



**Governing Council
of the United Nations
Environment Programme**

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Item 4 (a) of the provisional agenda*
Policy issues: state of the environment

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

Report by the Executive Director

Summary

The present report is submitted to the Governing Council/Global Ministerial Environment Forum in accordance with the recommendations of the meeting of senior government officials expert in environmental law for the preparation of a fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV) held in Nairobi from 29 September to 3 October 2008. The report submits to the Council for its consideration suggested action on the draft fourth Programme for the Development and Periodic Review of Environmental Law.

* UNEP/GC.25/1.

I. Suggested action by the Council

The Governing Council may wish to consider the adoption of a decision along the following lines:

The Governing Council,

Recalling its decision 21/23 of 9 February 2001 on the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-First Century,

Recalling also the mandate of the United Nations Environment Programme in the field of the environment as reflected in Agenda 21,¹ the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, the Malmö Ministerial Declaration and the Programme for the Further Implementation of Agenda 21 adopted by the General Assembly at its nineteenth special session in resolution S-19/2,

Recalling further the Plan of Implementation of the World Summit on Sustainable Development,² which emphasized the need for full implementation of decision SS.VII/1 on international environmental governance of 15 February 2002,

Recalling that the United Nations Environment Programme was to prepare a fourth programme for the development and periodic review of environmental law that would commence its implementation in 2010 to coincide with the cycle of the programme of work of the organization,

Having considered the outcome of the meeting of senior government officials expert in environmental law held in Nairobi from 29 September to 3 October 2008 to prepare a fourth Programme for the Development and Periodic Review of Environmental Law,

1. *Adopts* the fourth Programme for the Development and Periodic Review of Environmental Law, as set out in annex I to the report of the meeting of senior government officials expert in environmental law to prepare a fourth Programme for the Development and Periodic Review of Environmental Law,³ as the broad strategy to be followed in formulating the activities of the United Nations Environment Programme in the field of environmental law for the decade commencing in 2010;
2. *Requests* the Executive Director to implement the Programme, subject to the availability of resources, through the programme of work of the United Nations Environment Programme, as approved by the Governing Council, and over the period 2010–2013 in a manner that is fully consistent with the United Nations Environment Programme medium-term strategy for the period 2010–2013;
3. *Also requests* the Executive Director to implement the Programme in close collaboration with States, conferences of the Parties to and secretariats of multilateral environmental agreements, other international organizations, non-State stakeholders and individuals;
4. *Decides* to review the implementation of the Programme no later than at its twenty-eighth regular session in 2015.

1 *Report of the United Nations Conference on Environment and Development*, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

2 *Report of the World Summit on Sustainable Development*, Johannesburg, South Africa, 26 August 4 September 2002 (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

3 UNEP/Env.Law/MTV4/IG/2/2, reproduced as document GC.25/INF/15.

II. Draft fourth Programme for the Development and Periodic Review of Environmental Law

1. Since the establishment of the United Nations Environment Programme (UNEP), environmental law has been one of its priority areas and recognized as an effective tool for catalysing national and international action in the field of the environment. The role and competence of UNEP in the progressive development and promotion of environmental law has been repeatedly emphasized at various international forums, including sessions of the General Assembly and meetings of the UNEP Governing Council/Global Ministerial Environment Forum.

2. Agenda 21,⁴ in its chapter 38, identifies environmental law as one of the priority areas on which UNEP should concentrate. It underscores, in particular, the role of UNEP in the further development and implementation of international environmental law and the provision of technical, legal and institutional advice to Governments that are establishing and enhancing their national legal and institutional frameworks. That role is emphasized in the Nairobi Declaration on the Role and Mandate of UNEP and in the Programme for the Further Implementation of Agenda 21 adopted by the General Assembly at its nineteenth special session. The Malmö Ministerial Declaration also underscores the importance of environmental law in the work of UNEP. Decision SS.VII/1 on international environmental governance highlighted, among other issues, the need for UNEP to support Governments in tackling issues related to the further development and implementation of international environmental law. The Bali Strategic Plan for Technology Support and Capacity-building identified, among other matters, environmental law as one of the key areas in which UNEP should further intensify its support to developing countries and countries with economies in transition in the context of efforts to implement internationally agreed environmental goals and objectives.

