
Terminal Evaluation of the UNEP Project “Progressive Development of International Environmental Law”



Evaluation Office of the United Nations Environment Programme¹
December 2020

¹ Photo Credit. <https://enb.iisd.org/unesp/globalpact/oewg2/images/20mar/370A9187.jpg>

This report has been prepared by independent consultant evaluators and is a product of the Evaluation Office of UNEP. The findings and conclusions expressed herein do not necessarily reflect the views of Member States or the UNEP Senior Management.

Project Title: Progressive Development of International Environmental Law

Date: December 2020

All rights reserved.

© (2020) Evaluation Office of UNEP

Acknowledgements

The evaluation team gratefully acknowledges the time and effort provided by all interviewees, especially members of the project management team and governance coordinators with UNEP's regional offices. The author greatly appreciates the advice and counsel of Dr. Michael Spilsbury, Director of the UNEP's Evaluation Office. The author also acknowledges the invaluable contributions of her interns: Beth Dowell, Rahul Thayil, Martine Deinum, Harriet Freeman, Clara Jones, Thomas Joutsikouksi and Fin Cawthera.

Brief Consultant Biography

Johannah Bernstein is an international environmental lawyer with over 25 years of professional experience advising national governments, UN organisations and international environmental NGOs on a wide range of environmental law and policy challenges. She has conducted many evaluations on topics related to environmental governance and environmental law, including most recently, the final assessment of the Fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV).

About the Evaluation

Report Language(s): English

Evaluation Type: Terminal Evaluation

Brief Description

The project was a joint effort between UNEP, UN Regional Offices, DCPI, IETC, TEEB, Green Economy Initiative, CCAC, UNDP, CEM, UN-Habitat, International Law Commission, Special Rapporteur on Protection of the Atmosphere, FAO, CIEL, Natural Justice and academic /other expert institutions such as the IUCN Environmental Law Academy.

As described in the project document, the primary aim of the project was to develop a coherent and effective international environmental law framework to guide and direct efforts by countries to address environmental concerns with an international dimension. This framework is essential for the realization of the 2030 Sustainable Development Agenda and to ensure effective responses to emerging and progressive issues identified by the Montevideo Programme IV mid-term review.

The terminal evaluation has three primary purposes:

- Provide evidence of results to meet accountability requirements.
- Promote learning, feedback, and knowledge sharing through results and lessons learned among UNEP, governments, international and national executing agencies.
- 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: Progressive development of international environmental law, environmental rule of law, governance, technical assistance, global and regional colloquia, justice, sustainability.

Table of Contents

Acknowledgements	3
Brief Consultant Biography	3
About the Evaluation	4
Table of Contents	6
List of Figures	7
List of Tables	8
List of Acronyms and Abbreviations	9
I. EXECUTIVE SUMMARY	11
A. Project overview	11
B. Evaluation overview	11
C. Key findings	13
D. Summary of recommendations	16
II. INTRODUCTION	18
A. Evaluation Approach	18
B. Evaluation Limitations	19
IV. THE PROJECT	21
A. Context Overview	21
B. Objectives and Components	23
C. Stakeholders	27
D. Project implementation structure and partners	27
E. Changes in design during implementation	28
F. Project financing	28
IV. EVALUATION FINDINGS	30
A. Strategic Relevance	30
B. Quality of Project Design	32
C. Nature of the External Context	35
D. Effectiveness	36
Component 1	39
Component 2	47
Component 3	56
21III. EVALUATION METHODS	18

Progressive Development of International Environmental Law

Component 3	57
E. Financial Management	62
F. Efficiency	62
G. Monitoring and Reporting	62
H. Sustainability	63
I. Factors affecting performance	64
V. CONCLUSIONS AND RECOMMENDATIONS	65
A. Conclusions	65
B. Lessons Learned and Recommendations	71
VI. ANNEXES	77
Annex I. Documents from UNEP's PIMS which were consulted and used to varying degrees by the evaluation team:	77
Annex II. List of Interviewees	77
Annex III. Project Risk Log [25 September 2014 Environmental Rule of Law Project Document]	78
Annex IV. Project Logical Framework [25 September 2014 Environmental Rule of Law Project Document]	79
Annex V. Bibliography	84

List of Figures

Acknowledgements	2
Brief Consultant Biography	2
About the Evaluation	3
List of Figures	6
List of Tables	9
List of Acronyms and Abbreviations	13
I. EXECUTIVE SUMMARY	15
A. Project overview	15
B. Evaluation overview	16
C. Key findings	16
Mid-term review and final assessment of Montevideo IV	16
Policy recommendations and knowledge products	17
Environmental rule of law, Environment and Human Rights and Principle 10	17
D. Summary of recommendations	20
II. INTRODUCTION	22
III. EVALUATION METHODS	25
A. Evaluation Approach	25
Desk review	26
Interviews with project team and stakeholders	26
Evaluation questions	26
B. Evaluation Limitations	28
IV. THE PROJECT	28
A. Context Overview	28
C. Stakeholders	29
D. Project implementation structure and partners	30
E. Changes in design during implementation	30
F. Project financing	33
IV. EVALUATION FINDINGS	34
A. Strategic Relevance	34
A.1 Alignment to UNEP Expected Accomplishments	34

A.2 Alignment to UNEP Programme Frameworks	34
A.3 Relevance to regional, sub-regional and national issues and needs	35
A.4 Complementarity with existing interventions	35
B. Quality of Project Design	37
C. Nature of the External Context	37
D. Effectiveness	37
D.1 Output 1	38
Description of activities under Output 1	38
Introduction to the Reconstructed Theory of Change for Output 1	39
Achievement of outputs	41
Mid-term review of the Montevideo Programme	41
Final assessment of Montevideo IV	41
Achievement of outcomes	42
The mid-term review	42
The final assessment	42
Achievement of intermediate states and intended impacts	43
D.2 Output 2	43
Description of activities under Output 2	43
Introduction to the Reconstructed Theory of Change for Output 2	44
Achievements of outcomes	46
Achievement of intermediate states and intended impacts	46
D.3 Output 3	48
Description of activities	48
Human rights and environment	48
Environmental rule of law	48
Rio Principle 10	49
Introduction to the Reconstructed Theory of Change for Output 3	49
Achievements of Outcomes	51
Environmental rule of law	51
Human Rights and the Environment	52
Principle 10	52
Achievement of Intermediate States and High Level Impact	53

Environmental Rule of Law	53
E. Financial Management	54
F. Efficiency	54
F.1 Time Efficiency	54
The project started in February 2015 and was expected to complete in December 2017. In December 2016 the project was extended to December 2018, for a total of 48 months. The mid-term review of Montevideo IV and the Resolution 2/19 that adopted the mid-term review at the 2016 UNEA-2, gave UNEP, then DELC (and now) the Law Division a new strategic direction and new priorities in the field of environmental law. The project was revised in December 2016 to ensure that these new priorities were duly addressed under one unified project. The project extension provided more time for the activities that were rolled into the project to be completed on time. This aspect was rated as ‘Satisfactory’	54
F.2 Cost Effectiveness	54
G. Monitoring and Reporting	54
G.1 Monitoring Design and Budgeting (Moderately Satisfactory)	55
H. Sustainability	55
H.1 Socio-Political Sustainability (Likely)	55
H.2 Financial Sustainability (Moderately Unlikely)	56
H.3 Institutional Sustainability (Moderately Likely)	56
I. Factors affecting performance	57
I.1 Preparation and Readiness	57
I.2 Quality of Project Management and Supervision	57
I.3 Stakeholder Participation (Satisfactory)	57
I.4 Responsiveness to Human Rights and Gender Equity (Moderately Unsatisfactory)	57
I.5 Country Ownership and Driven-ness (Satisfactory)	57
I.6 Communication and Public Awareness (Satisfactory)	57
V. CONCLUSIONS AND RECOMMENDATIONS	58
A. Conclusions	58
A.1 Overall observations	58
Mid-term review and final assessment of Montevideo IV	58
A.2 Evaluation ratings table	60
<i>A.3 Strengths and weaknesses of each of the three outputs</i>	61
B. Recommendations	66
VI. ANNEXES	70

Annex I. List of Interviewees	70
Annex II. Quality of Project Design Assessment	71
1 Intended results and causality (Moderately Satisfactory)	71
Realism of project objectives	71
Description of causal pathways	72
Realism of time frame	72
Likelihood of achievement of project outcome	72
Linkage between project activities and likelihood of higher-level results	72
2 Efficiency (Satisfactory)	72
3 Sustainability/replication and catalytic effect (Moderately Satisfactory)	73
The activities of the project were initially designed to promote awareness and engagement on the part of both state and non-state actors. This is especially evident in the Midterm review and final assessment of Montevideo IV which included several processes that brought experts and government officials together to tackle environmental law challenges.	73
4 Risk identification and social safeguards (Moderately Satisfactory)	73
5 Governance and supervision arrangements (Satisfactory)	73
6 Management, execution and partnership arrangements (Satisfactory)	73
7 Financial planning and budgeting	73
8 Monitoring (Unsatisfactory)	75
9 Evaluation (Satisfactory)	76
Annex III. Bibliography	77

List of Tables

Acknowledgements	2
Brief Consultant Biography	2
About the Evaluation	3
List of Figures	6
List of Tables	9
List of Acronyms and Abbreviations	13
I. EXECUTIVE SUMMARY	15
A. Project overview	15
B. Evaluation overview	16

C. Key findings	16
Mid-term review and final assessment of Montevideo IV	16
Policy recommendations and knowledge products	17
Environmental rule of law, Environment and Human Rights and Principle 10	17
D. Summary of recommendations	20
II. INTRODUCTION	22
III. EVALUATION METHODS	25
A. Evaluation Approach	25
Desk review	26
Interviews with project team and stakeholders	26
Evaluation questions	26
B. Evaluation Limitations	28
IV. THE PROJECT	28
A. Context Overview	28
C. Stakeholders	29
D. Project implementation structure and partners	30
E. Changes in design during implementation	30
F. Project financing	33
IV. EVALUATION FINDINGS	34
A. Strategic Relevance	34
A.1 Alignment to UNEP Expected Accomplishments	34
A.2 Alignment to UNEP Programme Frameworks	34
A.3 Relevance to regional, sub-regional and national issues and needs	35
A.4 Complementarity with existing interventions	35
B. Quality of Project Design	37
C. Nature of the External Context	37
D. Effectiveness	37
D.1 Output 1	38
Description of activities under Output 1	38
Introduction to the Reconstructed Theory of Change for Output 1	39
Achievement of outputs	41
Mid-term review of the Montevideo Programme	41

Final assessment of Montevideo IV	41
Achievement of outcomes	42
The mid-term review	42
The final assessment	42
Achievement of intermediate states and intended impacts	43
D.2 Output 2	43
Description of activities under Output 2	43
Introduction to the Reconstructed Theory of Change for Output 2	44
Achievements of outcomes	46
Achievement of intermediate states and intended impacts	46
D.3 Output 3	48
Description of activities	48
Human rights and environment	48
Environmental rule of law	48
Rio Principle 10	49
Introduction to the Reconstructed Theory of Change for Output 3	49
Achievements of Outcomes	51
Environmental rule of law	51
Human Rights and the Environment	52
Principle 10	52
Achievement of Intermediate States and High Level Impact	53
Environmental Rule of Law	53
E. Financial Management	54
F. Efficiency	54
F.1 Time Efficiency	54
The project started in February 2015 and was expected to complete in December 2017. In December 2016 the project was extended to December 2018, for a total of 48 months. The mid-term review of Montevideo IV and the Resolution 2/19 that adopted the mid-term review at the 2016 UNEA-2, gave UNEP, then DELC (and now) the Law Division a new strategic direction and new priorities in the field of environmental law. The project was revised in December 2016 to ensure that these new priorities were duly addressed under one unified project. The project extension provided more time for the activities that were rolled into the project to be completed on time. This aspect was rated as ‘Satisfactory’	54
F.2 Cost Effectiveness	54

G. Monitoring and Reporting	54
G.1 Monitoring Design and Budgeting (Moderately Satisfactory)	55
H. Sustainability	55
H.1 Socio-Political Sustainability (Likely)	55
H.2 Financial Sustainability (Moderately Unlikely)	56
H.3 Institutional Sustainability (Moderately Likely)	56
I. Factors affecting performance	57
I.1 Preparation and Readiness	57
I.2 Quality of Project Management and Supervision	57
I.3 Stakeholder Participation (Satisfactory)	57
I.4 Responsiveness to Human Rights and Gender Equity (Moderately Unsatisfactory)	57
I.5 Country Ownership and Driven-ness (Satisfactory)	57
I.6 Communication and Public Awareness (Satisfactory)	57
V. CONCLUSIONS AND RECOMMENDATIONS	58
A. Conclusions	58
A.1 Overall observations	58
Mid-term review and final assessment of Montevideo IV	58
A.2 Evaluation ratings table	60
<i>A.3 Strengths and weaknesses of each of the three outputs</i>	61
B. Recommendations	66
VI. ANNEXES	70
Annex I. List of Interviewees	70
Annex II. Quality of Project Design Assessment	71
1 Intended results and causality (Moderately Satisfactory)	71
Realism of project objectives	71
Description of causal pathways	72
Realism of time frame	72
Likelihood of achievement of project outcome	72
Linkage between project activities and likelihood of higher-level results	72
2 Efficiency (Satisfactory)	72
3 Sustainability/replication and catalytic effect (Moderately Satisfactory)	73

The activities of the project were initially designed to promote awareness and engagement on the part of both state and non-state actors. This is especially evident in the Midterm review and final assessment of Montevideo IV which included several processes that brought experts and government officials together to tackle environmental law challenges. 73

4 Risk identification and social safeguards (Moderately Satisfactory)	73
5 Governance and supervision arrangements (Satisfactory)	73
6 Management, execution and partnership arrangements (Satisfactory)	73
7 Financial planning and budgeting	73
8 Monitoring (Unsatisfactory)	75
9 Evaluation (Satisfactory)	76
Annex III. Bibliography	77

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
CCAC	Climate and Clean Air Coalition
CEM	Commission on Ecosystem Management
CIEL	Centre for International Environmental Laws
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
FAO	Food and Agriculture Organisation
GEI	Green Economy Initiative
GEF	Global Environmental Facility
GJIE	Global Judicial Institute on the Environment
GLOBE	Global Learning and Observation to Benefit the Environment
HRE	Human Rights and the Environment
IAJ	International Association of Judges
ICJ	International Court of Justice
IEL	International Environmental Law

Progressive Development of International Environmental Law

IETC	International Environmental Technology Centre
IL	International Law
ILC	International Law Commission
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
LD	Law Division
MEAs	Multilateral Environmental Agreements
MP	Montevideo Programme
NJ	Natural Justice
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
TEEB	The Economics of Ecosystems and Biodiversity
TOC	Theory of Change
UCL	University College London
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNEA	United Nations Environment Assembly
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

The terminal evaluation of the UNEP/ project “Promoting the Progressive Development of International Environmental Law” was undertaken after the project’s completion to assess project performance (in terms of relevance, effectiveness and efficiency). The evaluation will also determine the projects sustainability, as well as outcomes and impacts (actual and potential).

