
Terminal Evaluation of the UNEP Project “Environmental Rule of Law: Advancing Justice, Governance, and Law for Sustainability”



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**Evaluation Office of the United Nations Environment Programme
December 2020**



Evaluation Office of UNEP

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Project Title: Environmental Rule of Law: Advancing Justice, Governance, and Law for Sustainability

Project Id: 423.1, PIMS 1775

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Brief Consultant Biography

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About the Evaluation

Report Language(s): English

Evaluation Type: Evaluation

Brief Description: This report is an evaluation of a UNEP project titled “Environmental Rule of Law: Advancing Justice, Governance, and Law for Sustainability.” The project was designed for a 3.5-year period, which started in July 2014 and was due for completion by December 2017 for a total of 42 months. The project closed December 2017.

The primary aim of the project was to strengthen the capacity of countries to develop and implement the Environmental Rule of Law (EROL), allowing nations to achieve internationally agreed environmental objectives and goals. Furthermore, the project sought to foster a coherent and coordinated assistance on the issue of EROL within the UN system to advance the contribution of justice, governance, and law to environmental sustainability.

The project was a joint effort between UNEP, INTOSAI, INECE, ELI, World Bank, Nairobi University, Michigan University, Rule of Law Unit SG’s Office, UCL, EUFJE, OAS, Georgetown University Law School, several national governments, GLOBE, IAJ, and the UN System Training Institute.

The evaluation has three primary purposes: (i) Provide evidence of results to meet accountability requirements. (ii) Promote learning, feedback, and knowledge sharing through results and lessons learned among UNEP, governments, and international and national executing agencies. (iii) Highlight to past, present, and future project managers, beneficiaries, and external stakeholders the strengths and shortcomings of the project to promote transparency and focus for upcoming projects.

Key words: environmental rule of law, governance, technical assistance, global and regional colloquia, justice, sustainability.

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List of Acronyms and Abbreviations

<u>Acronym</u>	<u>Definition</u>
ADB	Asian Development Bank
ASEAN	Association of South East Asian Nations
ASSELLAU	African Environmental Lawyers of African Universities
DELIC	Division of Environmental Law and Conventions
DEPI	Division of Policy Implementation
DEWA	Division of Early Warning and Assessment
DCPI	Division of Communication and Public Information
EA	Expected Accomplishment
ELI	European Law Institute
EUFJE	European Union Forum of Judges for the Environment
EROL	Environmental Rule of Law
GEF	Global Environmental Facility
GJIE	Global Judicial Institute on the Environment
GLOBE	Global Learning and Observation to Benefit the Environment
IAJ	International Association of Judges
IMDIS	Integrated Monitoring and Documentation Information System
IMIS	Integrated Management Information System
INECE	International Network for Environmental Compliance and Enforcement
IUCN	International Union for Conservation of Nature
MEAs	Multilateral Environmental Agreements
OAS	Organization of American States
Parlatino	Latin America Parliament
PIMS	Programme Implementation Monitoring System
POW	Programme of Work
PRC	Project Review Committee
ProDoc	Project Document
ROA	Regional Office for Africa
ROAP	Regional Office for Asia and the Pacific
ROE	Regional Office for Europe
ROLAC	Regional Office for Latin America and the Caribbean
RoLCRG	United Nations Rule of Law Coordination and Resource Group
ROWA	Regional Office of West Asia
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SIDA	Swedish International Development Agency
SMART	Specific, Measurable, Attainable, Realistic/Relevant, Timely
TE	Terminal Evaluation
TOC	Theory of Change
UCL	University College London
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNITAR	United Nations Institute for Training and Research
WCEL	World Commission on Environmental Law

I. EXECUTIVE SUMMARY

A. Project overview

1. The terminal evaluation of the UNEP project “Environmental Rule of Law: Advancing Justice, Governance, and Law for Sustainability” was undertaken after the project’s completion to assess project performance (in terms of relevance, effectiveness, and efficiency). The evaluation will also determine outcomes and impacts (actual and potential) stemming from the project, including their sustainability.

2. The project was a joint effort between UNEP, INTOSAI, INECE, ELI, World Bank, Nairobi University, Michigan University, Rule of Law Unit SG’s Office, UCL, EUFJE, OAS, Georgetown University Law School, several national governments, GLOBE, IAJ, and the UN System Training Institute.

3. The primary aim of the project was to strengthen the capacity of countries to develop and implement the Environmental Rule of Law (EROL), allowing nations to achieve internationally agreed environmental objectives and goals. Furthermore, the project sought to foster a coherent and coordinated assistance on the issue of EROL within the UN system to advance the contribution of justice, governance, and law to environmental sustainability.

4. The project was designed to cover a 3.5-year period, which started in July 2014; it was completed by December 2017, totalling a project period of 42 months. The PRC approved budget was USD 1,247,604, of which USD 320,000 was secured at the time of project approval.

5. The project consisted of four levels of intervention, which correspond to the four Outputs of the project:

Output 1	Enhanced awareness and global consensus on the core elements of EROL.
Output 2	Knowledge, information, and guidance to support the development and implementation of EROL provided.
Output 3	Enhanced coherence and coordination of EROL policy and guidance within the UNEP system.
Output 4	EROL implementation strategies developed and tested in 5 countries.

B. Evaluation overview

6. This terminal evaluation was conducted between May and September 2019. Its primary purposes were to:

- Provide evidence of results to meet accountability requirements.
- Promote learning, feedback, and knowledge sharing through results and lessons learned among UNEP, governments, and international and national executing agencies.
- Highlight to present and future project managers, beneficiaries, and external stakeholders the strengths and shortcomings of the project to promote transparency and focus for upcoming projects.

7. The evaluation assesses the performance of the project against the standard UNEP evaluation criteria such as project relevance, effectiveness, efficiency, and sustainability.

8. The evaluation approach included: desk review of key documents, including all documentation on PIMS, regular consultation with UNEP's Evaluation Office Director, and interviews with members of the project management team, other UNEP officials, and selected judges who are members of the UNEP International Advisory Group.

Important caveat about the project management

9. The key findings of the evaluation are summarised below and are derived from documentary evidence and responses to the interview questions that were discussed with interviewees.

10. As an important caveat, it should be highlighted that none of the activities for Outputs 2 or 4 of the approved project document were executed as originally designed. For Output 2, pre-existing activities from within the law Division were 'rolled into' (i.e. informally considered as part of) the project. For Output 3, about half of the activities featured in the project document were executed with the other half not executed, in part due to a leadership vacuum at UN Headquarters within the UN Rule of Law Coordination and Resource Group. For Output 4, the proposed delivery of EROL national strategies were not replaced by any other activities. Although the Law Division has suggested that the case studies that were compiled for the First Global Report on the EROL were used to replace the original activities under Output 4, there is, however, no documentation formalising the case studies as part of the project.

11. Whilst changes in the delivery of project activities are often inevitable during the project life, the concern with this project is that none of the above noted changes were formally documented or approved in accordance with UNEP standard rules and procedures for project management. The evaluation recognises the extremely hard work and high level of dedication of the law division staff in the pursuit of the aims of this project. However, this is an important management shortcoming that needs to be addressed in future projects.

12. At the outset, the fundamental challenge is to discern whether the substitution of activities in Output 2, the reduced number of activities under Output 3, and the non-delivery of

activities in Output 4 in any way undermined the realisation of overall objectives in strengthening country capacity to develop and implement EROL.

13. Whilst there are notable gaps in the delivery of activities, the overall success regarding those activities which were fully executed, has enabled the project results and desired outcomes to be fulfilled to varying degrees. Key findings regarding overall project performance are elaborated below.

C. Key findings of the evaluation

The environmental rule of law is now an established concept

14. This project has built on UNEP's critical role in the advancement of the concept of EROL. When EROL was first discussed formally amongst the judiciary and other legal stakeholders at the 2012 Global Symposium, it was clear that there was considerable doubt about the merit of the concept. Many judges questioned the value of specifically qualifying the Rule of Law to the environment. However, over the seven years following the Symposium, UNEP has played a critical role in systematically contributing to processes highlighted above, collectively helping to galvanize the concept and mobilize political support.

15. The scope, speed, and volume of uptake at the global level would have been unlikely to happen without UNEP's efforts supporting legal stakeholders in the crystallising and implementation of the concept. The project helped to firmly place EROL 'on the map'; it has changed the normative landscape. Whereas in 2012, it was a foreign and poorly understood concept, now it is part of the environmental law lexicon. The work of measurement is difficult, however, and this assessment is heavily reliant on qualitative data, because comparative data is scarce. Analysis of the jurisprudence along with a simple comparative literature search on the term environmental rule of law before 2012 and in 2019 also reveals the rapid growth of uptake in the fields of scholarly research, judicial rulings, and popular literature. Some of the other key actors with whom UNEP has worked in promoting and advancing EROL include the IUCN, the Environmental Law Institute, GLOBE, Nairobi University among others. These partners have brought important expertise to the project and organisations such as IUCN have made important contributions, for example with its World Environmental Congress held in 2016 in Rio de Janeiro, and which produced the world declaration on the environmental rule of law. Despite these efforts, UNEP has been the most important actor driving change in the EROL space.

UNEP's unique convening power

16. One of the reasons that the judiciary has so favourably embraced the concept of EROL is the role that UNEP has played in bringing together judges and other environmental enforcement officers. These are actors who would otherwise not have had the opportunity to meet and share knowledge. They have also facilitated a widening of the geographic scope of the network of judges and other enforcement actors. This in turn has helped to elevate awareness and understanding of the concept of EROL among judges who are often isolated from experience and expertise. Increased awareness is accompanied by a corresponding increase in the extent to which the different branches of governments are now embracing the concept.

The important role of the global and regional platforms

17. The global and regional colloquia that UNEP has organised under the ambit of this project have been critical in crystallising the EROL concept and in mobilising support for the concept among Member States and within the environmental enforcement community. UNEP's unique convening power has brought together actors who otherwise would not have had the opportunity to meet and exchange knowledge and best practices. We see for example, that such colloquia are utilised by judges as platforms to discuss internationally applied experiences of EROL with other judges. Sharing such information is vital for judges as many tend towards conservatism, but, as one judge stated, "if we can see that something relatively novel has been done somewhere else, then we are more motivated to follow suit."

The importance of the project's knowledge products

18. Not all the knowledge products described in the original project document have been produced. However, the ones that were delivered are recognized as important reference documents, which Member States have used extensively in developing national responses.

19. An example of this is the First Global Report on the Environmental Rule of Law. Only three months after the Report was published, references to the Report were cited in an important decision of the Indian High Court – alongside references to the writings of Amartya Sen, the IUCN World Declaration on the Environmental Rule of Law, and the 2015 Paris Agreement on Climate Change¹. Another example illustrating governments' explicit recognition of the Report is the request by the Government of Ethiopia for support from UNEP to develop an EROL national strategy. Ethiopia approached UNEP after having reviewed the Report and realised that it needed UNEP's support to create a national policy framework that would guide environmental law-making.

The project's contribution to the advancement of the environmental rule of law within the UN system

20. Under the ambit of this project, UNEP has been an active member of the United Nations Rule of Law Coordination and Resource Group (RoLCRG), which is chaired by the Deputy Secretary-General and which has the overall leadership role for promoting the rule of law within the UN system. Through its membership in the RoLCRG, UNEP has actively promoted EROL as a proven pathway for attaining the Sustainable Development Goals (SDGs). It has raised awareness within the RoLCRG that EROL provides a foundation for environmental rights and obligations and that without it, "the enforcement of legal rights and obligations, environmental governance may be arbitrary, discretionary, subjective, and unpredictable."²

21. The significance of UNEP's involvement in the RoLCRG relates to its success in linking its EROL work with what is commonly referred to as the fourth pillar of the UN Charter, notably the rule of law. Through its participation in RoLCRG meetings, system-wide retreats, and presentations to the General Assembly's Sixth Committee, UNEP was able to highlight the

¹ Menezes, Vivek. "Goa Turbulence Throws Light on Mega Projects." *Livemint* (April 25, 2019)

² "Promoting Environmental Rule of Law." *UNEP*

importance of the growing illegal trade in wildlife, not just from an environmental conservation perspective, but also from a rule of law perspective. With a ‘seat at the table’, UNEP succeeded in mobilising political support within the UN system for the concept of EROL. Indeed, in July 2014, for the first time, the Environmental Rule of Law was referred to in the UN Secretary-General’s annual report on the rule of law.³ Subsequent annual rule of law reports continued to include important references to UNEP’s work in advancing EROL.

22. As a result of its success in linking EROL within the fourth pillar of the UN Charter, UNEP has had, and will continue to have greater impact in advancing the concept with Member States and key stakeholders. This was certainly the case with UNEP’s environment and human rights work, as well as with its work in the post-conflict sphere. The key lesson for UNEP is the value of strategic collaboration with other UN organisations in order to advance important causes throughout the entire UN system; the UNEP’s system-wide work has palpably grown from its engagement with the UN system on the rule of law.

Synergies of UNEP’s EROL project with other environmental law projects

23. It is important to highlight two other environmental law projects that were implemented by the Law Division during the life of the project under evaluation: “Strengthening Institutional Capacity in Environmental Law” (SICCEL) and “Progressive Development of International Environmental Law”(PD). Combined with EROL, these projects have had synergistic effects in strengthening the capacity of government policy-makers, judges, prosecutors and the police to more effectively advance environmental law objectives in different spheres of government. For example, policy-makers have been equipped by activities in all three projects; through the annual MEA training courses, the technical assistance to countries, not to mention the knowledge products that have equipped policy makers with the substantive knowledge to develop new environmental legislation.

24. Judges have also been supported by all three projects. Like the EROL training activities, SICCEL training processes have reinforced the capacity of judges to improve their own environmental adjudication, because of the new environmental law knowledge with which the trainings provided them. Like EROL’s activities, SICCEL’s greening judiciary activities have helped to change the behaviour of judges in terms of understanding the importance of environmental law, and their need for training in this topic in order to adjudicate more effectively. The high-level participation of judges in the various greening judiciary events in both the SICCEL and EROL projects not only reflects the growing interest and importance that the judiciaries are increasingly placing on environmental law adjudication challenges. It also reflects the important convening power of UNEP with the judiciary, in large part due to its longstanding history of working with these actors. Important evidence consists of a number of high-profile cases that are influencing the evolving body of environmental jurisprudence.

³ It is important to note that the 2014 Rule of Law report was published before the start of the project. However, UN Environment’s success in including references to EROL in the report paved the way for subsequent annual rule of law reports to include important messages about UN Environment’s work in this area.

25. Equally important for judges has been UNEP’s support under the PD project, especially regarding environmental constitutionalism in collaboration with the Special Rapporteur on Human Rights and the Environment. This work has helped to raise awareness among the judiciary and law practitioners regarding the extent to which human and environmental rights are being implemented in global contexts, and the extent to which constitutional and other rights-based approaches, including international and regional human rights, promote environmental protection.

26. As for prosecutors and police, their capacity has been strengthened by the training activities in both the SICCEL and EROL projects, with the platforms creating important opportunities for the exchange of experience, which would otherwise not have been possible.

D. Summary of recommendations

27. The following table provides an overview of the key findings and recommendations that are elaborated in more detail in Section V. Conclusions and Recommendations. All of these recommendations are directed to the Law Division.

Table 1: Summary of findings and recommendations

Number	Finding	Recommendations
1	Owing to financial constraints, the Law Division was unable to / did not execute any of the activities in Output 2 and 4. The project team substituted important knowledge products in Output 2. This was an important gap since there were no direct technical assistance activities to support countries in developing EROL strategies. The importance of diligent reporting and formal approval of project changes is strongly highlighted. None of the changes in project implementation were formally approved.	The Law Division should increase support to individual countries in developing EROL national strategies. It could assist UNEP regional offices to mobilise earmarked support for new environmental law projects. The Law Division better monitor its compliance with all SOPs set-out in the UNEP Programme manual, especially with regard to formal project revision processes.
2	The experience with the Model Law on Lead Paint has been highly positive. Countries have used the Model Law around the world to develop their own national legislation to eliminate lead from paint.	From its work with national EROL strategies, the Law Division could distil a common template to be used for the development of other national strategies.

3	Montevideo focal points are an important resource. They can provide invaluable insights into countries' progress in the implementation of the environmental rule of law.	The Law Division should explore opportunities availed by technology for virtual meetings and information repositories - such as webinars, e-learning and developing multimedia interactive tools. The Law Division should employ these tools in stepping up the delivery of environmental rule of law expertise and case study experiences to Montevideo focal points.
4	UNEP has a proven track record with its judicial training initiatives. Tailoring its training to the specific needs of different enforcement actors has been well received. The work is highly valued by judges around the world.	The Law Division should continue to build on successful training initiatives with the judiciary and other enforcement officials and provide more EROL best practices from around the world. With reference to Point 3 above, such initiatives can be successfully bolstered by technology platforms.
5	In parallel with the advancement of the environmental rule of law, standing rights around the world are expanding. Civil society organisations need support in designing litigation strategies, for collecting evidence, dealing with scientific uncertainty, using citizen science, structuring remedies and conducting negotiations.	The Law Division should increase UNEP training for civil society organisations to support them in more effectively bringing public interest cases to court. This work can build on the UNEP Environmental Defenders Policy launched in 2018 which provides practical support to civil society individuals and groups who are defending their environmental rights in the face of threats, restrictions and violence.
6	Over 1,200 environmental courts and tribunals are now in existence and more planned for the future. This is an important trend in the context of the environmental rule of law. Countries who have not yet established these bodies, but who want to establish a positive record in environmental adjudication will need support in replicating green courts such as India's National Green Tribunal.	The Law Division should enhance work with countries (upon request) in establishing specialised courts and tribunals to deal with environmental matters, with close analysis on successful institutional developments in other nations.
7	Despite UNEP's success with judicial training, its work with prosecutors needs to be stepped up. Prosecutors need support not just in criminal cases, but in civil and administrative cases as well.	The Law Division should develop more training on the environmental rule of law to support prosecutors in applying and enforcing environmental rule of law. The Law Division should increase its engagement in the Global

		Institute of Prosecutors for the Environment (GIPE) upon its registration/incorporation.
8	Just as UNEP should step up its work with prosecutors, attorneys-general and auditors also need support in advancing the environmental rule of law.	The Law Division should support attorneys-general and auditors more systematically, perhaps in the form of a “Greening Attorneys-General Process.” Collaboration with potential partners such as the International Organization of Supreme Audit Institutions (INTOSAI) should be explored.
9	Without adequate results-based monitoring, project outcomes and impact cannot be analysed.	The Law Division should invest more resources in the improvement of outcome monitoring under the ambit of Montevideo V.
10	The absence of the head of the unit for the UN Rule of Law Coordination Group was problematic. It meant that little work could be done under the Group during the life of the project. Despite this impediment, the Law Division did succeed in promoting the environmental rule of law within the UN Secretary-General’s annual report on the rule of law and in other forums as well. However, it is important for UNEP to find a more reliable anchor within the UN system with which to collaborate. UNEP has greater impact when it can relate its work to the core pillars of the UN system.	Now that the UN Rule of Law Coordination Group has a head of unit, it is important for the Law Division to consider re-engaging in that platform and build on the important successes that it has had in advancing the environmental rule of law within the UN system. Another option is to explore how the Law Division might advance the environmental rule of law through the UN Environment Management Group (EMG).

