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**Final**

## **Terminal Evaluation of the Project: "Human Rights and the Environment: Good Practices."**

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## Table of Contents

<b>1</b>	<b>INTRODUCTION.....</b>	<b>10</b>
1.1	Scope and objectives of the evaluation.....	10
1.2	Evaluation methods.....	11
1.3	Main evaluation criteria and questions .....	11
<b>2</b>	<b>PROJECT BACKGROUND .....</b>	<b>12</b>
2.1	About the project.....	12
2.2	Context.....	13
2.3	Project Objectives and Components.....	15
2.4	Target areas and groups .....	15
2.5	Milestones in project design and implementation.....	15
2.7	Project financing.....	16
2.8	Changes in design during implementation .....	17
2.9	Reconstructed Theory of Change (TOC) of the Project .....	17
<b>3</b>	<b>EVALUATION FINDINGS.....</b>	<b>22</b>
3.1	Strategic relevance.....	22
3.2	Effectiveness: Attainment of objectives and planned results.....	23
3.2.3	Achievement of the formal project objectives as presented in the Project Document 43	
3.3	Sustainability .....	43
3.3.1	Socio-political sustainability .....	43
3.3.2	Sustainability of financial resources .....	45
3.3.3	Sustainability of institutional frameworks.....	45
3.3.4	Environmental sustainability.....	46
3.3.5	Catalytic Role and Replication .....	46
3.4	Efficiency.....	49
3.4.1	Cost efficiencies.....	49
3.4.2	Timeliness .....	49
3.5.3	Use of pre-existing institutions .....	49
3.5	Factors affecting performance.....	49
3.5.1	Preparation and readiness .....	49
3.5.2	Project implementation and management.....	51
3.5.3	Stakeholder participation, cooperation and partnerships.....	51
3.5.4	Communication and public awareness .....	52
3.5.5	Country ownership and driven-ness.....	52
3.5.7	Supervision, guidance and technical backstopping.....	53
3.5.8	Monitoring and evaluation .....	54
	<b>Conclusions, Lessons Learned and Recommendations .....</b>	<b>56</b>
4.1	CONCLUSIONS.....	56
4.1.1	Achievements and shortcomings.....	56
	Achievements.....	56
	Shortcomings.....	56
4.1.2	Overall assessment.....	56
4.2	Findings and lessons learned.....	60
	<b>ANNEXES.....</b>	<b>66</b>

## List of tables, figures & diagrams

### List of tables

Table 1: Summary of Evaluation Ratings

Table 2: Project Outputs

Table 3: Budget from 2012 revision

Table 4: Summary of the Project's performance in producing programmed outputs for Component 1

Table 5: Summary of the Project's performance in producing programmed outputs for Component 2

Table 6: Summary of the Project's performance in producing programmed outputs for Component 3

Table 7: Impact drivers and assumptions for the project's three intermediate results

Table 8: Overall Likelihood of Achieving Impact

Table 9: Overview of lessons learned and recommendations

Table 10: Project Logical Framework

Table 11: List of Interviewees

Table 12: Project Design Quality Matrix

### List of figures

Figure 1: Original Theory of Change

Figure 2: Reconstructed Theory of Change

## Executive summary

### About the project

The project was a joint effort between UNEP, the UN Office of the High Commissioner for Human Rights, and the UN Independent Expert on Human Rights and the Environment. The project ran from April 2014 to June 2015.

The project aimed to build the capacity of states and non-state actors to understand the linkages between human rights protection and sustainable development by identifying, promoting and exchanging views on good practices.

The project focused on the delivery of three main outputs: (a) The identification, dissemination and promotion of good practices and lessons learned on human rights and the environment; (b) Delivery of awareness-raising and training services; (c) Dissemination of thematic inputs to interagency and intergovernmental processes. In the process of identifying good practices, the challenges and lessons regarding the interaction between human rights and the environment were also identified.

The compilation of good practices was highly praised by governments and human rights and environment experts. All of the interviewees agreed that the project activities that were designed to generate the good practices were extremely effective. These included the regional consultations, expert seminars, the country visits, and the dissemination of a questionnaire. Little else could have been done to generate additional feedback in light of the limited resources.

### About the evaluation

The evaluation was carried out on the basis of interviews with the then Independent Expert (now Special Rapporteur), members of the project team, other UNEP officials, member states, as well as key stakeholders involved in the project consultations. The evaluation was also based on a desk review of all relevant documentation as listed in the Terms of Reference.

The evaluation addressed the following issues, based on the project's intended outcomes:

- (i) The effectiveness of the project in identifying and disseminating good practices concerning the relationship between human rights and the environment.
- (ii) The effectiveness of the awareness raising, training and consultation events on the linkages between human rights and the environment.
- (iii) The extent to which informational materials that were produced by the project enabled state or non-state actors in inter-governmental processes to address issues concerning the relationship between human rights and the environment.
- (iv) The extent to which good practices identified by the project have been replicated in other contexts.
- (v) The lessons that can be drawn from the first phase of UNEP and OHCHR's work, which in turn, can assist in: the continued identification of good practices; wider

dissemination and promotion of these good practices; strengthened capacity building for implementation of a human rights approach to the environment; raising awareness of the importance of the environment and human rights linkages for the implementation of the SDGs and the advancement of the environmental rule of law.

### **Strategic relevance**

The project's intended results have contributed to the Environmental Governance Sub-programme Expected Accomplishment (b)<sup>1</sup> on the basis of the following factors:

The project's first output provided for the promotion and exchange of best practices. This has provided countries with the resources to learn from each other regarding the challenges and opportunities of developing and enforcing laws related to environment and human rights.

The second output provided for the training services and capacity building, which although not fully executed, was originally designed to enhance the capacity of states to develop and enforce legislation regarding human rights and the environment;

The third output regarding the contributions to interagency and intergovernmental processes has helped to galvanize more widespread political support for environment and human rights.

### **Effectiveness**

The key deliverable of the project, notably the compilation of good practices has been extremely well received in both the environment and human rights communities for its comprehensive scope. Many have acknowledged the important contribution that the report has made in highlighting good practices, which were hitherto unknown to both the environment and human rights communities. The regional consultations and the questionnaire contributed significantly in generating inputs for the good practices report.

The new web portal will ensure that the practices are disseminated to a broad range of actors in both the environment and human rights spheres.

The project was also instrumental in deepening understanding of the linkages between human rights and the environment within the Human Rights Council. The Independent Expert's presentation of the good practices was pivotal in the decision of the Human Rights Council to renew the mandate but also to elevate environmental issues on its agenda and to take decisions to recognise the work of UNEP in the mandate of the Special Rapporteur.

Uniting the human rights and environment communities was a crucial impact driver for the Project. The Project achieved great success in bringing these communities together, and this unity will facilitate further progress in upcoming phases.

The Project's goal was in part to bring together the human rights and environment communities, and through the good practices of the environment community show what good practices can be applied

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<sup>1</sup> "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."

to the human rights community, and what practices from the human rights community can be applied to the environmental policy domain.

The Project showed that these communities are linked, and how efforts in each field can be applied jointly. Without the Project, it would have been very difficult for these communities to come together.

There are many different intergovernmental processes in which the environment and human rights linkages could be elevated more prominently. In this regard, promoting the environment and human rights linkages within the MEAs is essential. The presence of the Special Rapporteur at key COPs would be helpful to ensure that the governing bodies incorporate environmental human rights, starting first with procedural rights. MEA national reporting processes could be used by Member States to indicate how and where they are implementing human rights dimensions that relate to the MEA in question.

Most interviewees felt that sufficient good practices had been identified and that what is needed at this point is a deeper analysis of the actual effectiveness of the good practices and the challenges and opportunities for strengthening and replicating implementation.

If UNEP plans to focus on operationalization of the good practices in a possible second phase, it is clear that training will be essential. However, before embarking on the design of training programmes, it will be important for UNEP to analyse the concrete implementation challenges related to the good practices and the resources needed to facilitate implementation at the national level. There is a wide range of stakeholders to be targeted in the training, ranging from the judiciary, human rights and environmental tribunals, lawyers, parliamentarians, human rights defenders, and government decision-makers. UNEP will have to prioritize which stakeholders to target first and in so doing should endeavour to engage in partnerships with local actors on the ground to develop and deliver the training.

Mainstreaming of human rights should be an integral part of UNEP's core mandate. There are human rights dimensions to each of UNEP's sub-programme areas. The UNEP Secretariat should conduct internal training for UNEP staff to raise understanding and awareness about the importance of integrating environment and human rights into its work. If environment and human rights are to be properly mainstreamed in UNEP's core mandate, it must be clear that this nexus is as integral to UNEP's activities just as gender mainstreaming was identified as being years ago.

On a final note, it should be emphasised that the project was very limited in scope, notably the publication of a report that compiled good practices. Whilst this compilation has highlighted important good practices, the evaluation team maintains that the project should be regarded as a preparatory or precursor phase for a set of activities that are better resourced and more substantial.

## **Sustainability**

There are several socio-political factors that affect the achievement of project results. These include the divergence of legal and political frameworks, the resistance to rights based approaches and policy fragmentation between environment and human rights issues, as well as the degree of ownership by the main stakeholders.

Regarding the financial sustainability, the actual project budget provided only enough resources to cover the regional consultations and the compilation of good practices.

Regarding the institutional sustainability, it is clear that the cooperation between UNEP and OHCHR was essential to the project's success. However, the sustainability of project outcomes is limited and any lasting effects of the project depend on reinforcement of a follow-up phase.

### **Catalytic role and replication**

It is too early to assess whether the good practices have catalysed behavioural change on the part of state and non-state actors. The next phase will necessarily require training and capacity building in order for the good practices to catalyse behavioural change.

However, behavioural change can at least be observed on the part of the Human Rights Council decision to remove the Independent Expert's mandate and elevate his position to Special Rapporteur.

Another way that the project catalysed behavioural changes was the convening of experts from the environment and human rights fields, who don't normally have the opportunity to interact.

There are some signs that the groundwork laid by the project is being taken up by other Special Rapporteurs. For example 27 Special Rapporteurs signed onto the Geneva Pledge on human rights in climate action. The project also catalysed institutional change in the deepening of relations between UNEP and OHCHR.

There are a number of key elements essential to the successful replication of the project. First, the partnership between the Special Rapporteur, OHCHR, UNEP will be essential for a potential second phase. Second, collaboration with key experts in the environment and human rights field will be essential for possible future capacity building.

As well, within both UNEP and OHCHR there is a need for dedicated programme officers on environment and human rights to drive this work forward and to ensure that it is duly mainstreamed within each organisation. There are a wide range of stakeholders who should be targeted from the judiciary to environmental human rights defenders and in order to reach these stakeholders, it will be essential for UNEP to partner with key organisations on the ground such as GLOBE national chapters and national bar associations, as well as national human rights tribunals.

### **Efficiency**

The Project was executed under very tight fiscal restraints. The major cost efficiency was UNEP's decision to hire an external consultant who conducted most of the substantive work. Another example of a time and cost saving measure was the coordination of OHCHR, UNEP and the Independent Expert.

### **Factors affecting project performance**

Notwithstanding the success of the project's results, the 15-month timeframe was rather short. Even though all the consultations were convened, the independent expert was only able to carry out two



country visits (Costa Rica and France). Resource constraints were also a factor considering the difference between the original budget contained in the project document and the actual expenditures. Clearly resources will have to be increased if Phase 2 is to deepen understanding of the challenges in operationalising the linkages between environment and human rights.