The project was a joint effort between UNEP, UN Regional Offices, DCPI, IETC, TEEB, the Green Economy Initiative, CCAC, UNDP, CEM, UN-Habitat, International Law Commission, Special Rapporteur on Protection of the Atmosphere, FAO, CIEL, Natural Justice and academic /other expert institutions such as the IUCN Environmental Law Academy.

As described in the project document, the primary aim of the project was to “contribute to the progressive development of an adequate legal framework on the environment focusing on selected thematic areas and issues identified by the Montevideo Programme for the Development and Periodic Review of Environmental Law, through a comprehensive review of the Programme itself and the identification of legal and policy options in selected areas”.

The expected outcome of the project was framed as the acceptance of recommendations on normative options to strengthen environmental law regarding emerging and pressing issues.

There were significant changes in design during implementation. The mid-term review of Montevideo IV and the Resolution 2/19 that adopted the mid-term review at the 2016 UNEA-2, gave UNEP, and the Law Division (then DELC) a new strategic direction and new priorities in the field of environmental law.

The project was revised in December 2016 to ensure that these new priorities were duly addressed under one unified project. The primary aim of the project did not change; but the scope of the project broadened to cover additional areas of work, including environmental rule of law, human rights and the environment, and the implementation of Rio 1992 Principle 10.

The project was designed for a 36-month period, which started in February 2015 and was due for completion by December 2017. The project closed December 2018 and operated for a total of 48 months.

The project’s three outputs included:

- Mid-term review and final assessment of Montevideo Programme IV
- Policy guidance and recommendations on pollution prevention
- Policy guidance and recommendations on environmental rule of law, Principle 10 and the Bali Guidelines, and human rights and the environment

The project scope encompassed Africa, Asia and Pacific, Europe, West Asia, and Latin America and the Caribbean, working at global, regional and national scales of governance.

A total project cash budget of \$2,294,565 was initially planned, which increased to \$4,713,322 in the second revision of the project document. The total revised secured budget was \$1,583,112 and the unsecured budget was \$3,130,210.

B. Evaluation overview

The data collection and preparation of this terminal evaluation was conducted between May 2019 and January 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 as well as 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.

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

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.

C. Key findings

Mid-term review and final assessment of Montevideo IV

The mid-term review provided the Law Division with a new strategic direction and helped to set new environmental law priorities. In terms of the shortcomings, the midterm review document itself did not include any substantive assessment of the effectiveness of the different programme areas of Montevideo IV.

The mid-term review only provided a comprehensive description of all the activities that had been undertaken. There was no critical reflection on success or shortcomings. Similarly, the lack of performance indicators in the formal Montevideo-IV documents made it difficult to assess performance at the outcome level. Attribution was also difficult to discern.

The final assessment process played a critical role in galvanizing Montevideo focal points through the four regional consultations. This ensured opportunities for countries to communicate the challenges they face in the development and implementation of environmental law.

The regional consultations that were organised as part of the final assessment were also extremely valuable in helping to mobilise a sense of solidarity among the focal points at the regional level and recognition of the extensive environmental law expertise that already exists within each of the regions. The assessment process also involved the creation of a Steering

Committee comprised of focal points, which produced recommendations that were instrumental in shaping the design of the Fifth Montevideo Programme.

Policy recommendations and knowledge products

UNEP knowledge products are generally well regarded. They fill important gaps and provide Member States with the tools and resources needed to address environmental law challenges.

In this project, the Law Division's knowledge products provided countries with important guidance in the development of national environmental legislation. This is particularly evident with the 2016 *Integrated Waste Management* Guidelines. The Guidelines were a response to the call by countries for concrete support to enhance integrated waste management legislation. There is still much work to be done to systematically assess how the 2016 Guidelines have helped to improve waste management regimes.

Environmental rule of law, Environment and Human Rights and Principle 10

The scope and volume of uptake of the environmental rule of law concept at the global and regional levels would not have been possible without UNEP's efforts supporting legal stakeholders in the crystallization and implementation of the concept. As a result of the project, there is growing anecdotal evidence that judges are beginning to embed environmental rule of law principles in jurisprudence.

Additionally, the Law Division has played an important role in advancing the environmental dimensions of the rule of law within the UN system. This is reflected in environmental rule of law references in the UN SG Annual Report on the Rule of Law. It is also reflected in the growing recognition by Member States that the environmental rule of law is indeed tied closely to the UN Charter's fourth pillar (rule of law).

There have been important achievements in the field of Human Rights and the Environment that stem from the UNEP partnership with the Special Rapporteur on Human Rights and the Environment. Equally important is the support for judges, 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. Equally, increased awareness on the part of the judiciary has in some places resulted in courts taking more expansive views of standing. Citizen suits are increasing but so is the need for capacity building support.

Table 1a Ratings Table

Evaluation criteria	Rating
Strategic Relevance	Satisfactory
Alignment to MTS and POW	Satisfactory
Alignment to strategic priorities	Satisfactory
Regional, sub-regional and national	Satisfactory
Complementarity with existing interventions	Satisfactory
Quality of Project Design	Moderately Satisfactory
Nature of External Context	Favourable
Effectiveness	Moderately Satisfactory
Delivery of outputs	Satisfactory
Achievement of outcomes	Moderately Satisfactory
Likelihood of impact	Moderately Unlikely
Financial Management	Unsatisfactory
Completeness of project financial information	Highly Unsatisfactory
Communication between finance and project management staff	Moderately Satisfactory
Efficiency	Moderately Satisfactory
Monitoring and Reporting	Moderately Unsatisfactory
Monitoring design and budgeting	Moderately Satisfactory
Monitoring of Project Implementation	Unsatisfactory
Project Reporting	Unsatisfactory

Sustainability	Unlikely
Socio-political sustainability	Likely
Financial sustainability	Unlikely
Institutional sustainability	Unlikely
Factors Affecting Performance	Moderately Satisfactory
Preparation and readiness	Unsatisfactory
Quality of project management and supervision	Moderately Satisfactory
Stakeholder participation and cooperation	Satisfactory
Responsiveness to human rights and gender equity	Moderately Unsatisfactory
Country ownership and driven-ness	Satisfactory
Communication and public awareness	Satisfactory
Overall rating	Moderately Satisfactory

D. Summary of recommendations

Table 1b Summary of recommendations

Findings	Recommendations
1. The mid-term review only provided a comprehensive description of all the activities that had been undertaken. There was no critical reflection on success or shortcomings.	In future reviews of the Montevideo V Programme, the Law Division should pay more attention to the concrete implementation challenges and shortcomings. There is great learning potential from understanding implementation “failures”. This also requires the Law Division to create a culture of continual learning that seeks to improve adaptive management.
2. The 2015 meetings of government and environmental law experts that fed into the mid-term review were very important to contributing to the solidarity among Montevideo focal points once they had been engaged in the final assessment process.	The Law Division should maintain regular outreach with the independent environmental law experts who were not only involved in the 2015 expert meetings, but who also participated in the 2018 regional consultations and global meeting of Montevideo focal points.
3. The establishment of the Montevideo network national focal points is an important starting point in deepening accountability and ownership of Montevideo V. The regional platforms that have now been created because of the assessment process provide UNEP with an invaluable monitoring mechanism for tracking results and deepening understanding of region-specific needs and resources.	The Law Division should sustain regular outreach with the Montevideo national focal points. This will most likely be achieved most efficiently at the regional level. It might also be useful for the Law Division to explore how to synergise the work of the regional platform of focal points with the existing ministerial forums in each of the regions. Organising Montevideo regional meetings on the side-lines of annual ministerial forums would be a cost-efficient way to bring Montevideo focal points together.
4. The regional consultations for the final assessment of the Montevideo IV were extremely valuable in helping the project team understand the challenges faced by countries in developing and implementing environmental law.	Whilst the regional consultations are costly, the importance of convening face-to-face meetings cannot be over-emphasised. It could be useful for the Law Division to explore twice-annual regional webinars to sustain the interaction and to continue to build the critical mass of focal points.
5. The Law Division’s knowledge products provide countries with important guidance in the development of national environmental legislation. However, there is no systematic evidence at this point of the uptake of the Integrated Waste Management Guidelines. The Law Division has not invested sufficient resources to track higher-level results.	The Law Division should replicate the monitoring approach that has been developed with the Model Law on Lead Paint. The WHO already maintains a publicly accessible web-based database on the status of lead paint laws globally as one of its contributions to the Global Alliance. Using the WHO database, UNEP provides

Progressive Development of International Environmental Law

	an annual update document with maps and analysis of the status of lead paint laws.
6. The scope and volume of uptake of the environmental rule of law concept at the global and regional levels would not have been possible without UNEP's efforts supporting legal stakeholders in the crystalizing and implementation of the concept.	The Law Division should continue to build on its successful training initiatives with the judiciary and other enforcement officials. 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.
7. As a result of the project, there is growing anecdotal evidence that judges are beginning to embed environmental rule of law principles in jurisprudence. However, insufficient performance measurement metrics have made it very difficult to empirically assess the uptake of the concept of the environmental rule of law.	The Law Division should invest more resources in the improvement of outcome monitoring. Managing for results requires robust evidence and lessons learned from continuous monitoring and periodic evaluation.
8. The collaboration with the Special Rapporteur on Human Rights and Environment has been critical to the success of the Human Rights and Environment this work.	The Law Division should take concrete steps to ensure that inter-agency cooperation between UNEP and OHCHR is strengthened and formalised where necessary. The Law Division should also explore new forms of collaboration with environment and human rights organisations on the ground to replicate and scale up its work in the advancement of the linkages between human rights and the environment.

II. INTRODUCTION

The terminal evaluation of the UNEP project **“Promoting the Progressive Development of International Environmental Law”** was undertaken after the project’s completion to assess project performance (in terms of relevance, effectiveness and efficiency). The evaluation determines the extent to which outcomes and impacts (actual and potential) stemming from the project, including their sustainability have been / will be achieved.

The project was a joint effort between UNEP, UN Regional Offices, DCPI, IETC, TEEB, Green Economy Initiative, CCAC, UNDP, CEM, UN-Habitat, International Law Commission, Special Rapporteur on Protection of the Atmosphere, FAO, CIEL, Natural Justice and academic /other expert institutions such as the IUCN Environmental Law Academy. The project was designed for a 36-month period, which started in February 2015 and was due for completion by December 2017. The project closed December 2018, thus having operated for a total of 48 months.

As described in the project document, the primary aim of the project was to “contribute to the progressive development of an adequate legal framework on the environment focusing on selected thematic areas and issues identified by the Montevideo Programme for the Development and Periodic Review of Environmental Law, through a comprehensive review of the Programme itself and the identification of legal and policy options in selected areas”.

The expected outcome of the project was framed as the acceptance of recommendations on normative options to strengthen environmental law regarding emerging and pressing issues.

The mid-term review of Montevideo IV and the Resolution 2/19 that adopted the mid-term review at the 2016 UNEA-2, gave UNEP, and the Law Division (then DELC) a new strategic direction and new priorities in the field of environmental law. The project was revised in December 2016 to ensure that these new priorities were duly addressed.

Resolution 2/19 also requested UNEP to conduct “an assessment of the implementation, effectiveness and impact of the fourth Programme for the Development and Periodic Review of Environmental Law” (Montevideo IV). The same resolution requested UNEP to prepare proposals for the work of UNEP in the area of environmental law beginning in 2020. This is an important factor because it explains why the final assessment of Montevideo IV was subsequently integrated into the revised project document.

It should be emphasised that the primary aim of the project did not change. The scope of the project broadened to cover these new priorities such as the environmental rule of law, human rights and the environment, and the implementation of Rio 1992 Principle 10.

Upon revision, the project had the following three outputs:

Output 1	Midterm review of Montevideo Programme completed and submitted to UNEA, with follow-up action
Output 2	Policy guidance and recommendations are provided on pollution prevention, strengthening ecosystem approach, and strengthening the application of established and emerging environmental law principles and practices
Output 3	Policy guidance and recommendations for actions are provided on environmental rule of law, Principle 10 and the Bali Guidelines, and human rights and the environment

The project took place in Africa, Asia and Pacific, Europe, West Asia, and Latin America and the Caribbean, working at global, West Africa and North America at global, regional and national scales of governance.

A total project cash budget of \$2,294,565 was initially planned, which increased to \$4,713,322 in the second revision of the project document. The total revised secured budget was \$1,583,112 and the unsecured budget was \$3,130,210.

Progressive Development of International Environmental Law

Table 1: Project Background²

UN Environment PIMS ID:	01855		
Implementing Partners	International Law Commission and Special Rapporteur on Protection of the Atmosphere; FAO;		
Sub-programme:	Program 4. Environmental governance.	Expected Accomplishment(s):	The capacity of countries to develop and enforce laws and strengthen institutions to achieve internationally agreed environmental objectives and goals and comply with related obligations is enhanced.
UN Environment approval date:	26 February 2015	Programme of Work Output(s):	Technical support provided to Governments to develop and undertake legal and institutional measures as identified in the fourth Programme for the Development and Periodic Review of Environmental Law.
<i>Expected</i> start date:	1 February 2015	Actual start date:	2 March 2015
<i>Planned</i> completion date:	31 December 2017	Actual completion date:	31 December 2018
<i>Planned</i> project budget at approval:	2,294,565	Actual total expenditures reported as of 31/12/2018	Not Supplied
<i>Planned</i> Environment Fund allocation:	100,000	Actual Environment Fund expenditures reported as of 31/12/2018	Not Supplied
<i>Planned</i> Extra-Budgetary Financing:	1,239,000	Secured Extra-Budgetary Financing:	651,000
Actual financing		Actual Extra-Budgetary Financing expenditures	Not Supplied

² "Overview, Environmental Rule of Law: Advancing Justice, Governance, and Law For Environmental Sustainability." Project Information Management System (PIMS).

		reported as of 31/12/2018:	
First disbursement:	Not Supplied	Date of financial closure:	
No. of revisions:	2	Date of last revision:	2017?
Mid-term Review/ Evaluation (<i>planned date</i>):	June 2016	Mid-term Review/ Evaluation (<i>actual date</i>):	n/a
Terminal Evaluation (<i>planned date</i>):	December 2017	Terminal Evaluation (<i>actual date</i>):	May 2019
Coverage - Country(ies):	Countries were not identified in the project document	Coverage - Region(s):	Africa, Asia Pacific, Europe, Latin America Caribbean, West Asia, North America

III. EVALUATION METHODS

A. Evaluation Approach

This terminal evaluation was primarily conducted between May 2019 and January 2020³. 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.

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

Throughout this evaluation process and in the compilation of the Final 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 consulted, all discussions remained anonymous and all information was collected according to the UN Standards of Conduct.

³ The finalisation of the evaluation report was delayed pending supply of project financial information that never materialised.

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

The findings of the TE are largely based on (i) a desk review of key project documents at design and implementation stages and (ii) interviews with key stakeholders.

The evaluation approach included the following:

Desk review

The consultant 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 (where available).
- Project reports.
- All other relevant documentation on PIMS.

Interviews with project team and stakeholders

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.

A complete list of interviewees is attached as Annex II.

Emphasis was placed on triangulation (cross-validation) of data sources (monitoring data, interview results, surveys, etc.) and an assessment of the validity of the results obtained. To triangulate 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 references consulted is provided in Annex I and Annex V.

