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United Nations Environment Assembly of the United Nations Environment Programme

**Annual subcommittee meeting of the Committee of Permanent Representatives
to the United Nations Environment Programme**

Tenth meeting

Nairobi, 20 – 24 November 2023

10:00 – 13:00 and 15:00 – 18:00 (GMT+3)

Conference Rooms 1 and 2 (in person)

and Microsoft Teams (online)

Agenda item 3c: Consideration of relevant UNEP evaluation reports.

The UNEP Management Response for Environmental Governance Sub-Programme Evaluation for 2014-2021. In summary, the Sub-Programme Environmental Governance is evaluated as **effective and rated as relevant**, having achieved a high degree of the expected accomplishments outlined in the Programme Performance Reviews, with most projects contributing to advancements in Environmental Governance, even though these contributions may not always be well-documented in formal reports. Notable achievements in Environmental Governance include support for improved environmental policies and laws, as well as institutional enhancements to bolster environmental governance, particularly in alignment with priorities set by Multilateral Environmental Agreements (MEAs).

UNEP Management Response for Environmental Governance Sub-Programme Evaluation for 2014-2021

A. Summary:

1. The Sub-programme Environmental Governance (SPEG) is evaluated as **effective and rated as relevant**. During the evaluation period (2014-2021), the SPEG has achieved a high degree of the expected accomplishments outlined in the Programme Performance Reviews. Likewise, the Project Portfolio's performance is moderately satisfactory or satisfactory, with most projects achieving positive results that enhance Environmental Governance (EG) outcomes. Three main categories of activities contributing to these positive outcomes are legal support, support for Multilateral Environmental Agreements (MEAs), and capacity building for Environmental Governance (EG).
2. The SPEG portfolio lacks cohesiveness and lacks a discernible strategic direction or a well-defined path towards stated objectives. While the portfolio does align with the priorities of the United Nations Environment Assembly (UNEA) and its funding partners, its relevance at the national level for individual Member States is not clearly evident. The portfolio does not follow a systematic approach to assess the specific needs of countries. Nevertheless, the specialized expertise in environmental law, regional environmental governance initiatives, and support for Multilateral Environmental Agreements (MEAs) are regarded as highly pertinent tools for achieving results related to Environmental Governance (EG).
3. In summary, the SPEG has delivered positive outcomes, with most projects contributing to advancements in Environmental Governance (EG), even though these contributions may not always be well-documented in formal reports. Notable achievements in EG include support for improved environmental policies and laws, as well as institutional enhancements to bolster environmental governance, particularly in alignment with priorities set by Multilateral Environmental Agreements (MEAs).
4. While there are challenges and opportunities on the horizon, the SPEG has the potential for greater impact. An important step towards this is the revision of reporting tools, which will allow the SPEG to better showcase its role in enhancing EG. Furthermore, adjustments to management structures and the implementation of processes to enhance coordination, both within the United Nations Environment Programme (UNEP) and with the broader United Nations system through ongoing reform efforts, are vital actions for the SPEG to fully realize its potential.

B. Management Response to the Professional Peer Review of the Evaluation Function of UNEP

1. This Management response has been prepared through a consultative process under the leadership of the Law Division Director of UNEP, to whom the majority of recommendations is targeted. UNEP Management welcomes the timing of the Evaluation of UNEP's Environmental Governance Sub-Programme.
2. Management welcomes the evaluation document as a well- balanced and objective assessment of the of Environmental Governance Sub-Programme.
3. Finally, management appreciates the high degree of collaboration that characterized the evaluation process and the independence of the assessment. The recommendations are useful and forward looking. Management's view and proposed actions on each recommendation are provided in the table below.

