

**Nusa Dua Declaration and Governing Council decisions adopted by
the Governing Council/Global Ministerial Environment Forum at its
eleventh special session**

Advance copy

The secretariat of the United Nations Environment Programme submits herewith the advance copy of Nusa Dua Declaration and Governing Council decisions adopted by the Governing Council/Global Ministerial Environment Forum at its eleventh special session held in Bali from 24 to 26 February 2010.

Nusa Dua Declaration

1. We, the ministers and heads of delegation of the United Nations Environment Programme Global Ministerial Environment Forum, met in Bali, Indonesia, from 24 to 26 February 2010, for the eleventh special session of the Global Ministerial Environment Forum, celebrating 10 years since the Malmö Ministerial Declaration of 2000.¹

2. We are deeply concerned that our planet is confronted by climate change and other environmental and development crises. Current environmental challenges depend on global partnerships for solutions and represent opportunities for individuals, local communities and businesses and for international cooperation.

3. We remain committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and that serves as an authoritative advocate for the global environment, as set out in the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 1997.²

A. Climate change

4. We recognize the scientific view as documented by the Intergovernmental Panel on Climate Change in its fourth assessment report that deep cuts in global emissions are required to hold increase in global temperatures below 2° C and in this regard we reaffirm the importance of tackling climate change issues in accordance with the principle of common but differentiated responsibilities and respective capabilities and our determination to engage in efforts towards the resolution of such issues through enhanced international cooperation.

5. In this context, we welcome the decisions taken at the fifteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and of the fifth Meeting of the Parties to the Kyoto Protocol to extend the mandate on the Ad Hoc Working Group on Long-term Cooperative Action, and in which the Ad Hoc Working Group on Further Commitments under the Kyoto Protocol was requested to continue its work and in which the parties also took note of the Copenhagen Accord.

6. We reaffirm our commitment to the United Nations Framework Convention on Climate Change process and our commitment to work constructively towards a comprehensive agreed outcome within this process by the end of 2010.

B. Sustainable development

7. We welcome the decision to organize the United Nations Conference on Sustainable Development in 2012. We support and encourage the active and effective participation of the United Nations Environment Programme in the preparatory process for the Conference on Sustainable Development as called for in General Assembly resolution 64/236 of 24 December 2009, and the full and effective contribution of the United Nations Environment Programme to the programme of work outlined for the eighteenth and nineteenth sessions of the Commission on Sustainable Development.

C. International environmental governance and sustainable development

8. We note that the current international environmental governance architecture has many institutions and instruments and has become complex and fragmented. It is therefore sometimes not as effective and efficient as it should be. We commit ourselves to further efforts to make it more effective.

9. We appreciate the work of the consultative group of ministers or high-level representatives in presenting a set of options for improving international environmental governance and welcome the establishment of a process to be led by ministers or their high-level representatives to address international environmental governance reforms further. In this regard, we will send the

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

2 Governing Council decision 19/1, annex. Adoption by the General Assembly: Official Records of the General Assembly, Fiftieth Session, Supplement No. 25 (A/50/25), chap. IV, annex.

outcomes of this work to the President of the General Assembly and as a contribution to the preparatory committee of the Conference on Sustainable Development.

10. We welcome the activities undertaken by the United Nations Environment Programme and the secretariats of the multilateral environmental agreements, at the behest of the parties to those agreements, in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, to enhance cooperation and coordination between the three conventions and to support Governments in their efforts to implement, comply with and enforce the multilateral environmental agreements.

11. We also welcome the outcome of the simultaneous extraordinary meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions and we appreciate the consultative process on financing options for chemicals and wastes and support further efforts through the United Nations Environment Programme to continue these discussions.

12. We recognize the importance of enhancing synergies between the biodiversity-related conventions, without prejudice to their specific objectives, and encourage the conferences of the parties to the biodiversity-related multilateral environmental agreements to consider strengthening efforts in this regard, taking into account relevant experiences.

D. Green economy

13. We acknowledge that the advancement of the concept of a green economy in the context of sustainable development and poverty eradication can significantly address current challenges and deliver economic development opportunities and multiple benefits for all nations. We also acknowledge the important leading role of the United Nations Environment Programme in discussions on further defining and promoting the concept of a green economy. We encourage the Executive Director to contribute this work to the preparatory committee for the Conference on Sustainable Development and to convey the lessons already learned by the United Nations Environment Programme in this effort.