II. INTRODUCTION

Table 2: Project Background⁴

Project ID	01775
Project Manager	Arnold Kreilhuber
Project Identification	423.1
Type of Project	PRC approved project
Sub programmes:	2014/15 - Environmental Governance 2016/17 - Environmental Governance
Managing division:	Law
Other divisions:	Africa, Asia & Pacific, Communication, Europe, Latin America, West Asia
Mode of Execution	
Planned Duration	42 months
Expected Start Date	07/2014
Expected Completion Date	12/2017
Actual Start Date	10/2014
Actual Completion Date	12/2017
PRC Approved Budget	\$1,247,604 (of which \$320,000 was secured XB at approval)

28. The terminal evaluation of the UNEP project “Environmental Rule of Law: Advancing Justice, Governance, and Law for Sustainability” is being undertaken after the project’s completion to assess project performance (in terms of relevance, effectiveness, and efficiency). The evaluation will also determine outcomes and impacts (actual and potential) stemming from the project, including their sustainability.

29. The primary aim of the project was to strengthen the capacity of countries to develop and implement the Environmental Rule of Law, allowing nations to achieve internationally agreed environmental objectives and goals. Furthermore, the project sought to foster a coherent and coordinated assistance on the issue of EROL within the UN system to advance the contribution of justice, governance, and law to environmental sustainability.

30. The project activities took place in Africa, Asia and Pacific, Europe, and Latin America and the Caribbean. The project was a joint effort between UNEP, INTOSAI, INECE, ELI, World Bank, Nairobi University, Michigan University, Rule of Law Unit SG’s Office, UCL, EUFJE, OAS, Georgetown University Law School, Government Institutions, GLOBE, IAJ, and the UN System Training Institute.

31. The project was designed for a 3.5-year period, which started in July 2014 and was completed by December 2017, for a total of 42 months. The project closed December 2017.

⁴ “Overview, Environmental Rule of Law: Advancing Justice, Governance, and Law For Environmental Sustainability.” Project Information Management System (PIMS).

32. The PRC approved budget was USD 1,247,604, of which USD 320,000 was secured at the time of project approval.

33. This terminal evaluation was conducted between May 2019 and February 2020. Its primary purposes were to:

- Provide evidence of results to meet accountability requirements.
- Promote learning, feedback, and knowledge sharing through results and lessons learned among UNEP, governments, and international and national executing agencies.
- Highlight to present and future project managers, beneficiaries, and external stakeholders the strengths and shortcomings of the project to promote transparency and focus for upcoming projects.

34. The evaluation assesses the performance of the project against the standard UNEP evaluation criteria such as project relevance, effectiveness, efficiency, and sustainability.

III. EVALUATION METHODS

A. Evaluation Approach

35. The evaluation has been conducted by an independent consultant, under the overall responsibility and management of the UNEP Evaluation Office.

36. The findings of the Terminal Evaluation are largely based on (i) a desk review of key project documents at design and implementation stages, (ii) interviews with key stakeholders and evaluation survey responses. Throughout this evaluation process and in the compilation of the Evaluation Report efforts have been made to represent the views of both mainstream and more marginalised groups. Data were collected with respect to ethics and human rights issues. All information was gathered after prior informed consent from people, all discussions remained anonymous and all information was collected according to the UN Standards of Conduct.

37. The evaluation approach included the following:

Desk review

38. The evaluator reviewed key project documents at the design and implementation stage and relevant sources of information were extracted for report writing and as references to validate during key stakeholder interviews. These included:

- Relevant background documentation, strategy and policy documents, websites, etc.
- Project design documents and project revision documents.
- Project logical framework.
- (Annual) work plans and budgets or equivalent.
- Project budgets/financing documents.
- Project reports.
- All other relevant documentation on PIMS.

Semi-structured interviews of stakeholders

39. A framework of stakeholder categories earmarked for interviews was prepared and shared with the project team to assist with the identification of key individuals. This framework was structured to include representation across regions and stakeholder categories. Interview questions were aligned to the evaluation framework.

40. A complete list of people interviewed is attached as Annex II.

41. Particular emphasis was placed on triangulation (cross-validation) of data sources (monitoring data, interview results, surveys, etc.) and an assessment of plausibility of the results obtained. To validate observations, findings, and areas of recommendation, the Evaluator also reviewed UN, government, and other research publications, in addition to related news articles

and documentation of related initiatives. A complete list of consulted references is provided in Annex I and Annex V.

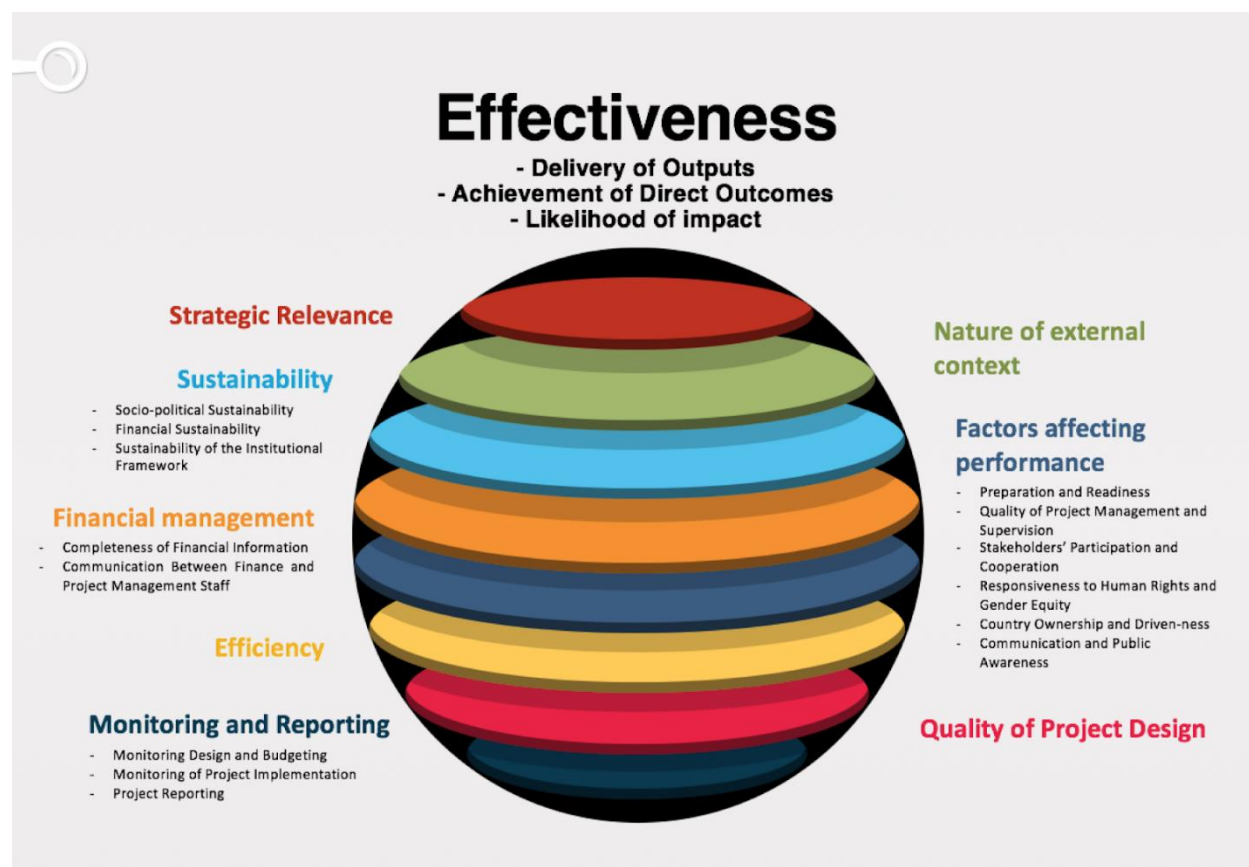
42. A draft Theory of Change (TOC) was prepared as part of the initial review process, drawing heavily on the results framework and ProDoc. The reconstructed TOC was refined with general interview responses, but also discussed in detail during the key informant interviews.

43. The evaluation focused on the following questions:

- What were the strengths and weaknesses of the project?
- To what extent have the global and regional platforms contributed to the advancement of EROL?
- To what extent has the project equipped countries with the knowledge, skills, and resources necessary to implement EROL and to advance justice and good governance?
- How has the project enhanced coherence and coordination of EROL policy and guidance within the UN System?
- How can the UNEP strengthen its EROL work moving forward?

44. The following Evaluation Criteria were assessed and the Evaluation Framework Matrix table (referenced) was employed to rank each criterion.

Figure 1: Overview of evaluation criteria



B. Evaluation Limitations

45. The evaluation team identified the following limitations that constrained the evaluation:

- The fact that the project was regarded by the Law Division as an ongoing workstream rather than a discrete intervention. The boundaries of the project were unclear.
- Length of time since project execution (spanning from 4 years) decreased detail of responses. This issue was intensified by poor monitoring of information and project record-keeping.
- Possible selection bias in the conducting of interviews based on availability and participation.
- Low sample size of interview participants due to low response rate limited the potential for finding concrete evidence of impact. The following were contributory factors:
 - Time between project execution and conduct of evaluation. Staff turnover affects the accessibility of respondents. Although it should be noted that project activities continued after the formal project end date.
 - Little/no incentive for external project stakeholders to participate.

- Possible conflict/prioritisation of commitments by respondents.
- Limited monitoring information and the availability of sufficiently detailed progress reports prevented full and equal analysis of all activities.
- The project's financial dependence on certain funders meant that activities were not delivered in all regions.
- Because of the project complexity, a wide range of performance indicators were needed to accurately portray the project's effects and impacts. However, such performance indicators were not defined and measured, thus the evaluation team has been limited to anecdotal evidence. This also means that the links between project activities and observed effects cannot be definitively proven, potentially limiting the depth of conclusions.

IV. THE PROJECT

A. Context Overview

46. The overarching context, within which this project was formulated, was characterised by a number of important trends, described below.

Evolving laws and institutions

47. Environmental laws and institutions have evolved considerably in the last 25 years. In the 1980s and 1990s there was a mushrooming of new institutions, especially in the form of environment ministries. The current trend is reflected in a new generation of institutions that are cross-sectoral in nature, for example Ministries of Sustainable Development which straddles the three dimensions of sustainability. This has also been the case with the development of legislation. In the beginning the focus was on framework laws, followed by sectoral laws. Today laws are now addressing the inter-linkages between economic, social, and environmental spheres.

The increase in national ownership of law-making processes

48. In the past, UNEP was more direct with countries in terms of how they needed to strengthen or develop their environmental laws. Increasingly, this approach is changing. Now UNEP encourages countries to take ownership of their legislative reform processes and identify their own priorities. The fact that, for the past forty years, countries have had varied experiences with the development and application of environmental laws and institutions provides opportunities for countries to share experiences and to generate sets of good practices. Opportunities availed by technology for virtual meetings such as webinars, e-learning, and developing multimedia interactive tools can be explored to deliver environmental law information to various stakeholders in a more user-friendly and cost-effective way. And of course, the increasing use of the platform of Montevideo national focal points will be an important source of best practices on environmental law-making.

Judicial engagement

49. UNEP is beginning to see the extent to which its capacity-building efforts are bearing fruit, an example being the growing number of judgements addressing environmental crime and doing so on by drawing on the Rio principles. These are increasingly underpinning judicial decisions and this development is an important reflection on UNEP's steadfast engagement with the judiciary. The improvement in the handling of environmental cases by the Judiciary has been particularly noticeable in the last 10 years. The establishment of regional judicial networks around the world and the growth in specialised environmental courts and tribunals are equally important reflections of the progress seen that can in part be attributed to UNEP's commitments. With more planned for the future, over 1,200 environmental courts and tribunals are now in existence. Many have emerged from outside of the US and Europe, for example in China.

50. In addition to the above context-setting points, there are several important milestones, from 2002 to date, which reflect the scope of UNEP's work in mobilising support for EROL.

Although some of these processes predate the start of this project, they have directly contributed to the achievement of success of many of the activities within this project. The evaluation team has clearly indicated which of the following milestones were formally a part of the project, or which influenced project results.

51. Section IV B entitled 'Objectives and Outputs' provides a clear overview of the concrete outputs that were generated from this project.

52. The evaluation team has identified in this section a number of important milestones, which are not direct outputs of this project; they occurred before the start or after the project. However, they are noted here because they provide evidence of UNEP's long-standing commitment to the development and advancement of EROL.

- In 2002, UNEP convened the Global Judges Symposium, which produced the Johannesburg Principles on the Role of Law and Sustainable Development. The concept of EROL appeared in the Outcome Document of Rio+10.
- In 2012, at Rio+20, UNEP convened the World Congress on Justice, Governance and Law for Environmental Sustainability. The meeting outlined actions required by legal stakeholders to advance sustainable development based on the rule of law.
- In 2013, UNEP's previous governing body, the Governing Council, adopted Decision 27/9, which was the first international instrument to adopt the concept. The Decision called upon UNEP to support the promotion of EROL.
- In 2014, the first United Nations Environment Assembly (UNEA) adopted resolution 1/13 which called upon Member States to strengthen EROL at all levels. This resolution was influenced by the outcome of the UNEP-sponsored Symposium on Environmental Rule of Law, which was convened during the first UNEA. The Symposium brought together Chief Justices, Attorneys General, Judges, Chief Prosecutors, Auditors General, legal scholars, practitioners, and experts to explore how further development and implementation of EROL can support sustainable development.
- In 2015, the international community adopted the 2030 Agenda for Sustainable Development. Among the Sustainable Development Goals (SDGs), SDG 16 emphasizes that EROL creates peaceful and inclusive societies premised upon access to justice and accountable and inclusive institutions.
- In 2016, UNEP collaborated with The International Union for Conservation of Nature (IUCN) in the convening of the original First World Environmental Law Congress, which produced the "IUCN World Declaration on the Environmental Rule of Law," which further clarified the importance of EROL as the legal foundation for the advancement of sustainable development.
- Also, in 2016, The Global Judicial Institute on the Environment (GJIE) was founded, representing another milestone in the IUCN World Commission on Environmental Law's (WCEL) longstanding efforts to advance and strengthen environmental law around the world. Alongside the International Association of Judges (IAJ), the Asian Development

Bank (ADB), the Organization of American States (OAS), the EU Forum of Judges for the Environment (EUFJE) and others, UNEP was an important player in the inception of GJIE.

- In 2018, the Special Rapporteur for Human Rights and the Environment presented his report on framework principles on human rights and the environment to the 37th session of the Human Rights Council. The principles establish the basis for a possible international human right to a healthy environment.
- Most recently, in May 2019, the Global Pact for the Environment ad hoc open-ended working group adopted a resolution that recommends that the UN General Assembly explore further ways to foster EROL and advance the implementation of environmental law at all levels.

B. Objectives and Outputs

53. The stated aims of the project were to:

- Increase the effectiveness of environmental law frameworks in countries.
- Increase the effectiveness of institutions charged with the responsibility of environmental protection.
- Increase the effectiveness of compliance and enforcement mechanisms.

54. The project consisted of four levels of intervention, which correspond to the four Outputs of the project:

Output 1	Enhanced awareness and emerging global consensus on the core elements of EROL.
Output 2	Knowledge, information and guidance to support the development and implementation of EROL provided.
Output 3	Enhanced coherence and coordination of EROL policy and guidance within the UNEP system.
Output 4	EROL implementation strategies developed and tested in 5 countries.

C. Stakeholders

55. The primary stakeholders under this project were the judges, prosecutors, attorneys-general, and auditors who participated in the global and regional colloquia on EROL under Output 1. The primary stakeholders in relation to the knowledge products that were generated under Output 2 are the full spectrum of government officials, environmental enforcement officers, and other law professionals who have benefitted from the resources. The primary stakeholders under Output 3 are the members of the UN Rule of Law Coordination and Resources Group.

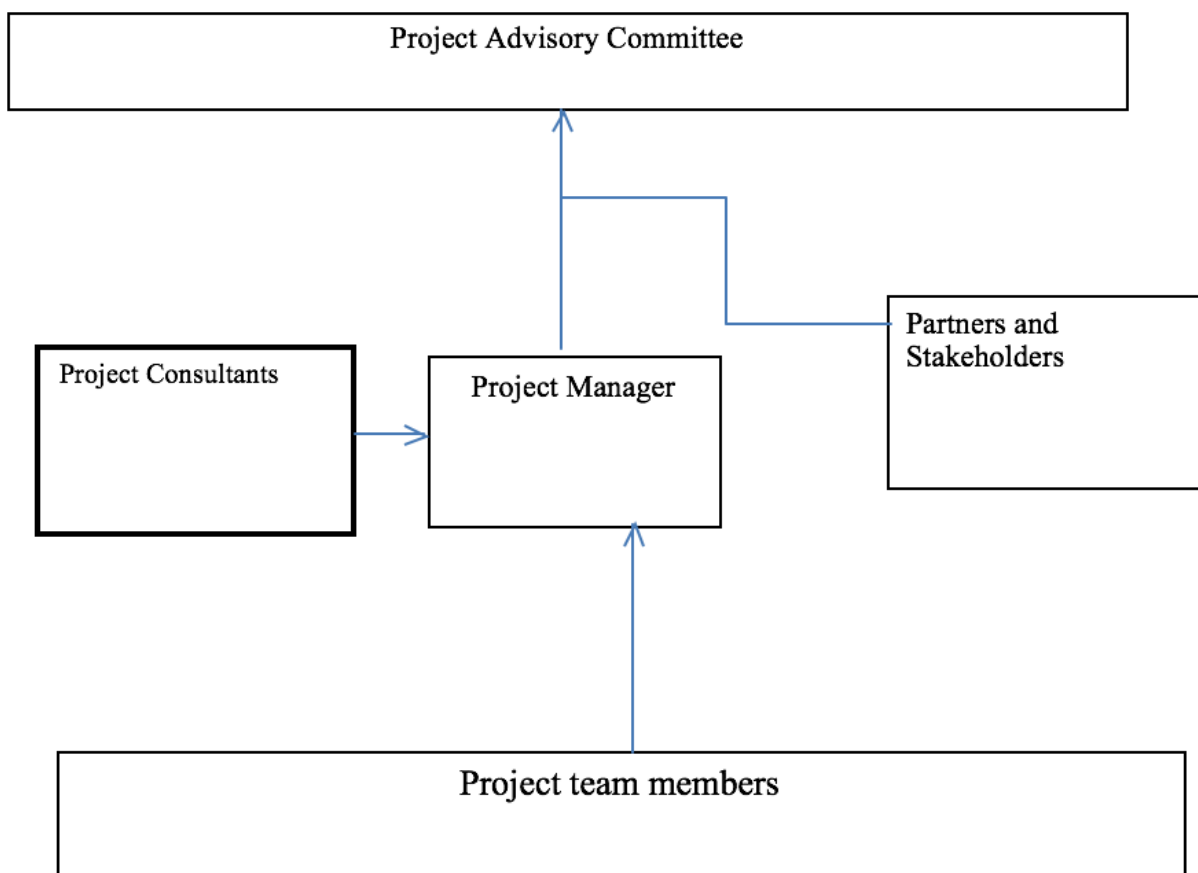
56. The project was implemented in close collaboration with the UN's Rule of Law Coordination and Resource Group, GLOBE International, The EUFJE, The OAS, the INTOSAI Working Group on Environmental Auditing, the World Bank, the International Network for Compliance and Enforcement, and other important actors such as the IUCN, the Center for International Environmental Law, and the Environmental Law Institute.

