a means of enhancing access to environmental law and improving public awareness of, and access to, information on environmental law. Similar initiatives were also launched at regional level. For example: the Regional Office of Latin America and the Caribbean is working on the creation of an environmental information database; and the Regional Office for Europe is working with the Regional Environmental Centre for Central and Eastern Europe and IUCN to establish a joint environmental law service which will focus on providing advice and legal expertise on the development and codification of international environmental law and on the implementation of multilateral environmental agreements within the region.

44. With a view to promoting greater participation in decision making, UNEP has been working with civil society groups in order to raise their consciousness and enable them to identify and articulate their interests with respect to environmental issues. At the international level, UNEP joined the World Resources Institute (WRI), UNDP, the World Bank, IUCN, the European Union, a number of Governments and various civil society groups, in forming the "Partnership for Principle 10" initiative to pursue common goals. In addition, UNEP has an organization-wide policy for civil society engagement in UNEP.

45. Access to environmental law information, public participation in decision making and access to justice in environmental matters have been one of the key topics of most UNEP-led training programmes on environmental law and policy or other programmes where UNEP was involved. UNEP has been working closely with the Aarhus Convention secretariat in providing inputs to such training programmes.

## **H. Information technology**

46. UNEP, together with IUCN and FAO, have continued to maintain and operate a joint ECOLEX environmental law database, containing the information on the existing international legal instruments, national environmental legislation worldwide, case-law, and judicial decisions.

47. In 2004, UNEP launched a renewed environmental law website ([www.unep.org/law](http://www.unep.org/law)), which contains information on UNEP's activities in the field of environmental law, as well as a wide range of environmental law publications and materials, and links to other useful sources of environmental law information.

48. In addition, UNEP has developed and made available on-line tools, including *Online Manual on Compliance with and Enforcement of MEAs*, *Issue-Based Modules for the Coherent Implementation of Biodiversity-Related Agreements*, and ECOLEX ([http://www.unep.org/DEC/Information\\_Resources/index.asp](http://www.unep.org/DEC/Information_Resources/index.asp)).

## **I. Innovative approaches to environmental law**

49. UNEP has led or participated in several initiatives exploring linkages between environmental law and other disciplines and exploring innovative approaches to tackle environmental issues. Examples included the following:

(a) The UNEP- Office of the High Commissioner for Human Rights joint meeting with the purpose of exploring the linkages between the legal regimes in the fields of human rights and environment. Also, an expert forum on the linkage between ecosystems, human well-being and the rules of law in September 2008;

(b) Inputs into the UNEP-wide initiative to explore the linkages between cultural diversity, biological diversity and environmental protection;

(c) Implementation of a project in four African countries to promote the implementation and enforcement of the conventions on climate change, biological diversity and desertification while establishing clear linkages to their poverty reduction strategies.

50. UNEP has initiated several initiatives for the analysis of the legal aspects of economic instruments for environmental policy, and has promoted the application of economic instruments as a means of encouraging compliance with environmental management requirements, through its technical legal assistance and training programmes. The establishment of indicators for evaluating the implementation of multilateral environmental agreements is also an innovative tool for addressing

environmental challenges. More details are provided under the component on “Implementation, compliance and enforcement”.

51. A partnership was established with the Federal Regional Court of the Fourth Region of Brazil, under which the UNEP Regional Office for Latin America and the Caribbean organized a contest among Latin American magistrates and judges for the best monographs on environmental law topics. These monographs will be reviewed and graded by a commission of three environmental law experts, including judges and academics.

52. UNEP has also initiated a report on modalities for financing measures designed to resolve environmental problems, focusing on the linkage between environmental degradation and poverty and providing a review of the relevant existing mechanisms under national and international law.

### **III. Conservation and management**

#### **A. Freshwater resources**

53. Environmental law input and assistance was provided to relevant Governments for the development of shared water agreements. For instance, assistance was provided in the process of development of the Southern African Development Community (SADC) Water Protocol. UNEP provided also legal advisory services for the preparation of the constitution of the African Ministers' Council on Water (AMCOW) and provided assistance to this organization since its establishment in 2004; provided legal advice to several countries on freshwater legislation in the context of its general programme of technical assistance on environmental law.