**Table 1: Summary of Evaluation Ratings**

Criterion	Overall Rating
<b>1. Strategic relevance</b>	<b>HS</b>
<b>2. Effectiveness: Attainment of objectives and planned results</b>	<b>S</b>
<i>1. Achievement of direct outcomes as defined in the TOC</i>	<b>MU</b>
<i>1a. Achievement of direct outputs as defined in the TOC</i>	<b>S</b>
<i>2. Likelihood of impact using ROtI approach</i>	<b>U</b>
<i>3. Achievement of formal project objectives as presented in the project document.</i>	<b>S</b>
<b>C. Sustainability and replication</b>	<b>UL</b>
<i>1. Socio-political sustainability</i>	<b>L</b>
<i>2. Financial resources</i>	<b>ML</b>
<i>3. Institutional framework</i>	<b>HL</b>
<i>4. Environmental sustainability</i>	<b>L</b>
<i>5. Catalytic role and replication</i>	<b>L</b>
<b>D. Efficiency</b>	<b>S</b>
<b>E. Factors affecting project performance</b>	<b>S</b>
<i>1. Preparation and readiness</i>	<b>S</b>
<i>2. Project implementation and management</i>	<b>S</b>
<i>3. Stakeholders participation, cooperation and partnerships</i>	<b>HS</b>
<i>4. Communication and public awareness</i>	<b>MS</b>
<i>5. Country ownership and driven-ness</i>	<b>MS</b>
<i>6. Financial planning and management</i>	<b>MU</b>
<i>7. Supervision, guidance and technical backstopping</i>	<b>S</b>
<i>8. Monitoring and evaluation</i>	<b>S</b>
<i>i. M&amp;E design</i>	<b>S</b>
<i>ii. M&amp;E plan implementation</i>	<b>S</b>
<b>Overall project rating</b>	<b>S</b>

## 1 INTRODUCTION

### 1.1 Scope and objectives of the evaluation

1. The terminal evaluation of the UNEP project "Human rights and the environment: good practices" is being undertaken after the project's completion to assess project performance (in terms of relevance, effectiveness and efficiency). The evaluation aimed to determine outcomes and impacts (actual and potential) stemming from the project, including their sustainability. The evaluation was conducted in accordance with UNEP's Evaluation Policy,<sup>2</sup> the UNEP Evaluation Manual<sup>3</sup>.
2. The project was a joint effort between UNEP, the UN Office of the High Commissioner for Human Rights, and the UN Independent Expert on human rights and the environment. It aimed to identify, promote and exchange views on good practices relating to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the areas of environmental protection and management.
3. The project focused on delivering three main outputs: (a) good practices and lessons learnt on human rights and the environment identified, disseminated and promoted; (b) awareness-raising and training services; and (c) thematic inputs made available to inter-agency and inter-governmental processes. The latter included documentation on environment and human rights prepared for the UNEP Environment Assembly, the Human Rights Council, as well as background documentation prepare for senior management of both UNEP and OHCHR.
4. This project aimed to bring together the human rights and the environment fields, both in normative terms and in terms of expertise to form the basis for a stronger nexus. As a result, the evaluation provides some recommendations on how to take this agenda forward. The findings of this evaluation are intended to inform and orient the next phase of this project. Important contextual elements for the design of the way forward include the newly approved extension of the human rights and environment mandate by the Human Rights Council and the SDGs. The elevation of the Independent Expert to Special Rapporteur is an important reflection of the political importance that the Human Rights Council attributes to the environmental human rights agenda. With regard to the SDGs, their adoption equally reflects a growing acceptance and formal recognition of the human rights dimensions associated with the realisation of sustainable development. Equally, the rights-based approach that is embedded in the SDGs reflects an emerging consensus about the deepening nexus between human rights and environment.
5. It should be emphasised that this project was intended as a building block for potential further work by UNEP that would concentrate on the continued advancement of the human rights and environment nexus at the national level. One of the ideas for the next phase has been to focus on up-scaling and promoting the wider application of good practices in human rights and environment identified through this project, in selected countries. Phase 2 will be defined by UNEP, based on consultation with its regional offices and in consideration of the findings of this evaluation.

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<sup>2</sup> United Nations Environment Programme Evaluation Office (Nairobi) September 2009, "Evaluation Policy." Available from: <[http://www.unep.org/eou/StandardsPolicyandPractices/UNEPEvaluationPolicy /tabid/3050/language/en-US/Default.aspx](http://www.unep.org/eou/StandardsPolicyandPractices/UNEPEvaluationPolicy/tabid/3050/language/en-US/Default.aspx)>. [18 August 2014]

<sup>3</sup> United Nations Environmental Programme Evaluation and Oversight Unit (Nairobi) March 2008, "Evaluation Manual." Available from: <[http://www.unep.org/eou/StandardsPolicyandPractices/UNEP EvaluationManual /tabid/2314/language/en-US/Default.aspx](http://www.unep.org/eou/StandardsPolicyandPractices/UNEP%20EvaluationManual/tabid/2314/language/en-US/Default.aspx)>. [18 August 2014]

## 1.2 Evaluation methods

6. The evaluation was carried out on the basis of interviews with members of the project management team (including the Project Manager), the UNEP Fund Management Officer, several UNEP officials who were not part of the project team but who were otherwise engaged in project activities, the project partners (including OHCHR, Professor John Knox UN Independent Expert on Human Rights and the Environment, Universal Rights Group, the Centre for International and Environmental Law and UNEP officials as well as key stakeholders involved in the project. Email requests for interviews were sent out to all of the stakeholders who participated in the regional consultations that were facilitated by the then Independent Expert. As a next step, Skype interviews were held with those who responded (please see the list of interviewees in the ANNEX to this report). In addition, the Evaluation Team participated in the expert consultation that was convened by the Special Rapporteur at OHCHR headquarters in XXXXX 2015. The evaluation team conducted interview meetings in the margins of that consultation, following up by Skype meetings. As well, the evaluation team met with stakeholders who attended the side event hosted by the Special Rapporteur at the Human Rights Council in March 2016.
7. The evaluation was also based on a desk review of all relevant documentation as listed in the Terms of Reference. These included the following:
  - Relevant background documentation, inter alia: reports and meeting documents of the regional consultations; questionnaire circulate to collect good practices, relevant UNEA and HRC documents; UNEP publications on the issue; and minutes of meetings between UNEP, OHCHR and the Independent Expert; websites of UNEP, OHCHR, the Independent Expert and Wake Forest University.
  - Project design documents and Annual Work Plans and Budgets or equivalent, revisions to the project (Project Document Supplement), the logical framework and its budget;
  - Project reports such as six-monthly progress and financial reports, progress reports from collaborating partners, meeting minutes, relevant correspondence etc.;
  - Project outputs: reports of regional consultations and relevant awareness raising events, website on good practices.

## 1.3 Main evaluation criteria and questions

8. The evaluation addressed the following questions, which were tailored slightly depending on the interviewees:
  - (i) Based on your experience participating in one or more of the project activities, how effective was the project in identifying and disseminating good practices concerning the relationship between human rights and the environment?
  - (ii) What other activities and approaches would be helpful in identifying additional good practices?
  - (iii) If you participated in any of the awareness raising, training and consultation events, how did these increase your awareness and understanding of the linkages between human rights and the environment and related good practices?
  - (iv) What other types of outreach and awareness-raising activities would be helpful?

(v) If you engage in inter-governmental processes (either as a state or non-state actor) do you think that the informational materials that were produced by the project enabled you to address issues concerning the relationship between human rights and the environment?

(vi) Are you aware of how any of the good practices listed in the above-mentioned compilation have been replicated in other contexts? Are you aware of other good practices that should be identified?

(vii) Based on your experience in the first phase of UNEP and OHCHR's work, what are the lessons that could assist in: the continued identification of good practices; wider dissemination and promotion of these good practices; strengthened capacity building for implementation of a human rights approach to the environment; raising awareness of the importance of the environment and human rights linkages for the implementation of the SDGs and the advancement of the environmental rule of law?

## **2 PROJECT BACKGROUND**

### **2.1 About the project**

9. As described in the project document, the primary aim of the project was to identify practical and concrete examples of good practices where states and other actors have successfully implemented human rights obligations related to environmental management. These good practices have helped to inform, support and strengthen the linkages between environmental policy and human rights obligations. The project relates to POW 2014-2015 and the Environmental Governance Expected Accomplishment (b) that states "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."
10. The project identified those good practices that could be replicated and which could increase the understanding and awareness of the linkages between human rights and the environment, including more clarity on the human rights obligations related to the enjoyment of a safe, clean, sustainable and healthy environment.
11. The project was a joint effort between UNEP, the UN Office of the High Commissioner for Human Rights (OHCHR), and the UN Independent Expert on human rights and the environment (now Special Rapporteur). Through joint consultations, questionnaires, and other methods to identify over 100 practical and concrete examples of good practices where states and other actors have successfully implemented human rights obligations related to environmental protection and management and to create a web portal hosting the good practices.
12. The project focused on the delivery of three main outputs: (a) The identification, dissemination and promotion of good practices and lessons learned on human rights and the environment; (b) Delivery of awareness-raising and training services; (c) Dissemination of thematic inputs to interagency and intergovernmental processes. In the process of identifying good practices, the challenges and lessons regarding the interaction between human rights and the environment were also identified.
13. The project ran from April 2014 to June 2015.

## 2.2. Context

14. It is important to note that the establishment of the Independent Expert on Human Rights and the Environment by the UN Human Rights Council provided an important opportunity to elevate the importance of this project. The creation of this mandate catalysed renewed focus on the linkages between human rights and the environment. Since the project aimed to document good practices in this area, it was able to directly feed into the work of the Independent Expert. Similarly, the expert consultations that were organised by the Independent Expert provided important inputs for the compilation of good practices.
15. During the life of the project there were several important developments, which relate to the overall context in which the project was designed and executed. These are highlighted in the following paragraphs.
16. First, in March 2015, the Human Rights Council created a new mandate for the Independent Expert, elevating his position to "Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years". This new mandate now provides recognition at the highest political level of the value and importance of his work and of the environmental human rights agenda. The Special Rapporteur has been requested to identify, promote and exchange views on good practices and to promote and report on how best to realise human rights obligations, a mandate that shows a close alignment with the objectives of this project.<sup>4</sup>
17. Second, the fact that Independent Expert presented the good practices to the 25th Session of the Human Rights Council (11 March 2014) helped to increase political attention towards the environmental human rights agenda.<sup>5</sup> This interest translated into the political endorsement of the extension of the mandate for a period of three years. The elevation of the Independent Expert as Special Rapporteur on the issue of human rights obligations related to the "enjoyment of a safe, clean, healthy and sustainable environment" is equally a reflection of the political importance that member states attach to the evolving environment and human rights agenda.
18. The Human Rights Council requested the Special Rapporteur, among other things, to:
  - Continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;
  - Continue to identify, promote and exchange views on good practices relating to human rights obligations and commitments to inform, support and strengthen environmental policy making, especially in the area of environmental protection;

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<sup>4</sup> Knox, JH 2015, "United Nations Mandate on Human Rights and the Environment." Available from: <http://srenvironment.org/un-mandate>. [1 December 2015]

<sup>5</sup> United Nations Office at Geneva 9 March 2015, "Council Holds Interactive Dialogue with Independent Experts on Human Rights and the Environment and on Foreign Debt." Available from: [http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/B47CAB4FBFD96303C1257E0300483C1E?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/B47CAB4FBFD96303C1257E0300483C1E?OpenDocument). [2 December 2015]; Knox JH 3 February 2015, "Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment", in *Twenty-eighth session of the Human Rights Council, Agenda Item 3, A/HRC/28/61*. Available from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/28/61](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/28/61). [2 December 2015]

- Promote and report on the realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and to disseminate his findings by, inter alia, continuing to give particular emphasis to practical solutions with regard to their implementation;
- Work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and protection gaps thereto, including in the context of sustainable development.<sup>6</sup>

19. Third, in May 2015, the Access Initiative (a global network of more than 150 organizations) together with the World Resources Institute launched the Environmental Democracy Index, which measures country-specific realization of the three environmental procedural rights according to indicators based on the Bali Guidelines. This is particularly important in light of the key role played by environmental procedural rights; as a critical point of intersection between environmental and human rights law because the procedural rights such as access to information, participation and justice, are found in both environmental and human rights instruments.<sup>7</sup> Procedural environmental human rights are an important focus in the good practices compilation that was prepared under the ambit of the project and the Access Initiative Environmental Democracy Index has contributed to elevating the importance of procedural rights.
20. Fourth, 19 States in Latin America and the Caribbean, with the assistance of the UN Economic Commission for Latin America and the Caribbean, agreed in November 14 to commence negotiation of a new regional agreement that would implement the access rights set out in Principle 10 of the UN Rio Declaration on Environment and Development. This is the first regional instrument replicating the Aarhus Convention, and once again, provides evidence of the growing political will to promote environmental human rights.<sup>8</sup>
21. Fifth, the adoption of the Sustainable Development Goals (SDGs) and its right-based approach has provided yet another opportunity for States and other relevant actors to advance environmental human rights. This is because the linkage between human rights and the environment is one of the key aspects that must be addressed in balancing the three dimensions of sustainable development across the SDGs.<sup>9</sup>
22. Sixth, there is growing political will on the part of governments to consider the impact of climate change on the human rights of those who are disproportionately affected. At the Ad Hoc Working Group on the Durban Platform for Enhanced Action) negotiations in Geneva in February 2015, 18 member states (including many small island developing countries) signed the Geneva Pledge on Human Rights and Climate Action. The Pledge is a voluntary initiative led by governments to facilitate the exchange of best practice between human rights and climate experts.

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<sup>6</sup> <http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Overview.aspx> [18 January 2015]

<sup>7</sup> United Nations Environment Programme 2015, "Factsheet on Human Rights and the Environment." Available from: <http://www.unep.org/delc/Portals/119/documents/factsheet-human-rights-environment.pdf>. [2 December 2015]

<sup>8</sup> Knox JH 3 February 2015, "Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment", in *Twenty-eighth session of the Human Rights Council, Agenda Item 3, A/HRC/28/61*. Available from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/28/61](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/28/61). [2 December 2015]

<sup>9</sup> UNEP 2015, "Factsheet."

## 2.3 Project Objectives and Components

23. The project's intended outcome was *"enhanced knowledge and understanding of good practices, challenges and policy options to advance human rights and environment objectives among stakeholders in both environmental and human rights fields."* The approved project document presented three outputs.