D. Project implementation structure and partners

57. The project was managed by the UNEP Division of Environmental Law and Conventions (DELIC)⁵. The Project Document referred to a project advisory committee, which was comprised of members of the International Advisory Council on Environmental Justice. Some of the Advisory Council members were interviewed for this project. The project manager had overall responsibility for execution of the activities. The Environmental Governance focal points in the regional offices played important roles in delivering the activities at national and regional levels. Figure 2 provides an overview of the project's implementation structure.

⁵ Now renamed the Law Division

Figure 2: Implementation structure as contained in the original project document



E. Changes in design during implementation

58. There were significant changes in the activities implemented during the project lifetime. The original approved Project Document, however, was not amended and the changes were never formalised through an institutionally approved revision process. These changes are captured in a series of tables in the Effectiveness chapter below.

59. These tables provide an overview of which project activities were executed and which new activities were 'rolled into' the project. It is important to highlight that there were no formal project revision documents that authorised these changes.

60. The formally approved project documents and any subsequent formally approved revisions thereof define and specify the results to be achieved and provide the framework against which judgements must be made for accountability purposes. Evaluations must assess performance against the formally approved intent. Project documents and their revisions represent the formally approved results commitments made with respect to delivery against the Programme of Work. It is important to emphasise the need for clear and transparent changes to

approved project designs. Changes to the activities undertaken in connection with this project were not formally documented despite UNEP standard rules and procedures for project management. The evaluation notes and appreciates the extremely hard work and high level of dedication of the Law Division staff and understands that change processes represent additional time and effort. **However, this is an important project management shortcoming that needs to be addressed by the Law Division in their management of on-going and future projects.**

F. Project financing

Table 3: Budget Summary

Type of Funding	Source of Funding	2014	2015	2016	2017	US\$ Total	
Cash Budget	Environment Fund activity budget	100,000	0	0	0	100,000	
	Regular Budget activity budget	0	0	0	0	0	
	Extra budgetary Funding (posts + non-post costs)	Donor funding secured	86,075	70,875.88	0	0	156,400
		Programme Support Costs (8%-NFL)	6886	6163.12	0	0	13,600
		OAS contribution		50,000	0	0	50,000
		Subtotal secured XB funding	192,961	127039	0	0	320,000
		Unsecured XB funding ^[2]	0	218,036	365,075	270,075	853,186
		Unsecured PSC costs (at 8%)	0	23,606	29,206	21,606	74,418
		Total unsecured funding	0	241,642	394,281	291,681	927,604
	Total Project Cash Budget (=EF or RB activity budget + Secured and unsecured XB funding)	192,961	368,681	394,281	291,681	1,247,604	
	In-Kind Contribution	Environment Fund post costs:					
40% of one P4 (DELC)		37,720	75,440	75,440	75,440	264,040	
100% of one P3 (DELC)(XB post)		94,000	188,000	188,000	188,000	658,000	
20% of one P4 (DELC)		18,860	37,720	37,720	37,720	132,020	

Terminal Evaluation for Environmental Rule of Law

	5% of one P4(DELC/ROA)	4715	9430	9430	9430	33,005
	5% of one P4(DELC/ROAP)	4715	9430	9430	9430	33,005
	5% of one P4(DELC/ROLAC)	4715	9430	9430	9430	33,005
	5% of one P4(DELC/ROE)	4715	9430	9430	9430	33,005
	20% of one G5 (DELC)	4510	9020	9020	9020	31,570
	20% of one G5 (DELC)	4510	9020	9020	9020	31,570
	5% of one P3(DELC/ROWA)	3823	7645	7645	7645	26,758
	30% of one P3 (DELC)	22,935	45,870	45,870	45,870	160,545
	Total UNEP In-Kind Contribution	205,218	410,435	410,435	410,435	1,436,523
Total UNEP managed project budget (=project cash budget + UNEP in-kind contribution)		398,179	779,116	804,716	702,116	2,684,127

[1] A detailed project budget shall be provided as Annex VI.

[2] i.e. funding still to be mobilized

IV. EVALUATION FINDINGS

Table 4: Evaluation rating

Evaluation Criteria	Rating	Score	Weight	Weighted Score
Strategic Relevance	Highly Satisfactory	6	6	0.3
Alignment to UNEP Expected Accomplishments	Highly Satisfactory			
Relevance to Regional, sub-regional and national needs	Satisfactory			
Complementarity with existing interventions	Satisfactory			
Quality of Project Design	Moderately Satisfactory	4	4	0.12
Nature of External Context	Favourable	5	n.a.	n.a.
Effectiveness	Moderately Unsatisfactory	2.67	45	1.30
Delivery of outputs	Unsatisfactory	2	5	
Achievement of direct outcomes	Moderately Unsatisfactory	3	30	
Likelihood of impact	Moderately Unlikely	3	10	
Financial Management	Highly Unsatisfactory			0.1
Completeness of project financial information	Highly Unsatisfactory			
Communication between finance and project management staff	Highly Unsatisfactory			
Efficiency	Moderately Satisfactory	4	10	0.4
Monitoring and Reporting	Unsatisfactory	2	5	0.1
Monitoring design and budgeting	Unsatisfactory			
Monitoring of Project Implementation	Unsatisfactory			
Project Reporting	Unsatisfactory			
Sustainability	Moderately Unlikely	4	20	0.6
Socio-political sustainability	Moderately Likely			
Financial sustainability	Moderately Unlikely			
Institutional sustainability	Moderately Likely			
Factors Affecting Performance	Moderately Satisfactory	4	5	0.2
Preparation and readiness	Moderately Unsatisfactory			
Quality of project management and supervision	Moderately Unsatisfactory			

Stakeholder participation and cooperation	Satisfactory			
Responsiveness to human rights and gender equity	Moderately Satisfactory			
Country ownership and driven-ness	Satisfactory			
Communication and public awareness	Satisfactory			
Overall Rating	Moderately Unsatisfactory	Total	100	3.20

A. Strategic Relevance

61. Overall, the rating of the Strategic Relevance of the project 'Highly Satisfactory'.

A.1 Alignment to UNEP Expected Accomplishments (Highly Satisfactory)

62. The relevant Expected Accomplishment from UNEP's POW 2014 - 2015 is to "strengthen the capacity of countries to develop and enforce laws and strengthen institutions to achieve internationally agreed environmental objectives and goals, and to comply with related obligations is enhanced."

63. Against this backdrop, it is evident that the intended results will contribute to the Expected Accomplishments for the following reasons:

- The overriding objective of the project is to strengthen the capacity of countries to develop and implement EROL and to foster coordinated environmental rule of law assistance in the UN system. This objective directly contributes to the above noted expected accomplishment. The process of strengthening the capacity of countries to develop and implement the environmental rule of law directly enhances their ability to protect environmental resources. The following explanation of all the project Outputs highlight all the ways that the project contributes to building the capacity of countries along the lines of the Expected Accomplishment noted above.
- The first Output: "Enhanced awareness and global consensus on the environmental rule of law" contributed to the capacity building of judges and other enforcement officials.
- The second Output: "Knowledge, information and guidance to support the development and implementation of environmental rule of law" enhanced overall awareness about EROL and helped to foster consensus on the importance of the rule of law in the field of environmental protection.
- The third Output: "Enhanced coherence and coordination of EROL policy and guidance within the UN system" which has helped to improve the quality of the UN's rule of law assistance to member states with regards to environmental protection.
- The fourth Output: "Environmental rule of law implementation strategies developed and tested in 5 pilot countries." The objective is to strengthen the capacity of rule of law institutions.

A.2 Alignment to UNEP Programme Frameworks (Highly Satisfactory)

64. The project is directly relevant to UNEP's environmental governance sub-programme. This sub-programme assists governments to improve environmental decision-making and to apply national and international environmental law.

65. As the project document indicates, this project contributes to the program of work output consisting in the provision of legal and technical support to strengthen the capacity of all enforcement officers to advance justice, governance and law for environmental sustainability.

66. The project also strengthens the regulatory and institutional capacity of countries to address national environmental priorities, and this is at the core the UNEP mandate in all four of the Montevideo Programmes as well as the Bali Strategic Plan.

67. Over the past few years there has been an increase in UN efforts to address the rule of law. Building on this trend, UNEP hosted the World Congress on Justice and Law for Environmental Sustainability in 2012. The substance of the World Congress outcome was adopted by the UNEP Governing Council in 2013. Decision 27/9 affirmed the universal acceptance of the EROL. As the result of this decision, UNEP developed an EROL initiative, which is based in the Law Division. This work is also relevant to UNEP's environmental Rights Initiative, which works with governments to strengthen policy and legal frameworks for environmental rights. And of course, the project relates to the overarching aims of the Montevideo Programme to strengthen the capacity of countries to develop, implement and enforce environmental law.

A.3 Relevance to regional, sub-regional and national issues and needs (Satisfactory)

68. The project's objectives are related to global and regional issues because the project was executed through global and regional colloquia that convened. In addition, the project was intended to support 5 pilot countries to develop EROL implementation strategies. However, there were insufficient funds to execute this last Output.

A.4 Complementarity with existing interventions (Satisfactory)

69. The project relates directly to UNEP's mandate for capacity building in environmental law. Indeed, this mandate has been strengthened over the years, which is reflected by a number of important UN decisions starting with the 1975 UNGA decision to call upon the UNEP Executive Director to provide technical assistance to developing countries in the area of environmental law. This mandate was reinforced by the 1982 Montevideo Programme on environmental law, which has provided environmental law capacity building for the past 40 years. To that end, this project directly relates to the Law Division's work over the past years to strengthen the Montevideo Programme, in response to the mid-term review that was carried out under the ambit of the Law Division project entitled "Progressive Development of International Environmental Law". Equally important is the project entitled "Strengthening Institutional Capacity in Environmental Law" (SICCEL) and "Progressive Development of International Environmental Law" (PD). Combined with EROL, these projects have had the effect of strengthening the capacity of government policymakers, judges, prosecutors and the police to more effectively advance environmental law objectives in different spheres of government.

B. Quality of Project Design

70. Overall, the rating of the Quality of Project Design was ‘Moderately Satisfactory’

Figure 3: Summary breakdown of ratings for the Project Design Quality as assessed for the original project document

Intended results and causality	Moderately Satisfactory
Efficiency	Satisfactory
Sustainability/replication and catalytic effect	Satisfactory
Risk identification and social safeguards	Moderately Satisfactory
Governance and supervision arrangements	Moderately Satisfactory
Management, execution and partnership arrangements	Moderately Satisfactory
Financial planning and budgeting	Moderately Unsatisfactory
Monitoring	Moderately Unsatisfactory
Evaluation	Satisfactory

B.1 Intended results and causality (Moderately Satisfactory)

71. The design project aimed to build the capacity of states to develop and implement environmental rule of law and to foster a coherent and coordinated environmental rule of law assistance within the UN system in order to advance the contribution of justice, governance, and law to environmental sustainability.

72. This project objective was indeed realistic considering the following factors:

- The political importance and significance that Member States attach to EROL through UNEP’s Governing Council Decision 27/9 and the World Congress.
- The specific nature of the Outputs.
- The expertise and knowledge of the partners.
- The financing available. On this matter, it should be highlighted that less than 50% of the budget was available at the time of budget approval. This proved problematic in the achievement of intended results.

73. The project design should be seen as a first step in an ongoing programmatic effort that should continue under Montevideo V.

74. The theory of change set out in the original project document was a good starting point. However, in the reconstructed theory of change more detail about assumptions and drivers was provided which will help to determine overall logic of the pathways.

The anticipated project outcome refers to enhanced coherence of EROL within the UN system and strengthened capacity of countries to develop EROL. The planned time frame in the ProDoc was rather too optimistic. As noted above, these outcomes will take a much longer time frame. These outcomes should be integrated into the Montevideo V in order to ensure that the project Outputs are fully realized.

B.2 Efficiency (Satisfactory)

75. The project design built on work already undertaken as part of UNEP's long-standing work in promoting the environmental rule of law. Furthermore, there was considerable intended collaboration with a wide range of partner organisations active in the relevant regions/countries to allow UNEP to leverage and capitalize on existing expertise and funding as mobilized from the relevant partners.

B.3 Sustainability/replication and catalytic effect (Satisfactory)

76. The project had a clearly defined strategy for project sustainability, replicability and mainstreaming. The approach that was used by the project involved the direct engagement by national institutions in the EROL training. This approach is consistent with the broader principle of national ownership that has been promoted by the United Nations in recent years.

77. Another important dimension of the sustainability and replicability of the project was the production of high-quality knowledge and guidance material. Another important dimension of sustainability and replicability is that this project was executed in parallel with two other important Law Division environmental law projects (SICCEL, PD), which were also designed to increase the overall capacity of Member States to develop and implement environmental law.

B.4 Risk identification and social safeguards (Moderately Satisfactory)

78. The risks are appropriately addressed in the Project Risk Log [see Annex III] and further impact drivers and assumptions, which are a form of risk, are included in the Theory of Change. As noted above, environmental risks associated with the project were not considered. There were no assumptions indicated in the Theory of Change.

79. The project document briefly describes five project-associated risks, rating the severity of impact in each case. While these risks are identified, the project does not go into sufficient detail about their impacts beyond severity level. Furthermore, risks identified are limited entirely to the viability of the project and do not consider any potentially harmful effects of the project on the local contexts it is attempting to influence.

B.5 Governance and supervision arrangements (Moderately Satisfactory)

80. The project governance structure is comprehensive, clear and appropriate. The project hierarchy is identified and it is noted that overall guidance was anticipated from the Environmental Law and Conventions Branch. The Project Manager and the focal points' roles and responsibilities were clearly defined. Other roles and responsibilities could have been

defined in more detail. The supervision and oversight arrangements for the project managers were clear. The value of the project's internal and external partners to the project is explained in detail. However, the description of their roles and responsibilities in the project is rather undeveloped.

B.6 Management, execution and partnership arrangements (Moderately Satisfactory)

81. The roles and responsibilities were reasonably well explained for both internal and external partners.

B.7 Financial planning and budgeting (Moderately Unsatisfactory)

82. The key point to be raised in this section is the fact that at the time of approval a large proportion of the project budget was unsecured (i.e. USD 927,604). This is contrasted with the secured funding noted in the proposed budget in the amount of USD 320,000. Another point to be made is the fact that very little staff time was allocated to higher level results monitoring, making later evaluation more difficult.

B.8 Monitoring (Moderately Unsatisfactory)

83. The log frame identifies a very narrow set of progress indicators. These are primarily quantitative output measures such as the number of guidance tools produced or the number of expert meetings held. The ProDoc does not present a sufficient monitoring plan because of the lack of detailed performance measures.

B.9 Evaluation (Satisfactory)

84. The project document highlights the importance of the evaluation being carried out in full conformity.

C. Nature of the External Context

85. Overall, the nature of the external context was assessed as 'Favourable'.

86. The external context (that takes into consideration the prevalence of conflict and natural disasters) had no distinguishable impact on the implementation or outcome. Relevance to the political context and its occasional minor effects on project operations are explored in the section on socio-political factors.

D. Effectiveness

87. Overall, the rating for Effectiveness was assessed as 'Moderately Unsatisfactory'.

Table 5: Evaluation Breakdown for Effectiveness

Criterion	Rating	Comments
Delivery of outputs	Unsatisfactory	This criterion receives a low rating for the simple reason that the evaluation must formally consider activities that were included in the project document or most recent formally approved revision.

		Had there been an appropriate formal revision, all the other activities that were executed could have been included in the scope of this evaluation. When totaling the deliverables that have been identified in the project document and counting the 5 pilot strategies as 5 separate deliverables, the execution rate is 6/20, meaning a 30% execution rate, which is why the rating is unsatisfactory. The evaluation team fully recognizes that the project team has done a lot more than the ratings suggest; however, changes should have been documented with an official revision.
Achievement of direct outcomes	Moderately Unsatisfactory	Notwithstanding all the anecdotal evidence that is highlighted below for each of the project components, the evaluation must consider only the outcomes that pertain to the outputs that were delivered within the formally approved project results framework. Considering that the project only executed 30% of the deliverables that were highlighted in the project document, the rating for outcomes is commensurate with the activities that were executed from the ProDoc.
Likelihood of impact	Moderately Unlikely	This rating is low because it covers the effects stemming from what was formally delivered within the scope of the ProDoc.

88. This chapter on effectiveness is organised as follows:

- Each of the project's four Outputs is presented individually.
- At the start of each of the four Output sections, a reconstructed Theory of Change is presented and used as the basis for the subsequent analysis of the achievement of activities, outputs, outcomes, intermediate states and intended outcomes.
- Each of the four Output sections also includes a table that summarises which activities were executed (or not), and which new activities were informally 'rolled into' the Output. i.e. informally considered by the project team as part of the project.

89. As an important caveat, it should be highlighted that none of the activities specified in the approved Project Document under Output 2 (knowledge products) or 4 (EROL national strategies) were executed. For Output 2, pre-existing knowledge products were 'rolled into' the project. For Output 3 (promotion of EROL within the UN system), some activities were not executed, in large part this is attributed to a leadership vacuum at UN Headquarters within the UN Rule of Law Coordination and Resource Group. And for Output 4, the proposed delivery of EROL national strategies were not replaced by other activities. Moreover, the Global Report was published after the project was formally closed, therefore it cannot officially be included in the activities that are evaluated in this report. Although, the Law Division has suggested that the case studies that were compiled for the First Global Report on the Environmental Rule of Law, were used to replace the original activities under Output 4 these were never formalised through project revisions. Notwithstanding the significance and value of the Global Report as a knowledge product, it does

not substitute for the in-country support that was originally envisaged for the development of national EROL strategies.

90. This leads the evaluation team to address the larger challenge, notably whether the substitution of knowledge products in Outputs 2, the reduced number of activities under Output 3, and the non-delivery of activities in Output 4 in any way undermined the realisation of the project outcome “Enhanced coherence and coordination of environmental rule of law policy and guidance within the UN System and strengthened capacities countries to develop and implement environmental rule of law”.