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

Evaluation questions

The evaluation focused on the following questions:

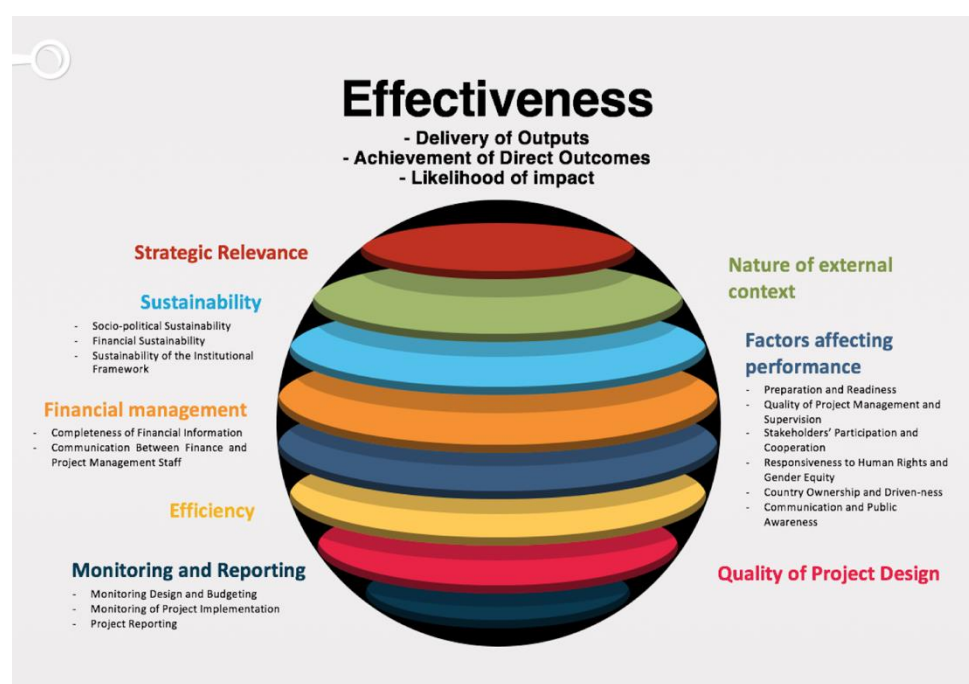
- How has the project contributed to the progressive development of environmental law?

Progressive Development of International Environmental Law

- How has the review of the Montevideo Programme contributed to the progressive development of environmental law?
- How has the project been effective in identifying relevant new thematic areas?
- How has the project contributed to the development of policy guidance and recommendations for actions on pollution prevention? And how have these resources equipped countries to develop environmental law in this sector?
- How has the policy guidance on Environmental Rule of Law and on Human Rights and the Environment equipped countries to develop national laws in these fields?

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

Figure 1: Overview of evaluation criteria



B. Evaluation Limitations

The primary limitation that constrained the evaluation was the fact that the original and revised project documents did not contain the necessary performance indicators to accurately capture the project's effects and impacts. The lack of such performance measures and related monitoring information meant that the evaluation had to seek other, sometimes anecdotal, sources of evidence. This also means that the causal links between project activities and observed effects could not be established in a rigorous manner.

IV. THE PROJECT

A. Context Overview

As described in the project document, the primary aim of the project was to improve *“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”*.

In the last twenty years there has been a remarkable development of environmental law at all levels and a recognition of the important role that chief justices, judges, attorneys-general, auditors-general, prosecutors, police, environmental NGOs play in the implementation and enforcement of environmental law.

In 2012, the World Congress on Justice, Governance and Law for Environmental Sustainability convened representatives of the judicial, legal and auditing professions and their final declaration *“The Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability”* highlights the essential pre-conditions of good environmental governance. These include: the importance of an independent judiciary; the role of environmental law in the protection of natural resources, and the role that environmental and sustainability auditing plays in ensuring ensures transparency, access to information, accountability, and efficient use of public finances.

This project has contributed significantly to the strengthening of environmental laws and governance frameworks. The mid-term review of Montevideo IV identified fundamental challenges faced by countries in developing and implementing environmental law, and the project's knowledge products, such as the 2016 Integrated Waste Management Guidelines have provided much needed strategic guidance to countries in strengthening their own legislative frameworks in this area.

Finally, the project's work in advancing environmental rule of law, human rights and the environment as well as public participation, have contributed to the strengthening of country capacity to enforce environmental law.

The project was operational from April 2014 to December 2018, and shortly before and during the life of the project there were several important developments, which relate to the overall context in which the project was undertaken. These are highlighted in the following paragraphs.

- In 2013, the first universal session of the UNEP Governing Council adopted Decision 27/9, on advancing justice, governance and law for environmental sustainability called upon UNEP to lead the UN system and support countries in developing and implementing the environmental rule of law. It also affirmed the importance of deepening ongoing environmental law training work with the judiciary and called upon governments to support all enforcement actors and institutions in advancing environmental law.
- The mid-term review of Montevideo IV and the Resolution passed at UNEA-2 (in 2016) on the midterm review gave the UNEP, Law Division (then DELC) a new strategic direction and new priorities in the field of environmental law. The project was revised in 2016 to ensure that these new priorities were duly addressed under one project.
- Also at UNEA-2, Member States adopted Resolution 2/19, which requested UNEP to conduct “an assessment of the implementation, effectiveness and impact of the fourth Programme for the Development and Periodic Review of Environmental Law” (Montevideo IV). The same resolution requested UNEP to prepare proposals for the work of UNEP in environmental law beginning in 2020.
- Equally, the resolution invited governments to designate national focal points, who played an important role in the assessment of Montevideo IV.
- Regional consultations were organised by UNEP in Nairobi, Kenya for Africa (4-6 June 2018), in Panama City, Panama for LAC (20-22 June 2018), in Amman, Jordan for West Asia (9-10 July 2018) and in Bangkok, Thailand for Asia and the Pacific (24-26 July 2018). These consultations brought together the Montevideo focal points to discuss the challenges and opportunities for developing, strengthening, implementing and enforcing environmental law. The results of these consultations fed into the final assessment and were considered in the development of the draft programme for Montevideo V.
- The project activities that were executed under the ambit of this project related to key programme areas within Montevideo IV. Hence, the key learnings that will be distilled from this evaluation, will be relevant for the implementation of Montevideo V

C. Stakeholders

As presented in the project document, the project targeted the following stakeholders: national policy and lawmakers (through inputs to intergovernmental processes and targeted capacity building), experts and practitioners in the field of environmental law and authorities such as legal and enforcement officials and institutions.

The project was implemented in close collaboration with the following partners:

- The International Law Commission (ILC)
- National governments
- Selected Major Groups

- Academic institutions and centres of expertise such as IUCN, CIEL and universities.

D. Project implementation structure and partners

The project as coordinated by the Environmental Law and Governance Branch of UNEP's Division of Environmental Law and Conventions (DELIC, now Law Division). The project team included the following:

- Project oversight: DELIC Director and Deputy Director
- 1 Project Manager (P3) – DELIC
- 4 Project team members (P4) – DELIC
- 1 Project administrative support (G5) – DELIC
- 4 DELIC Legal Officers in the Regional Offices (ROLAC, ROE, ROA, and ROAP)
- Focal points identified in each Division and UNEP-administered MEA Secretariats (cross-project integration and support to the midterm review)

E. Changes in design during implementation

In December 2016, the project was formally revised and extended to December 2018 one year beyond its initial planned closure date. This was necessary to allow for extra work to be carried out in response to the Mid-term Review of Montevideo-IV and to include the Final Assessment of Montevideo-IV. The revision was intended to incorporate a number of new activities as well as activities that had already been planned for under Project 01775 - Environmental Rule of Law: Advancing Justice, Governance and Law for Environmental Sustainability which was closed when the revision was approved. The primary aim of the project did not change; the scope of the project broadened to cover additional areas of work, including environmental rule of law, human rights and the environment, and the implementation of Rio 1992 Principle 10.

The evaluation notes that any new activities incorporated into a project during a revision should be in line with the causal pathways in its theory of change. Project documents should capture a clear intentionality and be more than a 'license to operate' for a collection of activities.

The two diagrams below compare the original project design with the revision that was made in 2016. The revision of this project was deemed necessary to enable the (then) DELIC to refocus priorities in line with the Resolution 2/19 that was adopted at UNEA 2 in 2016.

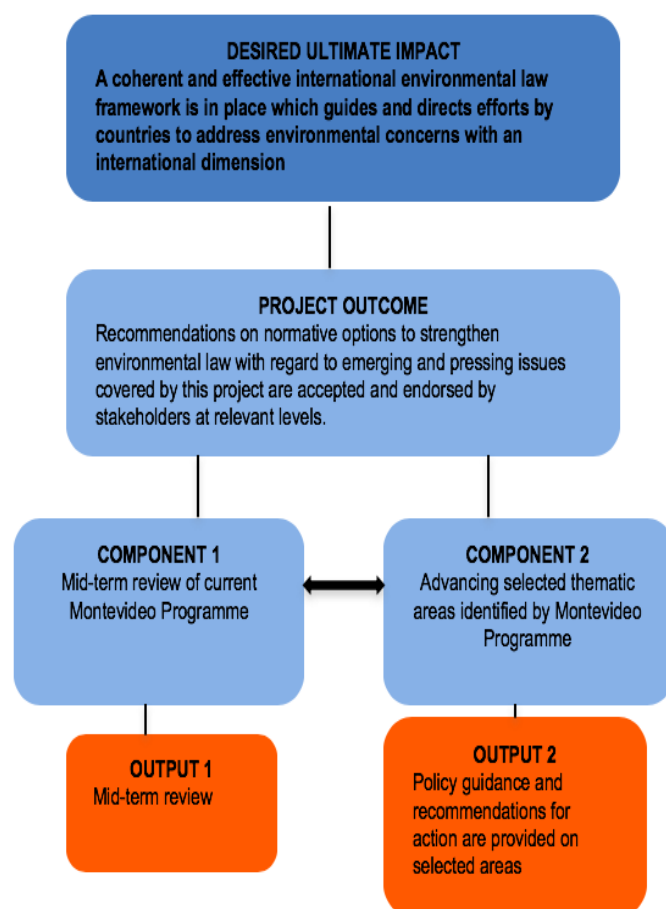
The existing outcome of the project remains largely unchanged, but it is now reflected as an interim outcome for the Montevideo-IV Mid-term Review. The overall project outcome was changed to *"recommendations on normative options to strengthen environmental law are accepted and endorsed by stakeholders at all relevant levels."*

As the ProDoc revision states, the overall project outcome is now more aligned with the desired ultimate impact that governed the original project. The original desired ultimate impact states "a coherent and effective international environmental law framework is in place which guides and directs efforts by countries to address environmental concerns with an international dimension."

The project design was revised as follows:

- The first component (MV-IV Mid-term Review) was revised and expanded to provide for the follow-up action called for by Member States for a final assessment of MV-IV and proposals for an MV-V.
- As regards Output 2, the original activities relating to policy guidance on the ecosystem approach had not been executed. However, several deliverables were produced such as the Integrated Waste Management Guidelines, the EIA Resource Manual, and the Policy Brief on Air Pollution.
- Output 3 was revised to focus on Environmental Rule of Law, Human Rights and the Environment, and Principle 10. These changes were made in response to the Montevideo-IV Midterm review findings and Governing Council Decisions.⁴

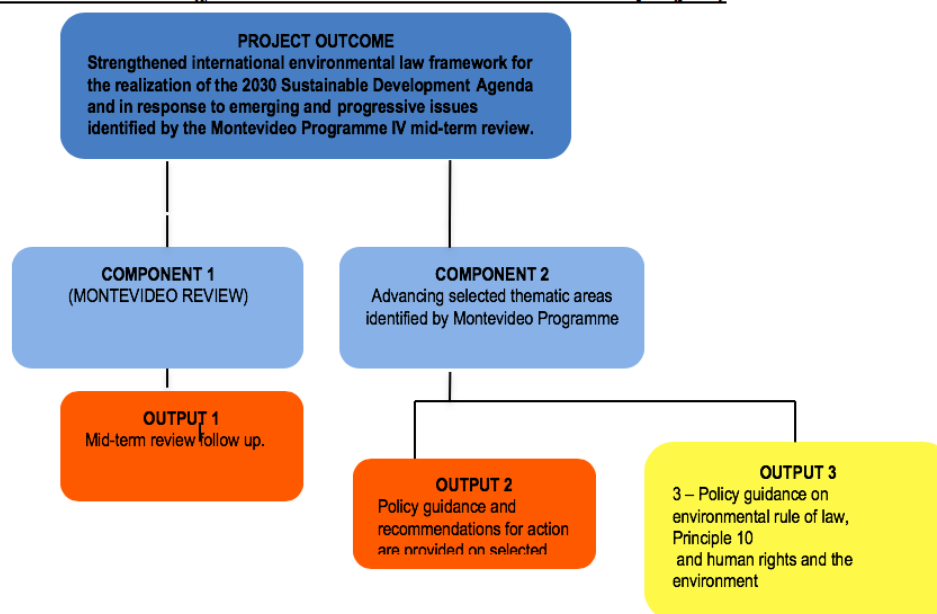
Figure 1 Project structure as set out in the original Project Document



⁴ The Evaluation Office notes the Environmental Rule of Law work and Human Rights and Environment work also featured in approved projects that have been separately evaluated. It also notes that an 'output' of this project – the assessment of Montevideo IV was delivered in large part by the Evaluation Office, these issues in combination suggest that the design, content and structure of projects in the Law Division and under the Montevideo Programme was in the 2014-18 period rather overlapping and lacking a proper coherence at the programme level.

Figure 1 Revised project structure as set out in the revised Project Document (yellow boxes are new additions to the project)

REVISED PROJECT STRUCTURE (yellow boxes are new additions to the project)



F. Project financing

Expenditure information was not provided to the evaluation.

Table 7: Budget Summary at project approval

Financial Tables						
Table 1. Project Funding Sources Table (<i>non-GEF Projects only</i>)						
Funding source <i>All figures as USD</i>	Planned funding	% of planned funding	Secured funding	% of Secured funding	Actual Funding Based on Expenditures incurred	% of funding Based on Expenditures incurred
Cash						
Funds from the Environment Fund	100,000		1,080,324		1,080,324	
Funds from the Regular Budget	-					
Extra-budgetary funding (listed per donor):						
Sweden	198,720		59,101		59,101	
Norway	298,080		308,496		298,596	
European Commission	48,685					
Counterpart contribution			34,318		34,318	
Unsecured	588,000					
Sub-total: Cash contributions	1,233,485	-	1,482,239	-	1,472,338	
In-kind						
Environment Fund staff-post costs	1,052,316				1,052,316	
Regular Budget staff-post costs						
Extra-budgetary funding for staff-						
Sub-total: In-kind contributions	1,052,316	-	-	-	1,052,316	-
Co-financing*						
Co-financing cash contribution						
Co-financing in-kind contribution						
Sub-total: Co-financing contributions						
Total	2,285,801		1,482,239	-	2,524,654	171%

IV. EVALUATION FINDINGS

A. Strategic Relevance

Overall, the Strategic Relevance of the project is rated as ‘Satisfactory’.