**Table 2: Project outputs and activities**

Project Output 2012	Related activities
<b>Output 1</b> Good practices and lessons learned on human rights and the environment identified, disseminated and promoted.	<ul style="list-style-type: none"> <li>• Regional and sub/regional consultations</li> <li>• Questionnaire and surveys</li> <li>• Reports</li> <li>• Web portal</li> <li>• Information materials</li> </ul>
<b>Output 2</b> Training services or other capacity building interventions delivered to increase awareness and understanding of best practices and challenges on human rights and the environment.	<ul style="list-style-type: none"> <li>• Awareness-raising events and contribution to selected training programmes</li> </ul>
<b>Output 3</b> Thematic inputs, highlighting linkages and policy options for further integration of human rights and environment made available to inter-agency and inter-governmental processes.	<ul style="list-style-type: none"> <li>• Contribution to inter-agency and inter-governmental processes</li> </ul>

## 2.4 Target areas and groups

24. The project was jointly administered by UNEP's Division of Environmental Law and Conventions, as a part of the Environmental Governance Sub-Programme, and the OHCHR Special Procedures Branch in close cooperation with the Independent Expert. There were two principal sources for identifying the good practices. The first source was the expertise provided through consultations that were held in every region. They were convened by the Independent Expert, UNEP and OHCHR with human rights and environment experts from NGOs, think tanks and academic institutions as well as representatives from national governments. The second source consisted of responses to a questionnaire seeking input on good practices. This was sent to governments, international organisations, civil society organisations and interested stakeholders. The Independent Expert conducted two country visits to Costa Rica and France and sought good practices through his additional contacts and research.

## 2.5 Milestones in project design and implementation

25. The following project milestones were achieved during the life of the project. These milestones were drawn directly from the project document.

**Project output 1 milestones**

- One consultation held and report finalised (June 2014)
- One consultation held and report finalised and Web Portal operational (December 2014)
- Final report on good practices, challenges and lessons learned, prepared and disseminated (June 2015)

**Project output 2 milestones**

- One awareness raising event/training service provided (June 2014)
- One awareness raising event/training service provided (December 2014)
- Three side events/training services provided (June 2015)

**Project output 3 milestones**

- One document reporting on human rights and environment submitted to UNEA (June 2014)
- Two written inputs submitted to an inter-agency forum (December 2014) awareness raising event/training service provided (June 2014)
- Summary of good practices compilation integrated in final report to Human Rights Council (June 2015)

**2.6 Implementation arrangements**

- 26.** The project was implemented directly by UNEP/DELC as part of a team coordinated by a project leader based in the UNEP Secretariat.

The project team consisted of:

- 1 Project Manager (P4)
- 4 Regional out-posted legal officers (P4)
- 1 Project team member in UNEP (P3)
- 1 Project team member in OHCH (P3)
- 1 Project administrative support in UNEP (G5)

- 27.** Some of the activities were implemented in collaboration with UNEP staff from other divisions. As well, within OHCHR, staff from the Special Procedures Branch supported implementation throughout the project. As The Independent Expert provided advice on all aspects of decision-making.
- 28.** The project's steering committee included representatives of the partners, as well as the Independent Expert.

**2.7 Project financing**

- 29.** Funding for the project was provided by UNEP and OHCHR and selected donor governments. The planned project budget at approval was USD 433,920 (exclusive of staff time). The total actual expenditures consisted of USD 250,586. The total of secured financing was USD 286,028.



30. The following table is extracted from the approved project document and summarises the project budget.

**Table 3 Project budget**

TYPE OF FUNDING	SOURCE OF FUNDING	2014	2015	US\$ Total
<b>CASH BUDGET</b>	Environment Fund activity budget			
	Regular Budget activity budget			
	Extrabudgetary Funding (posts + non-post costs)			
	Donor funding secured <sup>3</sup>			
	NFL (PSC @0.108=589)	4,873		4,873
	SEL (PSC @0.108=12,604)	104,108		104,108
	Programme support costs	13,193		13,193
	Subtotal secured XB funding	122,174		122,174
	Unsecured XB funding <sup>4</sup>	193,096	118,650	311,746
	<b>TOTAL PROJECT CASH BUDGET (=EF or RB activity budget + Secured and unsecured XB funding)</b>	<b>315,270</b>	<b>118,650</b>	<b>433,920</b>
<b>IN-KIND CONTRIBUTION</b>	Environment fund post costs:			
	30% of one P3(NBI) for 15 months	34,402.8	22,935.2	57,338
	20% of one P4 (GVA) for 15 months	33,120	22,080	55,200
	5% of one P4 (NBI) for 15 months	7,072.8	4,715.2	11,788
	5% of one P4(Bangkok) for 15 months	6,720	4,480	11,200
	30% of one G5for 15 months	12,375	8,250	20,625
	Regular Budget post costs:			
	30% of one P4 (NBI) for 15 months	42,435	28,290	70,725
	5% of one P4(Panama) for 15 months	6,041.4	4,027.6	10,069
	<b>TOTAL UNEP IN-KIND CONTRIBUTION</b>	<b>142,166</b>	<b>94,778</b>	<b>236,945</b>
<b>TOTAL UNEP MANAGED PROJECT BUDGET (=PROJECT CASH BUDGET + UNEP IN-KIND CONTRIBUTION)</b>		<b>457,436</b>	<b>213,428</b>	<b>670,865</b>
<b>COFINANCING CASH CONTRIBUTION<sup>5</sup></b>				
<b>COFINANCING BASED ON PARTNERS IN-KIND CONTRIBUTION</b>		<b>41,512</b>	<b>27,672</b>	<b>69,188</b>
30% of one P3 for 15 months (estimate) Contribution to ticketing and other costs for one consultation, amounting to about 20,000 USD				

## 2.8 Changes in design during implementation

31. There were no significant changes in design during the implementation of the project.

## 2.9 Reconstructed Theory of Change (TOC) of the Project

32. All UNEP project documents now require Theory of Change (TOC) to explain the intervention logic of the project and to identify whether all external factors that might affect project outcomes, impact, and sustainability are considered.

33. The Theory of Change that was developed by the project team is contained in Figure 1 below. It was developed in accordance with QAS guidelines, which differ slightly from the TOC guidelines used by UNEP's Evaluation Office. The main difference is that the former require one outcome for the entire project. The UNEP Evaluation Office recommends identifying the intended users of each project output and considering whether the expected behavioural changes are the same or different. There may be more than one immediate outcome.

**34.** The evaluation team fully recognizes that the concrete aim of the project was very limited in scope, namely to increase understanding, awareness and knowledge of the linkages between human rights and the environment (notably among state and non-state actors working in the environment and human rights fields) and that the primary deliverable was the compilation of good practices. It should be emphasised that the evaluation assesses project performance against this aim and the three related project outputs (i.e. identification of good practices; training; and thematic inputs to inter-agency and inter-governmental processes).

**35.** However, in an attempt to provide guidance to the project team for a possible second phase of the project, the evaluation team chose to expand the scope of the Theory of Change to include both the framework of the project as contained in the project team's original TOC and to identify a more ambitious long-term impact (namely the universal recognition of environmental human rights) and related set of intermediate states. An expanded set of drivers and assumptions have also been included in the reconstructed TOC.

**36.** Currently international law does not formally recognize substantive environmental human rights (i.e. right to safe, healthy environment). In the reconstructed Theory of Change, the actual project deliverables are contained within a dotted red line. Anything beyond the dotted red line represents the views of the evaluation team in terms of what could be done to achieve a longer-term goal of universal recognition of environmental human rights.

**37.** The following points explain in more detail the difference between the two Theories of Change.

#### **Desired impact**

**38.** The desired ultimate impact in the project team's TOC is "Ecosystems are managed in a way that is environmentally and socially sustainable". The reconstructed TOC contains an impact statement that more explicitly links environment and human rights. It states that "the human right to a clean, healthy and safe environment is universally recognized". The evaluation team appreciates the political sensitivity of the universal recognition of substantive environmental human rights.

**39.** However, the most recent expert consultation convened by the now Special Rapporteur (Geneva November 26/27 2015) discussed the merits in great detail and concluded that universal recognition could help in strengthening both the environmental human rights of the most vulnerable populations, as well as concrete ecosystem protection. The desired impact which was framed in the project team's TOC emphasised the importance of sustainable ecosystem management but was silent on the human rights dimension, the evaluation team questions why the human rights linkage was absent when overarching aim of the project has been to deepen understanding of the nexus between environment and human rights.

**40.** Indeed, formal recognition would enhance protection, it makes sense to articulate a longer-term impact that would help to catalyse the necessary change in the legal and policy context.

**41.** An important parallel can be drawn with the development of the international human right to water. Member States have actually formally recognized the international human right to water and that human right is embodied in many national constitutions and regional constitutions. Ironically, there are even more national constitutions and domestic laws that recognise the human right to a safe and healthy environment as opposed to domestic laws affirming the right to water. The large number of national laws reflecting the human right to a clean and healthy environment could be

evidence of sufficient state practice to establish a customary international law establishing a human right to a clean, safe and healthy environment.

### **Intermediate states**

**42.** The project team identified two intermediate states for possible follow up stage. These include reference to increased coherence on environment and human rights matters and the capacity of states to implement environmental commitments. The evaluation team chose a set of five intermediate states/results that more explicitly explained the changes that would be required between the project outcomes and the ultimate desired impact.

### **Drivers and assumptions**

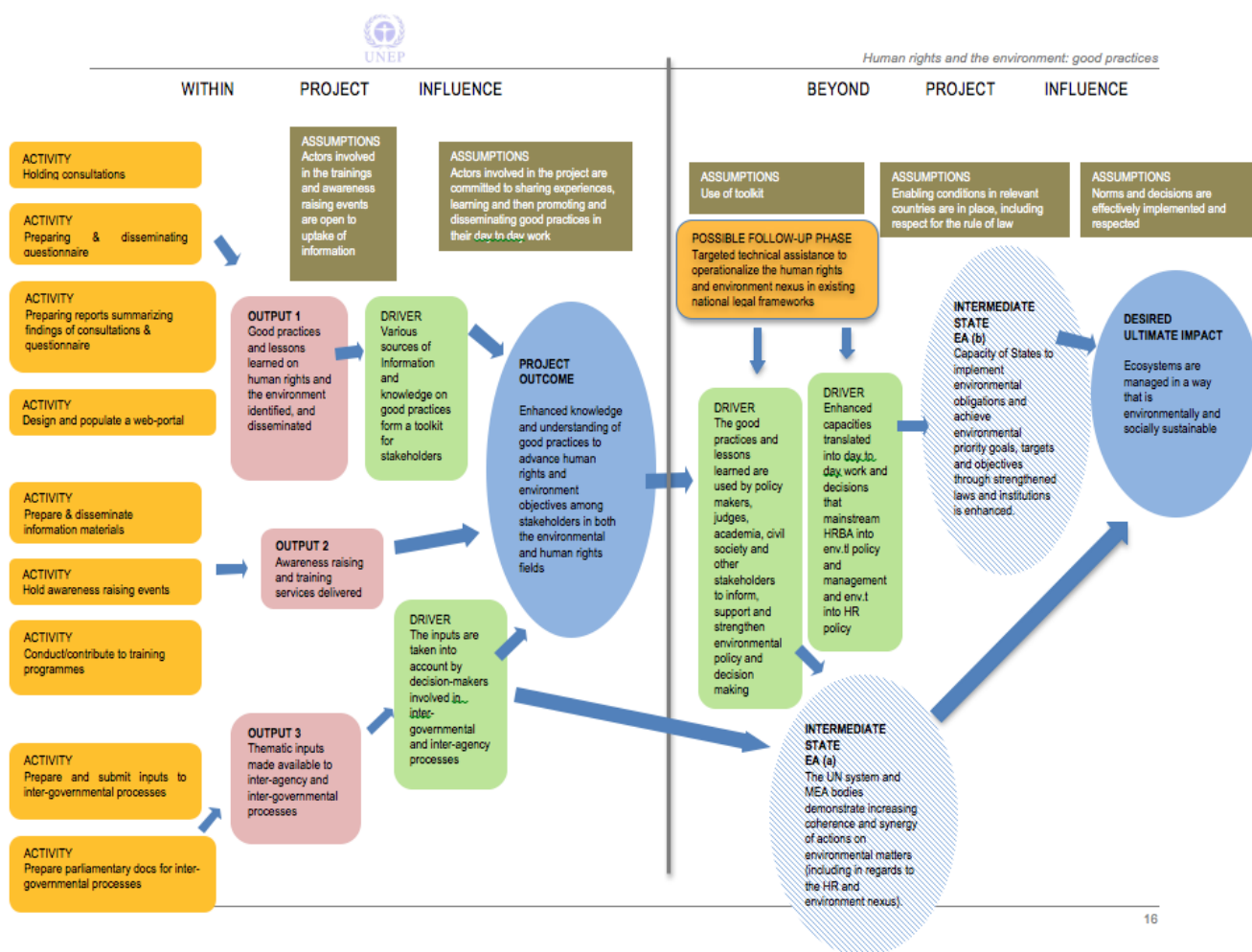
**43.** The evaluation team identified a more detailed set of assumptions and drivers for both the output to outcome phase and the outcome to intermediate state phases.