91. In order to address this question, the evaluation reconstructed two project level Theories of Change (in addition to the Theories of Change that have been prepared for each Output) as represented below in Figures 5 and 6. The first meta-level Theory of Change includes all of the activities that were highlighted in the project document. The second project level Theory of Change includes the activities that were actually executed.

92. What these two Theories of Change reveal is indeed the notable gaps in the delivery of activities (as explained above). The most important gaps are two-fold, namely the non-delivery of all of the EROL-specific knowledge products and the non-delivery of the country assistance to develop national EROL strategies.

93. That said, the overall success with regard to the activities that were executed has enabled the three project results (which were included in the project document - page 11) to be achieved in varying degrees. The three project results are:

- Increase the effectiveness of environmental law frameworks in countries.
- Increase the effectiveness of institutions charged with the responsibility of environmental protection
- Increase the effectiveness of compliance and enforcement mechanisms,

94. With regard to the first anticipated project result, there has been notable success with the first goal “Increase the effectiveness of environmental law frameworks in countries”. The global and regional colloquia on EROL have equipped enforcement actors and policy-makers with knowledge, tools and resources to strengthen environmental law frameworks. Similarly, the knowledge products that were published and informally ascribed to Output 2 (i.e. the First Global Report on the Environmental Rule of Law, State of Knowledge of Environmental Crimes, Model Law on Lead Paint) have equipped countries with resources such as EROL best practices and lead paint legal model law frameworks that are increasingly being up-taken at country level.

95. As regards the second result “Increase the effectiveness of institutions charged with the responsibility of environmental protection”, there is growing anecdotal evidence to suggest an emerging causal link between the EROL judicial training and the increased effectiveness of judicial institutions in environmental adjudication. New environmental jurisprudence demonstrates that judges are indeed playing a more informed and effective role in enforcing environmental legislation. It should be emphasised that environmental law training activities have been delivered under the ambit of other Law Division projects (such as Strengthening Institutional Capacity) and the synergies between these projects have resulted in a growing volume of

knowledge that is being used by Government officials, magistrates, prosecutors, legislators and other environmental enforcement officials.

96. As regards the third result, “Increase the effectiveness of compliance and enforcement mechanisms,” whilst it is still early to establish a firm causal link, it is important to emphasise that UNEP’s First Global Report on the Environmental Rule of Law has reinforced the increasing connection between strengthened environmental rule of law and improved compliance and enforcement.

97. As regards the project outcome of raising awareness about the environmental rule of law within the UN system, it is also fair to suggest that despite the reduced number of activities, UNEP did succeed in raising awareness as evidenced in concrete references to the importance of the environmental rule of law in the UN Secretary-General’s Annual Reports on the Rule of Law (which were published during the project life). As a result of UNEP’s engagement in the UN Rule of Law Coordination and Resource Group and involvement in UN system-wide retreats and GA discussions, UNEP has contributed to a new appreciation of the alignment between the environmental rule of law and the UN Charter’s fourth pillar (i.e. rule of law). This is an important development, which has in turn, contributed to the recognition of the environmental rule of law in the Global Pact on the Environment and in the recognition of the importance of continuing to promote EROL activities in the Fifth Montevideo Programme.

98. As regards the fact that the EROL national strategies were not developed, this meant that the five pilot countries were not equipped with the assistance that would have been needed to put in place national EROL processes.

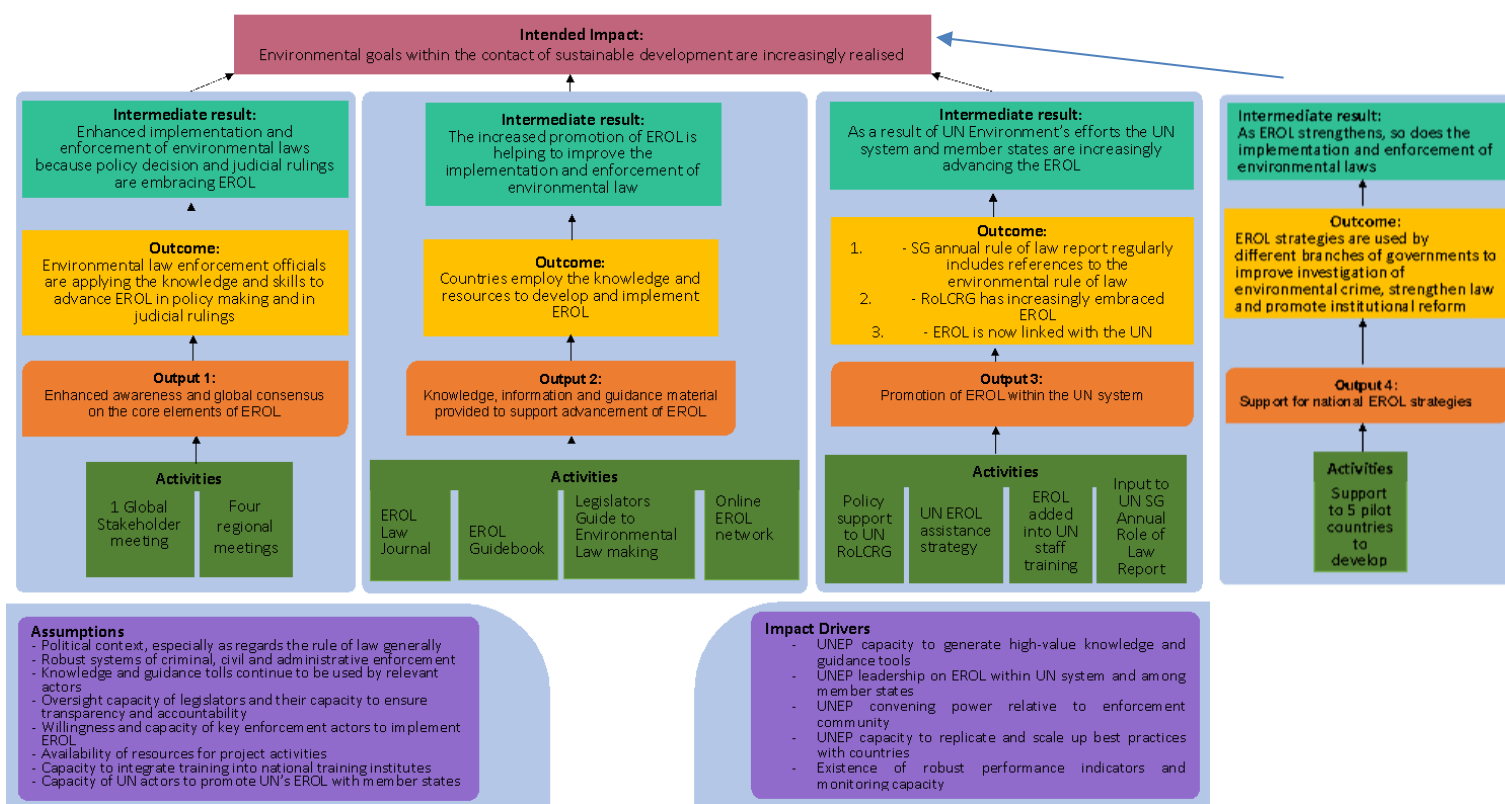
99. It should also be noted that evaluation ratings are given with respect to the results frameworks specified in the formal project document, or formally approved project revisions. The fact that there were many informal changes to this project has had an adverse effect of the performance ratings. The evaluation report has however fully documented, in a narrative form, the achievements associated with the UNEP’s recent work on EROL.

100. Looking forward, the evaluation understands that UNEP is planning to explore options for developing these strategies under the ambit of the Fifth Montevideo Programme. With the publication of the First Global Report on the Environmental Rule of Law, the extensive media coverage has demonstrated a growing interest in the concept among policy-makers and enforcement officers. As a result, the Law Division plans to develop a follow-up report that tracks country-level performance in the development and implementation of national EROL efforts. The Montevideo national focal points are expected to play an important role in contributing input on country performance.

Terminal Evaluation for Environmental Rule of Law

Figure 4: Reconstructed Theory of Change based on the activities in the Project Document

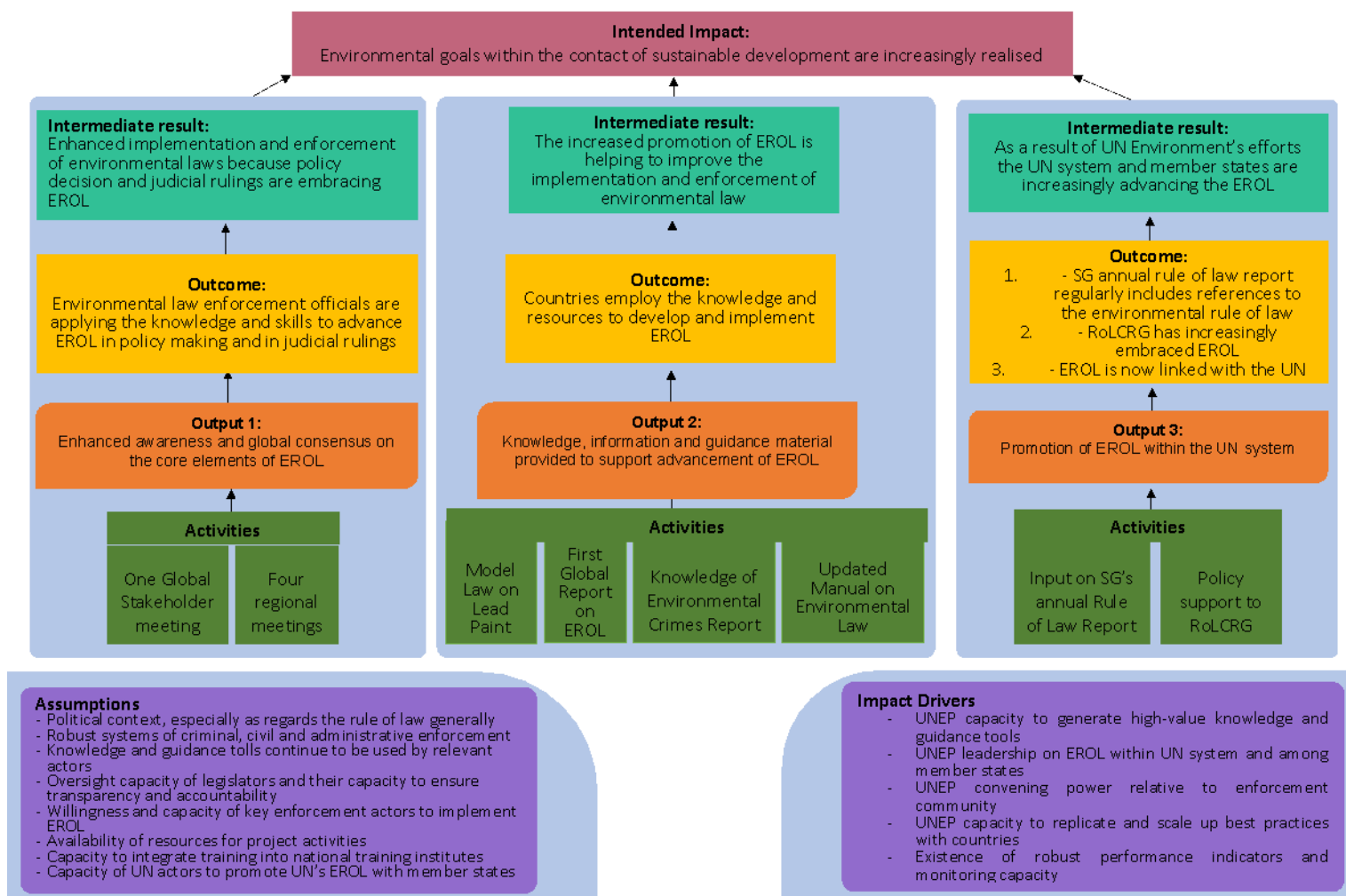
Reconstructed Theory of Change based on the activities in the Project Document



Terminal Evaluation for Environmental Rule of Law

Figure 5: Reconstructed Theory of Change based on the actual activities that were executed

Reconstructed Theory of Change based on the actual activities that were executed



D.1 Output 1

Enhanced awareness and global consensus on EROL

Introduction

101. This Output had as its aim the enhancing of awareness and global consensus on the key elements of the environmental rule of law. It did so through a series of colloquia at the global and regional levels which convened judges, prosecutors, governments representatives and enforcement officials in order to deepen understanding and build consensus around the environmental rule of law.

102. As Table 7 below highlights, many of the Output 1 activities in the ProDoc were executed by the project team. However, there are a number of caveats that should be made:

- The regional expert and stakeholder meeting was never convened and this was not reflected in any project reporting.
- The Asia-Pacific regional meeting was actually convened before the project approval and start date. However, the project document does state that the project would rely on the outcome of the 2013 Asia-Pacific symposium that was held in Malaysia.
- As regards to the EU Forum of Judges for the Environment, their regional colloquium was not convened until March 2019, almost two years after the project was formally closed.
- As regards the report of core elements of EROL, this report is not referred to in description of Output 1. However, it is referred to as a milestone in the project logframe, which refers to the expected completion date of December 2016. Due to a number of reasons, this report was only published in January 2019, well after the formal close of the project. This change was never formally documented in project reporting. Therefore, this activity cannot be included in this evaluation. The Global report is nevertheless described for the purposes of completeness under Output 2, which deals with knowledge products.

Table 6: Overview of activities executed under Output 1

Project activities	Execution of activity		Documented in this Report
Original activities outlined in ProDoc			
First Regional Expert and Stakeholder Meeting	No		
Global Symposium on EROL*	Yes	June 2014 in Nairobi	
Asia Pacific regional meeting	Yes	Pre-project start in 2013	Yes
LAC regional meeting	Yes	Jamaica 2015 Santiago 2017	Yes

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Africa regional meeting	Yes	Nairobi 2015	Yes
EU Forum of Judges	Yes	After project completion (Geneva 2019)	Yes
Report of core elements of EROL	Yes	Published January 2019 (after project closed)	Yes (in Output 2 of this report)
New activities	No new activities added to project delivery		

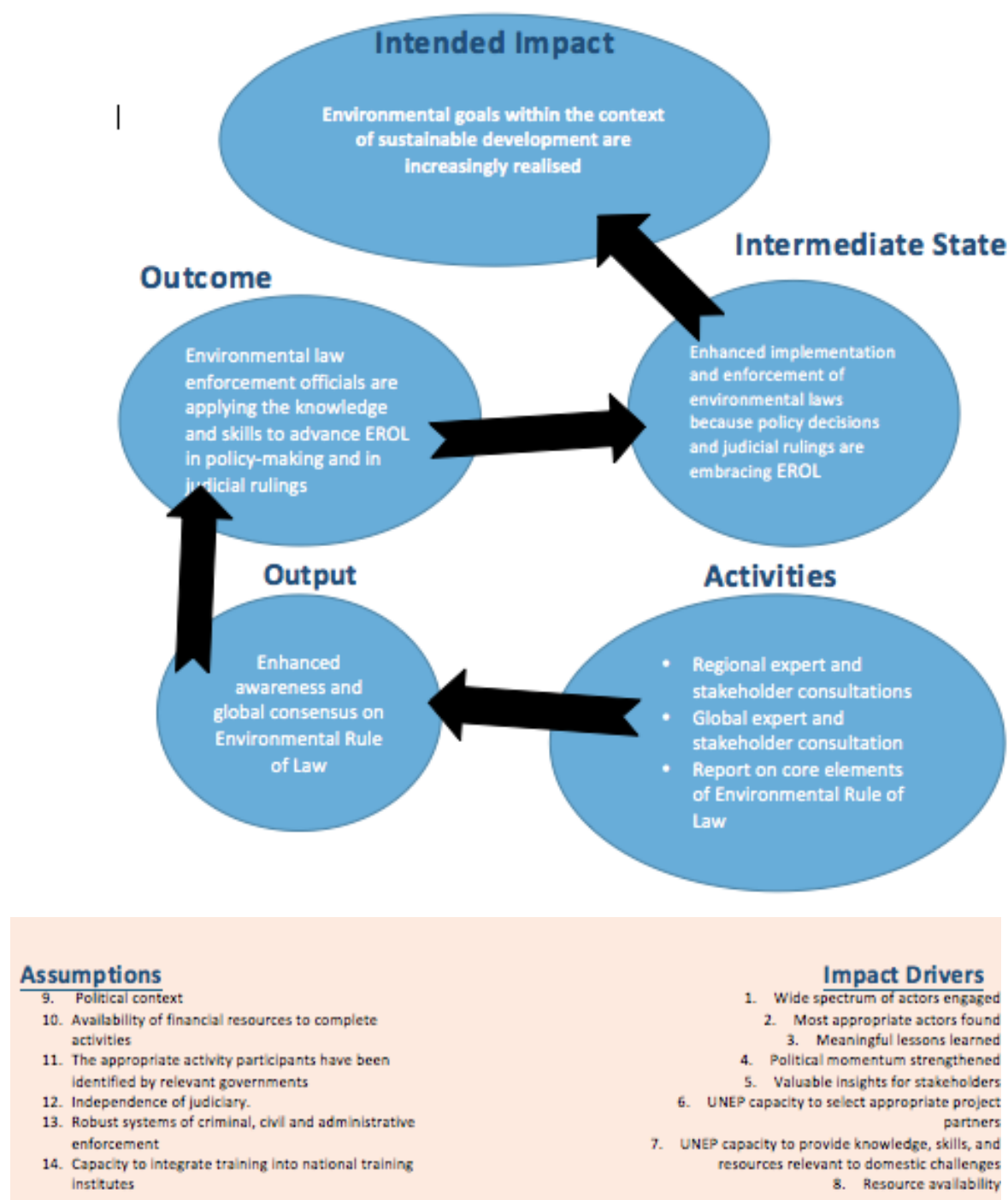
* This was completed before the project had been formally approved (it appears in the project document as a milestone for delivery in 2015)

Introduction to the reconstructed Theory of Change

103. There are three important comments that should be emphasised in regard to the reconstructed Theory of Change:

- The evidence of outcome is now characterised as ‘environmental law enforcement officials are applying the knowledge and skills to advance EROL in policy-making and judicial rulings’. Against this backdrop, this directed our search for evidence for examples of how governments and judiciary have been concretely applying knowledge on EROL, which was generated through the UNEP processes that are described in detail in this Output. Among governments, the primary evidence of uptake is related in UNEA resolutions which have firmly established the wide-spread acceptance by governments of the concept. Similarly, there is increasing evidence of uptake by the judiciary, reflected in a number of important high-profile rulings not to mention the willingness of judges to engage in regular judicial training activities, and to support the inclusion of environmental law curricula in national judicial training institutes.
- The evidence of the achievement of the intermediate state is referred to as ‘improved implementation and enforcement of environmental laws because of the increased uptake of the environmental rule of law concept. As described below, it is too early to firmly assert that causal link. However, there is growing recognition within the UN system that the environmental rule of law does indeed contribute to a culture of compliance.
- The intended impact is described as ‘environmental goals are increasingly realised’. Once again it is premature to draw any conclusions about the impact of UNEP’s work on Environmental rule of law and the increased realisation of global environmental goals. However, there is emerging anecdotal evidence to suggest that the environmental rule of law is contributing to enhanced implementation and enforcement of environmental laws. And where this is the case, it is reasonable to presume that increased implementation of law and policy will contribute to the increased realisation of the global goals that are enshrined in multilateral environment agreements and domestic environmental legislation.