14. We urge the Executive Director to implement fully the Bali Strategic Plan for Technology Support and Capacity-building and invite all other relevant organizations to mainstream the plan in their overall activities, to enable developing countries and countries with economies in transition to benefit fully from the achievements of its objectives and the advancement of the concept of a green economy.

E. Biodiversity and ecosystems

15. We acknowledge that biodiversity is at the core of human existence; it is threatened by rapid global change and is under pressure from ecosystem degradation and change.

16. We recognize that the International Year of Biodiversity in 2010 presents a unique opportunity to tackle biodiversity loss and to raise public awareness for achieving the three objectives of the Convention on Biological Diversity and the 2010 biodiversity target, and also to reinforce the importance of promoting actions at national, regional and international levels for achieving the three objectives and the target.

17. We are committed in 2010 to finalizing deliberations on improving the science-policy interface for biodiversity and ecosystem services and in so doing negotiating and reaching agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services. We also welcome the commitment made by the parties to the Convention on Biological Diversity to finalize an international regime on access and benefit sharing in 2010 in accordance with decision IX/12 of the Conference of the Parties to the Convention.

18. We also encourage the United Nations Environment Programme to continue to play a leadership role in advancing understanding of the economics of biodiversity and ecosystems services and its policy implications, through the study "The economics of ecosystems and biodiversity".

19. We encourage and support efforts by the United Nations Environment Programme to contribute to the high-level meeting on biodiversity at the sixty-fifth session of the General Assembly in 2010, as a contribution to the International Year of Biodiversity, and to the high-level plenary meeting of the sixty-fifth session of the General Assembly in 2010 to review progress towards attaining the Millennium Development Goals, in particular in relation to environmental goals and targets, and in ensuring environmental sustainability in poverty eradication.

SS.XI/1: International environmental governance

The Governing Council,

Recalling its decision 25/4 of 20 February 2009, in which it decided to establish a consultative group of ministers or high-level representatives, which was requested to conclude its work and present a set of options of improving international environmental governance to the Governing Council/Global Ministerial Environment Forum at the current session, with a view to providing inputs to the General Assembly,

Expressing thanks to the Governments of Serbia and Italy for hosting the meetings of the consultative group in Belgrade and Rome, respectively, and gratitude to the Minister of Environment, Land and Sea of Italy and the Minister of Environment and Mineral Resources of Kenya for co-chairing the consultative group and appreciation to the Executive Director for serving as adviser to the group,

1. *Welcomes with appreciation* the result of the process requested in the above-mentioned decision;

2. *Takes note* of the set of options for improving international environmental governance identified by the consultative group, which is set out in the annex to the present decision;

3. *Requests* the Executive Director to identify, in full consultation with all Governments through the Committee of Permanent Representatives, the incremental changes in the set of options, within the mandate of the United Nations Environment Programme, that can be immediately implemented during the biennium 2010–2011 and those to be integrated into the development of the programme of work for the period 2012–2013, and to present a report on the matter to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth session;

4. *Invites* the President of the Governing Council to transmit the set of options to the General Assembly at its sixty-fourth session as an input to the continuing process of improving international environmental governance;

5. *Decides* to establish a regionally representative, consultative group of ministers or high-level representatives, inviting each United Nations region to propose between four and six Governments to participate, while remaining open to participation by other interested Governments, and in this regard requests the Executive Director to seek additional extrabudgetary resources to facilitate the further participation of representatives of developing countries in addition to the nominated regional representatives;

6. *Also decides* that the group will have two co-chairs, one from a developing country and one from a developed country, and requests the Executive Director to participate as an adviser to the group, which will also comprise high-level representatives of relevant United Nations agencies, designated through the Environment Management Group;

7. *Requests* the Executive Director, in his capacity as Chair of the Environment Management Group, to invite the United Nations system to provide input to the group, including by assessing gaps, needs and considerations related to how the system is currently achieving the identified objectives and functions for international environmental governance;

8. *Decides* that the group will consider the broader reform of the international environmental governance system, building on the set of options but remaining open to new ideas;