A.1 Alignment to UNEP Expected Accomplishments

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.”*

Against this backdrop, the intended results contribute to the Expected Accomplishments for the following reasons:

- The overriding objective of the project was to contribute to the progressive development of an adequate legal framework on the environment. The focus was on selected thematic areas and issues as identified by the Montevideo Programme for the Development and Periodic identification of legal and policy options in selected areas of environmental law. The following explanation of the project components underlines how the project aimed to contribute to improved institutional capacity and the development of international environmental law.
- The first component related to the mid-term review and final assessment of Montevideo Programme has indirectly contributed to the strengthening of countries’ capacity to develop and enforce environmental laws. Countries were involved in both the mid-term review and the final assessment and their engagement helped to identify the challenges they face in developing and implementing environmental law. Their feedback was reflected in the proposals for Montevideo V that were adopted at UNEA-4 and it is hoped that Montevideo V will be even more responsive to their needs.
- The second component related to policy guidance and recommendations for action on Pollution Prevention and Control has supported the capacity of countries by providing them with model legislation on integrated waste management and a resource manual on EIA.
- The third component related to policy options and recommendations for the environmental rule of law, human rights and the environment, and Principle 10 also supported the capacity of countries by equipping enforcement actors with knowledge regarding the environmental rule of law and the linkages between human rights and the environment. This knowledge was intended for use either in the development of new legislation or in the adjudication of environmental cases.

A.2 Alignment to UNEP Programme Frameworks

The project was relevant to UNEP's Environmental Governance Sub-programme. This sub programme aims to increase the capacity of countries to achieve internationally agreed environmental objectives and goals in the field of environmental law. It also promotes efforts by the international community to continually develop, adjust and implement legal responses to environmental issues.

The project aimed to contribute to the programme of work output in which technical support is provided to governments to develop and undertake legal and institutional measures as identified in the Fourth Programme for the Development and Periodic Review of Environmental Law. Equally important was the support for judges especially regarding environmental constitutionalism in collaboration with the Special Rapporteur on Human Rights and the Environment. This work 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.

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

The project had a high degree of relevance to regional, sub-regional and national issues and needs. There are several notable examples:

- The mid-term review of Montevideo IV convened environmental law experts and government representatives from a wide range of countries to highlight experience and challenges with the development and implementation of environmental law.
- The final assessment of Montevideo IV organised four regional consultations during 2018. These convened Montevideo national focal points who shared their direct experience in the development and implementation of environmental law. Their input figured prominently in the final assessment and in the proposals for Montevideo V that was adopted at UNEA-4.
- The environmental rule of law and human rights and environment work involved a wide range of training programmes and colloquia in different regions around the world⁵. These were designed for different types of enforcement actors and focused on the environmental law challenges that were unique to each region.

A.4 Complementarity with existing interventions

The project related 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.

⁵ These topics were also the subject of separate individual projects in the Law Division that have been separately approved, managed and evaluated.

The project had a high level of complementarity with two other projects entitled “Strengthening Institutional Capacity in Environmental Law” (SICCEL) and “Environmental Rule of Law” (EROL). These projects have had the effect of 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 were informed by activities in all three projects; through the annual MEA training courses, the technical assistance to countries, and knowledge products that have equipped policy makers with the substantive information and guidance to develop new environmental legislation. 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.

B. Quality of Project Design

Overall, the rating awarded for the Quality of Project Design was 'Satisfactory'. Details of the assessment are presented in Annex II. An overarching comment is that this project and two other contemporaneous projects (EROL and SICCEL) were very closely related such that the boundaries between them were somewhat unclear, additionally, the project components were 'stand alone' areas of work that had little interdependence. Going forward, the Law Division should continue to develop a programmes of related mutually reinforcing projects that address the strategic intent, however, each project should have clear focus and well-defined boundaries to promote a stronger results focus and clear accountability.

Figure 4: Summary of the Quality of Project Design Ratings

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

C. Nature of the External Context

Overall, the nature of the external context 'in which the project operated was regarded as 'Favourable'.

D. Effectiveness

Overall, the rating for Effectiveness is 'Moderately Satisfactory'.

Evaluation Breakdown for Effectiveness

Criterion	Rating	Comments
Delivery of outputs	Satisfactory	The majority of outputs were delivered in full. The outputs that were not delivered, were covered by the 2016 project revision, which provided necessary justification for the change in outputs.
Achievement of direct outcomes	Moderately Satisfactory	The evaluation team recognizes the high quality of all the activities that were executed under each of the project components. The evaluation rating results from the lack of results monitoring, which meant that there was very little empirical evidence upon which to evaluate the achievement of outcomes, notably the uptake of the knowledge, skills and resources that were generated under each of the components.
Likelihood of impact	Moderately Unlikely	The likelihood of impact is assessed on the likelihood that project-derived outcomes will progress towards intermediate states and onward to the actual desired impact. The extent to which, a) the key drivers in these change processes are in place and b) the associated assumptions hold to allow for progression along the causal pathways, both inform the judgement.

This chapter on effectiveness is organised as follows:

- Each of the project's three components is evaluated separately.
- At the start of each of the three component 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 components are analysed in terms of the delivery of outputs, achievement of outcomes, and the achievement of higher-level results.

D.1 Output 1

Mid-term review and final assessment of Montevideo IV

Description of activities under Output 1

The first component of this project (referred to as Output 1 in the ProDoc) provided for the preparation of the mid-term review and (following a formal project revision) the final assessment of the fourth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo IV). The aim of the mid-term review was to feed into and provide direction to DELC (now the Law Division) and to help advance selected thematic areas identified by the Montevideo Programme as requiring further reflection.

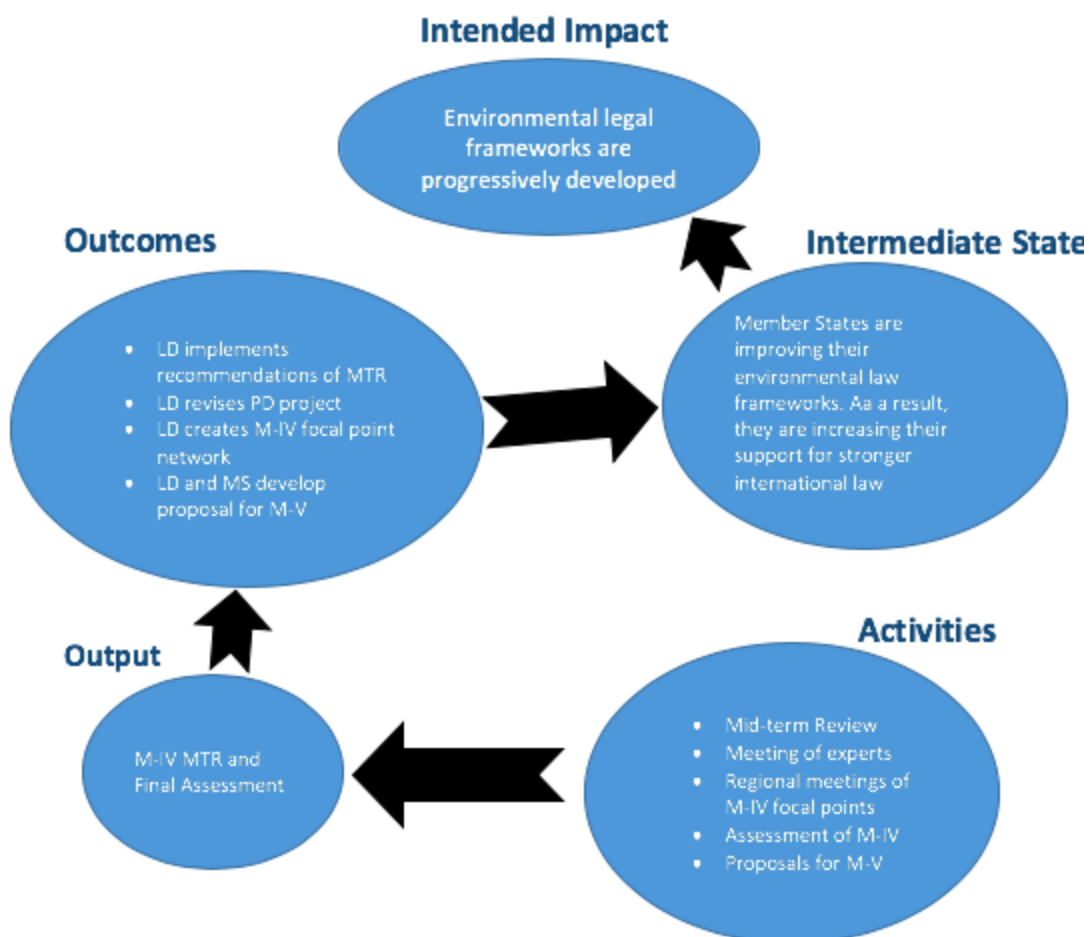
Introduction to the Reconstructed Theory of Change for Output 1

There are a number of comments that should be emphasized with regard to the Reconstructed Theory of Change

- The Law Division applied the recommendations of the mid-term review by creating a network of Montevideo focal points and prioritising the key areas that were identified by the mid-term review. The anticipated outcome was that, in response to the findings of the mid-term review, Member States scrutinize their own environmental law frameworks, identify gaps and take steps to fill those gaps.
- The evidence of intermediate state was characterised as Member States recognize the importance of strengthening international environmental law and are improving their environmental law frameworks.
- The intended impact was characterised as “environmental law frameworks are progressively developed at all levels”.

Reconstructed Theory of Change

Output 1 – Mid-term review of Montevideo



Assumptions

11. Inputs and policy guidance are taken into account by environmental law decision-makers.
12. Increased knowledge is used to develop and strengthen national, regional, and international legal framework.
13. Overly broad scope.
14. Actors are committed to develop and strengthen legal and institutional frameworks.
15. Actors have the capacity to develop and strengthen legal and institutional frameworks
16. Limited knowledge and awareness of Montevideo from governments
17. Resource availability.

Impact Drivers

1. Lack of results framework
2. Difficulty measuring performance
3. Difficulty attributing impacts
4. Low profile
5. Relevance of the programme
6. UNEA approval of mid-term review allows Montevideo Programme to provide better guidance to the international community on the development of environmental law.
7. Country ratification of MEAs
8. Political context
9. Uptake capacity of countries.

Achievement of outputs

Mid-term review of the Montevideo Programme

Under the 2016 project revision, the mid-term review remained the same. By the date of the project revision, the mid-term review had been completed. The project revision provided for more opportunity for the activity to be extended and altered slightly to provide for the follow-up action that was called for by member states. This included UNEP's work in collaborating with the focal points and preparing and submitting the final assessment of Montevideo IV for consideration by UNEA-4 in 2019.

According to the 2016 revision to the Project Document, the following milestones in relation to the mid-term review were achieved:

- Completion of the midterm review that was submitted to open-ended intergovernmental meeting.
- Open-ended meeting of experts and senior government officials meetings generated feedback for the draft midterm review.
- UNEA-3 decision on Montevideo IV, including the call for the final assessment and the creation of a network of Montevideo national focal points.
- With UNEP support, a network of member state focal points and steering committees provided feedback on the implementation of the monitoring and evaluation of the Montevideo IV.
- Two meetings were held with stakeholders.
- A detailed action plan on the implementation of the UNEA-3 resolution was developed.

Final assessment of Montevideo IV

As noted above, the 2016 project revision extended the scope of Output 1 to include the terminal assessment of the Montevideo Programme IV, and proposals for the fifth Montevideo Programme.

In its resolution 2/19 on the midterm review of the fourth Montevideo Programme, the United Nations Environment Assembly invited Member States to designate national focal points for exchanging information and building capacities in order to collaborate with and guide the United Nations Environment Programme in strengthening the application of the Montevideo Programme and to monitor and evaluate its implementation. To this date, over 90 Member States have nominated national focal points.

Pursuant to UNEA Resolution 2/19, UNEP was requested to undertake an open and all-inclusive process for the final assessment of the fourth Montevideo Programme. In this process, Governments, United Nations bodies, other relevant intergovernmental bodies and organisations, secretariats of the relevant multilateral environmental agreements, expert institutions, academia and civil society submitted information to UNEP relevant to the implementation of the Programme, including their relevant experiences, progress or challenges regarding Montevideo Programme IV, and views concerning important and emerging issues in the field of environmental law.

Additionally, four regional consultations of national focal points were organised between June and July 2018 in Africa, Latin America and the Caribbean, West Asia, and Asia Pacific. A survey has also been circulated to all national focal points and other stakeholders with specific questions on the status of implementation of the programme.

The final assessment of the Programme also served as the basis for discussing proposals for the work by UNEP in the area of environmental law for a specific period beginning in 2020. The final assessment and the proposals were presented to the UN Environment Assembly in March 2019.

As regards the effectiveness of the final assessment, in the interest of full disclosure it should be emphasised that the author of this present evaluation was also the author of the final assessment. Therefore, comments regarding achievements will be framed in terms of the concrete uptake of the assessment and in the key lessons learned about the assessment process.

Achievement of outcomes

The mid-term review

The mid-term review output was completed and the final report submitted to UNEA-2 in early 2016. It incorporated the recommendations of a meeting of senior government officials expert in environmental law which took place in Montevideo, Uruguay, from 7-11 September 2015. As a result of the final report, Resolution 2/19 was passed at UNEA-2 inviting Member States to designate national focal points; this can be considered as an outcome stemming from the review. The decision also requested UNEP to undertake a terminal assessment of Montevideo IV and proposals for a future Programme.

The mid-term review process provided UNEP with a clearly defined new direction and set of priorities in the field of environmental law. The Law Division acted upon these recommendations and this is reflected in the change of substantive focus in this project, i.e. adaptive management resulted in substitution of activities on ecosystem approaches with activities related to the environmental rule of law, human rights and the environment and Principle 10, all reflecting the priorities raised in Resolution 2/19.

The Mid-Term Review process was also important insofar as it catalyzed the creation of a network of Montevideo Focal Points, which were essential in the final assessment of Montevideo IV. Indeed, the Focal Points will continue to play a central role in the new Montevideo Programme V.

In terms of the shortcomings, the midterm review document itself did not include any substantive assessment of the effectiveness of the different programme areas of Montevideo IV. It simply provided a comprehensive description of all the activities that had been undertaken without any reflection on success or shortcomings.

The final assessment

In contrast, the final assessment of the Montevideo IV Programme highlighted several design weaknesses. Montevideo IV was not designed as a programme in the conventional sense; it lacked many of the attributes that would enable a formal evaluation. Indeed, the Programme

was characterised by a noticeable lack of a clear results framework that specifies intended outcomes, indicators of achievement, quantitative targets indicators and timelines. The Programme did not specify a discrete set of activities to be implemented and outputs to be delivered nor did it have defined resource envelope. Baselines against which progress might be measured were absent. The lack of these key attributes made it difficult to measure performance at the outcome level, to discern intended impacts, or for that matter, attribute any observed impacts to the Montevideo Programme IV.