54. UNEP is also working on the issue of freshwater governance to advance the objective of the Montevideo programme in this area. In this context, it is organizing a workshop for the East African region on Freshwater Governance focusing on strengthening its environmental dimension. The is scheduled to take place in October 2008 in Nairobi with participants from Mozambique, Rwanda, Tanzania, Uganda, Burundi and Kenya drawn from water resources management ministries, environmental authorities and environmental lawyers. The workshop will also be attended by representatives from river basin organizations in other sub-regions in Africa to obtain their experiences on the themes being discussed.

55. UNEP, outside its environmental law programme, has carried out significant work in the field of freshwater, and the Governing Council has recently adopted (decision 24/16) an updated water policy and strategy of the United Nations Environment Programme. An important contribution in the area of international waters derives from projects implemented by UNEP and co-sponsored by the Global Environment Facility. These projects are intended to reverse the degradation of international waters and are informed by, and help to realize the objectives of— a mosaic of regional and international water agreements. These projects enable countries to recognize and learn more about the water-related challenges they share, find ways to work together, and undertake important domestic changes needed to solve problems. A number of these projects specifically focus on the management of shared groundwater systems, including strengthening the relevant legal frameworks.

56. UNEP published a handbook on freshwater resources, authored by international water law experts, to provide legal drafters in developing countries with a basic understanding of the main elements to be taken into consideration when regulating the conservation and sustainable use of freshwater resources. Also, UNEP, together with FAO and the Oregon State University, published an Atlas of International Freshwater Agreements in 2002.

#### **B. Coastal and marine ecosystems**

57. In the area of coastal and marine ecosystems, UNEP has provided: legal advisory services to various meetings of the Parties to the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention) and the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention), including advice on general legal issues and the drafting of decisions and on the adoption of Protocols to such conventions; legal support for the development and strengthening of institutional arrangements under the regional seas programmes; continued support, in cooperation with the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, to the secretariats of various regional seas conventions with respect to their efforts to tackle the problems of coastal and marine environmental protection from land-based sources; and legal advice relating to the North-West Pacific Action Plan.

58. UNEP through its regional programmes also provided substantive servicing to Conference of Parties and Inter-Governmental Meetings of other UNEP administered Regional Seas conventions and action plans. Although these activities were not necessarily carried out in the context of the UNEP Environmental Law Programme, they have certainly contributed to achieving the goals established in the Montevideo Programme.

59. In cooperation with IMO UNEP developed: IMO/UNEP Manual on the Assessment and Restoration of Environmental Damage following Marine Oil Spills

### **C. Soils**

60. UNEP has initiated the preparation of a legislative guidance document on the protection, conservation, rehabilitation and sustainable management of soil, which will take the form of a legal drafters' handbook, and has analyzed land and soil related issues and the manner in which they are dealt with in international environmental agreements. Also, UNEP has provided its substantive input and support to the 2nd Colloquium of the IUCN Academy of Environmental Law on Land Use for Sustainable Development, hosted by the University of Nairobi on 4-7 October 2004.

### **D. Forests**

61. The United Nations General Assembly, in its resolution 62/98 of December 2007 adopted the Non-Legally Binding Instrument on All Types of Forests. It represents a historic landmark of the global forest dialogue over the past 15 years, building on concepts and elements from those negotiations. It sets out to achieve progress towards the achievement, by 2015, of the four global objectives of forests, which aim at halting deforestation and preventing forest degradation; enhancing multiple benefits derived from forests and improving livelihoods; increasing protected and other areas under sustainable forestry management and the proportion of forests products harvested from such forests; and increasing official development assistance and mobilizing new and additional financial resources for sustainable forest management. To meet its purpose and achieve progress, the Instrument includes 25 national policies and measures, and 19 action items related to international cooperation and means of implementation. The Instrument calls on members of the governing bodies of the organizations of the Collaborative Partnership on Forests to ensure that forest-related priorities and programmes of the members are mutually supportive to the relevant policy recommendations of the United Nations Forum on Forests (UNFF). UNEP participated actively in meetings of the UNFF and of the Collaborative Partnership on Forests (CPF) and provided legal advice to assist in the development of legal instruments on forests.

62. In pursuit of its objective of enhancing the conservation and sustainable use of forests, UNEP has promoted the integration of environmental concerns and forest conservation goals in domestic forestry legislation by encouraging countries to which it provides technical legal assistance to ensure the environmentally sound management of forests in their laws and regulations.