Figure 6: Reconstructed Theory of Change, Output 1



Delivery of activities under Output 1

Global Symposium on the Environmental Rule of Law (Nairobi, Kenya, June 2014)

104. The Global Symposium was convened at the first United Nations Environment Assembly (UNEA). It convened Chief Justices, Heads of Jurisdiction, Attorneys General, Auditors General, Chief Prosecutors, lawyers and legal experts to raise awareness about the importance of the environmental rule of law. The outcomes and recommendations were forwarded to UNEA-1. **It should be emphasised that the Global Symposium was convened before the project was formally approved in late 2014.**⁶ However, it set the stage for the successful regional symposia that were organised during the project life.

First Asia and Pacific International Colloquium on Environmental Rule of Law (Putrajaya, Malaysia, 2013)

105. The First Asia and Pacific International Colloquium on Environmental Rule of Law was convened by UNEP in Malaysia in December 2013. The meeting generated the Putrajaya Statement on Environmental Rule of Law, which reaffirms the concept of the environmental rule of law and highlights the importance of this aspect of the rule of law in relation to the Sustainable Development Goals. The project document refers to the Malaysia meeting as the regional symposium for the Asia-Pacific region, despite the fact that it had already been convened before the project was formally approved. In January 2017, Chief Justice of Malaysia YAA Tun Arifin bin Zakaria highlighted the regional and national impact (in Malaysia) of the 2013 Colloquium in a speech at the Opening of the Legal Year 2017. He noted that the meeting was a first step towards building, through a regional process led by UNEP, the United Nations Environmental Programme (UNEP), and Asian Development Bank, consensus on the precise benchmarks for the further development, implementation, and measurement of the environmental rule of law. In Malaysia, the uptake of the Colloquium was reflected in the establishment of the National Judicial Working Group on the Environment in 2015. Its main function is to educate members of the Judiciary on environmental law.⁷

First Inter-American Congress on the Environmental Rule of Law (Montego Bay, Jamaica, April 2015)

⁶ Note that the formal scope of this project evaluation with respect to ratings against evaluation criteria is defined by the timeframe, activities and results specified in the formally approved project document – there were no formal revisions to the project document.

⁷ In Malaysia, the concept of the environmental rule of law has also filtered down to the State and District level by the establishment of similar judicial working groups on the environment. The aim has been to disseminate environmental law knowledge to all levels of the judiciary in Malaysia. The Chief Justice also affirmed Malaysia's commitment to follow in the footsteps of India, the Philippines, and Indonesia, who have made strides in environmental law and enforcement. He also affirmed the commitment of the Malaysian Judiciary to promulgate a set of Environmental Rules of Court to facilitate and bolster the practice of environmental law in our courts.

106. The first Inter-American Congress on the Environmental Rule of Law was convened by the Organization of American States (OAS), UNEP, the International Union for Conservation of Nature (IUCN) World Commission on Environmental Law (WCEL), and the Caribbean Court of Justice (CCJ). The meeting stems from a partnership between UNEP and the OAS to promote the environmental rule of law. Over 120 participants, including Chief Justices, Parliamentarians, Attorneys General, Prosecutors, high level practitioners, civil society organizations, and intergovernmental organizations attended the Congress. The meeting focused on thematic and procedural elements of the environmental rule of law in the Americas and provided an opportunity to work towards achieving a common understanding of the concept of the environmental rule of law. The meeting contributed to the integration of UNEP's environmental rule of law principles into the work of the OAS. As a result of the meeting, the OAS integrated environmental rule of law principles into its Sustainable Development Agenda. Other examples of uptake included: regular convening of an EROL congress; creation of an Inter-American Judicial Capacity Building Program on Environmental Rule of Law; and development of an Inter-American Strategy for Public Participation in Sustainable Development Decision Making.

Second Inter-American Congress on the Environmental Rule of Law (Santiago, Chile, September 2017)

107. With the support of the Supreme Court and other authorities of Chile, as well as other key partners, the General Secretariat of the OAS (GS/OAS), UNEP, and the World Commission on Environmental Law of the International Union for the Conservation of Nature (WCEL-IUCN) convened the second Congress on the Environmental Rule of Law. The Congress reinforced the importance of partnerships such as between the OAS, UNEP and the IUCN World Commission on Environmental Law, other intergovernmental organizations, and civil society should be strengthened to support the environmental rule of law. The Congress also highlighted the need for continued engagement from: judges; prosecutors; parliamentarians and auditors, in the development and implementation of environmental law in the areas of: pollution prevention and control; water law; trade investment and environment; conflict prevention and management; access rights and environmental enforcement.

First African Colloquium on Environmental Rule of Law (Nairobi, Kenya, 2015)

108. The First Africa Colloquium on Environmental Rule of Law was organized by UNEP, the Office of the Chief Justice of Kenya, the Konrad Adenauer Foundation and the Judiciary Training Institute of Kenya (JTI). The Colloquium convened over 160 judges, prosecutors, auditors, civil society NGOs, government representatives, and a plethora of other related authorities in the environmental, legal and enforcement community, to help develop and implement the environmental rule of law and define a new future for environmental justice, governance and law in the African Region and beyond. The Colloquium concluded with the Nairobi Statement, which calls upon African countries to improve environmental rule of law efforts, especially in relation to public participation, access to justice, integration of environmental law into the curricula of judicial and other training institutes, establishment of a regional network, and the development of a Principle 10 instrument for the region.

Judicial Colloquium on “SDG16: Role of the Judiciary in Promoting the Rule of Law in Environmental Matters” (Geneva, Switzerland, 2019)

109. This event falls outside the scope of the formally approved EROL project, and hence the evaluation – occurring after the project formally closed. It is relevant to the UNEP’s work on EROL and is included here for completeness. The Judicial Colloquium was convened in March 2019, by the United Nations Economic Commission for Europe in cooperation with UNEP, Office of the High Commissioner for Human Rights Special Procedures, Organization for Security and Co-operation in Europe, IUCN World Commission on Environmental Law, Global Judicial Institute on the Environment, European Union Forum of Judges for the Environment, and the Association of European Administrative Judges. Whilst this event was convened after the project ended, it was envisaged in the project document.

110. The event gathered representatives of the judiciary, judicial training institutions and other review bodies and experts (from 30 countries of the Pan-European region and beyond) to: explore how best to strengthen the capacity of the judiciary to handle environmental cases; and apply constitutionally-entrenched environmental rights and to promote the environmental rule of law. Some of the Colloquium achievements included an environmental rule of law network under the auspices of the Aarhus Convention’s Task Force on Access to Justice. The outcomes of the Judicial Colloquium informed the 2019 Regional Forum on Sustainable Development for the UNECE Region.

Achievement of outcomes under Output 1

Evaluating the outcomes against the reconstructed Theory of Change

111. Analysing the uptake of the concept of the environmental rule of law based on qualitative data, with underdeveloped methods for monitoring it, makes the assessment of achievement of outcomes quite challenging. However, there is enough evidence that progress has been made.

112. According to the reconstructed Theory of Change, evidence of outcome is characterised as “environmental law enforcement officials are applying the knowledge and skills to advance EROL in policy-making and judicial rulings.”

Evidence of uptake among governance

113. Among governments, the primary evidence of the uptake of the environmental rule of law concept is reflected in UNEA resolutions, such as UNEA Resolution 2/19, which calls for the midterm review of the Montevideo Programme IV (in 2015). In that resolution, Member States requested support from UNEP to implement the environmental rule of law. This was an important turning point because it firmly established the widespread acceptance by governments of the concept and reinforced their need for tools and knowledge products to implement environmental rule of law.

Evidence of uptake by the judiciary

114. Uptake by the judiciary is reflected by the increasing recognition of the environmental rule of law in environmental jurisprudence. In the words of the Rt. Hon. Lord Carnwath of Notting Hill, CVO, Supreme Court of the United Kingdom, “the environmental rule of law is now an

established concept.” Importantly, a very recent Indian High Court ruling specifically refers to the UNEP First Global Report on Environmental Rule of Law.⁸ The environmental rule of law is one of the foundations upon which the High Court rejected the environmental assessment of a proposed international airport.

115. Several of the judges that were interviewed for this evaluation confirmed that one of the reasons the judiciary has rapidly adopted the concept of the environmental rule of law is the role that UNEP has played in bringing together judges and other environmental enforcement officers who would not otherwise have had the opportunity to meet. UNEP have also facilitated a widening of the geographic scope of the network of judges and other enforcement actors. This in turn has helped to elevate awareness and understanding of the concept of the environmental rule of law.

116. UNEP’s regional colloquia have also provided important platforms for the advancement of environmental rule of law. There has been positive uptake with many of the regional processes. For example, the results of the Inter-American Colloquia on the Environmental Rule of Law were instrumental in a 2018 Inter-American Court of Human Rights landmark advisory opinion, which affirmed the right to a healthy environment.⁹

117. Another important example of impact in the LAC region is the Escazù Agreement on Environmental Rights.¹⁰ During negotiations that took place between 2012 and 2018, the UNEP played an important role in advancing the concept of the environmental rule of law. Their input had a concrete impact on the process and outcome of the actual negotiations. In addition, the continued active involvement of several judges who are members of the UNEP International Advisory Council has also helped to elevate the concept of the environmental rule of law among their brethren.

118. There is growing evidence of Environmental Rule of Law being integrated into judicial rulings in countries such as Chile, Colombia, Peru, and Brazil. One particularly important ruling was authored by Mr. Justice Juan Carlos Clavijo, who participated in one of the judicial trainings. This ruling is a landmark case that was argued before Colombia’s Constitutional Court. The Court formally recognized the rights of the Atrato River to “protection, conservation, maintenance and restoration.” In pronouncing the legal rights of the river, the Court succeeded in guaranteeing the fundamental rights of the communities that inhabit its banks. Elsewhere in Brazil, Justice Antonio Benjamin has championed Environmental Rule of Law in several of his own judgments in the National High Court, one relating to the protection of the Emerald Coast of Rio de Janeiro, another relating to the protection of the Brazil nut tree.

119. In Africa, following on the Maputo Greening Judiciary Forum, African judges agreed to take Environmental Rule of Law more seriously and to integrate environmental law into the

⁸ Menezes, Vivek. “Goa Turbulence Throws Light on Mega Projects.” *Livemint* (April 25, 2019).

⁹ “Inter-American Court upholds healthy environment as a human right.” ESCR-Net (February 15, 2018)

¹⁰ “Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.” ECLAC (2018)

national training curricula of all African judicial training institutes. This would not have happened without the opportunity for African judges to first meet and discuss Environmental Rule of Law at the 2012 Nairobi Global Symposium on Environmental Rule of Law. Even though the 2012 meeting is outside the scope of this evaluation, UNEP's rule of law work that preceded this project has played a critical role in contributing to the success of the processes that were convened during the life of the project. This is important to emphasise because it reinforces the significant value of UNEP's work in promoting EROL.

Achievement of intermediate states and intended impacts under Output 1

Evaluating the higher level results against the reconstructed theory of change

120. According to the reconstructed Theory of Change, evidence of the achievement of intermediate states would take the form of improved implementation and enforcement of environmental laws because of the increased uptake of environmental rule of law.

121. Emerging evidence of the causal link between environmental rule of law and improved implementation.

122. It is far too early to assert that causal link. However, there is growing recognition within the UN system that the environmental rule of law is beginning to contribute to a culture of compliance. UNEP's 2019 Global Report on Environmental Rule of Law has identified a number of areas where the causal link is indeed emerging.¹¹

123. First, according to UN human rights officials, the environmental rule of law has reinforced the importance of environmental constitutionalism in helping to expand standing rights to individuals, enabling them to bring forth environmental legal challenges in the courts system. This is contributing to increased enforcement, because in many jurisdictions, the judiciary are increasingly equipped with stronger legal foundations upon which they can hold governments and other violating parties accountable.

124. Second, the environmental rule of law has also helped to contribute to the strengthening of environmental institutions, notably in relation to the importance of transparency, accountability and participation of government bodies and in the creation of a growing number of environmental courts and tribunals.

125. Third, the emergence of the environmental rule of law has provided the judiciary with additional legal foundations with which to enforce environmental procedural rights, in relation to access to information, participation and justice. This point has been reinforced by several of the judges who were interviewed for this evaluation.

126. Fourth, at the highest political level, notably the United Nations Environment Programme's Governing Council, in June 2012, governments agreed in a unanimous resolution that "the violation of environmental law has the potential to undermine sustainable development and the implementation of agreed environmental goals and objectives at all levels

¹¹ "Environmental Rule of Law: First Global Report". *United Nations Environment Programme* (2019)

and that the rule of law and effective governance play an essential role in reducing such violations.”

D.2 Output 2

Knowledge, Information and guidance to support the development and implementation of environmental rule of law provided

Introduction

127. This Output had as its aim the development of a wide range of knowledge and guidance tools to support countries in developing and implementing the environmental rule of law. The knowledge and guidance tools that were to be developed under the project included: an environmental rule of law journal, a guidebook on environmental rule of law, a legislator's guide on environmental law making and an online network on environmental rule of law.

128. As Table 9 highlights, none of these activities were executed. Instead, the project team rolled a number of other pre-existing activities into the project scope. This was done without any formal project revision approval. The activities that were substituted, and which are documented in this report include the following:

- Model Law on Lead Paint
- First Global Report on EROL
- Knowledge of Environmental Crimes Report
- Updated Manual on Environmental Law

129. Since none of these activities were officially approved as a part of the project, they fall outside the formal scope of the work that the evaluation considers in rating the delivery of outputs. However, in the interest of understanding and documenting UNEP's work on EROL, the evaluation report has documented work informally considered by staff as relating to this project.

Table 7: Overview of activities executed under Output 2

Project activities	Execution of activity	Documented in Evaluation Report
Original activities outlined in ProDoc		
Environmental rule of law journal	No	No
Guidebook on environmental rule of law	No	No
Legislators Guide to Environmental Law Making and Oversight	Yes	Yes
Online network on environmental rule of law	No	No
New activities		

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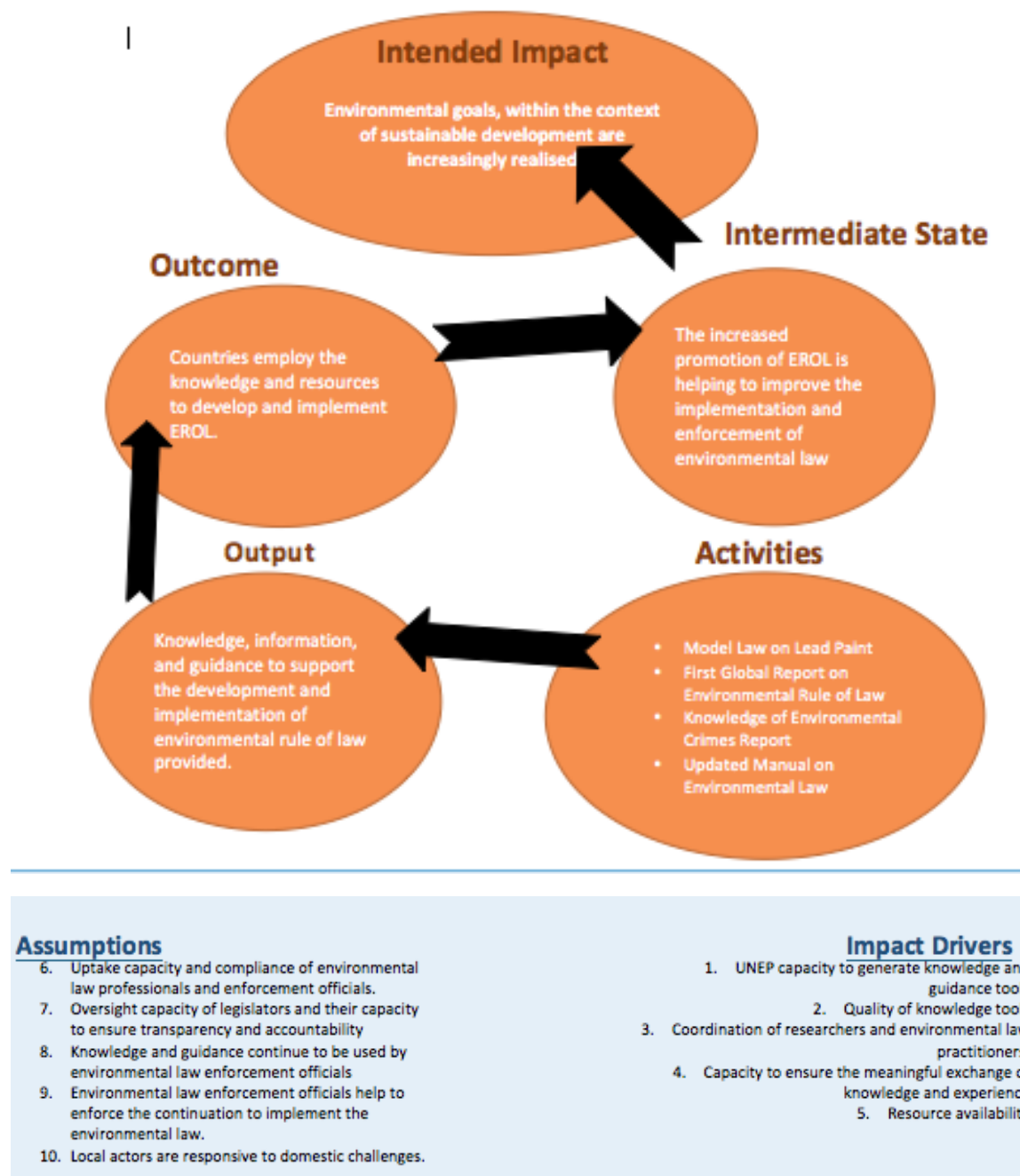
Model Law on Lead Paint	Yes	July 2017	Yes
First Global Report on EROL	Yes	January 2019 (published after project closed—see above)	Yes
Knowledge of Environmental Crimes Report	Yes	August 2018 (published after project closed)	Yes
Updated Manual on Environmental Law	Yes	Check date	Yes

Introduction to the reconstructed Theory of Change for Output 2

130. There are several important comments that should be emphasised in regard to the reconstructed Theory of Change for Output 2:

- The evidence of outcome is now characterised as ‘countries employ the knowledge and resources to develop and implement EROL’. As with Output 1, the search for evidence was directed to examples of how countries have in fact used and applied the knowledge products. As explained below, there is ample evidence regarding the uptake of the model law on lead paint by countries around the world. UNEP is in fact working with over 40 countries currently to revise their lead paint legislation based on the model law. As regards the Global Report on Environmental Rule of Law, one of the most important examples of uptake is the reference to the report in the recent Indian High Court decision. As regards the State of Knowledge of Environmental Crimes Report, whilst UNEP is not formally tracking uptake, there is emerging evidence of countries developing environmental crime legislation drawing on the best practices contained in the report.
- The evidence of the achievement of the intermediate state is referred to as ‘the increased promotion of EROL is helping to improve the implementation and enforcement of environmental law’. As described below, it is too early to firmly assert that causal link. However, there is growing recognition within the UN system that the environmental rule of law does indeed contribute to a culture of compliance.