Evidence of use and influence is reflected in the fact that the final assessment of the Montevideo Programme served as the basis for the development of proposals for the fifth iteration of the Montevideo Programme. Especially important is the fact that the final assessment and the proposals were adopted by Member States at the UN Environment Assembly in March 2019 (Resolution 4/20). Adoption of the assessment's proposals for a fifth Montevideo by Member States is an important example of uptake by Member States.

Similarly, the fact that the new Montevideo V now underpins the Law Division's work is another important source of evidence of uptake by UNEP at a corporate level. And finally, the increasing importance given to the Montevideo focal points also reflects the recommendations of the Montevideo IV assessment, providing additional evidence of uptake.

Achievement of intermediate states and intended impacts

Under the reconstructed theory of change, the achievement of intermediate state is characterised as "Member States are improving their environmental law frameworks and are increasingly recognizing the importance of strengthening international environmental law". It is too soon at this stage to conclude whether or not the project has played a role in Member States improving their environmental law frameworks. However, at the 2018 global meeting of Montevideo Focal Points, several countries acknowledge the value of the assessment process in supporting countries to identify gaps and solutions. The exchange of information between focal points has proven to be an important source of new knowledge, which anecdotally, member states are beginning to apply. In turn, this is beginning to catalyse improvement in domestic environmental law frameworks.

The intended impact is now characterised as "environmental law frameworks are progressively developed at all levels". As with the achievement of intermediate states, it is too soon to draw any conclusions. However, with the new performance indicators that have been put in place under Montevideo V, in future, the Law Division will be able to track these higher results with greater accuracy and reliability.

D.2 Output 2

Policy guidance and recommendations for action are provided on pollution prevention and control

Description of activities under Output 2

Output 2 of the revised project focused primarily on pollution prevention control. The completed activities included one policy brief on air pollution, a seminar on laws to regulate air pollution and a 'protect the Earth's atmosphere' seminar. These took place in Osaka, Japan on 23 and 24 June 2015, along with a seminar on the 2016 Guidelines for Framework Legislation for Integrated Waste Management. The Guidelines were a joint effort between the Law Division and the UNEP International Environmental Technology Centre in Osaka, Japan (the same team that was involved in the Osaka experts meeting). The purpose of these Guidelines was to support countries with advice towards their efforts to introduce or enhance their waste management legislation.

Finally, in 2018, UNEP published "Assessing Environmental Assessments- A Global Review of Legislation". The report provides an overview of the current status of national legislation and institutional arrangements of relevance to Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs) across the globe.

The following planned project milestones were removed as a result of a re-focusing of effort on the new issues that were included in Output 3 of the revised Project Document:

- Policy analysis in relation to ecosystem approach
- National, sub-regional and regional meetings with government experts and representatives on the ecosystem approach
- Handbook on UNEP liability guidelines
- Two pilot projects on Community Protocols
- Awareness raising and capacity building on emerging legal principles

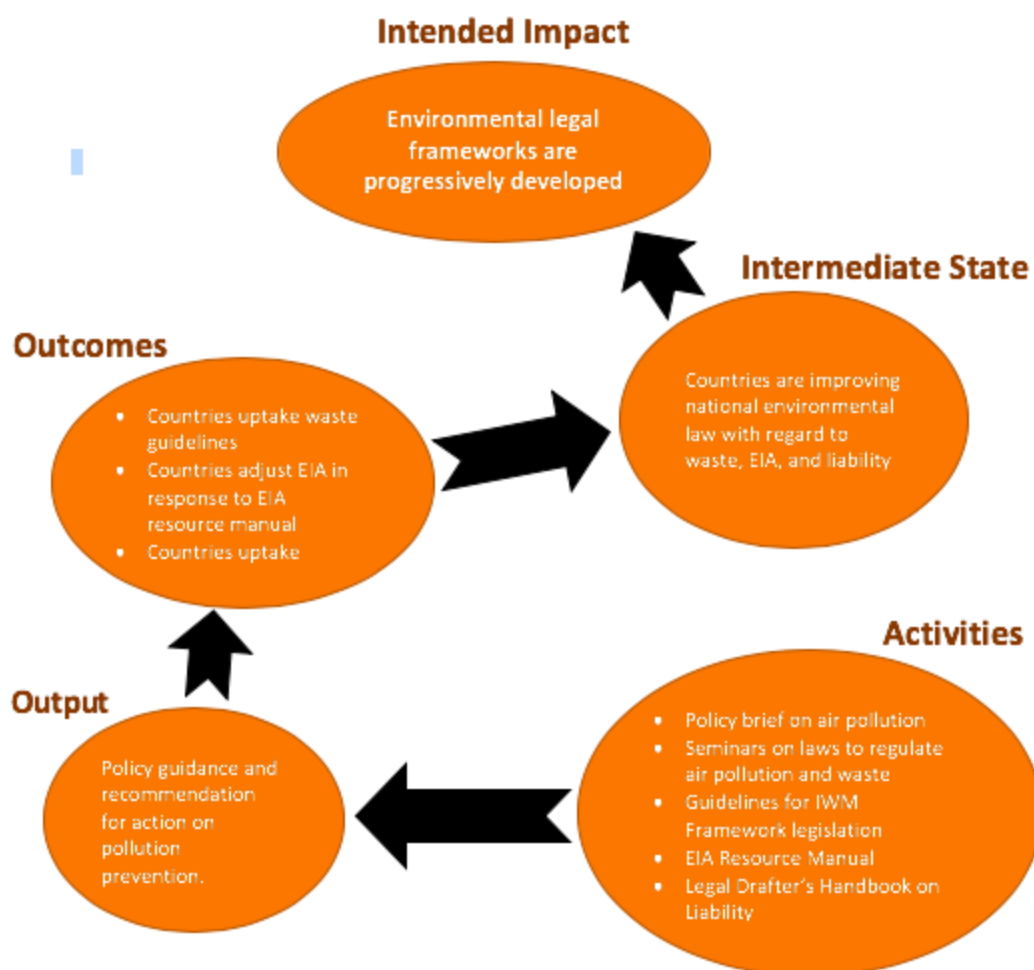
Introduction to the Reconstructed Theory of Change for Output 2

There are several comments that should be emphasized regarding the reconstructed Theory of Change:

- The evidence of outcome is characterized as countries using the 2016 Waste Guidelines and the EIA resource manual
- The evidence of intermediate state is characterised as countries improving their environmental law with regard to waste, EIA and liability.
- The intended impact is characterised as environmental law frameworks are progressively developed.

Reconstructed Theory of Change

Output 2 – Policy Guidance and Recommendation for Action on Pollution Prevention



Assumptions

9. Capacity of countries to transpose the imparted knowledge into national legislation.
10. Appropriate selection of government experts.
11. Political context.
12. Limited resources.

Impact Drivers

1. Convergence with the mandate of major partners.
2. Quality of guidance materials to support the development of EROL.
3. Mandates within existing MEAs.
4. Resource availability.
5. Actors involved in the project are committed to developing and strengthening legal and institutional frameworks.
6. Political context
7. Availability of resource from UNEP and other donors
8. Willingness of other International Organizations to collaborate

Achievements of outcomes

The meeting of experts was held with the UNEP's International Environmental Technology Centre (IETC), the same research team that co-created the integrated waste management guidelines. This is an example of UNEP's convening power with regard to the world's leading environmental experts. This helps to ensure that the knowledge products are based on the most authoritative best practices.

The 2016 Integrated Waste Management Guidelines draw on 15 pieces of legislation that were developed by seven countries (Brazil, Canada, Germany, Japan, the Netherlands, New Zealand and the UK) in their efforts to create integrated approaches to waste management. Member States have systematically identified their need for model laws and guidelines and in this regard, the Guidelines provide much needed support to countries by identifying ways to introduce or enhance their waste management legislation.

The importance of the Waste Guidelines is the focus on integrated approaches to waste management legislation. The 2016 Guidelines have endeavoured to improve waste management regimes around the world by broadening the scope to include all forms of waste and to promote circular economy models.

Whilst there is no strong evidence at this point of the widespread uptake of the guidelines, there are two cases that provide important anecdotal evidence. UNEP officials have used the Guidelines in capacity building seminars in the Democratic Republic of Congo to address options for waste management legislation. UNEP also used the Guidelines with the UN Development Programme who was assisting Cambodia in the drafting of their National Environmental Code.

The 2018 Resources Manual on EIA is another important guidance tool for Member States. It was prepared in conjunction with the UNEP World Conservation Monitoring Centre (WCMC). The report provides examples from a wide range of countries of different approaches to Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs).

As with the Integrated Waste Guidelines, UNEP's objective with the EIA report has been to support Member States, especially law makers and policy makers in the drafting, implementation and overall improvement of laws and policies related to EIAs and SEAs. The 2018 Manual builds on UNEP's previous guidance material on EIAs by focusing on new legal challenges and recent EIA best practice.⁶

UNEP had originally prepared Guidelines on EIA in 2016. When this project was first developed, one option was to create a model instrument on EIA. However, the political climate was not conducive to this approach and instead UNEP chose to publish a report on best practices. In short there is very little evidence of outcome achievement from work undertaken in connection with project output 2.

Achievement of intermediate states and intended impacts

⁶ UNEP intends to continue this work through a training programme on SEA in the Asia Pacific region and by developing a survey to assess how countries are using the knowledge and best practices contained in the report.

The evidence of intermediate state is characterised as countries systematically improving their environmental law with regard to waste, EIA and liability. As noted above, it is premature to draw any conclusions because UNEP has not tracked these higher-level results. This is similarly the case with the analysis of the intended impact (now characterised as environmental law frameworks are progressively developed). More attention to actions that promote the uptake of project outputs is needed in the future and this should be coupled with rigorous performance indicators to track the progress towards these higher level results, starting first with an analysis of how many countries have actually developed new integrated waste management legislation, how many countries have implemented and enforced the legislation, the number of fines issued under the new legislation and leading, ultimately, to evidence of improved environment and human health as a result of the implementation of the guidelines.

As for the intended impact, determining whether environmental law frameworks are developed will require baseline evidence against which to assess whether environmental law frameworks have actually been developed or not. This may, perhaps, be assessed by comparing the volume of new environmental legislation that has been adopted in the years immediately following the closing of such a project, with the average volume of environmental legislation adopted previously. It would be important to not only consider the volume of new legislation, but also, the efficacy of the legislation in changing behaviour and increasing environmental stewardship. Such considerations should feature in future project designs and would require greater attention and allocation of secured resources to; the establishment of baselines and monitoring of the changes that are envisaged in response to UNEP interventions.

D.3 Output 3

Policy guidance and recommendations for actions are provided on environmental rule of law, Principle 10 and the Bali Guidelines, and human rights and the environment

Description of activities

The original Project Document contained a third and fourth output that referred respectively to: “Policy options and recommendations for strengthening the ecosystem approach in national legislative approaches” and “Policy options and recommendations on strengthening the application of established international environmental law principles and emerging principles, concepts and practices.”

The 2016 project revision replaced these two outputs with a single output that embraces UNEP’s work on the environmental rule of law (EROL), human rights and the environment (HRE), and the Principle 10 Partnership. This revised output was a direct response to Governing Council decision 27/9 on advancing justice, governance and law for environmental sustainability and recent UNEA and Governing Council decisions and resolutions including on areas related to human rights and the environment and implementation of Rio Principle 10. All of these have provided a clear mandate to UNEP to deepen its work on these issues.

The following activities were envisaged under the 2016 Revised Project Document. Not all were completed.

Human rights and environment

- Workshops and consultations on human rights and the environment linkages.
- Reports on human rights and environment linkages, presented to the Human Rights Council.
- UN system-wide report on human rights and the environment
- Workshops on constitutional environmental rights in Latin America & the Caribbean and Asia
- Series on environmental constitutionalism.
- Judicial training course on constitutional environmental rights.
- Contribution to interagency and intergovernmental processes on HRE linkages.

Environmental rule of law

- Environmental rule of law report.
- Secretariat support to international advisory council for environmental justice.
- Advancement of environmental rule of law in the UN rule of law coordination and resource group.
- UNEP-Georgetown Environmental Law Fellowship.
- Environmental rule of law web portal.

Progressive Development of International Environmental Law

- Environmental rule of law guidance tools including legislators guide on environmental law making.
- Expert review process on environmental crime.
- Global and regional colloquia on environmental rule of law.
- Indicator framework for environmental rule of law.
- Advocacy program on environmental rule of law.

Rio Principle 10

- 2 coordination meetings of the Principle 10 partnership [partial completion].
- 7 regional workshops on Principle 10 [partial completion].
 - Workshops on the implementation of Principle 10 in Asia Pacific and Latin America and the Caribbean.

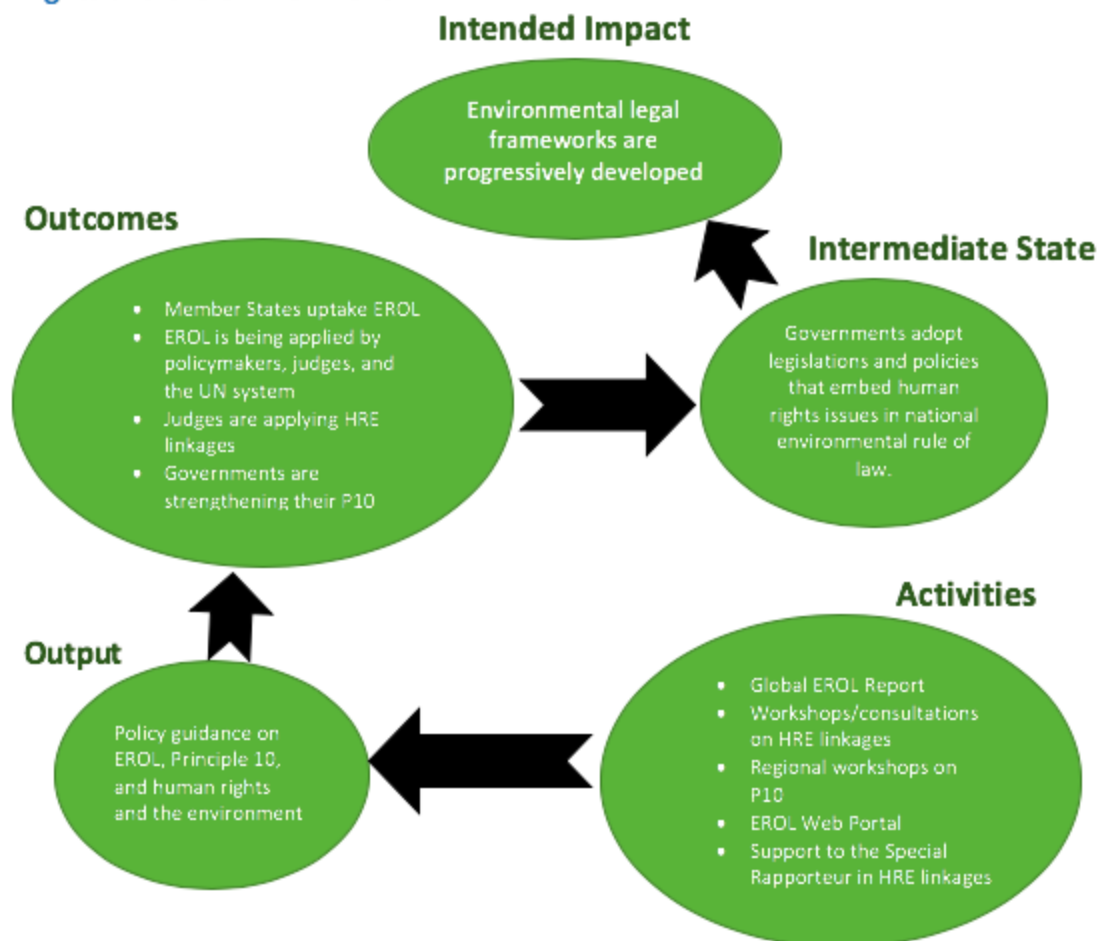
Introduction to the Reconstructed Theory of Change for Output 3

There are a number of comments that should be emphasized with regard to the reconstructed Theory of Change:

- The evidence of outcome is characterized as Member States adopt knowledge on EROL, Human Rights and Environment, and Principle 10; countries are using the knowledge to strengthen environmental law in these key areas.
- The evidence of intermediate state is now characterised as environmental law in the specific areas of EROL, Human Rights and the Environment, and public participation is steadily improving.
- The intended impact is now referred to as “environmental law frameworks are progressively developed”.