### **E. Biological diversity**

63. In general, UNEP has been actively providing support to the efforts of Governments to implement the Convention on Biological Diversity, as well as other biological diversity related conventions, including through capacity-building activities, in cooperation with the secretariats of the relevant conventions. UNEP has organized a number of training programmes and meetings on the legal aspects of the issue and on the management of natural resources. With the support of the Argentine Forest Research and Experimentation Centre, UNEP facilitated the establishment of a programme for the consolidation of the Mesoamerican Biological Corridor. UNEP collaborated with IUCN and the African Union (and its predecessor, the Organization of African States) in providing support for the review and updating of the 1968 African Convention on the Conservation of Nature and Natural Resources, adopted in its revised form in July 2003. The European Mountain Initiative was launched, aimed at increasing cooperation among the Governments concerned for the protection and sustainable management of the ecosystems of the Carpathian, Caucasus and Central Asian mountains. Also, UNEP has been responsible for the delivery of a number of action items under the Pan-European Biological and Landscape Diversity Strategy and the service for implementing national biodiversity strategies and action plans.

64. UNEP developed issue based modules for the coherent implementation of biodiversity related conventions. Several capacity building activities are aimed at facilitating the implementation of biodiversity-related multilateral environmental agreements, as indicated under the component on

implementation, compliance and enforcement and the one on capacity building. The regional office for Latin America has undertaken analytical studies on access and benefit-sharing arrangements and the legal status of genetic resources in a selection of developing countries. The first one seeks to fill gaps in our current understanding of access and benefit sharing partnerships, collaborations and contractual agreements in a range of sectors using genetic resources. It looks at the nature of these relationships, and whether and how they achieve the objectives of sustainable use and equitable benefit sharing. The second one is an analysis on the legal status of genetic resources in national law, including property law where applicable, in a selection of countries.

## **F. Pollution prevention and control**

65. The Stockholm Convention on Persistent Organic Pollutants was adopted by the Conference of Plenipotentiaries held in Stockholm in May 2001, following the intergovernmental negotiating process organized under the auspices of UNEP since 1998. The Stockholm Convention entered into force in May 2004, and through three meetings of its Conference of the Parties, there has been a progress towards the implementation of the Convention. The fourth meeting of the Conference of the Parties to the Stockholm Convention, to be held in Geneva in May 2009, will consider, among other issues, the listing of new chemicals that are persistent organic pollutants to be controlled under the Convention, as well as the procedure and mechanism to facilitate compliance with the Convention. Throughout the process, UNEP has continued to provide substantive legal support for the work of the Convention.

66. The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted in Rotterdam in September 1998, entered into force in February 2004. Its secretariat functions are carried out jointly by UNEP and FAO, and necessary administrative arrangements have been made between the two organizations. The Conference of the Parties held four meetings, including the last one held in October 2008, and made a progress towards the implementation of the Convention. Among other issues, the procedure and mechanism to facilitate compliance with the Convention are still under development and subject to further negotiations. Like the case of the Stockholm Convention, UNEP has continued to provide substantive legal support for the work of the Rotterdam Convention in close cooperation with the FAO legal office.

67. Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Strategic Plan for the implementation of the Convention was adopted by Parties in 2002 establishing priorities in terms of policy and programmes, selected priority waste streams and projects. It underscores that the fundamental aims of the Basel Convention are the control and reduction of transboundary movements of hazardous and other wastes subject to the Basel Convention, the prevention and minimization of their generation, the environmentally sound management of such wastes and the active promotion of the transfer and use of cleaner technologies. The Strategic Plan was initially established for the period from 2002 to 2010, and the ninth meeting of the Conference of the Parties held in June 2008 decided to extend its implementation until a new Strategic Framework is adopted by its tenth meeting in 2011.

68. In order to enhance cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions, the conferences of the parties to these Conventions established the Ad hoc Joint Working Group on Enhancing Cooperation and Coordination Among the Basel, Rotterdam and Stockholm Conventions. The working group, after it held three meetings between March 2007 and March 2008, adopted a set of recommendations concerning cooperation in support for the implementation of these conventions, programmatic cooperation and cooperation among those conventions and with UNEP, FAO and other relevant organizations (such as UNDP), and joint administrative arrangements. The Conference of the Parties to the Basel Convention at its ninth meeting in June 2008 and the Conference of the Parties to the Rotterdam Convention at its fourth meeting in October 2008 both adopted those recommendations, and the Conference of the Parties to the Stockholm Convention at its fourth meeting in May 2009 is to consider this matter. Simultaneous extraordinary meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions is expected to take place to take decision on joint arrangements, in coordination with the UNEP Governing Council/Global Environmental Ministerial Forum in 2010.