9. *Invites* the consultative group, through the United Nations Environment Programme secretariat, to seek relevant inputs from civil society groups from each region in the process of further strengthening international environmental governance;

10. *Decides* that the group will conclude its work in a timely fashion and present a final report to the Governing Council at its twenty-sixth session in anticipation of the Council's contribution in time for the second meeting of the open-ended preparatory committee of United Nations Conference on Sustainable Development and the sixty-fifth session of the General Assembly;

11. *Requests* the Executive Director to seek extrabudgetary resources to facilitate the participation of representatives of developing countries in the group's meetings;

12. *Requests* countries in a position to do so to provide financial support for the participation of representatives of developing countries.

Annex to decision SS.XI/1

Set of options for improving international environmental governance

[to be inserted]

SS.XI/2: Enhanced coordination across the United Nations system, including the Environment Management Group

The Governing Council,

Recalling section VI of its decision 25/1 of 20 February 2009, on enhanced coordination across the United Nations system, including the Environment Management Group,

Taking note of the report of the Executive Director on enhanced coordination across the United Nations system,¹

Welcoming the progress in the implementation of the memorandum of understanding between the United Nations Development Programme and the United Nations Environment Programme and the contribution by the United Nations Environment Programme towards enhanced coordination across the United Nations system at the country level, as presented in the above-mentioned report,

Welcoming also the progress by the Environment Management Group in facilitating cooperation across the United Nations system to assist Member States in implementing the environmental agenda, as presented in the above-mentioned report,

1. *Encourages* the Executive Director to take further action to expedite the implementation of the said memorandum of understanding, in particular through the immediate establishment of the joint working group provided for under that memorandum and requests an annual report to be submitted to the Governing Council/Global Ministerial Environment Forum on progress in the implementation of that memorandum;

2. *Requests* the Executive Director to strengthen further the regional offices to enhance their capacity to participate effectively in the processes at the regional and country levels to mainstream environmental sustainability in common country assessments and United Nations Development Assistance Frameworks, using when appropriate planning instruments at the regional and national levels;

3. *Encourages* the Environment Management Group to continue its cooperation, including by working with the United Nations System Chief Executives Board for Coordination and its subsidiary bodies in enhancing:

(a) The promotion of sustainable management practices in the United Nations system, including by making further progress towards climate neutrality and sustainable procurement;

(b) Cooperation in programming environmental activities in the United Nations system in the areas of biodiversity, land degradation and green economy, including by supporting the implementation of the strategic plans of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa,² and the Convention on Biological Diversity, including the post-2010 biodiversity targets, and by assessing how the United Nations system could more coherently assist countries in making the transition to a green economy;

(c) Coherence in mainstreaming environmental considerations in United Nations operational activities at the country level, in particular by identifying options for the development of a possible United Nations system-wide approach to environmental aspects.

1 UNEP/GCSS.XI/3.

2 ICCD/COP(8)/16/Add.1.

SS.XI/3: Intergovernmental science-policy platform on biodiversity and ecosystem services

The Governing Council,

Recalling its main functions and responsibilities set out in General Assembly resolution 2997 (XXVII) of 15 December 1972, under which the Governing Council is, among other things, to promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formation and implementation of environmental programmes within the United Nations system,

Taking note of the Millennium Ecosystem Assessment and its follow-up process, the consultative process towards an international mechanism of scientific expertise on biodiversity and decision IX/15 of the Conference of the Parties to the Convention on Biological Diversity,

Recalling its decision 25/10 of 20 February 2009,

Noting the outcomes of the second ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services, held in Nairobi from 5 to 9 October 2009,

Recognizing the need to strengthen and improve the science-policy interface for biodiversity and ecosystem services,

Having considered the report of the Executive Director on an intergovernmental science-policy platform on biodiversity and ecosystem services,¹

1. *Invites* Governments and relevant organizations to finalize in 2010 their deliberations on improving the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development;

2. *Requests* the Executive Director to support efforts by Governments and relevant organizations to finalize the above-mentioned deliberations and, in so doing:

(a) To convene, in June 2010, a third and final ad hoc intergovernmental and multi-stakeholder meeting to negotiate and reach agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services, subject to the availability of extrabudgetary resources;