UNEP Management Response for Environmental Governance Sub-Programme Evaluation for 2014-2021

<p>Recommendation #1: UNEP's leadership role and approach to environmental governance needs a clear focus, articulated priorities and more specific outcomes as well as appropriate mechanisms and tools to support achievement.</p>	
<p>The Sub Programme on Environmental Governance(SPEG) should develop, in collaboration with other SPs/Divisions and MEAs, an improved overall strategy and establish mechanisms to strengthen its approach to environmental governance across UNEP in line with the MTS 2022-2025 thematic priorities. This will require a stronger statement of UNEP's role in EG and a more coherent, organization-wide commitment to coordinated EG.</p>	
<p>In the same way as the MTS 2022-2025 has identified thematic priorities, the SPEG needs a targeted results framework (especially immediate outcomes, direct indicators and units of measure) to help guide the SPEG in relation to the UNEP thematic priorities and facilitate more effective communication of its impact, relevance and effectiveness across the whole organization.</p>	
<p>Adopting a SPEG ToC, nested with the three corporate ToCs, would promote effective management, development of more concrete and focused indicators and units of measure for the SPEG would aid design and implementation. More training on ToC and related issues would promote effective management and enhance opportunities to apply ToC approaches to normative EG contexts.</p>	
<p>Challenge/problem to be addressed by the recommendation:</p>	<p>UNEP has a leadership role in environmental governance already but at present the SPEG is more responsive and reactive than proactive, leading to a fragmented portfolio. There is no clear accepted definition of EG within SPEG, or UNEP more broadly. This has led to many legitimate and different understandings and interpretations. Consequently, the SPEG provides aspirational directions rather than a planning and results-based paradigm.</p> <p>Advocacy for good EG practice is not a clearly stated priority of the SPEG; yet this is essential to achieve wider impact. Catalytic action in EG and leverage through other UNEP and UN processes occurs to a limited extent but is not optimized. Further, the resources and processes for working with regional and national partners are stretched and not systematic.</p> <p>There is insufficient attention paid to a strategic and coherent approach to the SPEG portfolio, that rather tends to be responsive to funding opportunities. There is not a clear link between EG activities and the MTS 2022-2025 thematic ToC. Consequently, the portfolio priorities for the SPEG are not clearly articulated. Furthermore, results of projects within the SPEG portfolio do not explicitly contribute to SPEG causal pathways to expected MTS outcomes.</p>
<p>Priority Level:</p>	<p>Critical</p>
<p>Type of Recommendation</p>	<p>UNEP-Wide</p>
<p>Responsibility:</p>	<p>Law Division, PPD</p>
<p>Proposed implementation timeframe:</p>	<p>2024-25 PoW</p>

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Management Response:	<p>UNEP Leadership: UNEP management accepts this recommendation. UN Environment Programme led by the Senior Management Team works through divisions, regional, liaison and out-posted offices, plus a growing network of collaborating centers of excellence. UNEP also hosts several environmental conventions, secretariats and inter-agency coordinating bodies. There is an opportunity within this leadership structure to incorporate this “<i>UNEP-Wide</i>” recommendation and already the <u>Law Division</u> has initiated a process, MTS Readiness and restructuring of the law division whose aim is to drive the divisions’ interactions around the MTS 2022-2025.</p> <p>The Law Division Management developed draft vision and mission statements as well as core values for the Division around environmental rule of law and the triple planetary crisis of climate change, biodiversity loss and pollution additionally in an all staff retreat the division invited each global coordinator who presented their perspectives on the connections and role/contributions of the Law Division to their respective sub-programme. The aim is to have these discussions regularly including with Division Directors and UNEP senior management to continuously clarify the focus for environmental governance.</p> <p>The intent of MTS Readiness is not to re-articulate priorities and outcomes which have already been defined in the MTS 2022-2025 and POW 2022-2023 rather implement a process that will see (1) Law Divisions capacity embedded across MTS implementation (2) enhance communication between divisions and sub-programmes and (3) develop a PoW monitoring plan that will measure indicator progress across the organization and not just the sub programme.</p> <p>Sub Programme Strategy: While we are implementing the MTS 2022-2025 the sub programme is cognizant that substantive implementation must continue between and with every iteration of the MTS. Since the MTS 2010-2013 the sub programme has strived to maintain some continuity between MTS periods while simultaneously reacting to requirements from UNEP Leadership to implement new organizational directives. Previous MTS’ would have a specific strategy but in MTS 2022-2025 the organization is focused on the 3 pillars of climate, nature and pollution action and the sub programme is working to deliver these three pillars through (1) Increased frequency of meetings between global coordinators, (2) analysis of Programme Coordination Projects (PCPs) to determine where the sub programme can act as a supplier, react to demands and or foster synergies.</p> <p>Results Framework: UNEP with the support of the project review committee and sub programme coordinators are already ensuring that projects at the review stage are getting connected to appropriate pillar ToCs and indicators.</p>
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Recommendation #2: Environmental Governance requires a more cross-cutting and mainstreamed approach to developing its PoW to achieve the MTS 2022-2025 vision of SPEG as a foundational sub-programme.