Figure 7: Reconstructed Theory of Change, Output 2



Achievement of the activities under Output 2

131. The original Project Document had identified the following four activities that were to have been executed under the project:

- Environmental Rule of Law journal
- Environmental Rule of Law Guidebook
- Legislators guide to environmental law-making and oversight
- Online network on environmental rule of law

132. According to the project team, because of a combination of limited financial and human resources, these above noted activities were never executed. However, it should be emphasised that the Global Report on EROL (which was originally referred to in the first Output of this project) was indeed published, albeit after the project term had ended.

133. The Global Report on EROL is documented in this Output along with the other new activities that were rolled into Output 2:

- Model Law on Lead Paint
- State of Knowledge of Environmental Crimes Report
- Updated Manual on Environmental Law

134. It should be emphasised that there were never any formal project revision documents to formalise the changes in project activities. This is an important process issue that will have to be addressed in future projects to ensure that the project documents are respected as important accountability mechanisms. The achievements relating to EROL have been recorded in this report but evaluation ratings are strictly tied to the performance against the approved project document.

Achievement of the output under Output 2

135. As with Output 1, it proved to be very difficult to find empirically grounded evidence to support the achievement of Output 2. The output itself is framed in very general terms, notably “Knowledge, information and guidance to support the development and implementation of the environmental rule of law provided”. Moreover, the indicators in the project document were not particularly helpful, i.e. “number of environmental rule of law knowledge, information and guidance material developed”. There were no performance indicators to enable the assessment of progress towards outcomes and longer-term effects.

136. Nevertheless, based on the interviews with the project team and selected partners, it appears that the knowledge products listed above have been an important source of knowledge, information and guidance for Member States and other stakeholders.

Model Law on Lead Paint

137. The Model Law and Guidance for Regulating Lead Paint (Model Law) was developed in response to requests from governments for a solid example of legal text for a lead paint law that can be adapted or modified to fit a country’s existing legal system. As of June 2019, only 72

countries have legally binding controls to limit the production, import, and sale of lead paint, which is about 37 percent of all UNEP Member States. However, UNEP is currently working with over 40 countries to revise their lead paint legislation.

Global Report on EROL

138. Published in January 2019, the Global Report on the Environmental Rule of Law (Global Report) is the first ever and indeed, only, global assessment of the environmental rule of law. The Report draws on experiences, challenges, viewpoints, and successes of diverse countries around the world, highlighting global trends as well as opportunities for countries and partners to strengthen the environmental rule of law.

State of Knowledge on Environmental Crimes Report

139. The Knowledge on Environmental Crimes Report (Environmental Crimes Report) identifies evolving knowledge on environmental crimes as well as analysing approaches and practices to combat them. One of the key achievements of the Report was the clarity that it provided in terms of what offences constitute environmental crime as opposed to civil or administrative infractions. It is regarded as a valuable knowledge tool by UNEP officials who use it in their own advocacy work, promoting the concept of environmental crime at key expert meetings and conferences. Most recently, it has been used by UNODC in their work preparing a Legislative Guide for Environmental Crimes. At the regional level, the Environmental Crimes Report has also underpinned UNEP's support to countries in the development of legislation on environmental crime.

Manual on Environmental Law

140. The Manual on Environmental Law, first published in 2006, and now being updated by the Law Division, provides a comprehensive overview of the current body of environmental law. It is aimed at legal stakeholders from diverse backgrounds to enable them to more effectively advance environmental law at all levels. It was prepared by experts from each region of the world and is highly regarded in the environmental law community as an authoritative reference source. It should be noted that the work on the updating of the Manual continued beyond the formal duration of the project.

Achievement of outcomes in relation to the reconstructed Theory of Change

141. The reconstructed Theory of Change describes the outcome for this Output as “countries employ the knowledge and resources to develop and implement EROL”. Despite the lack of performance indicators, there is growing anecdotal evidence of uptake of the knowledge products.

142. There is no doubt that the UNEP knowledge products are well regarded by their target audience. They fill important gaps and provide Member States with the tools and resources needed to address environmental law challenges. They are exemplary in the highlighting of best practices of how countries can grow economically while protecting their environment.

Evidence of uptake of the Model Law on Lead Paint

143. For example, regarding the Model Law on Lead Paint, currently, UNEP is working with over 40 countries to revise their lead paint legislation. According to the United States Environmental Protection Agency, one of the founding members of the Global Lead Paint Alliance, there is concrete evidence that the Model Law is being adopted by a growing number of countries. Countries such as Brazil, Israel, Jamaica, Mexico, Moldova, Rwanda, South Africa, Ukraine, Vietnam and Zambia have all used the Model Law as a guide to draft and enact new legislation on lead paint.

144. It should also be emphasised that the Model Law is the only knowledge product (under this project) around which outcome monitoring efforts have been undertaken. The World Health Organisation (WHO) maintains a publicly accessible database on the status of lead paint laws, as one of its contributions to the Global Alliance. Using the WHO database, UNEP provides an annual update document with maps and analysis of the status of lead paint laws. Tracking has just begun regarding the details of whether new national lead paint laws incorporate key recommendations in the Model Law.

Evidence of uptake of the Global Report on Environmental Rule of Law

145. Regarding the Global Report on Environmental Rule of Law, only three months after the Report was published in January 2019, references to the Report were actually cited in an important environmental ruling of the Indian High Court.

146. The Indian High Court's reference to the Global Report and indeed inclusion of the concept of the environmental rule of law as one of the principles upon which the court refused the environmental approval, reinforces the high profile of the Global Report, made possible because of the extensive media coverage. The Law Division has tracked media coverage and is now beginning to correlate the media coverage together with the growing number of judges who are beginning to refer to the concept of the environmental rule of law. In terms of outcome monitoring, the Law Division will update the Global Report every two years. The First Report has provided an important baseline against which country progress will be evaluated. There are possible plans to develop an index to assess country performance. Through the Montevideo V Focal Points, countries will produce their own national state of EROL.

Uptake of the State of Knowledge of Environmental Crime Report

147. Regarding The State of Knowledge of Environmental Crime Report, this has been used by UNEP as well as Member States. The Report is regularly used by Law Division officials in their own advocacy work. Most recently, it was used as a key reference document in the revision of the UNODC Guide on Drafting Legislation to Combat Wildlife Crime.

148. The Environmental Crimes Report has also underpinned UNEP's support to countries in the development of legislation on environmental crime. For example, Argentina is in the process of introducing legislation on environmental crimes related to biodiversity. UNEP also supported Paraguay in the drafting of a chapter on environmental crimes in the criminal code, which will be debated in the Parliament next year. Judges have also been using the Environmental Crimes Report. UNEP has not been formally tracking the uptake by judges, but there is growing anecdotal evidence that they are taking notice of the Environmental Crimes Report and recognizing the need to equip themselves to deal with a growing number of environmental crime cases.

Achievement of intermediate states and intended impacts for Output 2

149. The reconstructed Theory of Change for Output 2 describes the intermediate state as “the increased promotion of Environmental Rule of Law is helping to improve the implementation and enforcement of environmental law”. The intended impact is the same for Output 1, i.e. “Environmental goals, within the context of sustainable development are increasingly realised.”

Emerging causal link between EROL and implementation and enforcement

150. As regards the achievement of the intermediate state, without rigorous monitoring relevant performance measures, it is difficult to draw empirically grounded conclusions. The key methodological challenge is to attribute UNEP’s work promoting the environmental rule of law with improved implementation and enforcement of environmental law. What can be asserted is the link between weak environmental governance and increasing ecological decline.

151. Indeed, in the Global Report on Environmental Rule of Law, UNEP has despite a 38% increase in environmental laws implemented since 1972, failure to fully implement and enforce these laws is one of the greatest challenges to environmental protection.

152. Using environmental crime as an example, it is clear that in order to attribute UNEP’s environmental rule of law work with increased implementation of environmental law, further tracking is essential to determine how environmental crimes have actually been dealt more effectively as a result of the knowledge on best practices that is contained in the Environmental Crimes Report.

153. Specifically, monitoring will need to track improvement in the detection of crime, the inspection and investigation of violations, and the creation of specialised police units to deal with the administration of criminal justice on environmental matters. In many cases, enforcement is of course critical but the prevention of environmental crime may be more effectively achieved through other measures that promote voluntary compliance and administrative sanctions. Therefore, it will be essential to create performance indicators to track improvement in the prevention of environmental crime.

D.3 Output 3

Enhanced coherence and coordination of environmental rule of law policy and guidance within the UN System

Introduction

154. This Output had as its aim the enhancing of coherence and coordination of EROL policy and guidance within the UN. The key activities that were identified in the project document, as highlighted in Table 10 below, included the following:

- Provide technical and policy guidance on EROL within UN Rule of Law Coordination and Resource Group
- Incorporation of EROL into UN SG Annual Report on Rule of Law
- Development of EROL strategy in context of rule of law assistance

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- Inclusion of EROL into unified rule of law training programme offered by UN Staff College

155. The last two activities were not executed. However, UNEP did participate in several UN system-wide retreats and made presentations to the UN GA Sixth Committee on illegal trade in wildlife and the importance of EROL.

Table 8: Overview of activities executed under Output 3

Project activities	Execution of activity		documented in this Report
Original activities outlined in ProDoc			
Provide technical and policy guidance on EROL within UN Rule of Law Coordination and Resource Group	Yes	2014-2017	Yes
Incorporation of EROL into UN SG Annual Report on Rule of Law	Yes	2015	Yes
Development of EROL strategy in context of rule of law assistance	No		No
Inclusion of EROL into unified rule of law training programme offered by UN Staff College	No		No
New activities			
Participation in UN system wide retreats and presentations to the UN GA Sixth Committee on illegal trade in wildlife and importance of EROL	Yes	2014-2017	Yes

About the reconstructed Theory of Change for Output 3

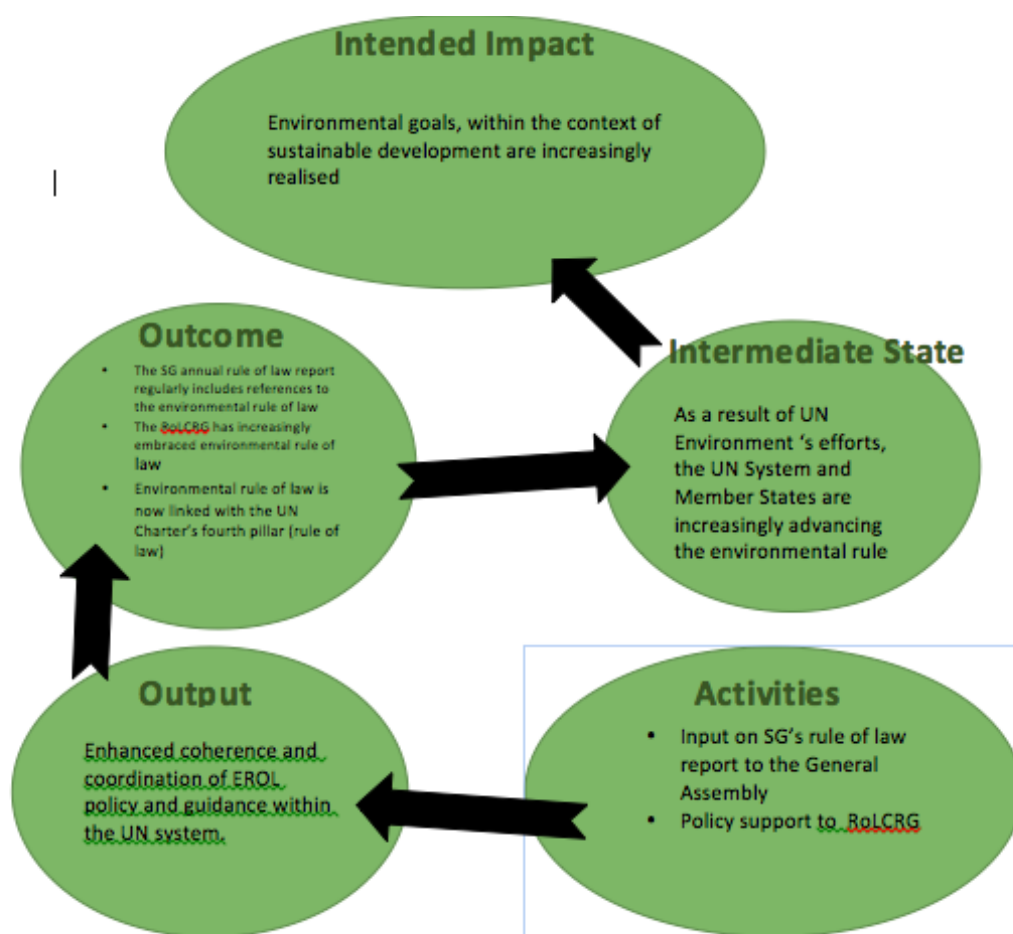
156. There are two important comments that should be emphasised in regard to the reconstructed Theory of Change for Output 3:

- The evidence of outcome is now characterised as:

- The SG annual Rule of Law Report includes references to EROL.
 - RoLCRG has increasingly embraced the concept of EROL.
 - EROL is now linked with the UN Charter's fourth pillar (i.e. the rule of law).
- Overall, UNEP has succeeded in dissemination EROL knowledge within the RoLCRG and has succeeded in ensuring EROL language in the SG's annual Rule of Law Reports in 2015 and 2016. Moreover, by participating in UN system wide retreats, UNEP has been able to promote EROL as being directly linked to the UN charter's fourth pillar (i.e. the rule of law).
- The intermediate state is referred to as 'a result of UNEP's efforts, the UN system and member states are increasingly advancing the environmental rule of law'. The acceptance of the EROL concept by member states in UNGA discussions on the rule of law as well as UNEA resolutions that promote EROL is regarded as evidence, since UNEP has been the most prominent actor in promoting this concept from a baseline of limited acceptance across member states.

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Figure 8: Reconstructed Theory of Change, Output 3



Assumptions

3. Willingness of all UN entities to implement EROL into their technical assistance.
4. Willingness of UN Actors to work cooperatively to promote EROL in UN system.
5. Recognition of the importance of UN actors in EROL.
6. Capacity of UN actors to promote UN's EROL unified approach with Member states

Impact Drivers

1. UNEP leadership on the EROL in UN system
2. UNEP capacity to demonstrate EROL in the ongoing rule of law initiatives developed by other actors.

Achievement of the activities in relation to the reconstructed Theory of Change for Output 3

157. During the life of the project, the United Nations Rule of Law Coordination and Resource Group (RoLCRG) had reduced its activities due to lack of personnel at UN headquarters. As a result, the Law Division did not execute all of the activities that were envisaged in the Project Document, such as the Environmental Rule of Law Assistance Strategy, nor the incorporation of the Environmental Rule of Law in the unified rule of law training offered by the UN Staff College.

158. The activities that were executed under the life of the project included:

Participation by UNEP in the United Nations Rule of Law Coordination and Resource Group (RoLCRG)

159. Participation by UNEP in the United Nations Rule of Law Coordination and Resource Group (RoLCRG) to raise awareness about the importance of the rule of law in addressing environmental challenges. The RoLCRG has the overall leadership role for promoting the rule of law within the UN system. It ensures that the UN addresses new realities, such as the importance of the rule of law in addressing environmental challenges. The membership of the RoLCRG has grown to include 20 UN bodies that have important normative Outputs in their mandate. UNEP is one of 20 UN bodies that are members of the RoLCRG. Whilst the RoLCRG was created in 2012, before the start of this project, during the 2014-2017 project term, UNEP contributed its environmental rule of law expertise to the RoLCRG.

EROL input for UN SG Annual Report on Rule of Law

160. Provision of input on the importance of the environmental rule of law in the United Nations Secretary General's Annual report to the General Assembly on the rule of law.

Participation in system-wide retreats

161. Participation in system-wide retreats, and presentations to the General Assembly's Sixth Committee on the growing illegal trade in wildlife and the importance of the environmental rule of law in reversing this trend.

Achievement of the output in relation to the reconstructed Theory of Change

162. The Project Document refers to the output as "Enhanced coherence and coordination of environmental rule of law policy and guidance within the UN system". This is rather more like intermediate state language.

163. UNEP defines outputs as the goods and services provided by the project. With regard to this project Output, a more accurately framed output would be "Knowledge sharing and awareness-raising on the importance of the environmental rule of law within the UN system". Against that backdrop, despite limited activity of the UN RoLCRG, UNEP has helped in disseminating EROL knowledge within the RoLCRG. As described immediately below, UNEP has succeeded in elevating awareness regarding the importance of the environmental rule of law within the UN system, most notably through the UN Secretary General's Annual Report on the Rule of Law.