Reconstructed Theory of Change

Output 3 – Policy guidance on EROL, Principle 10 and human rights and the environment



Assumptions

1. Willingness of countries to prioritize action on the human rights and the environment
2. Actors are committed to develop and strengthen legal institutional frameworks
3. Partner human rights institutions are willing to elevate EROL in their agenda
4. Enabling conditions are in place to promote the respect for the Rule of Law
5. Enabling conditions promote the Rule of Law
6. Political context
7. Uptake capacity of countries

Impact Drivers

8. Resolution 27/9 on advancing justice, governance and law for environmental sustainability.
9. UNEP's resource availability.
10. UNEP's capacity to resource.
11. Inputs and policy guidance are taken into account by decision makers involved in governmental and inter-governmental processes.
12. Increased knowledge and understanding to promote and strengthen international frameworks.
13. UNEP's capacity to reach out to engage countries and to implement policy guidance

Achievements of Outcomes

Environmental rule of law

There is no doubt that the scope and volume of uptake of the environmental rule of law concept at the global and regional levels would not have been possible without UNEP's efforts supporting legal stakeholders in the crystallising and implementation of the concept. UNEP's EROL work has helped to firmly place the environmental rule of law concept 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. 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.

In the words of the Rt. Hon. Lord Carnwath of Notting Hill, CVO, Supreme Court of the United Kingdom, earlier this year, "the environmental rule of law is now an established concept" (Environmental Rule of Law First Global Report, January 2019). UNEP p. i). It is recognized by Member States, as reflected in the political consensus achieved by UNEA resolutions.

Additionally, courts are increasingly embracing the concept in judicial rulings around the world. This is essential in light of the power of the judiciary in the development, implementation, and enforcement of environmental law. As an elucidating case study from March 2019, an Indian High Court ruling specifically referred to the UNEP First Global Report on Environmental Rule of Law. The environmental rule of law is one of the foundations upon which the High Court rejected the environmental assessment of a proposed international airport.

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. 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 the environmental rule of law 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.

UNEP's global and 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. Following the Maputo Greening Judiciary Forum, African judges agreed to take Environmental Rule of Law more seriously and to integrate environmental law into the national training curricula of all African judicial training institutes. This would not have happened without the opportunity for African judges to have first met and discussed Environmental Rule of Law at the 2012 Nairobi Global Symposium on Environmental Rule of Law, and initiative that preceded this project.

Additionally, UNEP has played an important role in advancing the environmental dimensions of the rule of law within the UN system. For example, UNEP has consistently succeeded in including

EROL language in UN Secretary-General annual rule of law reports. As well, through its membership in the Rule of Law Coordination and Resource Group (RoLCRG) UNEP has actively promoted the environmental rule of law as a proven pathway for attaining the 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.

Human Rights and the Environment

The Environmental Rights Initiative was launched in March 2018 and represents the next phase of UNEP's work on human rights and the environment. The aim is to assist governments to implement environmental rights, to promote corporate responsibility and to help raise awareness about environmental rights and opportunities and challenges for defending them. This work has been particularly important in creating a platform to give a voice to environmental defenders. UNEP has also worked closely with the media to help improve coverage of environmental rights issues. The collaboration with the Special Rapporteur on Human Rights and Environment has been critical to the success of this work. However, increased funding support is essential to ensure the durability of the initiative.

UNEP's work on environmental constitutionalism in collaboration with the Special Rapporteur on Human Rights and the Environment 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. UNEP needs to be properly funded to continue to support the Special Rapporteur and in particular to provide legal advisory services to Member States (especially SIDS) who have not yet integrated environmental rights in their national constitutions.

Principle 10

UNEP has been working for many years on the promotion of Principle 10 of the Rio Declaration. At the 2010 11th Special Session of UNEP's Governing Council/Global Ministerial Forum in Bali, Indonesia adopted the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (the Bali Guidelines). Subsequently, UNEP has used the Bali Guidelines to support numerous governments in developing national environmental legislation. Under this project, UNEP convened: regional workshop on Principle 10 in the Caribbean Region; regional workshop on Principle 10 in Latin America; and Bali Guidelines Workshop in Amman.

The regional process on Principle 10 in Latin America has been particularly active with roadmaps and action plans having been adopted, alongside the historic 2018 Escazu Agreement, which was the first international legal instrument on Principle 10 having been adopted since the Aarhus Convention was adopted in 1998. In terms of actual outcomes, the Report of the September 2013 Regional Workshop on the Implementation of Principle 10 in the Caribbean Region highlights important examples of uptake by governments:

- Many countries have statutory timelines on the provision of information.
- There is proactive use of technology to ensure the provision of information.
- Countries such as Jamaica have dedicated officers for access requests.
- A growing number of countries such as Belize and Trinidad & Tobago have reformed their freedom of information legislation to be compliant with Principle 10.
- As regards access to justice, countries such as Belize have implemented legislation that enables members of the public to bring civil actions if they have suffered loss or damage as a result of violation of the Environmental Protection Act.
- There are a growing number of countries in the region who have also implemented constitutional rights to healthy environment and in these cases, implementation of Principle 10 has been facilitated.

It should be noted that on the Principle 10 Partnership homepage (sustainabledevelopment.un.org/partnership) there are no progress reports or information under the deliverables and timeline tabs. In fact, the website notes that there were no progress reports in the last 17 years!

Achievement of Intermediate States and High Level Impact

The evidence of intermediate state is characterised as environmental law in the specific areas of EROL, Human Rights and the Environment, and public participation is steadily improving.

Environmental Rule of Law

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.

It is far too early and there is too little evidence 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:

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.

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.

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.

Human rights and the environment

As highlighted above, UNEP's work on environmental constitutionalism in collaboration with the Special Rapporteur on Human Rights and the Environment has contributed to the increased awareness among judiciary and law practitioners regarding the linkage between human and environmental rights. Slowly but surely, recognition of the linkages is being translated into new legislation and transformative change in the area of environmental constitutionalism, with countries embedding environmental rights into their national constitutions or developing robust legislation that protects the environmental rights of citizens. UNEP needs to be properly funded to continue to support the Special Rapporteur and in particular to provide legal advisory services to Member States (especially SIDS) who have not yet integrated environmental rights in their national constitutions.

E. Financial Management

In the absence of substantive expenditure information from the Fund Management Officer, this criterion has been rated 'Highly Unsatisfactory'.

F. Efficiency

The overall rating for Efficiency is 'Moderately Satisfactory'.

F.1 Time Efficiency

The project started in February 2015 and was expected to complete in December 2017. In December 2016 the project was extended to December 2018, for a total of 48 months. The mid-term review of Montevideo IV and the Resolution 2/19 that adopted the mid-term review at the 2016 UNEA-2, gave UNEP, then DELC (and now) the Law Division a new strategic direction and new priorities in the field of environmental law. The project was revised in December 2016 to ensure that these new priorities were duly addressed under one unified project. The project extension provided more time for the activities that were rolled into the project to be completed on time. This aspect was rated as 'Satisfactory'

F.2 Cost Effectiveness

Cost effectiveness was promoted through the sharing of tasks and human resources with the project's partners, especially in the context of Outputs 2 and 3. However, in the absence of any expenditure information there is no evidence to support positive ratings for cost-effectiveness. It has therefore been rated as "Unsatisfactory"

G. Monitoring and Reporting

The overall rating for Monitoring and Reporting was 'Moderately Unsatisfactory'.

G.1 Monitoring Design and Budgeting (Moderately Satisfactory)

At the project launch, a monitoring plan had been developed which included the following:

- Six-monthly review in accordance with PIMS.
- Monitoring of each project output, planned milestones and indicators using sources described in project Logical Framework Progress reports.
- Unified half-yearly “Progress and Financial Report”.
- Risk management strategy in the event of delays in the delivery of outputs.
- The logframe contained in the original project document did include indicators and means of verification as well as milestones. However, there were only quantitative indicators. The main problem is that these indicators is that they only 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 aim of strengthening the progressive development of international environmental law.

G.2 Monitoring of Project Implementation (Unsatisfactory)

At the time of evaluation, it was clear that there was very little documentation for project progress reporting. The project revision document does identify which activities were implemented but there is no descriptive analysis of the activities and their overall progress towards results. The project document refers to a wide range of verification sources, but few of these were actually recorded on PIMS or otherwise made available to the evaluation.

G.3 Project Reporting (Unsatisfactory)

There was very little project reporting on PIMS and reporting and monitoring information was not readily available to the evaluation.

H. Sustainability

The overall rating for Sustainability is Moderately Unlikely.

H.1 Socio-Political Sustainability (Likely)

The sustainability of project outcomes has a high dependency on political factors such as the political will of governments to strengthen environmental law. As regards the first output, this meant political will of governments to adopt the final assessment of Montevideo IV and to agree to the proposals for Montevideo V. For output 2, the sustainability depended on the political will of governments to apply the knowledge products such as the 2016 Integrated Waste Guidelines and the EIA Resource Manual and thereby strengthen domestic legislation in these areas. For output 3, the sustainability depended on the political will of governments to uphold the concept of the environmental rule of law and to promote environmental rights. Judging by the enthusiasm of the Montevideo national focal points at the regional consultations that were held in 2018, it is

apparent that there is a growing willingness on the part of governments in all regions to strengthen environmental law. This

H.2 Financial Sustainability (Moderately Unlikely)

Continued flow of financial resources or project actions would certainly have been needed to sustain project outcomes,

H.3 Institutional Sustainability (Moderately Likely)

The sustainability of project outcomes also has a high dependency on institutional support from UNEP. For example, in the case of Output 1, UNEP will be essential to the achievement of the objectives of Montevideo V. Countries will require continued technical support and legal advisory services in order to continue their efforts to strengthen environmental law. Similarly, in the case of Output 3, countries will require continued support to promote the environmental rule of law, especially in terms of the development of national EROL implementation strategies. Similarly, countries will require continued support in the development and implementation of environmental rights.

I. Factors affecting performance

The overall rating for Factors Affecting Performance is Moderately Satisfactory.

I.1 Preparation and Readiness

The project team did not supply the requested information.

I.2 Quality of Project Management and Supervision

The project team adapted to the new priorities that were identified by the mid-term review of Montevideo IV and Resolution 2/19, which gave the Law Division a new strategic direction and new priorities in the field of environmental law. The project was revised in December 2016 to ensure that these new priorities were duly addressed under one unified project.

I.3 Stakeholder Participation (Satisfactory)

Implementation was undertaken with a strong analysis of the key stakeholders such as the Montevideo focal points in Output 1, government policy makers in Output 2 and the whole spectrum of enforcement actors in Output 3. The Law Division has a strong record in building and sustaining partnerships with key actors on the ground and this is reflected by the high level of engagement of stakeholders at all of the various meetings and events that were organised under the ambit of this project. The Law Division has continued to ensure stakeholder participation in the design of Montevideo V.

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

There is no evidence of gender considerations being factored into project design and implementation. Nevertheless, human rights were a central feature of the environmental rule of law and human rights and environment project activities. This is reflected for example in the extent to which substantive and procedural environmental rights were addressed in the various colloquia and the first global report on EROL.

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

Country ownership was evident in most of the project activities. This was certainly the case with the final assessment of Montevideo IV and in the preparation of proposals for Montevideo V. This was also evident in all of the activities in the revised Output 3, whereby national enforcement actors played a lead role in identifying their specific needs to be addressed in the various regional colloquia.

I.6 Communication and Public Awareness (Satisfactory)

The project created important platforms for the exchange of learning and experience between key stakeholders such as the Montevideo national focal points as well as judges and prosecutors. This exchange has been critical for driving change towards results beyond output.

V. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

A.1 Overall observations

Mid-term review and final assessment of Montevideo IV

The mid-term review provided the Law Division with a new strategic direction and helped to set new environmental law priorities. In terms of the shortcomings, the midterm review document itself did not include any substantive assessment of the effectiveness of the different programme areas of Montevideo IV. The mid-term review only provided a comprehensive description of all the activities that had been undertaken. There was no critical reflection on success or shortcomings. Similarly, the lack of performance indicators in Montevideo-IV made it difficult to measure performance at the outcome level in the final assessment. Attribution was also difficult to discern.

The final assessment process played a critical role in galvanizing Montevideo focal points through the four regional consultations. This ensured opportunities for countries to communicate the challenges they face in the development and implementation of environmental law. The regional consultations were also extremely valuable in helping to mobilise a sense of solidarity among the focal points at the regional level and recognition of the extensive environmental law expertise that already exists within each of the regions. The assessment process also involved the creation of a Steering Committee comprised of focal points, which produced recommendations that were instrumental in shaping the design of the Fifth Montevideo Programme.

Policy recommendations and knowledge products

UNEP knowledge products are generally well regarded. They fill important gaps and provide Member States with the tools and resources needed to address environmental law challenges. In this project, the Law Division's knowledge products provided countries with important guidance in the development of national environmental legislation. This is particularly evident with the 2016 *Integrated Waste Management* Guidelines. The Guidelines were a response to the call by countries for concrete support to enhance integrated waste management legislation. There is still much work to be done to systematically assess how the 2016 Guidelines have helped to improve waste management regimes.

Environmental rule of law, Environment and Human Rights and Principle 10

The scope and volume of uptake of the environmental rule of law concept at the global and regional levels would not have been possible without UNEP's efforts supporting legal stakeholders in the crystalizing and implementation of the concept. As a result of this project and the related EROL project, there is growing anecdotal evidence that judges are beginning to

embed environmental rule of law principles in jurisprudence. Additionally, the Law Division has played an important role in advancing the environmental dimensions of the rule of law within the UN system. This is reflected in environmental rule of law references in the UN SG Annual Report on the Rule of Law. It is also reflected in the growing recognition by Member States that the environmental rule of law is indeed tied closely to the UN Charter's fourth pillar (rule of law).

There have been important achievements in the field of Human Rights and the Environment that stem from the UNEP partnership with the Special Rapporteur on Human Rights and the Environment. Environmental constitutionalism continues to grow in each of the regions and this is providing an important legal basis upon which legal challenges are being mounted. Equally, increased awareness on the part of the judiciary has in some places have resulted in courts taking more expansive views of standing. Citizen suits are increasing but so is the need for capacity building support.

