

Montevideo III: Draft Programme Agreed

The Meeting of Senior Government Officials Expert in Environmental Law to Prepare a Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-First Century, was held at the United Nations office in Nairobi from 23-27 October 2000.

The Meeting was convened by the Executive Director of the United Nations Environment Programme (UNEP) to address the tasks envisaged in Governing Council decision 20/3 of 3 February 1999. This requested the Executive Director to undertake a process for the preparation of a new strategic environmental law programme of UNEP. In response to that decision, the secretariat had, with the assistance of a geographically balanced group of experts, prepared a draft programme of environmental law for the first decade of the twenty-first century (Montevideo Programme III), which was before the Meeting (document UNEP/Env.Law/4/2). The purpose of the Meeting was to finalise the draft programme for submission to and possible adoption by the Governing Council of UNEP at its 21st session.

Donald Kaniaru, Director of the Division of Environmental Policy Implementation, opened the Meeting on behalf of the Executive Director. He said that the experts' presence was part of the process leading up to the observance in two years time of the 30th anniversary of the Stockholm Conference on the Human Environment and the 10th anniversary of the 1992 Earth Summit. Noting that the new millennium was marked by persistent environmental problems as well as new and emerging ones, he observed that there had been increasing advocacy for a thorough assessment of the adequacy of existing instruments underpinning global environmental governance. Through the implementation of its long-term programme on environmental law, widely known as Montevideo Programme I and II, UNEP had accomplished significant achievements, such as the many global conventions and protocols, as well as other regional agreements and a large number of capacity-building activities. The UNEP environmental law programme for the following decade, which the present Meeting had been convened to develop, would be characterised by expressly formulated objectives reflecting the overarching goals of sustainable development and environmental security at the global, regional and country levels.

At its opening session, the Meeting elected by acclamation Patrick Széll (UK) as Chair; Bie Tao (China) as Vice-Chair; and Paul K. Ndungu (Kenya) as Rapporteur.

In considering the preparation of the draft programme (agenda item 4), the meeting had before it a note by the

secretariat presenting two documents, the first entitled "Possible components of a programme for the development and periodic review of environmental law for the first decade of the twenty-first century" (UNEP/Env.Law/4/2), and the second entitled "Implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s" (UNEP/Env.Law/4/3).

Before commencing a detailed consideration and debate of the possible environmental law programme components as set out in the first document, the representatives expressed their general observations regarding the document. Several of them stated that a number of issues should be added. These included urban environmental issues, certain aspects of marine pollution, and the need to take traditional knowledge into account. With regard to



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the term "environmental law," participants said there was a need to define it clearly to distinguish it from other types of law and to clarify in each case where it appeared whether it referred to domestic law, international law or both. Prioritisation of actions was also discussed, and the Meeting felt that to be the prerogative of the Governing Council and the implementing agencies. It was generally felt that emphasis should be laid more on implementing existing laws rather than creating new ones, and it was noted that public participation could play a key role in ensuring that laws were enforced.

Following an extensive debate and elaboration on 20 proposed subject areas, the experts adopted a proposed Montevideo Programme III for submission to the Governing Council on the basis of the draft contained in documents UNEP/Env.Law/4/CRP.1, UNEP/Env.Law/4/CRP.2,

UNEP/Env.Law/4/CRP.4, UNEP/Env.Law/CRP.5 and UNEP/Env.Law/4/CRP.6 (see page 309).

The Programme contains components designed to increase the effectiveness of environmental law and addresses issues such as implementation, compliance and enforcement; capacity-building; prevention and mitigation of environmental damage; avoidance and settlement of international environmental disputes; strengthening and development of international environmental law; harmonisation and coordination; public participation; information technology; and innovative approaches to environmental law.

The strategic plan also considers sectoral environmental issues such as freshwater resources, coastal and marine ecosystems, soils, forests, biological diversity, pollution prevention and control, production and consumption patterns, and environmental emergencies and natural disasters. The plan focuses as well on security and military activities.

The Meeting also unanimously adopted the recommendation containing the draft Governing Council decision regarding the proposed Montevideo Programme III on the basis of the draft contained in document UNEP/Env.Law/CRP/s.

The draft text recommends, *inter alia*, that the Governing Council "...adopts the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the twenty-first century...as the broad strategy for the activities of the United Nations Environment Programme in the field of environmental law for the first decade of the twenty-first century" and "...decides to review the implementation of the Programme not later than at its regular session in 2005."

The draft Montevideo Programme will be submitted for adoption to the 21st session of the Governing Council of UNEP/Global Ministerial Environment Forum, scheduled for February 2001 in Nairobi. (MJ)