### **Outcomes**

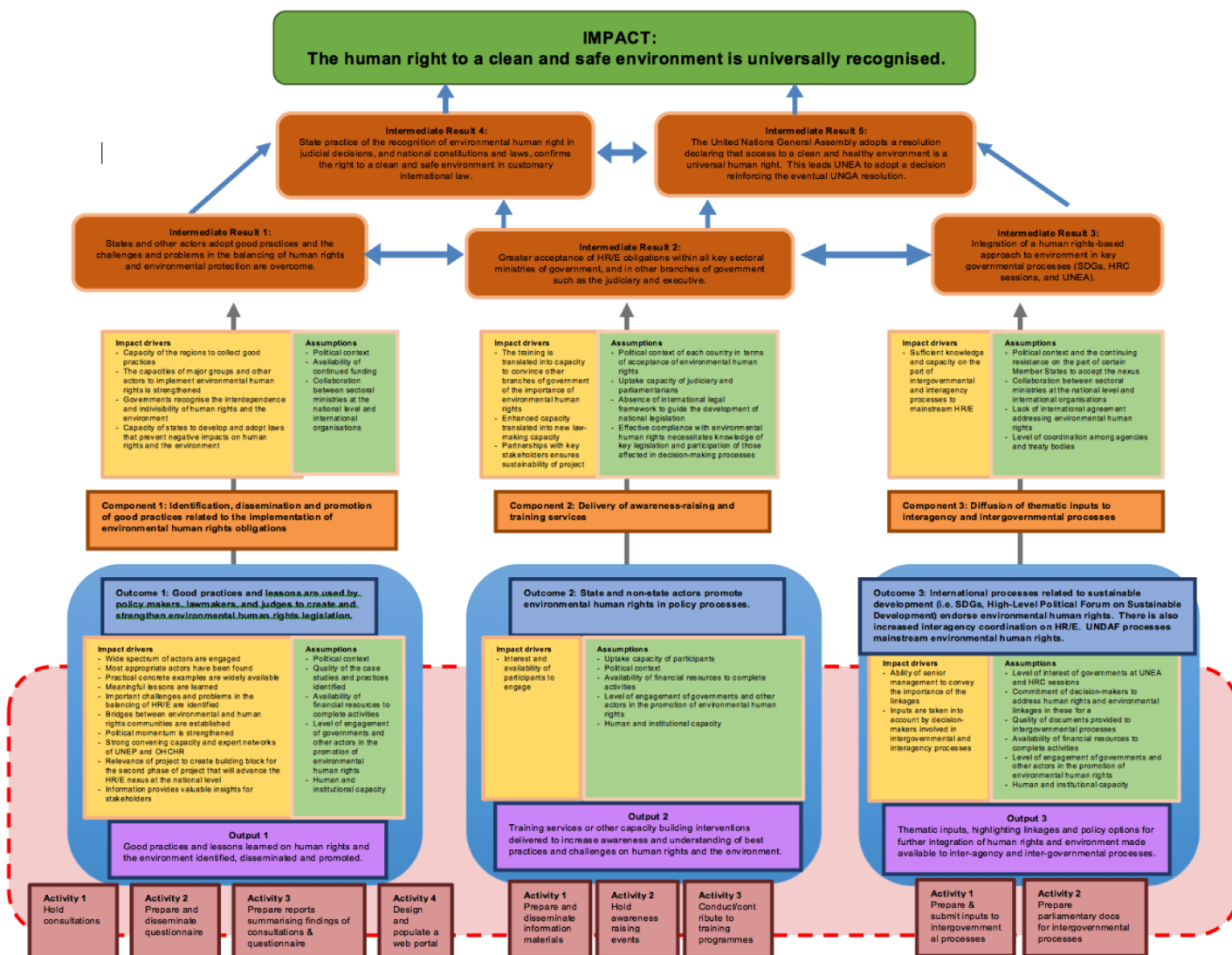
**44.** It is important to note that the logical framework contained in the project document presents a single aggregate outcome statement: "Enhanced knowledge and understanding of good practices to advance human rights and environmental objectives in both the environmental and human rights fields". It should be emphasised that the project is still very much at the output level. The state outcome has not yet been realised, especially since it is very difficult to ascertain if the knowledge and understanding have led to concrete behavioural changes. Another key point to be highlighted is that whilst this single outcome statement approach is consistent with QAS guidelines for the design of UNEP projects, it may not be the best to capture the key casual pathways of the project. In some cases, more than one output is needed to attain an outcome. Or it may be that a single output leads to more than one outcome. The UNEP Evaluation Office is concerned with identifying the main causal pathways as a framework for evaluation. On the other hand, QAS is looking to link project results to the larger UNEP results framework.

**45.** It is important to emphasise as well that the project outcomes in the reconstructed theory of change have not yet been achieved because the terms of the original project were far more modest in scope. Therefore the project performance is not evaluated in relation to the outcomes in the reconstructed Theory of Change but rather in accordance with the stated outputs in the original Theory of Change. Once again the outcome statements in the reconstructed TOC are meant to guide the project team in potential pathways that would help lead to achieving the desired impact of universal recognition of environmental human rights.

Figure 1: Theory of Change contained in the original project document



**Figure 2: Reconstructed Theory of Change (TOC). The red dotted line delineates the scope of Phase One**



### 3 EVALUATION FINDINGS

#### 3.1 Strategic relevance

The overall rating for the achievement of strategic relevance is highly satisfactory

##### *3.1.1 Alignment with UNEP's mandate, policies and strategies*

**46.** The alignment of the project with UNEP's mandate, policies and strategies has been clearly established by the following:

**47.** First, this project directly relates to the mandate of UNEP's Programme of Work (POW) Sub-programme on environmental governance. Expected accomplishment (b) states: "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."

**48.** The project's intended results have contributed to the Environmental Governance's Sub Programme's Expected Accomplishment (b) on the basis of the following factors:

- The project's first output provided for the promotion and exchange of best practices. This has provided countries with the resources to learn from each other regarding the challenges and opportunities of developing and enforcing laws related to environment and human rights.
- The second output provided for the training services and capacity building, which although not fully executed, was originally designed to enhance the capacity of states to develop and enforce legislation regarding human rights and the environment;
- The third output regarding the contributions to interagency and intergovernmental processes has helped to galvanize more widespread political support for environment and human rights.

**49.** Second, this project contributes directly to advancing of environmental law in relation to the nexus between human rights and the environment, as mandated by the Montevideo Programme IV (Paragraph IV.A on human rights and the environment).

##### *3.1.2 Relevance to global, regional and national environmental concerns*

**50.** The project consultation methodology reflects the extent to which the objective is consistent with global and regional environmental issues and needs. The issue of environmental human rights has been on the global agenda since the 1992 Earth Summit and the inclusion of environmental procedural rights in the Rio Declaration on Environment and Development.

**51.** The regional consultations not only provided important sources of input for the good practices compilation, they also built important bridges between the environment and human rights communities and helped to raise awareness regarding the human rights and environment linkages. The geographic focus of the consultations ensured that the regional and sub-regional dimensions and priorities were duly highlighted.

**52.** Notably, efforts were made to reach out to a wide range of actors including national governments, NGOs, major think tanks and academic institutions active in the field of human rights and the environment.

### *3.1.3 Realism of project objectives*

**53.** The project aimed to build the capacity of states and non-state actors to understand the linkages between human rights protection and sustainable development by identifying, promoting and exchanging views on good practices.

**54.** The project objective was indeed realistic considering the following factors:

**55.** First, it was clear that most of the project milestones have been achieved. This of course was an important indication of the realism of project objectives. It is important to emphasise that the key deliverable of the project, notably the compilation of good practices has been extremely well received in both the environment and human rights communities for its comprehensive scope. Many have acknowledged the important contribution that the report has made in highlighting good practices, which were hitherto unknown to both the environment and human rights communities. The regional consultations were very important in generating inputs for the good practices report. Despite the short timeframe, the project succeeded in convening consultations in all regions. It is also fair to say that the project's 'objectives' were largely set at an output level (raised awareness and the collation of good practices). However given the limited time and budgetary support for the project this was also realistic.

**56.** Second, the success of the project results, and hence the realism of the project objective, was also facilitated by the decade of joint efforts between the two project partners (UNEP and OHCHR) in terms of joint activities, expert meetings, consultations, reports and awareness-raising events. Both project partners have strong convening capacity and exceptionally large networks of experts.

**57.** Notwithstanding the success of the project's results, the 15-month timeframe was rather short. Even though all the consultations were convened, the independent expert was only able to carry out two country visits (Costa Rica and France). Resource constraints were also a factor, considering the difference between the original budget contained in the project document and the actual expenditures. Clearly resources will have to be increased if Phase 2 is to deepen understanding of the challenges in operationalising the linkages between environment and human rights.

## **3.2 Effectiveness: Attainment of objectives and planned results**

The overall rating for the attainment of objectives and planned results is satisfactory

### *3.2.1 Achievement of the outcomes as defined in the TOC*

**58.** There are two important caveats about the effectiveness section. First, the assessment of the effectiveness of the project is typically based on the extent to which the outcomes, objectives and intended impact were achieved, especially in light of the reconstructed TOC. It is important to emphasise that the reconstructed TOC created by the evaluation team was extremely ambitious.

The process of reconstructing the TOC resulted in the framing of a longer-term lense and the identification of potential pathways that could potentially lead to the desired impact of increased recognition of environmental human rights. Because the project did not advance past the output phase, the evaluation team has reverted to the original TOC as a conceptual framework for evaluating the overall project.

59. The second caveat is that typically, this section of a UNEP evaluation would provide a very detailed assessment of the effectiveness of the project outcomes. Since Phase One of the project only progressed through the output stage, there is insufficient evidence to evaluate the achievement of the one outcome "Enhanced knowledge and understanding of good practices to advance human rights and environment objectives among stakeholders in both the environmental and human rights fields." Therefore this section will provide an abbreviated analysis of the outcome results as well as a more detailed analysis of the achievement of outputs.
60. It is important to recall that the achievement of the immediate outcome was in theory a possibility for this project. However, the levels of available staff time and financial resources limited this possibility in practice. Therefore the achievement of outcomes and objectives was rated as MU.
61. The rating for achievement of outcome is moderately unlikely. It may appear at first glance as a harsh rating, but UNEP evaluations must include the assessment of achievement of outcomes. Whilst this has generated a rating in the unsatisfactory range, this is done in in fairness to other projects, and in order to generate the statistics needed for the Evaluation Office to compare across projects. It is clear that the expectations to achieve outcomes and broader impact were unrealistic in the project timeframe and considering the extremely reduced budget (relative to the original budget in the project document). As a result, this project should really be regarded as a project preparation pilot, despite the fact that results at the outcome level were not achieved.

#### **Abbreviated analysis of the project outcome**

62. The logical framework contained in the project document presents a single aggregate outcome statement: "Enhanced knowledge and understanding of good practices to advance human rights and environmental objectives in both the environmental and human rights fields". As noted above, the project has not advanced much past the output level. At this stage, it is very difficult to ascertain if the knowledge and understanding of good practices has actually led to concrete behavioural changes.
63. Notwithstanding, there are a few examples of how enhanced knowledge and understanding of the good practices has led to behavioural changes.
64. First, The project was instrumental in uniting the human rights and the environment communities, notably state and non-state actors who are active in the field. The Project achieved success in bringing these communities together, and this unity will facilitate further progress in upcoming phases. Without the Project, it would have been very difficult for these communities to come together.
65. Second, the environmental and human rights experts who attended the regional consultations confirmed the value of the project in elevating understanding of the linkages, which otherwise would have remain poorly understand on both sides. There is little evidence of the change of behaviour among these actors. The fact that they have confirmed their intention to continue to deepen their own awareness of the linkages is an important sign of willingness to potentially change behaviour.



66. Third, the project was instrumental in the decision of the Human Rights Council to address environmental issues on its agenda and to take decisions to recognise the work of UNEP in the mandate of the Special Rapporteur. The Council's discussion of the linkage between human rights and environment stem directly from the good practices report that the Independent Expert submitted to the Council. UNEP's role has also been elevated within the HRC through this process.
67. Fourth, the fact that the Human Rights Council not only continued the mandate of the then Independent Expert, but elevated his role to Special Rapporteur is important evidence of behavioural change.
68. Fifth, it should be emphasised that there were insufficient resources for training. However, as a result of the project, UNEP is now in the process. Similarly, UNEP is now in the process of developing an online course together with UNITAR, UNDP, and the UN Special Rapporteur on human rights and the environment. The course aims to empower policy makers, experts and advocates with the tools develop public policies and laws for the protection of the environment and human rights, specifically targeting the relevant SDGs.
69. Sixth, the project was instrumental in catalysing deeper collaboration between UNEP and the OHCHR. This is particularly important since UNEP alone would not have been able to do the work of identifying good practices. It neither has the human resources to do so, nor would it have been appropriate for UNEP to identify good practices among the Member States.
70. The inter-agency cooperation between UNEP and OHCHR that has been strengthened as a result of the project has also made it easier for each organisation to convey the importance of those linkages to their respective governing bodies. For UNEP, cooperation with other UN bodies can be quite logistically difficult. In this case, however, the collaboration has worked well and could potentially underpin a possible second phase. However, it has been suggested that UNEP's cooperation with OHCHR should be further strengthened, perhaps with a MOU.