(b) To make available to all parties concerned, including participants in the third meeting, the information requested at the second meeting² in good time for the third meeting;

(c) To transmit, on behalf of the Governing Council, the outcomes of and necessary documentation from the third and final meeting to the General Assembly at its sixty-fifth session for consideration during the high-level segment on biological diversity in September 2010 and thereafter;

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

4. *Requests* the Executive Director to cooperate closely with the relevant secretariats of the biodiversity-related multilateral environmental agreements and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, multilateral financial institutions and relevant international organizations, in particular the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and the International Union for Conservation of Nature and Natural Resources, to ensure the full involvement of key stakeholders in the preparation of the third meeting.

1 UNEP/GCSS.XI/7.

2 UNEP/IPBES/2/4/Rev.1, annex, para. 29.

I

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,¹ the Malmö Ministerial Declaration² and its decisions 20/4 of 4 February 1999, 20/6 of 5 February 1999, 21/24 of 9 February 2001, 22/17 of 7 February 2003 and 25/11 of 20 February 2009,

Recalling also that, as recognized by the Governing Council in its above-mentioned decision 25/11, 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 for affected parties to gain redress and to assist in the implementation and enforcement of legislation related to the environment,

Recognizing that national legislation on access to environmental information, public participation and access to justice in environmental matters contributes to the achievement of environmental sustainability and to the legal empowerment of citizens, including the poor and marginalized,

Noting with appreciation the further work carried out by the secretariat on the guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters,

Noting also with appreciation the outcome of the intergovernmental meeting to review and further develop draft guidelines for national legislation on access to information, public participation and access to justice in environmental matters, held in Nairobi on 12 and 13 November 2009,

1. *Adopts* the guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, as set out in the annex to the present decision, noting that these guidelines are voluntary;
2. *Decides* that the secretariat shall disseminate the guidelines to all countries, and that the commentary on the guidelines³ shall also be distributed to all countries for further comments to enhance its quality;
3. *Invites* countries to take the guidelines into consideration in the development or amendment of their national legislation related to the subject matters covered by the guidelines;
4. *Requests* the Executive Director to assist countries, upon their request, subject to the availability of resources and through the programme of work and budget, and, if appropriate, in collaboration with other relevant international and regional organizations, with the development or amendment of national legislation, policies and strategies on access to information, public participation and access to justice in environmental matters;
5. *Also requests* the Executive Director to provide updates on progress through regular reporting on the implementation of the programme of work and budget.

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 I.

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

3 The commentary has been prepared by the secretariat in consultation with the Senior Advisors Group of the United Nations Environment Programme and has been annexed to the guidelines as indicative reference material. The text of the commentary has not been negotiated by Governments.

Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters

The purpose of these voluntary guidelines is to provide general guidance, if so requested, to States, primarily developing countries, on promoting the effective implementation of their commitments to Principle 10 of the 1992 Rio Declaration on Environment and Development within the framework of their national legislation and processes. In doing so, the guidelines seek to assist such countries in filling possible gaps in their respective legal norms and regulations as relevant and appropriate to facilitate broad access to information, public participation and access to justice in environmental matters.

The guidelines should not be perceived as recommendations to amend national legislation or practice in cases where existing legislation or practice provides for broader access to information, more extensive public participation or wider access to justice in environmental matters than follows from these guidelines.

I. Access to information

Guideline 1

Any natural or legal person should have affordable, effective and timely access to environmental information held by public authorities upon request (subject to guideline 3), without having to prove a legal or other interest.

Guideline 2

Environmental information in the public domain should include, among other things, information about environmental quality, environmental impacts on health and factors that influence them, in addition to information about legislation and policy, and advice about how to obtain information.

Guideline 3

States should clearly define in their law the specific grounds on which a request for environmental information can be refused. The grounds for refusal are to be interpreted narrowly, taking into account the public interest served by disclosure.

Guideline 4

States should ensure that their competent public authorities regularly collect and update relevant environmental information, including information on environmental performance and compliance by operators of activities potentially affecting the environment. To that end, States should establish relevant systems to ensure an adequate flow of information about proposed and existing activities that may significantly affect the environment.

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