A.2 Evaluation ratings table

Using the UNEP criterion ratings table, the evaluation team concluded a final rating of 'Moderately Satisfactory', based on the following:

Table 11: Evaluation ratings table

Evaluation criteria	Rating
Strategic Relevance	Satisfactory
Alignment to MTS and POW	Satisfactory
Alignment to strategic priorities	Satisfactory
Regional, sub-regional and national	Satisfactory
Complementarity with existing interventions	Satisfactory
Quality of Project Design	Moderately Satisfactory
Nature of External Context	Favourable
Effectiveness	Moderately Satisfactory
Delivery of outputs	Satisfactory
Achievement of outcomes	Moderately Satisfactory
Likelihood of impact	Moderately Unlikely
Financial Management	Unsatisfactory
Completeness of project financial information	Highly Unsatisfactory
Communication between finance and project management staff	Moderately Satisfactory
Efficiency	Moderately Satisfactory
Monitoring and Reporting	Moderately Unsatisfactory
Monitoring design and budgeting	Moderately Satisfactory
Monitoring of Project Implementation	Unsatisfactory
Project Reporting	Unsatisfactory

Sustainability	Unlikely
Socio-political sustainability	Likely
Financial sustainability	Unlikely
Institutional sustainability	Unlikely
Factors Affecting Performance	Moderately Satisfactory
Preparation and readiness	Unsatisfactory
Quality of project management and supervision	Moderately Satisfactory
Stakeholder participation and cooperation	Satisfactory
Responsiveness to human rights and gender equity	Moderately Unsatisfactory
Country ownership and driven-ness	Satisfactory
Communication and public awareness	Satisfactory

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

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

Table 1: Output 1 Mid-term review and final assessment of Montevideo IV

Strengths	Weaknesses
1. The mid-term review provided Law Division with clearly defined new direction and helped to set new environmental law priorities.	1. In terms of the shortcomings, the midterm review document itself did not include any substantive assessment of the effectiveness of the different programme areas of Montevideo IV. The mid-term review only provided a comprehensive description of

	all the activities that had been undertaken. There was no critical reflection on successes or shortcomings. Similarly, the lack of performance indicators in Montevideo-IV made it difficult to measure performance at the outcome level in the final assessment. Attribution was also difficult to discern.
2. The mid-term review catalyzed the creation of the network of Montevideo national focal points.	2. The bilateral interviews and regional consultations revealed the extent to which focal points had very little knowledge about the actual Montevideo IV Programme.
3. The final assessment process galvanized Montevideo focal points through the four regional consultations. The regional consultations were extremely valuable in helping to understand the challenges faced by countries in developing and implementing environmental law.	3. Financing constraints meant that only one global meeting of Montevideo focal points could be convened. A second global meeting had been planned for the purposes of commencing the design of Montevideo V. Focal points were clearly disappointed with reduced opportunities to contribute directly to the design process.
4. The Steering Committee's recommendations of the final assessment were instrumental in shaping the design of the Fifth Montevideo Programme.	4. Funding constraints meant that there were fewer opportunities for countries to contribute to the shaping of Montevideo-V.

Table 2: Output 2 Policy guidance and recommendations on pollution prevention

Strengths	Weaknesses
1. The project team responded efficiently to the re-focusing of the Law Division's priorities (driven by UNEA-III resolutions).	1. The re-focusing of priorities meant that there were no activities related to policy guidance on the ecosystem approach. Countries continued to require law and policy support in this area, especially given the importance of the linkages between ecosystem approaches and climate change.
2. The Law Division's knowledge products provide countries with important guidance in the development of national environmental legislation. This is particularly evident with the 2016 <i>Integrated Waste Management</i> Guidelines. The Guidelines are a direct response to the call by countries for concrete support to enhance integrated waste management legislation. The 2016 Waste Guidelines have helped to improve waste management regimes with the focus on integrated approaches, broadened scope to include all forms of waste, and emphasis on circular economy models.	2. There is no systematic evidence at this point of the uptake of the Guidelines. The Law Division has not invested sufficient resources to track higher-level results.
3. The 2018 <i>Resources Manual on EIA</i> is another important guidance tool for Member States. The report provides examples from a wide range of countries of different approaches to EIA.	3. More efforts are needed to track the uptake of the knowledge contained in the EIA manual. Inspiration could be drawn from the Law Division's plans to develop a performance-based ranking of environmental rule of law approaches. The same could be done with country performance with EIA.
4. Overall, UNEP knowledge products are generally well regarded. They fill important gaps and provide Member States with the tools and resources needed to address environmental law challenges at the country level.	4. UNEP is should continue to do more to collect best practices and evidence-based examples of how countries can simultaneously grow economically and protect their environment.

Table 3: Output 3 Policy guidance and recommendations for action on environmental rule of law, Human rights and the Environment and Principle 10

Strengths	Weaknesses
1. The scope and volume of uptake of the environmental rule of law concept at the global and regional levels would not have been possible without UNEP's efforts supporting legal stakeholders in the crystalizing and implementation of the concept.	1. Insufficient performance measurement metrics have made it very difficult to empirically assess the uptake of the concept of the environmental rule of law. This makes the tracking of higher-level outcomes achievement more difficult and in some cases, impossible. Unclear division of labour with the separate PoW project entitled "Environmental Rule of Law".
2. As a result of the project, there is growing anecdotal evidence that judges are beginning to embed environmental rule of law principles in jurisprudence.	2. There were no concerted efforts to systematically track the evolution of environmental jurisprudence in all regions.
3. The Global Report on the Environmental Rule of Law has provided an important baseline against which UNEP will plan to update every two years. It has also catalyzed a potential process of country assessments, which may feed into an index-based ranking.	3. The best practices contained in the Global Report 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.
4. UNEP has played an important role in <i>advancing the environmental dimensions of the rule of law within the UN system</i> . This is reflected in environmental rule of law references in the UN SG Annual Report on the Rule of Law. It is also reflected in the growing recognition by Member States that the environmental rule of law is indeed tied closely to the UN Charter's fourth pillar (rule of law).	4. 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.
5. There have been important achievements in the field of Human Rights and the Environment that stem from the UNEP partnership with the Special Rapporteur. Environmental constitutionalism continues to grow in each of the regions and this is providing an important legal basis upon which legal challenges are being mounted. Equally, increased awareness on the part of the judiciary has in some places have resulted in courts taking more expansive views of	5. UNEP needs to be properly funded to continue to support the Special Rapporteur and in particular to provide legal advisory services to Member States (especially SIDS) who have not yet integrated environmental rights in their national constitutions.

standing. Citizen suits are increasing but so is the need for capacity building support.	
6. UNEP's success in its work advancing Human Rights and the Environment is due in large part to the collaboration with the Special Rapporteur on Human Rights and the Environment together with the High Commission for Human Rights. UNEP would not have been able to engage in this space had it attempted to advance the work on its own.	6. The collaboration with the Special Rapporteur on Human Rights and Environment has been critical to the success of this work. However, increased funding support is essential to ensure the durability of the initiative. Similarly, with the expansion of standing rights, civil society organizations need more support to assist them in bringing forth legal action

B. Recommendations

Recommendation #1:	Future reviews / evaluations / assessments of the Montevideo V Programme should be underpinned by robust analysis of challenges and short comings.
Context/comment:	In future reviews of the Montevideo V Programme, the Law Division should pay more attention to the concrete implementation challenges and shortcomings. There is great learning potential from understanding their cause. This requires the Law Division to create a culture of continual learning that seeks to improve adaptive management.
Priority:	Opportunity of improvement
Responsibility:	Law Division

Recommendation #2:	Outreach with independent environmental law experts should be maintained in advance of the next Montevideo review.
Context/comment:	Outreach with independent environmental law experts is essential for a credible and legitimate review process. Their expertise brings important substantive insights that complement the insights generated by the national focal points.
Priority:	Opportunity of improvement
Responsibility:	Law Division

Recommendation #3:	The Law Division should sustain regular outreach with the Montevideo national focal points.
---------------------------	--

Context/comment:	The regional platforms that were created as a result of the Montevideo IV mid-term assessment provided the Law Division with an invaluable monitoring mechanism for tracking results. This should be continued moving forward to the Fifth Programme. This will most likely be achieved most efficiently at the regional level. It might also be useful for the Law Division to explore how to synergise the work of the regional platform of focal points with the existing ministerial forums in each of the regions. Organising Montevideo regional meetings on the sidelines of annual ministerial forums would be a cost-efficient way to bring Montevideo focal points together.
Priority:	Important
Responsibility:	Law Division

Recommendation #4:	The Law Division should convene twice annual regional webinars with Montevideo focal points.
Context/comment:	Whilst the regional consultations are costly, the importance of convening face-to-face meetings cannot be over-emphasised. That said, it could be useful for the Law Division to explore twice-annual regional webinars to sustain the interaction and to continue to build the critical mass of focal points.
Priority:	Critical
Responsibility:	Law Division

Recommendation #5:	The Law Division should invest more resources in the improvement of outcome monitoring for Montevideo V.
Context/comment:	Managing for results requires robust evidence and lessons learned from continuous monitoring and periodic evaluation to ensure

	progress towards results; the validity of the results chain and causal assumptions; and the contribution of the organisation towards long-term goals.
Priority:	Critical
Responsibility:	Law Division

Recommendation #6:	The Law Division should improve tracking and monitoring of higher-level results. It should consider replicating the monitoring approach that has been developed with the model law on lead paint for other knowledge products.
Context/comment:	The Law Division's knowledge products provide countries with important guidance in the development of national environmental legislation. However, there is no systematic evidence at this point of the uptake of the Guidelines. The Law Division has not invested sufficient resources to track higher-level results. The approach used for laws on lead paint might serve as an example.
Priority:	Critical
Responsibility:	Law Division

Recommendation #7:	The Law Division should scale up and replicate its successful training initiatives with the judiciary.
Context/comment:	UNEP has a proven track record with its judicial training initiatives. The work is highly valued by judges around the world. Tailoring its training to the specific needs of different enforcement actors has been well received. 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.
Priority:	Important
Responsibility:	Law Division

Recommendation #8:	Inter-agency cooperation with OHCHR should be strengthened.
Context/comment:	The Law Division should take concrete steps to ensure that inter-agency cooperation between UNEP and OHCHR is strengthened and formalised where necessary. The Law Division should also explore new forms of collaboration with environment and human rights organisations on the ground in order to replicate and scale up its work in the advancement of the linkages between human rights and the environment.
Priority:	Important
Responsibility:	Law Division

VI. ANNEXES

Annex I. List of Interviewees

Elizabeth Mrema, former Director, Division of Law, UNEP

Arnold Kreilhuber, former deputy-Directory, Division of Law, UNWP

Allan Meso, Legal Officer, International Law Unit, UNEP

Andrea Brusco, Legal Officer, UNEP Regional Office for LAC

Andrew Raine, Senior Legal Officer and Head of International Law Unit, UNEP

Maria Manguiat, Senior Legal Officer, Law Division, UNEP

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 II. Quality of Project Design Assessment

Overall, the rating awarded for the Quality of Project Design was 'Satisfactory'.

Figure 4: Summary of the Quality of Project Design Ratings

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

1 Intended results and causality (Moderately Satisfactory)

Realism of project objectives

The project aims to contribute to the progressive development of an adequate legal framework on the environment focusing on selected thematic areas and issues identified by the Montevideo Programme for the Development and Periodic Review of Environmental Law, through a comprehensive review of the Programme itself and the identification of legal and policy options in selected areas.

The outcome of the project as per the project revision is that recommendations on normative options to strengthen environmental law regarding emerging issues are accepted and endorsed by relevant stakeholders.

Considering the fact that only one of the outputs (Output 1- the mid-term review of Montevideo) and one activity under Output 2, it is fair to say that the original objectives were overly-ambitious.

The revised project objective was justified and realistic considering that it was modified to reflect the fact that the project had to be expanded in scope in order to respond to the Mid-term Review outcomes, and to support UNEP's delivery of the environmental dimension of the 2030 Agenda.

Description of causal pathways

The Theory of Change set out in the original project document was basic. The reconstructed theory of change provides important details about the drivers and assumptions of the project which are in turn essential to assessing the overall logic of the pathways.

The causal pathways from outputs to outcomes and onward to intermediate states were not accurately described. The main problem is that original results statements are all described in output terms and do not denote change in agency and application of knowledge or recommendations.

Realism of time frame

The original time frame was perhaps not realistic considering that most of the project activities were not executed. However, the additional year that was provided in the project extension appeared to be sufficient to achieve the outcomes set out in the project revision.

Likelihood of achievement of project outcome

The anticipated outcome refers to “recommendations on normative options to strengthen environmental law with regard to emerging and pressing issues are accepted and endorsed by stakeholders at relevant levels”.

It should be emphasized that this outcome statement is not actually a true outcome because it does not reflect an actual change in behaviour or state resulting from the acceptance of the normative recommendations.

The fact that the outcome only expects stakeholders to “accept and endorse” pressing environmental law issues and not necessarily pass legislation as an effect of the project sets a lower bar and as a result, it is possible that the project outcome could have been achieved during the project if the key project activities had been executed.

Linkage between project activities and likelihood of higher-level results

The project’s initial activities were designed centred around developing the necessary knowledge for member states to understand the nature and importance of pressing environmental legal issues. At an initial glance, it appears that the activities would have been appropriate to produce the outputs. Had the activities been fully implemented, it is conceivable that they would have been successful in pushing change along the causal pathway.

2 Efficiency (Satisfactory)

According to the project document, the project manager would take a proactive approach to accessing emerging funding streams from emerging donors. The project appeared to be cost-effective because there is a strong emphasis on internal information gathering and using in-house expertise. The project has strong links to other projects as described above, which it complements and feeds into. This could certainly help to enhance overall project efficiency. This project and other UNEP projects on environmental law together form a coherent programme to achieve UNEP’s objectives in the field of environmental law, particularly as part of its Environmental Governance Sub programme.

3 Sustainability/replication and catalytic effect (Moderately Satisfactory)

The project had a clearly defined strategy for project sustainability, replicability and mainstreaming. The ProDoc refers to the long-term legacy and sustainability of the project as research that will have identified gaps in the environmental law framework. This has been supplemented by the convening of experts to exchange ideas on how best to fill those gaps. As well, several of the products of the project such as research papers, briefings, training manuals and reports contain information that will be useful and applicable beyond the project, and have a wide audience if well disseminated.

The activities of the project were initially designed to promote awareness and engagement on the part of both state and non-state actors. This is especially evident in the Midterm review and final assessment of Montevideo IV which included several processes that brought experts and government officials together to tackle environmental law challenges.

4 Risk identification and social safeguards (Moderately Satisfactory)

The project risk log has identified a small handful of risks. However, it could have been more comprehensive in scope.

The project identifies three risks: (1) both UNEP and partners who will jointly deliver outputs have the necessary financial resources (2) commitment of stakeholders is maintained throughout the project; (3) commitment of implementing partners during the project and effective coordination is maintained.

5 Governance and supervision arrangements (Satisfactory)

The project governance model was clear and appropriate. Roles and responsibilities between project team members were defined. Supervision arrangements were identified.

