

of biodiversity, long-term human well-being and sustainable development, aiming to report on its progress at the special session on biodiversity of the sixty-fifth session of the General Assembly and other relevant meetings;

3. *Also requests* the Executive Director to convene, for the purpose indicated in paragraph 2, a second intergovernmental and multi-stakeholder meeting at the earliest possible convenience in 2009 following completion of the full gap analysis on exploring mechanisms to improve the science-policy interface for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development, subject to the availability of extrabudgetary resources;

4. *Invites* Governments and organizations in a position to do so to provide extrabudgetary resources for the above-mentioned process.

## **Decision 25/11: Environmental law**

### **I**

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

*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,<sup>33</sup> the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, the Malmö Ministerial Declaration<sup>34</sup> and the Programme for the Further Implementation of Agenda 21 adopted by the General Assembly in resolution S-19/2 on the Programme for the Further Implementation of Agenda 21,

*Recalling further* the Plan of Implementation of the World Summit on Sustainable Development,<sup>35</sup> 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,<sup>36</sup>

*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,<sup>37</sup> as a broad strategy for the international law community and the United Nations Environment Programme in formulating the activities 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, in a manner fully consistent with the programmes of work of the United Nations Environment Programme, as approved by the Governing Council and for the period 2010–2013 taking into account the United Nations Environment Programme medium-term strategy;

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33 *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.

34 Governing Council decision SS.VI/I, annex.

35 *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.

36 A/63/6 and UNEP/Env.Law/MTV4/IG/1/4.

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

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, while fully respecting the mandate of multilateral environmental agreements;

4. *Further requests* the Executive Director to undertake a midterm review of the implementation and effectiveness of the Programme no later than at the twenty-eighth session of the Governing Council in 2015 and to report at the thirtieth session in 2019 on the impact of the Programme.

## II

### **Draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters**

*The Governing Council,*

*Recalling* principle 10 of the Rio Declaration on Environment and Development,<sup>38</sup> the Malmö Ministerial Declaration,<sup>39</sup> and its decisions 20/4 of 4 February 1999, 20/6 of 5 February 1999, 21/24 of 9 February 2001 and 22/17 of 7 February 2003,

*Recalling also* the report of the Executive Director prepared in pursuance of decision 20/4 on the law and practice relating to access to information on the environment, public participation in processes leading to decision-making and access to judicial and administrative procedures relating to environmental matters, and the report on international instruments reflecting principle 10 of the Rio Declaration on Environment and Development, prepared in pursuance of decision 21/24, as presented to the Governing Council/Global Ministerial Environment Forum at its seventh special session,<sup>40</sup>

*Taking note* of the Plan of Implementation of the World Summit on Sustainable Development, in particular paragraphs 162–167,<sup>41</sup>

*Recognizing* that access to environmental information enhances the transparency of environmental governance and that it is a prerequisite for effective public participation in environmental decision-making, that public participation in environmental decision-making generally improves decision-making and enhances its legitimacy, and that access to justice in environmental matters provides a means to permit affected parties to gain redress and to assist in the implementation and enforcement of legislation related to the environment,

*Noting* recent developments at the national, regional and international levels, including the tenth anniversary of the adoption of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, in the application of Principle 10 of the Rio Declaration on Environment and Development,

*Noting with appreciation* the outcomes of the high-level advisory meeting on environmental dispute avoidance and settlement, organized in partnership with the Permanent Court of Arbitration, in The Hague on 2 and 3 November 2006 and the work of, among others, the senior high-level experts and high-level judges involved in the development of the draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters,

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38 Principle 10 of the Declaration reads as follows: “Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”.

39 Governing Council decision SS.VI/I, annex, para. 16, reads as follows: “The role of civil society at all levels should be strengthened through freedom of access to environmental information to all, broad participation in environmental decision-making, as well as access to justice on environmental issues. Governments should promote conditions to facilitate the ability of all parts of society to have a voice and to play an active role in creating a sustainable future”.

40 UNEP/GCSS.VII/INF/7.

41 *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) chap. I resolution 2, annex.

*Noting also with appreciation* the outcomes of the consultative meeting of government officials and experts to review and further develop draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, held in Nairobi on 20 and 21 June 2008,<sup>42</sup>

1. *Takes note* of the draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters,<sup>43</sup>
2. *Requests* the secretariat to carry out further work on the guidelines with a view to their adoption by the Governing Council/Global Ministerial Environment Forum at its next special session.

### III

#### **Draft guidelines for the development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment**

*The Governing Council,*

*Recalling* principle 13 of the Rio Declaration on Environment and Development,<sup>44</sup> which stipulates that “States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage”,

*Recalling also* that the United Nations Environment Programme was requested to assist in this process by the Montevideo Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-First Century, which, when adopted by the Governing Council of the United Nations Environment Programme in 2001 by decision 21/23, incorporated special programme area 3 on prevention and mitigation of environmental damage and called for the strengthening and development of environmental law, including issues on liability and compensation for environmental damage, and promoting the use of effective civil liability mechanisms to encourage compliance with environmental law,

*Recognizing* that the existence of national legislation on liability and compensation for environmental damage resulting from human activities has been largely recognized as a significant element for the protection of the environment,

*Noting* that the recent developments at the international level under the auspices of various bodies, such as the International Maritime Organization, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Convention on Biological Diversity are mostly limited to specific areas,

*Noting with appreciation* the outcomes of the two meetings of United Nations Environment Programme high-level advisory expert group on liability and compensation for environmental damage held in Geneva in on 16 and 17 January 2007 and 31 October–2 November 2007, respectively,

*Noting also with appreciation* the outcomes of the consultative meeting of government officials and experts, at which participants reviewed and further developed the draft guidelines for the development of national legislation on liability, redress and compensation for damage caused by activities dangerous to the environment, held in Nairobi on 18 and 19 June 2008,<sup>45</sup>

1. *Takes note* of the draft guidelines for the development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment,<sup>46</sup>
2. *Requests* the secretariat to carry out further work on the guidelines with a view to adoption by the Governing Council/Global Ministerial Environment Forum at its next special session.

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42 UNEP/Env.Law/CM.Acc/1/2.

43 Document UNEP/GC.25/INF/15/Add.2, annex.

44 *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 I.

45 UNEP/Env.Law/CM/1/2.

46 Document UNEP/GC.25/INF/15/Add.3, annex I.