#### **Evidence of the capacity of the project to overcome drivers and assumptions**

**71.** In terms of the first output related to the identification and dissemination of good practices, which feeds into the overall project outcome, it is important to note that the TOC refers to two assumptions and one impact driver. The impact driver states that "various sources of information and knowledge on good practices form a toolkit for stakeholders". Whilst the good practices report has been widely praised, it is impossible to assess at this point whether stakeholders are actually using it as a toolkit.

**72.** The assumptions state that "actors involved in the trainings and awareness raising events are open to uptake of information" and that "actors involved in the project are committed to sharing experiences, learning and then promoting and then disseminating good practices in their day-to-day work". Judging from the evaluation team's direct experience participating in the Geneva October 2015 expert consultation, the actors certainly appeared committed to sharing experience and promoting the good practices. However it is impossible to assess the true extent of their efforts to disseminate and promote the good practices. This is precisely what a possible phase 2 should address, namely the experience of stakeholders in implementing the good practices and the challenges and opportunities for replicating them in other geographies.

**73.** As regards the second output that also feeds into the one central outcome ie "awareness raising and training services are delivered", the original TOC does not include any drivers or

assumptions.

**74.** As regards the third output that feeds into the project outcome i.e. "thematic inputs are made available to inter-agency and inter-governmental processes, The original Theory of Change only lists one specific impact driver "The inputs are taken into account by decision-makers involved in inter-governmental and inter-agency processes. Again, whilst it is too soon to evaluate whether the project has succeeded on this front, it is clear that the outreach efforts by the Independent Expert with regard to the Human Rights Council have been successful in convincing that intergovernmental body to take into account the value and merit of the good practices.

**75.** At this point, there is sufficient anecdotal evidence to suggest that intergovernmental bodies are taking into account the thematic inputs in inter-governmental and inter-agency processes. This is the particularly the case with OHCHR, where thanks to the project, that body has been sensitized to the environmental dimensions of human rights. Clearly, the presentation of the good practices by the then Independent Expert to the Human Rights Council was essential to raising awareness of that body. The very fact that the Human Rights Council has extended and elevate the mandate of the Independent Expert into a Special Rapporteur is important evidence of the extent to which the project's thematic inputs appear to have been taken into account.

The overall rating for the achievement of direct outcome is moderately unsatisfactory

### 3.2.2 *Achievement of the outputs as defined in the TOC*

**76.** As noted above, this section would normally be focused on the outcome level. However since the project did not advance past the output levels for the reasons of limited financial resources and time constraints, the evaluation team has undertaken a more in-depth analysis of the achievement of outputs as defined in the original TOC.

**Immediate Output 1: Good practices and lessons learned on human rights and the environment identified, and disseminated**

#### **Overview of Output 1 achievements**

**77.** The Independent Expert submitted his compendium of good practices to the Human Rights Council at its 28th session in March 2015. The report describes good practices of Governments, international organizations, civil society organizations, corporations and others in the use of human rights obligations relating to the environment, including:

- (a) Procedural obligations to make environmental information public, to facilitate public participation in environmental decision-making, to protect rights of expression and association, and to provide access to legal remedies;
- (b) Substantive obligations, including obligations relating to non-state actors;
- (c) Obligations relating to trans-boundary harm; and

(d) Obligations relating to those in vulnerable situations.

**78.** The two principle sources for the identification of the good practices were the regional consultations that were hosted by the Independent Expert and UNEP and responses to a questionnaire that was sent by the Independent Expert to over 700 individuals including governments, international organisations, and civil society groups.

**79.** The compilation of good practices was highly praised by governments and human rights and environment experts. All of the interviewees agreed that the project activities that were designed to generate the good practices were extremely effective. These included the regional consultations, expert seminars, the country visits, and the dissemination of a questionnaire. It is clear that little else could have been done to identify additional good practices, in light of the limited resources.

### **Evidence for Output 1**

#### *Identification of Good Practices*

**80.** The project team was able to conduct all of the activities related to the identification of good practices as noted above. The choice of the good practices was made by the Independent Expert himself, together with the consultant hired by UNEP.

**81.** The value of the compilation of good practices has been acknowledged by all of the interviewees. In fact, it is one of the few resources that compile good practices in the area of both procedural and substantive environmental human rights. The new web portal will ensure that the practices are disseminated to a broad range of actors in both the environment and human rights spheres.

**82.** The project was instrumental in deepening understanding of the linkages between human rights and the environment. It was also key to the decision of the Human Rights Council to address environmental issues on its agenda and to take decisions to recognise the work of UNEP in the mandate of the Special Rapporteur. The Council's discussion of the linkage between human rights and environment stem directly from the good practices Report that the Independent Expert submitted to the Council. UNEP's role has also been elevated within the HRC through this process.

**83.** It should be noted that without the support of UNEP and the collaborative efforts with OHCHR, it is clear that these good practices could not have been identified. By the same token, the Independent Expert's mandate (now Special Rapporteur) was the crucial component in UNEP's successful partnership with OHCHR. UNEP alone would not have been able to do the work of identifying good practices. It neither has the human resources to do so, nor would it have been appropriate for UNEP to identify good practices among the Member States.

**84.** The partnership with the Independent Expert (now Special Rapporteur) enhanced the convening power of the project to identify the good practices. Because the project drew from two parts of the UN system, together with the Independent Expert, it instilled the exercise of identifying good practices with credibility and legitimacy.

**85.** From UNEP's perspective the team has consolidated a very comprehensive array of materials. If indeed there is to be a Phase 2, the most important next step will be to decide how to operationalize the good practices in selected countries. One idea will be for UNEP to travel to the same countries that the Special Rapporteur is planning to visit and to examine how these practices can be implemented in those countries. As explained above this is a very delicate process and UNEP should tread cautiously in terms of how it will promote its potential capacity-building services. UNEP recognises that more work must be done to elevate the linkages at the national level because it is at

that level where legislation is adopted. However, in order to do so a deeper understanding of how the good practices can be implemented and replicated is essential.

### *Regional Consultations*

- 86.** Regional consultations were held in most of the UNEP Regions, including Europe, Africa, Latin America and the Caribbean, and Asia Pacific. These consultations were the primary source of good practices.
- 87.** More efforts could have been made to increase participation from West Asia—ultimately, it was the only region that did not submit contributions to the final compendium of good practices. This appears to have been largely a funding issue. The Project Team attempted to include the West Asian countries as part of the broader Asia region, but without much success.
- 88.** The consultations were effective in scoping the extent of the problem. They provided a basis for good practices and experience to be put on the table from which the Project Team could draw lessons. The results collected were not necessarily developed to the point of being “best practices,” but they can certainly be called “good practices.”
- 89.** The regional consultations, bolstered by the convening power of the mandate, gave the Project Team many examples of good practices. Now that the database of good practices exists, team members must do something with it. If employed properly, the database could help address communication gaps.

### *Uniting the human rights and environment communities*

- 90.** Uniting the human rights and environment communities was a crucial impact driver for the Project. The Project achieved great success in bringing these communities together, and this unity will facilitate further progress in upcoming phases.
- 91.** The Project's goal was in part to bring together the human rights and environment communities, and through the good practices of the environment community show what good practices can be applied to the human rights community, and what practices from the human rights community can be applied to the environmental policy domain.
- 92.** The Project showed that these communities are linked, and how efforts in each field can be applied jointly. Without the Project, it would have been very difficult for these communities to come together.
- 93.** The Project has been instrumental in deepening understanding of the linkages between human rights and environment. It has prompted the Human Rights Council to put environmental issues on the agenda and to take decisions that recognise the work of UNEP in the mandate of the Special Rapporteur. The Council's discussion of the linkages stems directly from the good practices compilation that the Independent Expert used as the basis for his report to Council. UNEP's role has been uplifted through these dialogues, which is a major plus.
- 94.** Thanks to the Project, Member States are beginning to understand the link between human rights and the environment. However, significant work must still be done to solidify their awareness, so that major policy changes can occur.

### *Providing essential scoping*

- 95.** The scoping done in this phase was essential to identify the potential linkages between environment and human rights. Information exchange was carried in a very useful manner, and some lessons can be drawn from that.

96. The Project must now be taken to a level beyond the initial scoping of the linkages with focus on the way in which these linkages can be promoted and operationalised.
97. By reporting shortcomings in practice, this Project could drive an improved process within the UN system in terms of reporting mechanisms. For instance, in the Covenant on Economic and Social Rights, a lot of attention is given to what needs to be addressed in the reporting processes. It is important to develop a tracking process in different countries that allows for comparison in addition to monitoring. If this doesn't exist, the scoping ultimately falls somewhat short of its full potential.
98. There is huge potential to make compiled information more accessible. The information needs to be accessible not only to governments but also to stakeholders.

### Challenges with Output 1

#### *Challenges with the good practices*

99. Despite the ability of the team to identify good practices, lack of resources prevented a deeper enquiry into the success factors of the good practices and the extent to which they could be implemented in other regions. The Good Practices Compilation does not provide any tangible advice on how to actually implement the good practices. This would ideally be taken up in Phase 2, notably to identify which good practices have been truly effective and what would need more implementation support in order to be truly effective.
100. A concern was raised that the Good Practices compilation was using rather old examples when there are a lot newer practices that would be even more useful. Similarly suggestion was made to include decisions from relevant environment and human rights tribunals.
101. In gathering and implementing good practices, there is always a danger of being too neutral. Complexity arises from extraneous issues that are embedded in the linkages. These issues might lack a direct relationship to human rights and the environment, but could relate to other rights discourses.
102. There are also potential problems surrounding the failure of implementation to match up with policy and legislation in various jurisdictions. In Phase One, there was a hesitation to look at the Project's scope in that light. Adopting this more nuanced view could have led to a stronger basis for the Project, moving forward. More attention ultimately needs to be given to the UN system of reporting, whether in terms of individual mandates, or the UPR processes, or various other mechanisms currently in place.
103. The Independent Expert was hesitant to offer his own judgment on practices during Phase One of the Project. Under the scope of his mandate, this is highly understandable. Neutrality helped bolster support for the Project during its early stages. At the same time, it is possible that more could have been done if the Independent Expert (and the Project Team in general) had been more directive and less neutral in their stance.

#### *Challenges with consultations*

104. More efforts could have been made to increase participation from West Asia. West Asia was the only region that did not submit contributions. The project team was unable to induce West Asia to send representatives; this was largely a funding issue. The team attempted to include the West Asian countries as part of the broader Asia region, but without success.

- 105.** In the consultations, Independent Expert, John Knox, and UNEP consultant were fairly direct about asking participants to contribute good practices. The problem with that method is that it does not necessarily yield all the information needed to identify and then disseminate the practices. The Project Team sent out instruction forms before all the consultations, and asked participants to bring one or two good practices to the meeting. In most cases, however, participants failed to do so. Once at the consultations, participants broke into groups to discuss good practices, but they never followed the form the Project Team gave them. This generated a lot of follow-up. The Project Team tried to be as clear as possible with the instructions, but only so much can be done in this regard.

*Possible steps for Phase 2*

- 106.** Many interviewees stressed the importance of building on the good practices work by:
- Deepening the enquiry into how the good practices are being enforced by tribunals,
  - Working with the MEA secretariats to embed these good practices in the MEAs themselves,
  - Assessing how they are inspiring law makers to develop new legislation,
  - Understanding how the good practices are supporting human rights litigators,
  - Focusing on implementation at the regional and the national level through targeted capacity building,
  - Exploring how human rights mechanisms can improve environmental protection and management,
  - Examining the need for monitoring systems for assessing the implementation of environment and human rights,
  - Avoiding targeted intervention strategies that might offend member states, but framing the work at the country level as part of a broader review of environmental legislation in which the mainstreaming of human rights is a critical component,
  - Producing concrete guidance, guidelines or handbooks to assist governments in implementing environment and human rights. On this point it would be useful to look at the outputs of the other mandate holders.
  - Identifying the human rights elements of the SDGs,
  - And by feeding into the future environmental rule of law report, especially the chapter dedicated to environment and human rights. This work may not drill down to the country level but may explore the extent to which legislation is implementing the environmental rule of law. At the same time there is a concern about overloading UNEP's environmental rule of law work with too many other components that would undermine the specific niche that the Environmental Rule of Law project had carved out. If the environmental rule of law project becomes too all-encompassing it will not get the political attention it needs.