69. As an overarching policy framework in the field of chemicals, the Strategic Approach to International Chemicals Management (SAICM) was adopted by the International Conference on Chemicals Management held in Dubai, United Arab Emirates in February 2006. It address, among other areas, national legislation and international agreements in the field of chemicals. UNEP, through a project under SAICM, has started a process to provide technical assistance to developing countries in enhancing their national institutional and regulatory frameworks to manage chemicals. In order to

complement this work, UNEP is preparing its activities, through a project under the Global Environment Facility, to prepare legislative guidance document in the field of chemicals with a view to widely disseminating good practices and experiences to those countries where national chemicals legislation needs to be strengthened.

70. Addressing transboundary haze pollution, UNEP assisted the ASEAN secretariat and its member States to develop the ASEAN Agreement on Transboundary Haze Pollution, which was adopted in 2002 and entered into force in 2003.

71. UNEP has been undertaking a wide range of programmatic activities aiming at contributing to achieving the objectives of the United Nations Framework Convention on Climate Change and the Kyoto Protocol. Regarding the field of environmental law, further work is envisaged in support for developing countries and countries with economies in transition to strengthen their national legal frameworks addressing climate change.

## **G. Production and consumption patterns**

72. Several initiatives are undertaken by UNEP to promote environmentally sound production and consumption patterns, including for instance green procurement as well as to green the UN compound in Nairobi as an effort to lead by examples.

## **H. Environmental emergencies and natural disasters**

73. UNEP is currently undertaking studies on several issues relating to environmental emergencies and natural disasters. These include a legal study on international cooperation in dealing with aspects of environmental emergencies and natural disasters.

74. In 2004, UNEP convened a workshop in Lesotho on national legislation and institutions for environmental disasters which brought together experts and authorities from Botswana, Lesotho, Malawi, Mozambique and Swaziland to exchange information and share experiences regarding the legal and institutional aspects of disaster prevention and risk reduction. The workshop also served as a forum to raise awareness by participants of the interrelationships between environmental degradation, disaster risks and vulnerability, and the need for appropriate legislative and institutional frameworks in this regard.

75. In response to the humanitarian and environmental impacts of the Indian Ocean Tsunami and in order to assist governments understand the environmental dimension of the disaster, UNEP established the Asian Tsunami Disaster Task Force, and mobilized nearly 30 environmental experts to the impacted countries to help the environmental authorities and the UN colleagues in each country to assess the environmental damage and catalyze environmental recovery. IUCN, WWF and the Joint UNEP-OCHA Environment Unit supported the task force to ensure the environmental response was well coordinated and that information on environmental impacts was efficiently shared between stakeholders. The Task Force included legal experts and recommendations adopted following the assessment included action in the legal sphere.

# **IV. Relationship with other fields**

## **A. Trade**

76. UNEP has organized several seminars and workshops designed to facilitate better understanding of legal issues relating to trade and environment. In 2003, it held a multi-stakeholder regional forum to promote compliance with and the enforcement of multilateral environmental agreements, wider application of economic instruments and a broadening of the scope of existing regimes for access to environmental information, access to justice and public participation in decision-making in environmental matters.

77. In addition, UNEP prepared a report on the environmental impact of economic policies, including trade liberalization, in Central American countries in 2001, which was widely distributed in the region. In 2002, a seminar on economic reforms, environment and urbanism was held as part of the environmental law programme organized by the UNEP Regional Office for Latin America and the Caribbean programme under the Mesoamerican Biological Corridor project.

78. In order to ensure the more efficient control of transboundary movements of hazardous materials and illegal trade in endangered species, UNEP, working in collaboration with the relevant convention secretariats, has provided training for customs officials on trade related aspects of the relevant multilateral environmental agreements.

79. Also other stakeholders, such as judicial officers, legal practitioners including State Attorneys, other prosecutors, inspectors, and investigators have been sensitized on several occasions (i.e. during training programmes and other capacity building events) on issues related to trade-related measures in multilateral environmental agreements and to illegal trade issues (e.g. trade in endangered species, trade in ozone depleting substances and illegal logging). Several training programmes specifically focused on trade and environment issues.

80. UNEP has an office dedicated to address the trade and environment relationship, which is based in Geneva. Its activities range from publications, participation in WTO and other trade-related meetings and other specific initiatives. Although not directly aimed at implementing the Montevideo Programme, the work undertaken in that context certainly has an impact towards the achievement of the Montevideo programme III objective on trade and environment. Cooperation between the UNEP law division and the office dealing with trade and environment has taken place in relation to specific initiatives.