6 Management, execution and partnership arrangements (Satisfactory)

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

Notably the project manager was flexible in the overall management of the project in order to adapt to a number of challenges such as lack of funding, human resources capacity. These changes were properly authorised in accordance with standard procedural rules regarding project management.

7 Financial planning and budgeting

The Project Revision Document clearly mentioned a lack of planned budget for the first part of the project. Although the initial budget presented in the Project Document shows that more than 50% of the budget was secured, the overall planned expenditures exceeded it.

Moreover, along with the extended scope of the revised project, the mid-term revision presented extended expenses, which were covered by only one third of the new secured budget.

Although the prospect of further fundraising was promising, the latest budget shows that the new scope may have been too ambitious for the ability of the project to raise more funding.

There were no flows of funds included in either of the Project and Revision Documents. However, an external Excel table found on PIMS allowed the Evaluation to acknowledge the flows of funds.

Table 4: Financial Management Table			
NON-GEF AND GEF PROJECTS			
Financial management components:		Rating	Evidence/ Comments
1. Completeness of project financial information⁷:			
Provision of key documents to the evaluator (based on the responses to A-G below)			
A.	Co-financing and Project Cost's tables at design (by budget lines)	S	No Co financing
B.	Revisions to the budget	U	Fund Manager did not provide
C.	All relevant project legal agreements (e.g. SSFA, PCA, ICA)	U	They were not in PIMS during the evaluation
D.	Proof of fund transfers	?	What is required here?
E.	Proof of co-financing (cash and in-kind)	S	No Co-financing
F.	A summary report on the project's expenditures during the life of the project (by budget lines, project components and/or annual level)	S	Refer financial table by donor
G.	Copies of any completed audits and management responses (<i>where applicable</i>)	N/A	N/A
H.	Any other financial information that was required for this project (list):	N/A	N/A

⁷ See also document 'Criterion Rating Description' for reference

Any gaps in terms of financial information that could be indicative of shortcomings in the project's compliance ⁸ with the UNEP or donor rules	?	N/A
Project Manager, Task Manager and Fund Management Officer responsiveness to financial requests during the evaluation process	U	
2. Communication between finance and project management staff		
Project Manager and/or Task Manager's level of awareness of the project's financial status.	Good	Need evidence
Fund Management Officer's knowledge of project progress/status when disbursements are done.	Good	Need evidence
Level of addressing and resolving financial management issues among Fund Management Officer and Project Manager/Task Manager.	Good	Need evidence
Contact/communication between by Fund Management Officer, Project Manager/Task Manager during the preparation of financial and progress reports.	Good	Need evidence
Overall rating>	Moderately satisfactory	

8 Monitoring (Unsatisfactory)

The project monitoring plan included a 6-month periodical review through PIMS and the production of a report to the "relevant Programme Framework Coordinating Division".

There is a clear lack of details on the entities responsible for monitoring and oversight of the project.

The logical framework does not include the impact drivers nor the assumptions from the Theory of Change.

Most of the indicators are only linked to output levels.

⁸ Compliance with financial systems is not assessed specifically in the evaluation. Nevertheless, if the evaluation identifies gaps in the financial data, or raises other concerns of a compliance nature, a recommendation should be given to cover the topic in an upcoming audit, or similar financial oversight exercise.

Baseline information is provided in relation to the key performance indicators. However, the method for the collection for the baseline data has not been explained. The means of Verification are appropriate.

The time frame for monitoring activities has been specified as including half-year progress and financial reports to be submitted by 31 July and 31 January each year on the project's duration, in addition to a final report within 60 days of the project's completion.

The project document did not specify any arrangements for project level progress monitoring nor is it clear whether a budget was specifically allocated for monitoring project progress.

9 Evaluation (Satisfactory)

The Project Document stated that the project would follow UNEP standard reporting and evaluation processes out in full conformity with UNEP standard evaluation procedures.

Annex III. Bibliography

Output 1- Montevideo

“Midterm review of the Fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV).” *UN Environment Programme (UNEP)* (May 2016).

http://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/26077/montevideoIV_ED.pdf?sequence=1&isAllowed=y.

“Meeting of Senior Government Officials Expert in Environmental Law on the Midterm Review of the 4th Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV).” *IISD Reporting Services* (September 2015). <https://enb.iisd.org/unep/law/montevideo4/>.

Wagner, Lynn. “Environmental Law Officials Approve Recommendations on Montevideo Programme.” *IISD Knowledge Hub* (September 2015).

<http://sdg.iisd.org/news/environmental-law-officials-approve-recommendations-on-montevideo-programme/>.

“Assessing the Montevideo IV Programme.” *UN Environmental Programme* (October 2018). <https://www.unenvironment.org/fr/node/23799>.

“Meeting of Senior Government Officials Expert in Environmental Law on the Midterm Review of the Montevideo Programme IV.” *International Union for Conservation of Nature (IUCN)*. (September 2015). <https://www.iucn.org/content/meeting-senior-government-officials-expert-environmental-law-midterm-review-montevideo>.

“Report of the meeting of senior government officials expert in environmental law on the midterm review of the fourth Programme for the Development and Periodic Review of Environmental Law.” *UN Environment Programme*. (October 2015).

http://www.pnuma.org/forodeministros/20-colombia/documentos/Montevideo_Meeting_Report-UNEP_ENV.LAW-MTV4-MR-1-5.pdf.

“Report the Meeting of Eminent Legal Experts on the Midterm Review of the Fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV).” *UN Environment Programme*. (August 2015).

http://web.unep.org/sites/default/files/delc/documents/montevideo/report-eminent-legal-experts_revised.pdf.

“Summary of the Meeting of Senior Government Officials Expert in Environmental Law on the Midterm Review of the Montevideo Programme IV.” *Montevideo Programme Bulletin* 229, no. 1 (September 2015).

<http://enb.iisd.org/unep/law/montevideo4/html/enbplus229num1e.html>.

Output 2 – Policy guidance on air pollution, waste, ecosystem approach

“Towards a Pollution-Free Planet Background Report.” *UN Environment Programme*. (September 2017).

https://wedocs.unep.org/bitstream/handle/20.500.11822/21800/UNEA_towardspollution_long%20version_Web.pdf?sequence=1&isAllowed=y.

“International Workshop on Framework Law on Waste Management.” *UN Institute for Training and Research* (January 2016).

<https://unitar.org/about/news-stories/news/international-workshop-framework-law-waste-management>.

“Guidelines for Framework Legislation for Integrated Waste Management.” *UN Environment Programme* (February 2016).

<https://wedocs.unep.org/bitstream/handle/20.500.11822/22098/UNEP%20Guidelines%20for%20Framework%20Legislation%20for%20Integrated%20Waste%20Management.pdf?sequence=1&isAllowed=y>.

“Note on the United Nations Secretary-General’s Report, “Gaps in international environmental law and environment-related instruments: towards a global pact for the environment.” *International Union for the Conservation of Nature (IUCN)* (Dec 2018)

https://www.iucn.org/sites/dev/files/noteforunsgenvllawrptdec2018_final.pdf

“UNEP Briefs on Economics, Trade and Sustainable Development.” *UN Environmental Programme (UNEP)* (May 2002)

https://unep.ch/etu/publications/UNEP_EIA_Manual.pdf

“Environmental Impact Assessment Training Resource Manual.” *UN Environment Programme (UNEP)* (2012).

<http://wedocs.unep.org/handle/20.500.11822/26503>

“New report outlines air pollution measures that can save millions of lives.” *UN Environment Programme (UNEP)* (Oct 2018) <https://www.unenvironment.org/news-and-stories/press-release/new-report-outlines-air-pollution-measures-can-save-millions-lives>

“Actions on Air Quality.” *UN Environmental Programme (UNEP)* (2016).
https://wedocs.unep.org/bitstream/handle/20.500.11822/17203/AQ_GlobalReport_Summary.pdf?sequence=1&isAllowed=y

“Analysis of voluntary commitments targeting marine litter and microplastics pursuant to resolution 3/7.” *UN Environment Program (UNEP)* (March 2019).
https://papersmart.unon.org/resolution/uploads/k1804196_0.pdf#overlay-context=pre-session-unea4.

“Marine plastic debris and microplastics – Global lessons and research to inspire action and guide policy change.” (2016). *UN Environment Programme*.
[http://wedocs.unep.org/bitstream/handle/20.500.11822/7720/-Marine plastic debris and microplastics Global lessons and research to inspire action and guide policy change-2016Marine Plastic Debris and Micropla.pdf?sequence=3&isAllowed=y](http://wedocs.unep.org/bitstream/handle/20.500.11822/7720/-Marine%20plastic%20debris%20and%20microplastics%20Global%20lessons%20and%20research%20to%20inspire%20action%20and%20guide%20policy%20change-2016Marine%20Plastic%20Debris%20and%20Micropla.pdf?sequence=3&isAllowed=y).

“Resolution adopted by the United Nations Environment Assembly on 15 March 2019.” (2019). *UN Environment Programme*.
<http://wedocs.unep.org/bitstream/handle/20.500.11822/28471/English.pdf?sequence=3&isAllowed=y>.

“3/7. Marine litter and microplastics.” (2018). *UN Environment Programme*.
https://papersmart.unon.org/resolution/uploads/unep_aheg_2018_inf2_unea_resolution_s_en.pdf.

Output 3 Policy guidance on EROL, HER, Principle 10

HER

“Constitutions, Environment, and Human Rights: Practice and Implementation.” *International Union for Conservation of Nature (IUCN)* (May 2017)
https://www.iucn.org/sites/dev/files/content/documents/1_final_programme_-_regional_colloquium_on_constitutions_environment_and_human_rights_brasilia.pdf

REPLICA: “Inter-American Congress on the Environmental Rule of Law: Selected Essays.” *University of Denver* (2015).
<https://www.law.du.edu/documents/ect-study/ECTs-in-Latin-America-and-the-Caribbean-2015.pdf>

“Human Rights and the Environment.” *UN Environmental Programme (UNEP)* (Accessed on 21/6/2019) <http://web.unep.org/divisions/delc/human-rights-and-environment>

“New Frontiers in Environmental Constitutionalism.” *UN Environmental Programme (UNEP)* (May 2017)
<https://wedocs.unep.org/bitstream/handle/20.500.11822/20819/Frontiers-Environmental-Constitutionalism.pdf?sequence=1&isAllowed=y>

May, James & Daly, Erin. “Judicial Handbook on Environmental Constitutionalism.” *UN Environmental Programme (UNEP)* (March 2017)
https://www.iucn.org/sites/dev/files/content/documents/2_judicial_handbook_on_environmental_constitutionalism_march_2017.pdf

“Judicial Workshop on Environmental Rights.” *University of Pretoria* (April 2016)
https://www.up.ac.za/media/shared/39/ZP_Files/updated-program-judicial-training-workshop-on-environment.zp85244.pdf

“Symposium: New Frontiers in Global Environmental Constitutionalism.” *Konrad Adenauer Stiftung, South Africa Office, Event Report* (April 2016)
<https://www.kas.de/web/suedafrika/veranstaltungsberichte/detail/-/content/der-zusammenhang-zwischen-menschenrechten-und-umweltschutz>

“Factsheet on Human Rights and the Environment.” *UN Environmental Programme (UNEP)* <https://wedocs.unep.org/bitstream/handle/20.500.11822/9933/factsheet-human-rights-environment.pdf?sequence=1&isAllowed=y>

“International Symposium on Environmental Adjudication in the 21st Century.” (March 2017) <https://environmental-adjudication.org/assets/Draft-Programme-March-2017.pdf>

“Human Rights and the Environment: Rio+20: Joint Report OHCHR and UNEP” (2012). *Office of the United Nations High Commissioner for Human Rights (OHCHR) & UN Environmental Programme (UNEP)*

https://wedocs.unep.org/bitstream/handle/20.500.11822/9970/JointReport_OHCHR_HRE.pdf?sequence=1&isAllowed=y

<https://www.unenvironment.org/resources/publications/judicial-handbook-environmental-constitutionalism>

EROL

Kotze, L.J. “Global environmental constitutionalism in the Anthropocene.” Tilburg University (2017).

https://pure.uvt.nl/ws/portalfiles/portal/28902557/Kotz_Global_09_01_2017_emb_tot_09_01_2018.pdf

“Inter-American Congress on the Environmental Rule of Law: Selected Essays.” *University of Denver* (2015).

<https://www.law.du.edu/documents/ect-study/ECTs-in-Latin-America-and-the-Caribbean-2015.pdf>

Soyapi, CB. “The role of the judiciary in advancing the right to a healthy environment: eastern and southern African perspectives.” *North-West University* (2018).

https://repository.nwu.ac.za/bitstream/handle/10394/31339/Soyapi_CB.pdf?sequence=1&isAllowed=y

“Principle 10.” *UN Environmental Programme (UNEP)* (Accessed on 21/6/2019).

<https://www.unenvironment.org/civil-society-engagement/partnerships/principle-10>

“Report of the Regional Workshop on the Implementation of Rio Principle 10 in the Caribbean Region.” *UN Environmental Programme (UNEP)* (2013).

<http://wedocs.unep.org/handle/20.500.11822/13893>

“Interim Report on Rio Principle 10 Project Implementation in West Asia.” *UN Environmental Programme (UNEP)* (2014).

<http://wedocs.unep.org/bitstream/handle/20.500.11822/11256/Draft%20Report%20Amman%20Bali%20Guideline%20Workshop.pdf?sequence=1&isAllowed=y>

Ochieng, Benson. "Implementing Principle 10 and The Bali Guidelines in Africa." *UNEP Perspectives*, no. 16 (October 2015).

<https://wedocs.unep.org/bitstream/handle/20.500.11822/7469/->

UNEP_Perspective_Series_%E2%80%93_Implementing_Principle_10_and_the_Bali_Guidelines_in_Africa-

2015ENVIRONMENT_PAPERS_DISCUSSION_BALI_No.16.pdf.pdf?sequence=3&isAllowed.

"Preliminary Report: Regional Workshop on the Implementation of Principle 10 of the Rio Declaration and the application of the Bali Guidelines for the development of national legislation on access to information, public participation, and access to justice in environmental matters in Latin America." *UN Environmental Programme (UNEP)* (October 2013)

http://wedocs.unep.org/bitstream/handle/20.500.11822/11255/Report%20LA%20workshop%20on%20Principle%20and%20Bali%20Guidelines%2010_DIC%2019%20eng%20cl.pdf?sequence=1&isAllowed=y.

"Principle 10 Background." Accessed on July 25, 2019. *Latin American and Caribbean Countries - LAC P10*. <https://www.lacp10.org/principle-10>.

"History of the regional Agreement." (2018). *Economic Commission for Latin America and the Caribbean*. <https://www.cepal.org/en/subsidiary-bodies/acuerdo-regional-acceso-la-informacion-la-participacion-publica-acceso-la-justicia/history-regional-agreement>.

"Overview – Key Activities by the Chemicals & Health Branch, UN Environment." (November 2018). *UN Environmental Programme (UNEP)*.

https://www.genevaenvironmentnetwork.org/docs/Presentation%20to%20the%20Permanent%20Missions%20Geneva_%2005-11.pdf.