The SPEG should undertake a strategic review across UNEP to improve programming. This would include mapping activities of relevance to environmental governance that are being pursued in other SPs and where synergies may be best realized. There is a need to promote awareness of the benefits of more strategic EG action and synergies across the SPs.

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A potential solution is to have SPs that unite divisions to work together in the same way that the technical priorities are envisaged. SPEG could take that role, but the SP Coordination role does not have sufficient coordination and collaboration leadership to drive active collaboration mechanisms.

This would include consideration of where joint action and strategic support from the SPEG could be improved. Mechanisms to implement a foundational 'modus operandi' need to be identified, articulated and operationalized. More active management of the SPEG, in the form of more periodic group meetings, review and forward planning sessions and engagement of staff in design of priorities would promote the effectiveness and impact of the SPEG.

The actions arising need to be applied through an integrated PoW with stronger links with other SPs to capitalize on opportunities to strengthen EG collaboratively across SPs. This may be particularly important for cross-cutting governance issues such as gender and human rights. Such an initiative would generate useful lessons for other SPs.

The SPEG workplan should add value to the three thematic priorities across all divisions. The current SPEG set up is not central to the new thrust of UNEP MTS. The SPEG workplan needs to show how SPEG adds value to cross-house EG. SPEG-related results generated in other divisions and budgetary applications need to be acknowledged to feed into future programming.

<p>Challenge/problem to be addressed by the recommendation:</p>	<p>EG is positioned as a foundational and cross-cutting sub-programme in the new MTS. EG is relevant to all Divisions and all SP. There are governance-related activities being pursued in other SPs that lack proper linkage to the SPEG and, as a result, opportunities for greater coordination and synergy are missed.</p> <p>It is not yet clear how the foundational aspect of the SPEG would be operationalized. Division leadership is understandably focused on division activities rather than SP activities. The boundaries and resource allocations for lead division priorities and SP priorities are unclear. The respective added value of the structure could not be articulated either within or beyond the SPEG, leading to fragmented implementation that has not reached its potential.</p> <p>Environmental governance needs to be considered as a synergistic function across divisions rather than as a separate SP that makes synergy difficult to achieve. Consequently, the SPEG is orphaned rather than embedded and foundational as projected for the next MTS.</p> <p>There is little leadership of SPEG across UNEP to work with other divisions and sub-programs to optimize the opportunities for progressing environmental government across UNEP.</p>
<p>Priority Level:</p>	<p>Critical</p>
<p>Type of Recommendation</p>	<p>UNEP-Wide</p>
<p>Responsibility:</p>	<p>Law Division, PPD</p>
<p>Proposed implementation timeframe:</p>	<p>2022</p>
<p>Management Response:</p>	<p>Strategic Review: UNEP management accepts this recommendation. The Subprogramme has in 2022 undertaken an assessment of results since 2014 with the aim of understanding the connection of our results to the 3 pillars or the MTS 2022-2025. We confirm that 70% of our results are cross cutting and that the distinctive strength of SP4 emanates from this cross-cutting foundation that is also vital for law and governance. The assessment also showed that our results for Climate Change, Biodiversity and Pollution are at 3%, 25% and 3% respectively. Thus, we agree that <u>more</u> needs to be done specifically for Climate Change and</p>

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	<p>Pollution. The recommendation of adding value as an entry point for synergies with other sub programmes including meetings, forward planning sessions, reviews and engagement of staff will be improved noting that global coordinators already have these sessions weekly at Policy and Programme Division (PPD.)</p> <p>POW development: The POW 2022-2023 development was a consultative process between PPD, Divisions, Coordinators, regional offices etc and as possible attempted to mainstream the cross-cutting nature of governance into the plan.</p>
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Recommendation #3: Environmental Governance key functions require an amended structure, linked to the Theory of Change and outcomes identified in Recommendation 1

Clearer distinction is required between the three functions of EG (i) Legal support, (ii) MEA support and (iii) strengthening EG capacity more broadly within the UNEP, the UN and MSs, is required so that these functions can be more clearly addressed within the portfolio and through collaboration.