3. From 1982 to date, UNEP environmental law activities have been organized and coordinated through a series of 10-year programmes for the development and periodic review of environmental law. The first programme (Montevideo Programme I) and the programme for the 1990s (Montevideo Programme II), adopted by the Governing Council at its tenth session, in 1982, and its seventeenth session, in 1993, respectively, were instrumental in providing UNEP with strategic guidance in this field. Since 2001, the third programme (Montevideo Programme III) has provided UNEP with strategic guidance for the progressive development of environmental law and support for the implementation of environmental law in member States. The report on the implementation of Montevideo Programme III is set out in document UNEP/GC.25/INF.15/Add.1.

4. Over the past decades, the successive Montevideo Programmes have effectively guided the work of UNEP in the field of environmental law to catalyse international action for the development of a number of global and regional multilateral environmental agreements and international non-legally-binding instruments, such as guidelines, for the systematic provision of technical assistance to a large number of developing countries and countries with economies in transition in all regions, and to enhance partnerships in the field. The Montevideo Programmes have been implemented through the programmes of work of UNEP.

5. The UNEP secretariat initiated a process for the development of a fourth Montevideo Programme to coincide with the cycle of development of the 2010–2011 programme of work of UNEP and against the backdrop of the UNEP medium-term strategy for the period 2010–2013. In September 2007, with the assistance of a small group of independent experts in the field of environmental law, the UNEP secretariat prepared a draft outline of a fourth Programme for the Development and Periodic Review of Environmental Law (UNEP/Env.Law/MTV4/IG/1/2), which was submitted to an open-ended consultative meeting of government officials and experts on the Montevideo Programme held in Nairobi from 26 to 30 November 2007. At that meeting, government officials from 57 States and representatives of eight intergovernmental and non-governmental organizations reviewed the draft outline and provided their observations and suggestions thereon (UNEP/Env.Law/MTV4/IG/1/4).

⁴ *Report of the United Nations Conference on Environment and Development*, Rio de Janeiro, 3–14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

6. The meeting of senior government officials expert in environmental law to prepare a fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme) was convened by UNEP in Nairobi from 29 September to 3 October 2008. It was attended by representatives from the following countries: Antigua and Barbuda, Argentina, Austria, Bahamas, Bangladesh, Belize, Bolivia, Bhutan, Brazil, Burkina Faso, Burundi, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Czech Republic, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Japan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Niger, Oman, Pakistan, Panama, Paraguay, Peru, Russian Federation, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Timor-Leste, Togo, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

7. Representatives from the following United Nations bodies, convention secretariats and other organizations also attended the meeting: Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Secretariat of the United Nations Framework Convention on Climate Change, Secretariat of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, Secretariat of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, United Nations Industrial Development Organization, World Bank, Centre for International Environmental Law, International Council of Environmental Law.

8. After thorough consideration and extensive discussion of the possible components of the fourth Programme for the Development and Periodic Review of Environmental Law, the representatives agreed on the text of the draft Programme, comprising the following 27 programme areas:

- (a) Effectiveness of environmental law:
 - (i) Implementation, compliance and enforcement;
 - (ii) Capacity-building;
 - (iii) Prevention, mitigation and compensation of environmental damage;
 - (iv) Avoidance and settlement of international disputes relating to the environment;
 - (v) Strengthening and development of international environmental law;
 - (vi) Harmonization, coordination and synergies;
 - (vii) Public participation and access to information;
 - (viii) Information technology;
 - (ix) Other means to increase the effectiveness of environmental law;
 - (x) Governance;

- (b) Conservation, management and sustainable use of natural resources:
 - (i) Fresh, coastal and marine water and ecosystems;
 - (ii) Aquatic living resources, including marine living resources;
 - (iii) Soils;
 - (iv) Forests;
 - (v) Biological diversity;

- (vi) Sustainable production and consumption patterns;
- (c) Challenges for environmental law:
 - (i) Climate change;
 - (ii) Poverty;
 - (iii) Access to drinking water and sanitation;
 - (iv) Ecosystem conservation and protection;
 - (v) Environmental emergencies and natural disasters;
 - (vi) Pollution prevention and control;
 - (vii) New technologies;
- (d) Relationships with other fields:
 - (i) Human rights and the environment;
 - (ii) Trade and the environment;
 - (iii) Environment and security;
 - (iv) Environment and military activities.

9. The agreed text of the draft programme as contained in the annex to the report of the meeting (UNEP/Env.Law/MTV4/IG/2/2) is reproduced in document UNEP/GC.25/INF/15 for the consideration of the Governing Council/Global Ministerial Environment Forum.