## **B. Security and the environment**

81. UNEP has given its attention to the relationship between security and the environment, particularly in the context of environmental assessment and early warning. In Europe, UNEP, UNDP and the Organization for Security and Cooperation in Europe (OSCE) have developed and implemented a joint project to raise awareness on security and the environment in selected countries. In addition, expert consultations have been undertaken on assessment of the state of the environment as a means of identifying potential factors that could affect the stability of societies, countries or entire regions.

## **C. Military activities and the environment**

82. UNEP has initiated a survey the status of the application of environmental norms by military establishments, focusing in particular on their activities during peace time. In 1995-1996, UNEP conducted a global survey on this subject in follow up to chapter 20 of Agenda 21, as requested by the Governing Council of UNEP, and convened regional and sub-regional meetings in UN/ECE region (Europe and North America), South-east Asia and South Asia. Under the Montevideo Programme III, an update of the status of this subject is envisaged. As part of the survey, UNEP convened an African regional meeting on the application of environmental norms by military establishments in Nairobi from 3-5 October 2007, and an Asia-Pacific regional meeting on the same subject in Bangkok from 17-19 January 2008. Attended by government officials from both military/defence sector and environment sector, these meetings provided forums for exchanging information and share experiences to address the following issues arising from military/defence-related activities during peacetime: A national environmental policy for the military/defence sector; national activities in order to ascertain that military establishments in the country conform to their national environmental norms in the treatment and disposal of hazardous wastes; the contribution of the military sector in the achievement of national environmental policies, goals and objectives aiming at sustainable development; and assessments of the damage as well as the need for and feasibility of the clean-up and restoration of areas where damage to the environment has been caused by military activities. Relevant information was provided to those meetings by a group of civil society organization. Building upon the outcomes of those meetings, a global survey on the application of environmental norms by military establishments will be conducted under the present programme of work for 2008-2009, which will be followed by an international conference scheduled for 2009 if required funds are made available for it.

83. In response to requests from Governments and international organizations, UNEP has conducted assessments of post conflict environmental issues in several regions and countries, including Afghanistan, the Balkans, Iraq, Kosovo, Kuwait, Liberia and Sudan.

## Annex

### **Conventions and protocols in the field of environment adopted during the period from 2001-2008**

#### *2001*

Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context, Sofia

International Convention on Civil Liability for Bunker Oil Pollution Damage, London

Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean, Windhoek

Stockholm Convention on Persistent Organic Pollutants, Stockholm

Agreement on the Conservation of Albatrosses and Petrels, Cape Town

Convention on Safety and Health in Agriculture, Geneva

International Convention on the Control of Harmful Anti-fouling Systems on Ships, London

Convention on the Protection of the Underwater Cultural Heritage, Paris

International Treaty on Plant Genetic Resources for Food and Agriculture, Rome

#### *2002*

Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific, Guatemala

Association of South- East Asian Nations Agreement on Transboundary Haze Pollution, Kuala Lumpur,

Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Geneva

#### *2003*

World Health Organization Framework Convention on Tobacco Control, Geneva

Framework Convention on the Protection and Sustainable Development of the Carpathians, Kiev

African Convention on the Conservation of Nature and Natural Resources (Revised), Maputo

Framework Convention for the Protection of the Marine Environment of the Caspian Sea, Tehran

European Convention on the Protection of Animals during International Transport (Revised), Chişinău

Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, Geneva

Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, Kiev

Protocol on Civil Liability and Compensation for Damage caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents, Kiev

Protocol on Pollutant Release and Transfer Registers, Kiev

**2004**

International Convention for the Control and management of Ships' Ballast Water and Sediments Agreement for the Establishment of the Global Crop Diversity Trust, Rome, 2004

Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context, Cavtat

Amendment to Article 25 and 26 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Geneva

**2005**

Amendment to Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matter, Almaty

Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty: Liability Arising From Environmental Emergencies

**2006**

International Tropical Timber Agreement, 2006, Geneva

Convention concerning the Promotional Framework for Occupational Safety and Health Convention, Geneva

Southern Indian Ocean Fisheries Agreement, Rome,

Amendment to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, London

Amendment to Annex B of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, Nairobi

Framework Convention on Environmental Protection for Sustainable Development [Central Asian countries], Ashgabad

**2007**

Nairobi International Convention on the Removal of Wrecks, 2007

**2008**

Protocol on Integrated Coastal Zone Management in the Mediterranean

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