- 107.** A decision has not yet been taken as to where the next phase of the project should be situated, either within the Environmental Rule of Law Programme or within the Montevideo Programme IV. The current thinking within UNEP is to continue to situate the institutional home for the project with the Environmental governance sub-programme

*Immediate Output 2: Awareness raising and training services*

**Overview of Output 2 achievements and challenges**

- 108.** While training was one of the three initial outputs of the Project, resource constraints limited the scope and volume of training activities. As noted above, the primary focus of Phase 1 has been on the identification and dissemination of good practices.

**109.** The Project Team did however convene two training events. The first was convened in Venice in November 2013, in partnership with the European International University Centre for Human Rights and Democratization - a network of universities in Europe. UNEP provided substantive input and financial support to facilitate the participation of experts. The training involved academics and practitioners and focused on the promotion of environmental concerns within human rights frameworks.

**110.** The second one was organised by Yale University on 5-7 September 2014, together with UNDP and the World Resources Institute in collaboration with UNEP and UNITAR. The Conference convened over 150 scholars and policy experts to discuss the nexus between human rights and the environment. The keynote was presented by John Knox, the UN Independent Expert on Human Rights and the Environment and highlighted the substantive issues and challenges related to the linkages between environment and human rights.

**111.** UNEP has also endeavoured to incorporate findings from Phase One of the project into other training programmes outside the ambit of this project. For example, in November 2015, UNEP convened a global training programme for government lawyers. They also co-organised a two-week seminar on climate change issues in relation to human rights law. Additionally, UNEP held a seminar on the Montevideo IV Programme, which included a session on human life and environmental issues. Integrating the human rights-environment ideas into seminars is UNEP's first step for raising awareness—that way, the environment-human rights topic will have some influence in the longer-term.

## **Recommendations for developing training in a possible Phase 2**

### *Address the implementation challenges*

**112.** If UNEP plans to focus on operationalization of the good practices in a possible second phase, it is clear that training will be essential. However, before embarking on the design of training programmes, it will be important for UNEP to analyse the concrete implementation challenges related to the good practices and the resources needed to facilitate implementation at the national level. In this regard, it will be important to renew contact with the stakeholders who provided the good practices to learn directly from them about how best to replicate the good practices in other geographies.

### *Build on UNEP and UNITAR existing activities*

**113.** There are many on-going UNEP activities upon which new training on environment and human rights could be developed. These include: DELC's Global Training Programme on Environmental Law and Policy; DELC's on-going work with the judiciary; UNEP's Environmental Rule of Law work and its International Advisory Council for the Advancement of Justice, Governance and Law for Environmental Sustainability.

**114.** Similarly, UNEP is now in the process of developing an online course together with UNITAR, UNDP, and the UN Special Rapporteur on human rights and the environment. The course aims to empower policy makers, experts and advocates with the tools develop public policies and laws for the protection of the environment and human rights, specifically targeting the relevant SDGs. Since the partners expect to launch the course during the 1st quarter of 2016, the results of this evaluation should feed into that process.<sup>10</sup>

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<sup>10</sup> <http://www.unitar.org/human-rights-and-environmental-protection-light-sdgs-0>

**115.** Another important and highly relevant on-going process is the on-going mid-term review of the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), especially since environmental human rights is one of the programme areas under review. Because the outcomes of that review will be presented at UNEA-2, the findings of this evaluation will provide useful insights that could help inform the future development of the fifth Programme. Potential training to be developed under the Montevideo Programme could be synergized with training under the ambit of the follow-up to this project.

**116.** And finally, potential training on environment and human rights could also be tied to UNEP's work in elevating the environmental dimensions of the SDGs. UNEP and OHCHR could collaborate in supporting national governments with the resources needed to ensure that the rights-based approach that is embedded in the SDGs is duly reflected in national SDG strategies.

#### Framing the fundamental substantive content

**117.** The substantive foundation of the trainings should be underpinned by the good practices, using the same organisational principles as the good practice compilation, notably the distinction between procedural obligations and substantive obligations. It will also be important for the training material to deepen understanding of the human rights and environmental linkages, whilst emphasising both the strengths and weaknesses of integrating a human rights perspective in environmental policy-making. The Geneva Academy of International Humanitarian Law and Human Rights is hosting training on the protection of human rights and environment in Geneva on 7-11 March 2016. Their programme provides an excellent model that could be replicated. They addressed the following in the March programme: <sup>11</sup>

- Overview of the most prominent international legal instruments for the promotion of human rights and the conservation of the environment
- The different UN mechanisms mandated to protect and promote internationally recognized human rights and the conservation of the environment, and overview of how the agendas of the specialized agencies intersect
- Roles of civil society, national and international environmental and human rights institutions, governments, and non-state actors in relation to the protection of human rights and the environment;
- Synergies and tensions in the realization of human rights and the protection of the environment
- Advice for the development of advocacy plans and new strategies to make better use of the UN mechanisms.

#### *Targeting training to specific stakeholders*

**118.** There is a wide range of stakeholders who require training on the environment and human rights linkages. It is clear that in a possible Phase 2, UNEP will have to prioritize which stakeholders to target for training and should design the trainings to target the specific needs of stakeholders. The trainings should ideally be developed in collaboration with local partners on the ground and of course, in full consultation with the targeted stakeholder.

**119.** Once the foundational core of the training material has been established, it will be important to adapt the training to the specific needs of the priority stakeholders that UNEP may

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<sup>11</sup> See: <http://www.geneva-academy.ch/short-programmes/training-on-protection-of-human-rights-a-environment>



choose to target in the possible next phase. At the same time, it is important to highlight the whole spectrum of stakeholders that are involved in the enforcement chain. Interviewees suggested bringing all stakeholders together in a central forum so that they can understand their respective roles in promoting environment and human rights linkages.

**120.** Interviewees also stressed the importance of targeting the following stakeholders as a matter of priority.

#### *Judiciary*

**121.** In the case of judges and magistrates, instead of focusing on training them, UNEP should convene judges who have recently ruled on human rights and environmental cases. The objective would be to provide a platform for them to discuss their experience, to learn from each other especially in terms of the practical problems of applying environment and human rights instruments and to identify what expertise is needed to increase the effectiveness of the judicial system for the protection of environment and human rights. At the same time, these sessions could introduce judges to the evolving mechanisms and tools available to promote environmental human rights. Deepening the understanding of national judges to the evolving international norms will equip them to deal with these issues when they are raised in their courts. This outreach could of course build on UNEP's ongoing capacity building efforts with judges on the development and implementation of environmental law.

#### *Lawyers*

**122.** One of the tangible successes of this project was the synergy that was created between environment and human rights lawyers who participated in the regional consultations. Historically, they have worked in very separate 'silos'. Through the consultations, the environment and human rights experts acquired insights into the norms and standards from each sphere that could be applied in the other. Targeting the training to both human rights and environmental lawyers together would help to generate peer-to-peer learning and capacity building, as well as provide for the exchange of concrete ideas for the further development of environmental human rights jurisprudence. At the same time, UNEP must not be seen to be mobilising the public against their government. They must emphasise that training for advocates is about raising awareness about the range of tools that are available to promote the integration of environment and human rights more effectively.

#### *Parliamentarians*

**123.** Training for parliamentarians is critical because of the role of parliamentarians in the adoption of potential environmental human rights legislation, and their role in promoting the rule of law and human rights. Their oversight role is also key to ensure the implementation of environmental human rights commitments and the transparency and accountability of democratic governance processes. UNDP has considerable experience in training Parliamentarians through its democratic governance programme and would be an excellent partner since it has provided assistance in constitutional design institutional and capacity development, as well as efforts to strengthen the participation of under-represented social groups in parliament. UNDP has acknowledged that it needs to make a more concerted effort to apply a human rights based approach to its parliamentary development work. GLOBE is another partner to be considered, especially in light of the DELC director's ongoing discussions with them to explore synergies. GLOBE was recently financed by UNEP to develop capacity building for parliamentarians on the specific topic of REDD+.

### *Policymakers*

**124.** During the expert consultations that the Special Rapporteur convened in Geneva in October 2015, many participants highlighted the need for training for policy-makers. They emphasised the low level of understanding amongst the environment and foreign affairs ministries and the need to bring the two sectors together more systematically. This is particularly important to ensure policy coherence in the promotion of environment and human rights legislation. More work needs to be done to support law-makers in understanding why this linkage should be reflected in national legislation and how it will ensure greater protection to citizens, where currently protection gaps may exist.

**125.** Training for policy-makers could also build on UNEP's ongoing training for decision-makers to prepare them for MEA COPs as well as their training related to the Bali Guidelines.

### *Human rights commissions and environmental tribunals*

**126.** UNEP should also consider reaching out to the national human rights commissions. This is a target group for which OHCHR's involvement would be key. The commissions are important sources of good practices on the promotion and protection of human rights, however there is a need to convene commission heads to provide a platform for the exchange of good practices especially where they have been able to integrate environmental dimensions. It is interesting to note that the human rights commissions are constrained by focusing only on those human rights that are enshrined in national constitutions. This means that in those countries where environmental human rights have been constitutionally enshrined, the commissions can adjudicate thereon. However, in countries where environmental human rights are not embedded in national constitutions, the human rights commissions might not be able to adjudicate accordingly. In such cases, bringing the commissions together to exchange experience could be very helpful in deepening understanding of how the commissions can play a more effective role.

**127.** At the same time, outreach should also target the environmental tribunals. Perhaps even bringing them together with the human rights commissions in one training. In this way, the training could identify the environmental human rights relevant to the environmental tribunals, and the human rights-oriented environmental practices that are relevant to the human rights tribunals. Bringing these two types of tribunals together could be extremely valuable instead of doing separate training for them.

### *National bar associations*

**128.** UNEP has not dealt with national bar associations thus far although they are working with international bar associations, but in different areas such as water law. Outreach to the national bar associations could be an interesting channel since they regularly provide professional development training for their members. In this regard they could be effective multipliers. The bar associations could in turn develop training programmes with UNEP to reach current and future legal professionals.

### *Universities and law schools*

**129.** UNEP could explore partnering with the UN University to design curricula for law schools.

### *Private sector*

**130.** If UNEP has not yet engaged with the International Bar Association on this topic, it should consider doing so, since the latter has published a guidance note for bar associations and business

lawyers on the implementation of the UN Guiding Principles on Business and Human Rights (the Guiding Principles adopted by the Human Rights Council in 2011). UNEP could work with the IBA to explore how to integrate environmental dimensions into their guidance.

#### *Within the UN system*

**131.** UNEP colleagues highlighted the need for training within the house to increase understanding about the importance of integrating a human rights based approach to environmental policy making and project design.

#### *Resources to be developed for training*

- Make better use of the compendium of international environmental agreements. This will provide templates that lawyers can use to bolster their environment and human rights arguments.
- A compendium of judicial opinions on environment and human rights issues. This will help underpin the development of model briefs on environment and human rights that can be used by lawyers in the development of their arguments. In the US this is done for death penalty cases.
- Templates for including environment and human rights in national government's implementation plans for Agenda 2030.
- Compendium on the international courts, environmental tribunals and human rights commissions with an overview of the important rulings that they have generated.
- Resource materials to build capacity for understanding the application for international environment and human rights norms for national law making.
- Guidance notes for environmental tribunals and human rights commissions that draw from the good practices.
- Model laws, model constitutional provisions, model human rights impact assessments.

### **Immediate Output 3: Thematic inputs made available to interagency and intergovernmental processes**

#### **Evidence for Output 3 achievements and challenges**

##### *Deeper interagency cooperation catalysed between OHCHR and UNEP*

- 132.** The project team also organised joint events during sessions of the Human Rights Council and OHCHR has been invited to participate in UNEA-2 in May 2016. This meeting will provide an important opportunity to continue to strengthen interagency cooperation, which has been stimulated by the project. It will also provide further opportunities to connect inter-governmental processes on environment and human rights.
- 133.** The inter-agency cooperation between UNEP and OHCHR that has been strengthened as a result of the project has also made it easier for each organisation to convey the importance of those linkages to their respective governing bodies.
- 134.** UNEP's cooperation with OHCHR has been highly valued on both sides. Indeed, the extent of their cooperation is actually quite rare in the UN system. For UNEP, cooperation with other UN bodies can be quite logistically difficult. In this case, however, the collaboration has worked well

and could potentially underpin a possible second phase. However, it has been suggested that UNEP's cooperation with OHCHR should be further strengthened, perhaps with a MOU. The nature of the continued cooperation will depend on the institutional home within UNEP that is chosen for the next phase of the project, either with the rule of law or Montevideo processes.