Consideration of these functions could lead to structural changes, for instance, cooperation with MEAs needs to be pursued at all levels, executive, technical and financially not just on programmatic cooperation. More should be done on all these levels by a dedicated team that works strategically to support MEAs and the synergy with UNEP. This team would contain partnership management, communication, and coordination expertise. A dedicated branch for MEAs support is warranted for this purpose as distinct from national and institutional capacity strengthening.

Similarly, capacity strengthening for MSs is largely arranged from the regions and due to its importance, needs to be more clearly supported through the SPEG.

Challenge/problem to be addressed by the recommendation:	UNEP leadership in environmental governance has been led through supporting global technical expertise and identifying gaps that need attention. The Law Division is well-established and mature with existing links into other SPs. The Law Division, as the lead division for legal aspects of environmental governance, demonstrates clear alignment but laws are often in place but not sufficiently implemented. This is being addressed through the SPEG, but not in a coherent manner. The structure of the SPEG needs to create clearer strategic and causal lines to improve outcomes.
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Priority Level:	Critical
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Type of Recommendation	UNEP-Wide
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Responsibility:	PPD with SPs
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Proposed implementation timeframe:	2023-2025
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Management Response:	<p>Strategy: UNEP management accepts this recommendation. Previous POWs have advocated policy coherence as a higher-level outcome and this is still a key goal of the sub programme at the strategic level and at the project implementation level. The law division as DRI for the sub programme undertook a restructuring aimed at defining the law and governance niche of the division within UNEP on the premise that other divisions are also engaged in policy, law and governance related work.</p>
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	<p>MEA support: Law Division has a dedicated branch dedicated to MEA support. However there is a need to clarify the structure for MEA support within the matrix of UNEP as MEA related work is replicated and our housed in other divisions as well</p>
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	Regional Offices: The MTS 2022-2023 proposes the UNEP delivery model as a new implementation modality where divisions as primary owners and regional offices to focus on the capacity strengthening for Member States and other political and intelligence gathering activities.
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Recommendation #4: The SPEG needs to be proactive in its supporting role across UNEP through clarifying roles and expertise required to support cooperation, skills enhancement activities and establishing specific coordination mechanisms.

The SPEG role should be to mobilize and support the rest of UNEP (see Recommendation #2). Closer cooperation between the SPs, MEAs and partners in EG capacity strengthening on the development of joint indicators, units of measure for coordination and support would enhance cooperation and outcomes.

Improving SPEG function and structure should include a skills review to identify the distinct skills required for each function e.g. facilitation and communications for MEAs, and training and capacity development. Enhanced staff mobility between UNEP and MEAs should be promoted.

Coordination and improved communication lines for SPEG should be given attention, as well as budget tracing in line with performance assessment to better understand where greatest value is being achieved. These can include more active coordination mechanisms between the branches of SPEG, between SPEG leadership team and other SPs and between SPEG and the MEAs. Coordination issues and potential improvements need to be explicitly discussed.