Achievement of the outcome in relation to the reconstructed Theory of Change for

164. The reconstructed Theory of Change describes the outcomes as follows:

- The SG Annual Report on the Rule of Law regularly includes references to the environmental rule of law concept;
- The RoLCRG has increasingly embraced the EROL concept.
- EROL is now linked with the UN Charter's fourth pillar on the rule of law

165. There are a number of important examples of how UNEP's work in promoting the environmental rule of law within the UN system has been applied and taken up:

- In the SG's annual rule of law report of 2013 and 2014, language was included that specifically referred to the threat that environmental crimes pose both to sustainable development and the rule of law. The reports also emphasised that sustainable development cannot be achieved without the rule of law. It is important to highlight that the formal start date for this project was November 2014 and both the 2013 and 2014 UN SG Report on Rule of Law were published before the formal start date of the project. This means that formally, this cannot be cited as a direct achievement of the project. It does reflect UNEP's influence in raising awareness about the linkage between the rule of law and robust environmental governance, albeit influence that pre-dated the start date of the project, and perhaps which was essential to UNEP's continued success in influencing the RoLCRG during the actual life of the project.
- Bearing this caveat in mind, it is interesting to note that UNEP was also instrumental in the inclusion of language on the relation between the rule of law and environmental protection in the 2014 UN Secretary- General Annual Report on the Rule of Law. Environmental rule of law language is not used per se, but the 2014 report states that "ensuring the rule of law in the exploitation of natural resources is essential to ensuring inclusive and sustainable economic growth and development and in respecting, protecting and fulfilling the human rights of persons."¹²
- In its 2015 Annual Rule of Law report "Strengthening and coordinating United Nations rule of law activities," the UN Secretary-General includes illustrative examples of the broad range of work covered by the United Nations entities that are members of the Rule of Law Coordination and Resource Group, notably UNEP. It refers specifically to UNEP's work scaling up the engagement of legislators and judges in the development and implementation of environmental law frameworks. The report also refers specifically to UNEP's work in "convening a number of important meetings on environmental rule of law". As well, the report refers to specific, and in some cases newly emerging, areas in the rule of law for the Assembly's consideration, including: extractive industries and natural resources; wildlife trafficking; environmental justice; human trafficking; transnational organized crime; counterterrorism; the relationship between the rule of law and sustainable development.¹³
- In its 2016 Annual Rule of Law report "Strengthening and coordinating United Nations rule of law activities"¹⁴, the UN Secretary-General referred to UNEP's progress in strengthening the environmental rule of law through activities in support of normative frameworks and institutions, such as: its Law and Environment Ontology portal to provide policymakers, citizens and researchers with environmental law information; the first Africa Colloquium on Environmental Rule of Law; and further to the Montevideo Programme for the Development and Periodic Review of Environmental Law, UNEP

¹² "Strengthening and Coordinating United Nations rule of law activities." *United Nations General Assembly* (2014)

¹³ "Strengthening and Coordinating United Nations Rule of Law Activities." *United Nations General Assembly* (2015)

¹⁴ "Strengthening and Coordinating United Nations Rule of Law Activities." *United Nations General Assembly* (2016)

convened experts to identify priorities and challenges regarding environmental crimes and other issues. Additionally, the SG report referred to the collaboration between UNEP, OHCHR and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment have supported projects on good practices, climate change and biodiversity.

Achievement of the intermediate state and intended impact in relation to the reconstructed Theory of Change for Output 3

166. The reconstructed Theory of Change refers to the intermediate state as “As a result of UNEP’s efforts, the UN system and its Member States are increasingly advancing the environmental rule of law”. As a result of UNEP’s efforts, the environmental rule of law is now broadly understood within the UN system as being linked to the UN Charter’s fourth pillar (rule of law). This is a conclusion that has been highlighted by Law Division officials, based on their participation in UN system-wide retreats and the responses they have received when making presentations to the 6th Committee.

167. The Law Division’s perception is that both UN officials and Member States now understand the importance of the growing illegal trade in wildlife, not just from an environmental conservation perspective, but also from a rule of law perspective.

168. With a seat at the table, UNEP has started to mobilise political support within the UN system for the concept of the environmental rule of law. This political support can be reflected increasingly in other intergovernmental forums such as the negotiation of the Global Pact for the Environment, which now in its draft state contains references to the importance of the environmental rule of law. Again, whilst the current project does not include any activities related to the Global Pact, it could be argued that UNEP’s efforts to raise awareness about the importance of EROL within the RoLCRG, are now spilling over to other important UN processes.

169. Against that backdrop, UNEP has succeeded in disseminating knowledge within the United Nations Rule of Law Coordination and Resource Group. As well, as a result of its work, it has succeeded in elevating the importance of the environmental rule of law within the UN system, most notably through the UN Secretary General’s Annual Reports on the Rule of Law. How this has actually influenced Member States has not been formally monitored by the project team. However, one important example of Member State acceptance of the concept of EROL is indeed reflected in the unprecedented 2014 UNEA resolution, wherein countries formally adopted the concept for the first time ever. However, this resolution was adopted before the start of the project.

E. Financial Management

170. Deemed ‘Highly Unsatisfactory’ by default in absence of the provision of financial information.

F. Efficiency

171. The overall rating for Efficiency is 'Moderately Satisfactory'.

F.1 Time Efficiency

172. The project was designed for a 3.5-year period starting in July 2014 with completion by December 2017. The time efficiency is questioned because certain activities were only executed after the project formally ended (such as the publication of the Global Report on EROL). Whilst these delays were beyond the control of the project management team, in future, risk identification should be more developed. The difficulty mobilising financial resources meant that none of the activities in Output 2 or 4 were executed. Time efficiency was affected by funding shortfalls which meant that activities had to stop, as noted above, or proceed at a slower pace.

F.2 Cost effectiveness

173. Cost effectiveness was achieved through the sharing of tasks and human resources with the project's partners, especially in the context of Output 1 with global and regional colloquia having been organised in full partnership with in-country actors.

F.3 Reducing UNEP's Environmental Impact

174. In this project, the primary environmental impact is the carbon footprint that was generated by all the travel by conference participants under Output 1. Despite the importance of face-to-face meetings, UNEP should consider conducting more meetings through web-based platforms. Further efforts to reduce travel related emissions would also enhance the legitimacy of UNEP's work.

G. Monitoring and Reporting

175. The overall rating for Monitoring and Reporting is 'Unsatisfactory'.

G.1 Monitoring Design and Budgeting (Unsatisfactory)

176. At the project launch, a monitoring plan existed which included the following elements:

- Six-monthly review in accordance with the UNEP Project Information and Management System (PIMS).
- Regular progress reporting.
- Annual Logical Framework Progress Reports.
- Risk management strategy in the event of output delays.
- Unified six-monthly financial and progress report.
- The logframe included indicators and means of verification as well as milestones. However, there were only quantitative indicators that captured activity level results. They did not capture higher-level results such as outcomes, intermediate states or intended impact. The monitoring framework did not provide for the tracking of results and progress towards the larger project aims, namely increasing capacity for development and implementation of EROL.

- The monitoring plan states that the monitoring team will monitor progress, but it does not elaborate on specific arrangements.
- There was no designated budget for monitoring.

G.2 Monitoring of Project Implementation (Unsatisfactory)

177. Judging from the sparse documentation on PIMS, it appears that there was not timely tracking of results and progress. There was very little project implementation data collected against the monitoring plan and project work plan.

G.3 Project Reporting (Unsatisfactory)

178. At evaluation, it was clear that there was very little documentation for project progress reporting. The data that were reported were not disaggregated. Moreover, the PIMS reporting did not include any detailed reporting on the different project Outputs.

H. Sustainability

179. The overall rating for Sustainability is 'Moderately Unlikely'. (The final rating awarded for sustainability of outcomes cannot be higher than the lowest rating attained across the sub-criteria as they are all considered to be potentially limiting factors).

H.1 Socio-Political Sustainability (Moderately Likely)

180. The sustainability of project outcomes has a high dependency on political factors such as the overarching political will of all three branches of government to develop, implement and strengthen EROL. There is strong ownership, interest and commitment among the three branches of government in many countries. This is reflected in the uptake of many of the projects EROL colloquia and knowledge products. It is also reflected by the request of enforcement officials in many countries for further capacity building support. One important example of ownership is reflected in the extent to which judges are taking on more ownership and agency for the organisation and implementation of judicial training. It is also reflected by the extent to which governments are using the knowledge products such as the Model Law on Lead Paint, which has been replicated in dozens of countries around the world. It should also be emphasised that the level of ownership is beginning to reach the levels, which have the power to sustain project outcomes, for example increasing acceptance by judges for the concept of EROL for important rulings.

H.2 Financial Sustainability (Moderately Unlikely)

181. Project outcomes have a high dependency on future funding. At this point, it is unclear as to what percentage of the requires future funding has been secured. It is assumed that the continuation of the EROL activities will be conducted under the ambit of the Environmental Laws Challenges Project. There is no evidence of an exit strategy.

H.3 Institutional Sustainability (Moderately Likely)

182. The sustainability of project outcomes has a high dependency on institutional support. In most cases, UNEP's support will be essential for the continuation of the support to government's

around the world to continue developing and strengthening the environmental rule of law. The project originally included the delivery of national EROL strategies. Lack of funding prevented the execution of these activities and UNEP is the most strategically placed to deliver this country level support. However, country level assistance will be essential moving forward. The absence of country level assistance would have been an effective mechanism to sustain the institutionalisation of direct outcomes. It should be emphasised that the development of the Montevideo V Programme has put in place a mechanism to support the capacity of governments to strengthen the development and implementation of environmental law.

I. Factors affecting performance

183. The overall rating for Factors affecting performance is 'Moderately Satisfactory'.

I.1 Preparation and Readiness (Moderately Unsatisfactory)

1. At the time of approval, only 26% of the total approved budget had been secured. This adversely affected the ability of the project team to execute all the activities that were originally highlighted in the ProDoc.

Project preparation and readiness was supported by the following:

- Annual costed workplan.
- Establishment of an Advisory Committee that consisted members of the International Advisory Council on Environmental Justice.
- Comprehensive and relevant stakeholder analysis.
- Legal agreements signed with partners in a timely manner.
- Staffing mobilisation undertaken in a timely manner.
- Establishment of appropriate and adequate governance arrangements.
- Measure taken to implement PRC recommendations.
- Period between project approval and the first disbursement was within months.

However, there were several important issues. The major problem with project readiness was the fact that at the time of project approval, close to 30% of the project budget had not been secured. This meant that activities had to be cancelled, which affected the ability of the project to achieve higher-level results. Other issues included:

- Lack of a comprehensive inception meeting held and reported on before the first disbursement.
- Lack of a detailed and compliant procurement plan.

- Lack of ESE safeguards assessment carried out with stakeholder participation.

I.2 Quality of Project Management and Supervision (Moderately Unsatisfactory)

2. The overall project management was effective in adapting to issues such as lack of funding. However, the sparse project reporting and lack of formal authorisation for project changes were problematic aspects of project management. Another hindrance was the lack of a steering committee that would have provided oversight and guidance. Notwithstanding these shortcomings, project staff demonstrated the capacity necessary to execute project activities.

I.3 Stakeholder Participation (Satisfactory)

3. Implementation was undertaken with a strong analysis of the key stakeholders such as judges and government officials and this is reflected by the systematic communication and outreach with the project partners. There have been strong efforts made by the project team to promote stakeholder ownership. This is reflected by the Law Divisions plans to provide increased support to the Montevideo focal points, who in turn will play an important role in exchanging learning and expertise.

I.4 Responsiveness to Human Rights and Gender Equity (Moderately Satisfactory)

4. There is no evidence of gender equity being considered in project design and implementation. Nevertheless, human rights were a central feature of the environmental rule of law and this is reflected in the extent to which substantive and procedural environmental rights were addressed in the colloquia and the first global report on EROL.

I.5 Country Ownership and Driven-ness (Satisfactory)

5. Country ownership was an important dimension of the project as reflected and described extensively above in the enhancement of capacity for key judicial, prosecution and enforcement officials.

I.6 Communication and Public Awareness (Satisfactory)

6. The project created important platforms for the exchange of learning and experience between key stakeholder such as judges and prosecutors. This exchange has been critical for driving change towards results beyond output.

V. CONCLUSIONS AND RECOMMENDATIONS

Inside the Conclusions and Recommendations Section

A. Conclusions

A.1 Overarching observations

A.2 Ratings table

A.3 Strengths and weaknesses for each of the three Outputs

B. Lessons learned

B.1 Summary overview of relationships between lessons learned and recommendations

B.2 Detailed explanation of lessons learned

C. Recommendations

C.1 Detailed explanation of recommendations for each of the three Outputs

A. Conclusions

A.1 Overall observations

7. This project has built on UNEP's critical role in the advancement of the concept of the environmental rule of law.

8. When the environmental rule of law was first discussed formally among the judiciary and other legal stakeholders at the 2012 Global Symposium on the Environmental Rule of Law, it was clear that there was considerable doubt about the merit of the concept. Many judges questioned the value of specifically qualifying the rule of law to the environment. However, over the seven years following the Symposium, UNEP has played a critical role helping to galvanize the concept and mobilize political support.

9. There is no doubt that the scope and volume of uptake at the global level would not have been possible without UNEP's efforts supporting legal stakeholders in the crystallising and implementation of the concept. The project helped to firmly place the environmental rule of law on the map, changing the normative landscape. Whereas in 2012, it was a foreign and poorly understood concept, now it is part of the environmental law lexicon.

10. One of the reasons that the judiciary has so favourably embraced the concept of the environmental rule of law is the role that UNEP has played in bringing together judges and other environmental enforcement officers at the global and regional levels.

11. UNEP's unique convening power has brought together actors who otherwise would not have had the opportunity to meet and exchange knowledge and best practices. These colloquia are importantly utilised by judges as platforms to discuss internationally applied experiences of EROL with other judges.

12. Under the ambit of this project, UNEP has been an active member of the United Nations Rule of Law Coordination and Resource Group (RoLCRG), which is chaired by the Deputy Secretary-General. The RoLCRG has the overall leadership role for promoting the rule of law within the UN system. It ensures that the United Nations is able to foresee new opportunities and address new realities, such as the importance of the rule of law in addressing environmental challenges. Through its membership in the RoLCRG, UNEP has actively promoted the environmental rule of law as a proven pathway for attaining the Sustainable Development Goals (SDGs). It has raised awareness within the RoLCRG that environmental rule of law provides a foundation for environmental rights and obligations and that without it, "the enforcement of legal rights and obligations, environmental governance may be arbitrary, discretionary, subjective, and unpredictable." The significance of UNEP's involvement in the RoLCRG relates to its success in linking its environmental rule of law work with what is commonly referred to as the fourth pillar of the UN Charter, notably the rule of law.

A.2 Evaluation ratings table

13. Using the UNEP criterion ratings table, the evaluation team concluded the following:

Table 9: Evaluation ratings table

Evaluation Criteria	Rating	Score	Weight	Weighted Score
Strategic Relevance	Highly Satisfactory	6	6	0.3
Alignment to UNEP Expected Accomplishments	Highly Satisfactory			
Relevance to Regional, sub-regional and national needs	Satisfactory			
Complementarity with existing interventions	Satisfactory			
Quality of Project Design	Moderately Satisfactory	4	4	0.12
Nature of External Context	Favourable	5	n.a.	n.a.
Effectiveness	Moderately Unsatisfactory	2.67	45	1.30
Delivery of outputs	Unsatisfactory	2	5	
Achievement of direct outcomes	Moderately Unsatisfactory	3	30	
Likelihood of impact	Moderately Unlikely	3	10	

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Financial Management	Highly Unsatisfactory			0.1
Completeness of project financial information	Highly Unsatisfactory			
Communication between finance and project management staff	Highly Unsatisfactory			
Efficiency	Moderately Satisfactory	4	10	0.4
Monitoring and Reporting	Unsatisfactory	2	5	0.1
Monitoring design and budgeting	Unsatisfactory			
Monitoring of Project Implementation	Unsatisfactory			
Project Reporting	Unsatisfactory			
Sustainability	Moderately Unlikely	4	20	0.6
Socio-political sustainability	Moderately Likely			
Financial sustainability	Moderately Unlikely			
Institutional sustainability	Moderately Likely			
Factors Affecting Performance	Moderately Satisfactory	4	5	0.2
Preparation and readiness	Moderately Unsatisfactory			
Quality of project management and supervision	Moderately Unsatisfactory			
Stakeholder participation and cooperation	Satisfactory			
Responsiveness to human rights and gender equity	Moderately Satisfactory			
Country ownership and driven-ness	Satisfactory			
Communication and public awareness	Satisfactory			
Overall Rating	Moderately Unsatisfactory	Total	100	3.20

A.3 Strengths and weaknesses of each of the three outputs

14. The key strengths and weaknesses for each of the three project outputs are summarised in the following three tables.

Table 10: Output 1, global and regional colloquia

Strengths	Weaknesses
The global and regional colloquia that UNEP has organised under the ambit of this project have been critical in crystallizing the EROL concept and in mobilising support for the concept among Member States. The project helped to firmly place the environmental rule of law on the map, changing the normative landscape.	Analysing the uptake of the concept of the environmental rule of law based nearly entirely on qualitative data, with under-developed methods for monitoring implementation. This makes the tracking of higher-level outcomes achievement more difficult.
The uptake of EROL on the part of the judiciary has been greatly facilitated by UNEP's steadfast efforts.	More efforts are needed to broaden the geographic scope of UNEP's work, not just with the judiciary, but with prosecutors, attorneys-general, auditors and other enforcement officials.
UNEP's unique convening power has brought together actors who otherwise would not have had the opportunity to meet and exchange knowledge and best practices.	With the expansion of standing rights, civil society organisations need more support to assist them in bringing forth legal action.
Governments have also fully endorsed the concept of the environmental rule of law, as evidenced by UNEA resolutions.	In light of the increasing uptake of the concept of the environmental rule of law by the judiciary, it is important to put in place a process that systematically tracks the development of jurisprudence. The new portal that UNEP is creating with the Global Judicial Institute will feature best practices on the environmental rule of law. This effort needs to be properly funded to ensure that there is the broadest geographic representation in the best practices and that there are opportunities for judges to meet face to face to exchange knowledge and experience in applying the concept in their environmental cases.
UNEP's regional colloquia have provided important platforms for the advancement of the environmental rule of law. These have stimulated the creation of processes such as the African	

Greening Judiciary Forum. UNEP's work also contributed to regional processes in LAC, such as the negotiation of the Escazú Agreement and in judicial rulings of the Inter-American Court of Human Rights.

Table 11: Output 2, knowledge products

Strengths	Weaknesses
In general, UNEP's knowledge products that were developed under this project are regarded and used as highly valuable reference documents. Uptake is clearly increasing.	Outcome monitoring has begun in some cases, such as the Model Law on Lead Paint. However in regard to other knowledge products, there is still work to be done accurately monitor progress in the uptake.
The Model Law on Lead Paint has been used by many countries in the development of their lead paint legislation. UNEP is now working with 40 countries to revise their legislation.	UNEP should expand the scope of its work with parliamentarians to ensure that they are properly equipped with the knowledge and resources to secure the adoption of new legislation.
The Global Report on the Environmental Rule of Law is the first ever, and indeed only global assessment. It has provided an important baseline against which UNEP will plan to update every two years. It has also catalysed a potential process of country assessments, which may feed into an index-based ranking.	The best practices do not always relate coherently to the different dimensions of the environmental rule of law that are captured in each of the chapters. This will become less of a problem once Montevideo focal points start monitoring country performance in the implementation of the environmental rule of law.
The Knowledge on Environmental Crimes Report has helped countries to understand the distinction between environmental crimes and misdemeanours. It is highly regarded by UN officials as a valuable tool in their advocacy work and most recently, it was used as a basis for UNODC in the development of their Legislative Guide for Environmental Crimes.	

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Table 12: Output 3, enhanced coherence and coordination of the environmental rule of law within the UN system

Strengths	Weaknesses
UNEP has succeeded in disseminating knowledge within the United Nations Rule of Law Coordination and Resource Group.	Limited resources prevented UNEP from executing several activities, such as the inclusion of the environmental rule of law in the UN rule of law assistance strategy, as well as the creation of the environmental rule of law training course with the Staff College.
UNEP has succeeded in elevating the importance of the environmental rule of law within the UN Secretary General's annual report on the rule of law. References to the environmental rule of law are regularly included in the annual report.	The lack of leadership within the United Nations Rule of Law Coordination and Resource Group (i.e. absence of head of unit) resulted in delay of the work that was envisaged under this Output.
As a result of UNEP's efforts, the environmental rule of law is now broadly understood within the UN system as being linked to the UN Charter's fourth pillar (rule of law).	