#### *Elevating the profile of environmental issues in the Human Rights Council*

- 135.** The Project has succeeded in convincing the Human Rights Council to elevate environmental issues on the HRC agenda and to take decisions that recognise the work of UNEP in the mandate of the Special Rapporteur. The Special Rapporteur has played an important role in this regard through the official presentation of his report to the HRC. The Council's discussion of the linkages stems directly from the good practices compilation that the Independent Expert used as the basis for his report to Council.
- 136.** UNEP and OHCHR also jointly hosted events on the margins of HRC meetings, and this also served to strengthen interagency cooperation and elevate the profile of environmental human rights in the Council's work.
- 137.** There is considerable untapped potential to deepening this work, however human resource constraints in UNEP's Regional Office for Europe (ROE) is a factor. When possible, UNEP-ROE sends a staff member to Council meetings, but HRC work is only one item on a very large agenda for ROE staff members. UNEP would benefit immensely from hiring a staff member whose job was dedicated to interaction with the Human Rights Council and with all of the Special Rapporteurs. Interviewees also stressed that UNEP must be seen to engage more systematically with the Human Rights Council if it is to be effective in mobilising increased political support on the part of Member States for environment and human rights linkages.

#### *Elevating human rights issues in UNEA*

- 138.** The environment-human rights linkage promoted by the project is reflected in the theme for UNEA-2, "Healthy Environment, Healthy People". During UNEA, UNEP has planned a full-day symposium on environmental human rights. The environmental human rights focus was chosen because of the UNEA-2 focus on environment and human health. The objective will be to address the linkages between human rights and the environment, and to engage a wide range of stakeholders, including parliamentarians and judges, so they can appreciate the potential synergies between their respective roles.

#### *Mainstreaming the environment-human rights nexus into the MEAs*

- 139.** The project has certainly helped to stimulate UNEP's efforts to mainstream the integration of human rights dimensions into MEAs. Several MEAs already recognize the link between the environment and human health and well-being, and many MEAs include provisions regarding civil liability and compensation for damage caused by environmental degradation. That said, there is always more that UNEP can do to deepen this work, especially in the context of the UNFCCC and CBD processes. Notably, on 26 October 2015, the Special Rapporteur spoke at a Geneva Environment Network event "Climate change, cross-border displacement and human rights: is there a protection gap and will COP21 help close it?" He also presented at a side event at the UNFCCC COP-21 in Paris.

#### *Aligning with existing UNEP processes*

- 140.** UNEP was able to align with other relevant events such as Colloquium on the Environmental Rule of Law, which was organized by UNEP in partnership with the Office of the Chief Justice of Kenya, Konrad Adenauer Foundation and the Judiciary Training Institute of Kenya (JTI). The

colloquium convened judges, prosecutors, auditors, government representatives and other related authorities of the environmental, legal and enforcement communities to help develop and implement the environmental rule of law and to define a new future for environmental justice, governance and law in the African Region and beyond<sup>12</sup>

### **Recommendations for output 3**

#### *Embedding human rights linkages in UNEP's DNA*

- 141.** UNEP is already planning a full day symposium on environment and human rights linkages at UNEA-2. However, it is important for UNEP to mainstream the environment and human rights nexus into its core activities. Whilst cooperation with OHCHR is critical at this stage UNEP should be aiming to mainstream environment and human rights within its DNA as a matter of regular practice. A good example would be the SDGs, which will frame UNEP's work for many years to come. If environment and human rights are properly mainstreamed with UNEP's core mandate, it must be clear that these efforts should be as integral to UNEP activities as gender mainstreaming was years ago. One tool could be to develop an environmental human rights assessment that could be used to determine whether UNEP programmes and project embody environment and human rights. Embedding environment and human rights will require an institutional mind shift and this is where training within UNEP will be essential.

#### *Strengthening human resource capacity within OHCHR and UNEP*

- 142.** It is clear that there are many different intergovernmental processes in which the environment and human rights linkages could be elevated more prominently. In this regard both UNEP and OHCHR would benefit from a dedicated project officer on environment and human rights who would have the responsibility of identifying which intergovernmental processes should be targeted as priority.

#### *Catalysing deeper interagency cooperation between OHCHR and UNEP*

- 143.** More intra-UN partnerships should be formed to further secure the Project's effectiveness and sustainability. For example, the Project Team should partner with UNDP for the implementation phase, in light of its in-country experience and resources.

#### *Promoting environment and human rights linkages through the MEA COPs*

- 144.** This work has already started with the relevant MEAs and the challenge will be to promote the environment and human rights linkages. Climate change and biodiversity are two very logical MEAs and since the Special Rapporteur is already planning to target climate change in his new mandate, UNEP and OHCHR should plan to support him by providing human rights and environment experts to those meetings. It would be helpful if the Special Rapporteur would create a catalogue of MEAs and identify the human rights that are embedded in each. This could be a valuable resource tool for advocates. Similarly, the presence of the Special Rapporteur at key COPs would be helpful to ensure that the governing bodies incorporate environmental human rights, starting first with procedural rights. MEA national reporting processes could be used by Member States to indicate how and where they are implementing human rights dimensions that relate to the MEA in question.

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<sup>12</sup> <http://www.unep.org/delc/worldcongress/Portals/24151/Documents/concept-note-programme-12-oct-2015.pdf>

### *Integrating environment and human rights at UNEA*

- 145.** The Montevideo Programme IV will be discussed at UNEA-2. Since the environment and human rights linkages (which have been prioritised in the latter) it is important to ensure that the leading environment and human rights experts will be included in that discussion in order to elevate the issues within UNEA and to ensure that UNEA sends a strong message about the importance of integrating and operationalizing the linkages.

### *Elevating the environmental human rights dimension within the SDGs*

- 146.** Whilst OHCHR ensured that the SDGs were embedded with a rights-based approach, the focus now should be directed towards the implementation of Agenda 2030 to ensure that the strategies and policies that are developed to implement it are grounded in environmental human rights. In this regard, the reviews of national and regional SDG process will require rights-based approaches to data and statistics and monitoring that focuses on the progressive reduction of inequalities. For the Agenda 2030 process to achieve its objectives, the elevation and embedding of environmental human rights will be critical given the key role that a healthy environment plays in the achievement of basic human rights.

### *Clarifying the linkages*

- 147.** UNEP colleagues have suggested that it would be very helpful to have a guidance note in advance of UNEA that stipulated what the environment and human rights nexus mean in concrete terms. It has been suggested that the SDG are used as a test case around which environment and human rights criteria could be developed. This is something that UNEP could do together with OHCHR.

### *Examine mandates of other Special Rapporteurs and human rights bodies,*

- 148.** The project team should examine mandates of other Special Rapporteurs, and evaluate what techniques have and have not worked. Specifically, it could work with the Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, in developing specific toolkits for the overlap of clean environment and human health. As well, outreach should be explored with other human rights bodies that are now addressing environmental dimensions in their work. For example, the Human Rights Council is drafting a new instrument on the right to life, which includes a provision on environmental dimensions. Second the CESCR is considering the drafting of a general comment on the environmental responsibilities of corporations. Finally, the Committee on the Rights of the Child is planning a day of discussion on the environmental threats to the rights of children.

### *Drawing inspiration from the Ruggie process*

- 149.** The environment and human rights process is still developing, and whilst the potential universal recognition of an environmental human right might add value, it is clear that the political dynamics are not entirely favourable. Launching a negotiation process could have the effect of putting the brakes on the process. The UN business and human rights process is an important example to replicate. It was led by a well-known and highly respected Harvard academic John Ruggie as UN Special Representative for Business and Human Rights in 2005. Three years later, Ruggie presented the Human Rights Council with the "Protect, Respect and Remedy" framework. This was followed by a period of extensive consultations, which resulted in the UN Guiding Principles on Business and Human Rights, which Ruggie presented to the Human Rights Council in June 2011. The Council unanimously endorsed the Guiding Principles, thereby creating the first global standard for the prevention of human rights abuses by the private sector. In 2011, the

Special Representative produced a compendium of examples of practical applications of the "Protect, Respect and Remedy" framework by States, national human rights institutions, NGOs, companies, multi-stakeholder organisations, academic institutions, UN Special Procedures and legal organisations such as the International Bar Association.<sup>13</sup>

The overall rating for the achievement of direct outputs is satisfactory

### 3.2.2 Likelihood of impact using the Review of Outcomes to Impact (ROtI) approach

The overall rating for the likelihood of impact is unlikely

#### 3.2.2.a The extent to which the project outcomes have to date contributed to changes in behaviour as a result of project outputs

**150.** Normally this section would assess the likelihood of impact involving examination of the following four elements:

- The extent to which the Project outcomes have to date contributed to changes in behaviour;
- The extent to which the Project is likely to contribute to changes in behaviour in the future;
- The likelihood of all the aforementioned changes contributing to even greater and more significant changes;
- Overall likelihood of achieving impact.

**151.** Since the project did not advance significantly beyond the output stage (for the simple reason that its stated aim was simply to ensure the identification of good practices), the evaluation team has not attempted to conduct the full ROtI analysis as this is somewhat premature. The analysis has modified the scope of this section to reflect the limited scope of the project. However, once again, it should be emphasised that without a follow-up project, it is unlikely that the desired impact in the original TOC (i.e. "Ecosystems are managed in a way that is environmentally and socially sustainable") could be achieved as a result of the current project.

**152.** The project team has first analysed below, the extent to which the impact drivers and assumptions on the output to outcome pathway have been overcome by the project. This analysis will help to assess the potential achievement of the one stated outcome in the original Theory of Change.

#### Impact drivers and assumptions identified in the original and reconstructed TOC

**153.** For purposes of comparison, the impact drivers and assumptions from both the original and reconstructed Theory of Change have been described below in relation to the progress between the three outputs and the outcomes.

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<sup>13</sup> See: <http://business-humanrights.org/sites/default/files/media/documents/applications-of-framework-jun-2011.pdf>

154. It is important to recall that the original Theory of Change only contains one outcome statement that relates to the three project outputs. The outcome refers to "Enhanced knowledge and understanding of good practices to advance human rights and environment objectives among stakeholders in both the environmental and human rights fields". Each output making a contribution to a more generalised result statement;
155. By contrast, the reconstructed Theory of Change identifies an outcome for each of the three outputs. These are described below.

### **Output 1: Good practices are identified and disseminated**

#### *Original Theory of Change*

156. This output is governed by two assumptions and one impact driver. The impact driver states that "various sources of information and knowledge on good practices form a toolkit for stakeholders". Whilst the good practices report has been widely praised, it is impossible to assess at this point whether stakeholders are actually using it as a toolkit.
157. The assumptions state that "actors involved in the trainings and awareness raising events are open to uptake of information" and that "actors involved in the project are committed to sharing experiences, learning and then promoting and then disseminating good practices in their day-to-day work". Judging from the evaluation team's direct experience participating in the Geneva October 2015 expert consultation, the actors certainly appeared committed to sharing experience and promoting the good practices. However it is impossible to assess the true extent of their efforts to disseminate and promote the good practices. This is precisely what a possible phase 2 should address, namely the experience of stakeholders in implementing the good practices and the challenges and opportunities for replicating them in other geographies.

#### *Reconstructed Theory of Change*

158. In the reconstructed Theory of Change, the outcome for output 1 states that "Good practices are lessons are used by policy makers, lawmakers and judges to create and strengthen environmental human rights legislation".
159. Whilst it is clearly too early to assess whether the good practices are being used by these key actors, the preliminary evidence suggests that a possible second phase could certainly play a key role in helping to achieve this outcome. Some of the key drivers and assumptions that would have to be overcome are described accordingly.
160. In terms of the impact drivers, clearly the political momentum created by this project would have to be sustained and this would be best achieved by continuing to raise the environment and human rights linkages in the two most relevant intergovernmental bodies, notably the Human Rights Council and the UNEA. Equally important is the continued efforts to forge deeper cooperation between UNEP and OHCHR as well as between the key actors in the environment and human rights communities. As well, the extent to which the good practices are ultimately used depends on the success in reaching the right actors. Hence, broad dissemination is critical.
161. As regards the assumptions, the most important is the level of political will within the countries themselves. Many interviewees have suggested that the next phase should concentrate on focusing efforts to increase the implementation of the good practices in those countries where there is a clearly established interest and commitment on the part of the governments to do so. A



good starting point would be those countries that have already embedded environmental human rights in their national constitutions or other legislation.

## **Output 2: Awareness raising and training services delivered**

- 162.** As explained in the section that describes the achievement of output 2, resource constraints limited the scope and volume of training activities.

### *Original Theory of Change*

- 163.** The original Theory of Change does not include any specific drivers or assumptions for this output. It is assumed that the above-noted assumptions are meant to apply. Judging from the success of the Yale, UNEP/UNITAR event that was convened on 5-7 September 2014, it would appear that the participants were open to uptake of information and committed to sharing, promoting and disseminating good practice. However it is impossible to assess to what extent they are doing so in their day-to-day work.

### *Reconstructed Theory of Change*

- 164.** The outcome that was defined for output 2 in the reconstructed Theory of Change states that "State and non-state actors promote environmental human rights in policy processes. The key point about the assumption regarding political context that was made for output 1 above, applies equally here.
- 165.** The ultimate impact that any training may have depends on the availability of resources, the quality of training material and instructors, and the potential capacity and willingness of state and non-state actors to promote environmental human rights in the policy-making process. This is why it is so important for a possible next phase to target training activities in those countries where there is a clear overall pre-disposition to environmental human rights and to partner with those organisations on the ground who have experience training policy-makers, parliamentarians and judges.