Challenge/problem to be addressed by the recommendation:	<p>Environmental governance covers legal, policy, institutional and coordination for critical environmental governance decision-making processes. The relationship between the Law Division as lead division for the SPEG needs to be more clearly developed, particularly as a foundational programme. Improved coordination across SPs is required to improve efficiency and to understand where legal expertise in the Division is available to support other SPs, or where other SPs should seek external expertise. More active coordination through PPD to optimize synergy for the SPEG, and potentially other SPs is required. Regional SPEG coordinators' reporting lines are complex and would benefit from simplification.</p> <p>The lack of a SPEG ToC, clear indicators and units of measure undermines effective management arrangements. The current budgetary, monitoring and evaluation processes do not support effective management of the SPEG nor the achievement of desired EG results.</p>
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Priority Level:	Critical
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Type of Recommendation	UNEP-Wide
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Responsibility:	PPD with SPs
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Proposed implementation timeframe:	2022-2023
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Management Response:	<p>Enhanced HR Function: UNEP management accepts this recommendation. Agree that skills review, training, Mobility and capacity development is vital for the value addition it can bring to UNEP.</p> <p>Budget Tracing: The Subprogramme has developed a dashboard that looks at the historical data of the SP, how projects and regions have been performing and how much has been spent. We believe this would help to improve coordination and</p>
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	<p>communication and inform better decision making for the SP and its work. Furthermore, the uptake of IPMR should play a role in improving budgetary, monitoring (including joint indicators) and evaluation process and as such support effective management of SPEG and the achievement of desired EG results</p> <p>Improved communication: A communication strategy is in its final stages of development in addition to strategic partnerships with the communication division by law division project managers.</p>
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Recommendation #5: UNEP should make more of the opportunity of UN Reform to mainstream EG initiatives as well as other UNEP activities at the national level. This requires a more active initiative to engage with key countries in the CCA and UNSDCF to leverage activities in EG and build learning to support future UNCT, MEA and MS initiatives.

The potential for UNEP, through the SPEG to catalyze EG through technical, multi-lateral and bilateral agencies and local actors in the current UN Reform process is substantial. Countries are actively researching and reconsidering their priorities through the development of the UNSDCF.

Clearer, more systematic pathways for identifying country priorities for EG to link with the UNCT processes for the CCA and the UNSDCF would provide a substantial opportunity to enhance the mainstreaming of environmental governance to the entire UN programme of support across each country. This could also provide greater strategic focus at the regional level for both normative and strategic support.

Additional resources to support greater UNEP engagement are warranted, particularly as the new processes occur. This includes both regional and country level support and greater collaboration with the MEAs to create strategic links between actions to support MEA compliance and broader strengthening of EG.

Challenge/problem to be addressed by the recommendation:	<p>The UN Reform process has presented important opportunities to leverage EG at the national level. UNEP regional offices have been actively engaged with positive results in gaining responses from countries and development partners to EG approaches and MEA priorities. Yet, the resources to support this work are limited and the opportunity is potentially declining as national agendas are established and resources aligned.</p> <p>The SPEG is not currently set up to engage sufficiently with the UN Reform process. UNEP does not allocate sufficient resources for the SPEG and other SPs to sufficiently engage with the UN Reform process. This means that the opportunity for delivery of EG work through UN and MS partners is not reaching its potential.</p> <p>Current SPEG work is active and is generating lessons, but there is no mechanism for harnessing these lessons and mobilizing resources to capitalize on the urgent and important work being carried out in line with the UN Reform process.</p>
Priority Level:	Critical
Type of Recommendation	UNEP-Wide
Responsibility:	2022-2023
Proposed implementation timeframe:	Executive Office with the Sub-Programme and Regional Coordinators

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Management Response:	<p>Structural Adjustment: UNEP management accepts this recommendation. Various workstreams of UN reform are being implemented across UNEP in divisions, PPD, SPEG, Science Policy Sub programme and regional offices. Of note is PPDs UNEP's knowledge exchange network on UNCT engagement that covers UN Reform matters with a particular focus on Country-level engagement, while also covering the regional and global aspects that impact UNCT engagement, such as IBCs and global initiatives. It is comprised of the members of UNEP's UN Reform Advisory Group, UNCT Focal Point Network and UNEP colleagues worldwide working with or interested in country-level and regional activities/engagement in line with UN Reform.</p> <p>Additionally Member states concur with the evaluation assessment on underfunding the foundational sub- programmes, which if increased may help this UNEP wide recommendation.</p> <p>The SPEG tracks indicators related to mainstreaming environment into sustainable development and cooperation frameworks embedding the work of UNEP into the UNCT process is a narrative linked to recommendation 1 above that requires a coordinated organizational approach to achieve.</p>
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