B. Lessons Learned and Recommendations

B.2. Summary overview of recommendations

Table 13: Summary of lessons learned and recommendations

Number	Issues / Problems	Recommendations and suggestions
(i)	Because of its inability to mobilise sufficient financial and human resources, the Law Division was unable to execute any of the activities in Output 2 and 4. Whilst the project team substituted important knowledge products in Output 2, there were no direct technical assistance activities to support EROL activities. As the concept of EROL becomes increasingly embraced by countries, it is expected that their needs for support to develop national strategies will increase. Another problem that became evident is the importance of diligent reporting and	The Law Division should increase support to individual countries in developing EROL national strategies. Mobilising earmarked support will be critical if it is to step up its country work. The Law Division better monitor its compliance with all SOPs set-out in the UNEP Programme manual, especially with regard to formal approvals of project revisions.

	formal approval of project changes. None of the changes in project implementation were formally approved. Management accountability is tied to formally approved project documents.	
(ii)	The experience with the Model Law on Lead Paint has been highly positive. Countries have used the Model Law around the world to develop their own national legislation to eliminate lead from paint. Countries are increasingly requesting UNEP to provide model laws in a number of other areas. Such support appears to be one of the most valued UNEP resources.	From its work with national EROL strategies, the Law Division should distil a common template to be used for the development of other national strategies.
(iii)	Montevideo focal points are an important resource. They can provide invaluable insights into countries' progress in the implementation of the environmental rule of law.	Opportunities availed by technology for virtual meetings and information repositories - such as webinars, e-learning and developing multimedia interactive tools - should be explored by the Law Division to deliver environmental rule of law expertise and case study experiences to Montevideo focal points, and various stakeholders in general, in a user-friendly and cost effective way.
(iv)	UNEP has a proven track record with its judicial training initiatives. Tailoring its training to the specific needs of different enforcement actors has been well received. The work is highly valued by judges around the world.	The Law Division should continue to build on successful training initiatives with the judiciary and other enforcement officials and provide more EROL best practices from around the world. With reference to Point 3 above, such initiatives can be successfully bolstered by technology platforms.
(v)	In parallel with the advancement of the environmental rule of law, standing rights around the world are expanding. Civil society organisations need support in designing litigation strategies, for collecting evidence, dealing with scientific uncertainty, using citizen science, structuring remedies and conducting negotiations.	The Law Division should scale up training for civil society organisations to support them in more effectively bringing public interest cases to court. As an encouraging case study, UNEP launched The Environmental Defenders Policy in 2018, giving practical support to civil society individuals and groups who are defending their environmental rights in the face of threats, restrictions and violence.
(vi)	Over 1,200 environmental courts and tribunals are now in existence and more	The Law Division should enhance its work with countries in establishing specialised

	planned for the future. This is an important trend in the context of the environmental rule of law. Countries who have not yet established these bodies, but who want to establish a positive record in environmental adjudication will need support in replicating green courts such as India's National Green Tribunal.	courts and tribunals to deal with environmental matters, with close analysis on successful institutional developments in other nations.
(vii)	Despite UNEP's success with judicial training, its work with prosecutors needs to be stepped up. Prosecutors need support not just in criminal cases, but in civil and administrative cases as well.	Initiatives that provide more training on the environmental rule of law to support prosecutors in applying and enforcing environmental law should be designed and implemented by the Law Division. The Law Division should increase its engagement in the Global Institute of Prosecutors for the Environment (GIPE) upon its incorporation.
(viii)	Just as UNEP should step up its work with prosecutors, attorneys-general and auditors also need support in advancing the environmental rule of law.	The Law Division should support Attorneys-General and Auditors more systematically, perhaps in the form of a "Greening Attorneys-General Process." Collaboration with potential partners such as the International Organization of Supreme Audit Institutions (INTOSAI).
(ix)	Without adequate results-based monitoring, project outcomes and impact cannot be analysed.	The Law Division should invest more resources should in the improvement of outcome monitoring under the ambit of Montevideo V.
(x)	The absence of the head of unit for the UN Rule of Law Coordination Group was problematic. It meant that little work could be done under the Group during the life of the project. Despite this impediment, the Law Division did succeed in promoting the environmental rule of law within the UN Secretary-General's annual report on the rule of law and in other forums as well. However, it is important for UNEP to find a more reliable anchor within the UN system with which to collaborate. UNEP has greater impact when it can relate its work to the core pillars of the UN system.	Now that the UN Rule of Law Coordination Group has a head of unit, it is important for the Law Division to consider re-engaging in that platform and build on the important successes that it has had in advancing the environmental rule of law within the UN system. Another option is to explore how the Law Division might advance the environmental rule of law through the UN Environment Management Group (EMG).

B.3. Detailed explanation of recommendations

Recommendation #1:	The Law Division should renew resource mobilisation efforts to secure targeted XB support for selected individual countries in developing EROL national strategies.
Issue / Problem	- There is much that the Law Division can do by providing concrete tools and resources and technical support in the drafting of new legislation to advance EROL. UNEP was not able to mobilise the financial resources needed to support environmental rule of law support to the five pilot countries as envisaged in the original project document. Therefore, mobilising earmarked support will be critical if UNEP is to step up its country work. It is equally important that when UNEP does engage with countries, its technical assistance and legal advisory work should always be underpinned and informed by its substantive work on EROL. This is important to enable UNEP to systematically track the uptake of its substantive knowledge products. - Once UNEP has had the opportunity to support a critical mass of countries in developing their national strategies for advancing EROL, it will be in a position to draw from these individual efforts and distil a common template that could be used for the development of national strategies. This work could be logically carried out under the ambit of Montevideo V. UNEP is currently reflecting on how to couple this work with its work supporting countries in developing their national EROL assessments under the ambit of the periodic global report on EROL.
Priority:	Important
Responsibility:	Law Division

Recommendation #2:	Law Division should better monitor its compliance with all Standard Procedures set out in the UNEP Programme manual, especially regarding formal project approval and revision processes.
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Issue / Problem:	The project was regarded by the Law Division as an ongoing workstream rather than a discrete intervention. The boundaries of the project were unclear. Significant changes / departures from the approved project document were made during project implementation. Whilst adaptive management is encouraged, such changes must be formalised. Formal accountability for project performance is judged against UNEP-approved project results frameworks.
Priority:	Critical
Responsibility:	Law Division

Recommendation #3:	Opportunities availed by technology for virtual meetings and information repositories - such as webinars, e-learning and developing multimedia interactive tools - should be explored by the Law Division.
Issue / Problem:	Environmental rule of law expertise and case study experiences are needed by Montevideo focal points, and various stakeholders in general, and UNEP is positioned to provide these resources in a user-friendly and cost-effective way.
Priority:	Important
Responsibility:	Law Division

Recommendation #4:	The Law Division should continue to build on successful training initiatives with the judiciary and other enforcement officials as well as NGOs.
Issue / Problem:	• UNEP should increase efforts is with prosecutors and should focus not just on providing training support for prosecutors in criminal cases, but in civil and administrative cases as well. UNEP should step up its engagement in the Global Institute of Prosecutors for the Environment (GIPE) and provide more training on the environmental rule of law to support prosecutors in applying and enforcing environmental law. • Furthermore, UNEP should explore how it could most effectively support Attorneys-General and Auditors, perhaps in the form of a “Greening Attorneys-General

	Process.” UNEP has collaborated in the past with the International Organization of Supreme Audit Institutions (INTOSAI); now might be an apt time to explore new forms of collaboration in the training of auditors in environmental law. • The Law Division should scale up training for civil society organisations to support them in more effectively bringing public interest cases to court. As an encouraging case study, UNEP launched The Environmental Defenders Policy in 2018, giving practical support to civil society individuals and groups who are defending their environmental rights in the face of threats, restrictions and violence.
Priority:	Important recommendation
Responsibility:	Law Division

Recommendation #5:	The Law Division should strengthen strategic partnerships for the design and dissemination of the knowledge products
Context/comment:	• Strategic partnerships need to be nurtured and strengthened over the course of the Montevideo V Programme. For example, working with the US EPA and the WHO in the development of the Model Law on Lead Paint ensured the highest possible quality of the model law. • Indeed, the quality is reflected in the number of countries that are now using it as guidance for their lead paint legislation. • Similarly, in the writing of the Knowledge of Environmental Crimes Report, UNEP benefited enormously from the collaboration with the United Nations Interregional Crime and Justice Research Institute and similarly, the First Global Report on Environmental Rule of Law equally benefited from the collaboration with the Environmental Law Institute.
Priority:	Opportunity for improvement
Responsibility:	Law Division

Recommendation #6:	UNEP should continue its collaboration with parliamentary associations and request assistance in tracking when and where UNEP knowledge products are being used by lawmakers either in the law-drafting process or in parliamentary debates.
Context/comment:	▪ Using environmental crime as an example, further tracking is required to determine how environmental crimes have been dealt with more effectively as a result of the knowledge on best practices that is contained in the Environmental Crimes Report. ▪ Specifically, monitoring will need to track improvement in the detection of crime, the inspection and investigation of violations, and the creation of specialised police units to deal with the administration of criminal justice on environmental matters. In many cases, enforcement is critical but the prevention of environmental crime may be more effectively achieved through other measures that promote voluntary compliance and administrative sanctions. Therefore, it will be important to create performance indicators to track improvement in the prevention of environmental crime
Priority:	<i>Important recommendation</i>
Responsibility:	Law Division

Recommendation #7:	The Law Division should invest more resources in the improvement of monitoring outcomes and progress towards outcomes in the context of Montevideo V.
Context/comment:	The log frame identifies a very narrow set of progress indicators. These are primarily quantitative output measures such as the number of guidance tools produced or the number of expert meetings held.
Priority:	<i>Critical recommendation</i>
Responsibility:	Law Division

VI. ANNEXES

Annex I. Documents from UNEP's PIMS which were consulted and used to varying degrees by the evaluation team:

Document Name as written on PIMS	Date Uploaded to PIMS
Email Communication Project Closure	2018-07-02
Model Law and Guidance for Regulating	2017-12-15
Approved ProDoc_EROL_29102014	2016-05-09
EROL project document as at 25 September 2014	2016-05-09
PRC Report-EROL	2016-05-09
UNEP Issue brief – Environmental Rule of Law and Sustainable Development	2016-05-09
SGs 2014 report to the GA on rule of law activities – A_69_181	2016-05-09
First Inter-American Congress on the Environmental Rule of law, Jamaica, 30-31 March 2015	2016-05-09
Newsletter 3, 2014 – 25August2014	2016-05-09

Annex II. List of Interviewees

Elizabeth Mrema, UNEP

Arnold Kreilhuber, UN Environment

Allan Meso, UNEP

Andrea Brusco, UNEP

Andrew Raine, UNEP

Mario Manguiat, UNEP

Robert Wabunoha,

Ellie McCann, US Environmental Protection Agency (in writing)

Mr. Justice Antonio Benjamin, Minister, National High Court of Brazil

Claudia de Smidt, Organisation for American States (in writing)

Justice Antonio Benjamin, Minister, National High Court of Brazil

The Right Honorable Lord Robert Carnwath of Notting Hill, Justice of the UK Supreme Court

David Boyd, UN Special Rapporteur on Human Rights and the Environment

Justice Luc Lavrysen, Justice Belgian Constitutional Court of Belgium

Annex III. Project Risk Log [25 September 2014 Environmental Rule of Law Project Document]

Risk Description	Category	Impact Severity	Likelihood	Risk Management Strategy & Safeguards	By When/Whom?
1 Stable political and economic conditions in select regions/countries.	Economic/ Political	High	Medium	Careful selection of countries for activities in consultation with Regional Offices. Evaluation of current political and economic data of countries.	By start of review. Project Manager and Team.
2 Countries afford sufficient priority to issue of implementation of environmental rule of law.	Political	High	Low	Careful selection of countries in consultation with Regional Offices.	By start of project. Project Manager and Team.
3 Commitment of target stakeholders is maintained throughout the project.	Organization/ Political	High	Low	Regular dialogue with the stakeholders and signing of memoranda of understanding prior to review.	By start of project and throughout. Project Manager and Team.
4 Commitment of implementing Partners during the project and effective coordination is maintained.	Organization	Medium	Low	Regular dialogue with the partners and clear distribution of roles through legal agreements.	Throughout . Project Manager and Team.
5. Lack of resources	Economic	Medium	Medium	Scaling down of pilot countries in addition to active and	Throughout the project and by the

	aggressive resource mobilization among donors	project manager
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Annex IV. Project Logical Framework [25 September 2014 Environmental Rule of Law Project Document]

EA in UNEP PoW Expected accomplishment (b), Output 3: Legal and technical support provided to strengthen the capacity of national judiciary, enforcement sector, Government officials and other legal stakeholders to advance justice, governance and law for environmental sustainability, in particular through an international institutional network for that purpose and a follow-up to the World Congress on Justice, Governance and Law for Environmental Sustainability		
Project Outcome	Indicators	Means of Verification
Enhanced Coherence and Coordination of Environmental rule of law policy and guidance within the UN system and strengthened capacity of countries to develop and implement environmental rule of law	Number of environmental rule of law information, guidance and knowledge tools and materials endorsed by the Rule of Law Coordination and Resource Group Baseline: 0 Target: 3 Number of UN Secretary General's Reports to the General Assembly on Rule of Law that incorporate environmental rule of law activities Baseline: 0 Target: 3 Number of countries supported to develop and implement environmental rule of law strategies Baseline: 0 Target: 5	Reports of UN High level Meetings on Rule of Law. Evaluation/survey responses of target stakeholders. UN Secretary General's Reports to the General Assembly on Rule of Law UNEP Governing Council decisions Reports of the International Advisory Council for Environmental Justice Reports of the Rule of Law Coordination and Resource Group UNEP Programme Performance Reports
Milestones:		

Terminal Evaluation for Environmental Rule of Law

M1	First Regional Expert and Stakeholder meeting held	December 2014
M2	Online platform for the Global Network on Environmental Rule of Law launched	June 2015
M3	Four Regional and one global expert stakeholder processes on environmental rule of law held	December 2015
M4	Environmental Rule of Law incorporated in the UN unified rule of law training programme	June 2016
M5	Guidebook on Environmental Rule of Law and a Legislators' Guide to Environmental Law Making and Oversight published	December 2016
M6	A UN Environmental Rule of Law Assistance Strategy endorsed by the UN RoLCRG	June 2017
M7	5 Countries assisted to develop and endorse environmental rule of law strategies	December 2017
Project Outputs		Indicators
1. Enhanced awareness and global consensus on core elements of EROL promoted through regional and global meetings		Number of regional expert and stakeholder environmental rule of law meetings held Baseline: 0 Target: 5 Number of regional and global expert and stakeholder environmental rule of law meetings held Baseline: 0 Target: 6
Means of Verification		
Outcome reports of the regional expert and stakeholder processes Outcome report of the global symposium on Environmental Rule of law Report of the Environmental Rule of Law expert and stakeholder process		
Milestones:		
M1	First Regional Expert and Stakeholder meeting held	December 2014
M2	Global Symposium on Environmental Rule of Law held	June 2015
M3	Regional Expert and Stakeholder Meetings for the European, Africa and Latin America and the Caribbean regions held	December 2015

Terminal Evaluation for Environmental Rule of Law

M4 A draft report of core elements of EROL derived from the expert and stakeholder processes submitted for peer review		June 2016
M5 A report of core elements of EROL published		December 2016
Project Output	Indicators	Means of Verification
2. Knowledge, information and guidance material provided to support the development and implementation of environmental rule of law	Number of environmental rule of law Knowledge, information and guidance material developed Baseline: 0 Target: 2	Reports of the International Advisory Council for Environmental Justice UNEP website Reports of the Rule of Law Coordination and Resource Group
	Number of persons/institutions subscribed to the online network on Environmental Rule of Law Baseline: 0 Target: 193	UN Secretary General's Reports to the General Assembly on Rule of Law
	Number of environmental rule of law knowledge, information and guidance tools material that include specific guidelines on gender mainstreaming	
	Baseline: 0 Target: 1	
Milestones:		
M1 Design and structure of the Environmental Rule of Law Journal finalized		December 2014
M2 Online platform for the Global Network on Environmental Rule of Law launched		June 2015
M3 Draft Guidebook on Environmental Rule of Law submitted for peer review		December 2015

M4 Draft Legislators' Guide to Environmental Law Making and Oversight submitted for peer review		June 2016
M5 Guidebook on Environmental Rule of Law and Legislators' Guide on Environmental Law Making and Oversight published		December 2016
Project Output	Indicators	Means of Verification
3. "Enhanced Coherence and Coordination of Environmental Rule of Law policy and guidance within the UN System promoted through policy and technical briefs to the Secretary General and Rule of Law Coordination resource group and through a unified rule of law programme	Number of Policy and technical briefs developed Baseline: 0 Target: 5 Unified rule of law training programme Baseline: 0 Target: 1	UN Secretary General's Reports to the General Assembly on Rule of Law Reports of the Rule of Law Coordination and Resource Group UN Rule of law newsletters
Milestones:		
M1 First UNEP policy brief published in the United Nations Rule of Law website		December 2014
M2 UNEP's Environmental rule of law activities reflected in SG's report to the General Assembly on Rule of Law		June 2015
M3 Two technical briefs and policy briefs provided to the UN Rule of Law Coordination and Resource Group		December 2015
M4 Environmental Rule of Law incorporated in the UN unified rule of law training programme		June 2016
M5 Environmental Rule of Law Assistance Strategy endorsed by the UN Rule of Law Coordination and Resource Group		December 2016
Project Output	Indicators	Means of Verification
4. Environmental rule of law capacity assessments and implementation strategies in 5 pilot countries developed.	Number of nationally owned assessments conducted to evaluate capacity of environmental enforcement institutions to develop and implement	UNEP Programme Performance Reports National Government reports National Environmental Rule of Law Strategies

Terminal Evaluation for Environmental Rule of Law

	environmental rule of law Baseline: 0 Target: 5 Number of National environmental rule of law strategies developed Baseline: 0 Target: 5 Number of National Environmental Rule of Law Strategies developed address discriminatory laws/policies particularly those affecting vulnerable population including women and indigenous people. Baseline: 0 Target: 5	National Environmental Rule of Law Lessons learnt reports
Milestones:		
M3	First National assessment report of capacity to develop and implement EROL completed	June 2016
M4	Assessment of capacities to develop and implement environmental rule of law conducted in 5 pilot countries	December 2016
M5	EROL implementation strategies for the 5 pilot countries developed and endorsed	June 2017
M6	Lessons learned studies report on EROL assistance in the 5 pilot countries published	December 2017

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