## **Output 3: Thematic inputs made available to inter-agency and inter-governmental processes**

### *Original Theory of Change*

- 166.** The original Theory of Change only lists one specific impact driver "The inputs are taken into account by decision-makers involved in inter-governmental and inter-agency processes. Again, whilst it is too soon to evaluate whether the project has succeeded on this front, it is clear that the outreach efforts by the Independent Expert with regard to the Human Rights Council have been successful in convincing that intergovernmental body to take into account the value and merit of the good practices.

### *Reconstructed Theory of Change*

- 167.** The reconstructed Theory of Change identified the following outcome statement for output 3 "International processes endorse environmental human rights and there is increased interagency coordination on human rights and environment. For this outcome to be achieved in a possible second phase, the project team will have to work closely with key intergovernmental forums such as the UNEA to deepen understanding of the merit of endorsing environmental human rights. UNEP's senior management must convey the importance of these linkages, drawing on the efforts by other HRC mandate holders in the field of hazardous waste, access to water, food, and housing.

### 3.3.2.b *The extent to which the Project is likely to contribute to changes in future*

168. The behavioural changes that are normally described in this section are framed in terms of the project's intermediate results, which are essential preconditions for the achievement of the project's ultimate intended impact.
169. According to the original Theory of Change that was prepared by the project team in the first project document, the ultimate impact is described as " Ecosystems are managed in a way that is environmentally and socially sustainable". The intermediate states in the original Theory of Change are framed as follows and correspond to the immediate outcome level (Expected Accomplishments in the UNEP Programme of Work results framework:
170. Intermediate State (a): The UN System and MEA bodies demonstrate increasing coherence and synergy of actions on environmental matters, including in regard to the human rights and environment nexus
171. Intermediate State (b): Capacity of States to implement environmental obligations and achieve environmental priority goals, targets and objectives through strengthened laws and institutions is enhanced.
172. Since the original TOC places the intermediate states within the ambit a possible follow-up phase, their intention was not to reach the intermediate state within the ambit of the current project. This means that the intended impact could not have been achieved in the first phase, if indeed the intermediate states were only intended for the second phase.
173. It is clear that the project has elevated understanding and awareness of the value of deepening the linkages between human rights and the environment. However, there is only anecdotal evidence to suggest that intergovernmental bodies are demonstrating increased coherence on environment and human rights. This is particularly the case with OHCHR, where thanks to the project, that body has been sensitized to the environmental dimensions of human rights. Clearly, the presentation of the good practices by the then Independent Expert to the Human Rights Council was essential to raising awareness of that body.
174. Similarly, with the environment and human rights side event that is planned for UNEA-2, it is reasonable to expect that the Special Rapporteur will be able to convince Member States of the value and benefits of deepening integration of the human rights and the environment in UNEA policy-making.
175. As regards the second intermediate state, it is impossible to ascertain at this point whether the capacity of states to implement environmental obligations through strengthened laws is enhanced or not. This is precisely where the good practices report left off. The scope of the project did not intend for a deeper analysis of the effectiveness of the good practices themselves.
176. Wherever the project is situated within the UNEP Secretariat, it is clear that now that the linkages have been identified, the next steps should be to focus on how best to promote them with member states directly and within intergovernmental bodies such as the OHCHR and UNEA if indeed the project's outcome is to be achieved, namely to advance human rights and environmental objectives.

### 3.2.3 Achievement of the formal project objectives as presented in the Project Document

- 177.** The formal project objective as stated in the project document aims to build the capacity of state and non-state actors to understand and operationalize the linkages between human rights protection and the environment through the identification, promotion and exchange of good practices.
- 178.** It is important to note that the key deliverable of the project, notably the compilation of good practices, was extremely well received in both the environment and human rights communities. The regional consultations were a very important source of inputs for the good practices report. At the same time they also served to raise awareness amongst the state and non-state participants about the important linkages and the potential for norms and standards in each realm to help improve decision-making.
- 179.** The report's compilation of good practices featured important examples in the use of human rights obligations to improve environmental policy making. To this end it helped to increase the understanding and awareness of how states and other actors have developed human rights base approaches to environmental policy making. Many interviewees confirmed the uniqueness of the good practices report in highlighting those case studies, which were hitherto unknown.
- 180.** The Independent Expert's presentation of the report to the Human Rights Council and to many other inter-governmental forums has helped enormously to raise awareness and understanding of the linkages among states and non-state actors. Indeed the endorsement by the Human Rights Council of the Independent Expert's second mandate and elevation to Special Rapporteur is importance evidence of the value that the Human Rights Council places in this work.
- 181.** It should be equally emphasised that the project objectives would not have been realised without the cooperation between UNEP, OHCHR and the then Independent Expert. Each partner brought expertise and resources to the partnership, which built on many years of collaboration, notably between UNEP and OHCHR. Once again, it is important to emphasise that limited time and resources required constraining the project's scope to simply the identification of good practices and nothing more, such as the promotion and operationalization of the good practices themselves.

The overall rating for the achievement of formal project objectives as presented in the project document is satisfactory

## 3.3 Sustainability

The overall rating for the achievement of project sustainability is unlikely

The overall rating for the achievement of project sustainability is unlikely. Again this rating is harsh. The criterion for this section is about sustainability of outcomes produced. As mentioned above, the outcome has yet to be fully realised, less so without a follow- up phase.

### 3.3.1 Socio-political sustainability

- 182.** There are several socio-political factors that may affect the sustainability of the project results and progress towards impacts. These are described in more detail below.

- 183.** The first point is that the project's primary focus was on the identification of good practices. It was beyond the scope of this first phase to examine the responsiveness of governments to the operationalisation of environment and human rights linkages.
- 184.** Secondly, the legal and political frameworks of national governments have significant bearing on the extent to which they will accept these linkages. The extent to which environment and human rights linkages are formally recognised by governments varies considerably from region to region. In some regions there is greater resistance, whilst in other regions, where the majority of governments have embodied environmental human rights in their constitutions, there is greater political acceptance. The divergence of legal and political frameworks of countries around the world should be considered by the project team in the design of Phase 2.
- 185.** The third socio-political factor is the responsiveness of countries to capacity building support for environment and human rights linkages. In those countries where there are political sensitivities, the project team will have to tread carefully. These countries may require targeted outreach to convince them of the project's merits. Even if the second phase focuses only on those countries that have expressed tangible support for the project, there may still be considerable lack of understanding for what the linkages entail. The key to mobilising political support for the project will be to avoid any appearance of imposing human rights from above. Interviewees expressed that using the terminology of a "rights-based approach" might meet with more success than the more explicit term "human rights". Instead of imposing human rights, the Project Team must convince policymakers that human rights and the good practices are effective tools that will help them achieve their environmental goals.
- 186.** The fourth socio-political factor relates to the compartmentalisation of environmental and human rights issues at the international level. The environmental policy domain is resistant to a human rights-based approach because of the limited experience with human rights instruments and approaches. This is also the case with the human rights sphere where there is limited understanding of environmental norms and standards. In this respect, continued cooperation between UNEP and OHCHR is vital to the sustainability of the project at the international level.
- 187.** Fifth, despite policy fragmentation, there does appear to be a growing acknowledgement of the linkages at the international level. This is reflected in the very fact that the Human Rights Council extended the independent expert's mandate. It is equally reflected by the fact that, Costa Rica, Slovenia, and Switzerland -the three countries that sponsored the original mandate- have been working on advancing the project's findings at the international level. Environmental human rights have garnered a certain level of attention in the international human rights community. The Human Rights Council passed a successful resolution on the topic. At the same time, UNEA will be addressing the nexus between human health and environment at its May 201 Session and this could provide another opportunity to deepen understanding of the human rights dimension.
- 188.** Sixth, the political dynamics underpinning the COP-21 negotiations are also very relevant. The Chair's draft text contained human rights language in the preamble, an important political indication of the growing awareness of human rights based approaches to climate change.
- 189.** Seventh, the project could face other socio-political challenges in the form of pushback of private sector. This is especially the case where there might be a perception that economic interests might be threatened by a human rights approach.
- 190.** As well, interviewees expressed that the work of Special Rapporteur John Knox has been fundamental in garnering socio-political support. His convening power and continued work on the subject are likely to catalyse increased political support for the continuation of the project among Member States.

- 191.** Finally, a very important dimension of the socio-political sustainability of the project is the level of ownership by the main stakeholders. In the first phase the stakeholders comprised national governments, human rights and environmental experts and civil society organisations, notably those actors who shared the good practices. Their level of engagement in the consultations reflected a sufficient level of ownership. In particular the environment and human rights experts greatly appreciated the opportunity to exchange views with each other. They do not normally interact on a regular basis and the project helped to start a process of interaction and exchange of learning. One stakeholder group that could have been better engaged was the private sector. Similarly, outreach to the MEA secretariat bodies should be increased in light of the role that the MEAs could possibly play in elevating human rights dimensions.

The overall rating for the achievement of socio-political sustainability is likely

### 3.3.2 Sustainability of financial resources

- 192.** The actual budget provided just enough resources to cover the regional consultations and the preparation of the Good Practices Report. Partnership between UNEP and OHCHR was essential in light of the in-kind contributions, which each partner made.
- 193.** The main financial mobilisation problem related not to the amount (even though it was significantly lower than the budget presented in the project document), but to the flow of resources. At key points in the project life, resource flows were frozen, making it impossible for the project team to receive the funding they needed at the time they needed it.

The overall rating for the achievement of sustainability of financial resources is moderately likely

### 3.3.3 Sustainability of institutional frameworks

- 194.** UNEP and OHCHR are the two institutions that coordinated the project. Their close cooperation was essential to the project's sustainability. Indeed next steps whatever they might be will benefit enormously from the established partnership. As well, the fact that the Human Rights Council extended the independent expert's mandate is important evidence of the institutional robustness underpinning the project.
- 195.** Equally, the fact that UNEP now requires project proposals to identify their contributions to human rights based approaches demonstrates growing institutional support. UNEA is an important institutional platform, which could play a very important role in the immediate future considering that the them for UNEA-2 is "Healthy Environment, Healthy People"
- 196.** Despite the on going collaboration between UNEP and OHCHR, the potential second phase of the project could be bolstered by deepening cooperation between the governing bodies of these two UN organisation (UNEA and the Human Rights Council (HRC)). Member states would have to formally endorse cooperation at the political level. However an immediate step that UNEP could take is to enter into a formal MOU with OHCHR. Currently UNEP has MOUs with many other UN agencies but not OHCHR.
- 197.** Member State support is also highly important to the project's institutional sustainability. There are still some States opposing a human rights-based approach. It is essential to know more about their issues. OHCHR and UNEP can work to support and advise governments on the project.

The overall rating for the achievement of sustainability of institutional frameworks is highly likely

### 3.3.4 Environmental sustainability

- 198.** Environmental factors that might influence the future flow of project benefits i.e. deepened recognition of environment and human rights would include issues such as worsening climate change and biodiversity loss. These are two of the most pressing global environmental challenges and their accelerated decline has significant implications for human rights such as access to environmental resources and livelihood rights.

The overall rating for the achievement of environmental sustainability is likely

### 3.3.5 Catalytic Role and Replication

#### Behavioural changes

- 199.** There are several dimensions of the project's catalytic role in terms of contributing to behavioural changes. At the outset it should be emphasised that it is too early to assess whether member states have begun to operationalise the linkages. This is because the scope of the project was deliberately limited to the identification of good practices. Whilst governments have all received the Good Practices it is premature to make any determination whether or not the project has catalysed behavioural change on the parts of governments.
- 200.** However, behavioural change can at least be observed at this stage on the part of the Human Rights Council and its Member States through the decision to elevate the Independent Expert to Special Rapporteur and the renewal of his mandate. The project has played an important role in stimulating the interest of Member States within the Human Rights Council. Countries are certainly talking about the issue even though they may not yet be operationalizing the linkages in policy or legislation. In this regard the Independent Expert clearly had an important role to play. Without him UNEP's cooperation with OHCHR would not have been possible.
- 201.** Another way in which the project has catalysed behavioural changes has been the new dialogue that has been created between the human rights and environment communities. The consultations brought groups together that had never interacted before. Importantly they were able to identify new approaches for elevating the environment and human rights linkages, both collectively and within their respective spheres.
- 202.** The Geneva Pledge for Human Rights in Climate Action, announced on 13 February 2015 at a meeting of the Ad Hoc Working Group for the Durban Platform for Enhanced Action (ADP), could be pinpointed as one concrete example of behavioural change. Led by Costa Rica, one of the three countries which sponsored the original mandate on human rights and the environment, 18 countries pledged the following: "We will facilitate the exchange of expertise and best practice between our human rights and climate experts to build our collective capacity to deliver responses to climate change that are good for people and the planet. To realise this we will strive to include human rights knowledge in our delegations to the UNFCCC and where applicable, climate change

expertise in the HRC.”<sup>14</sup> While it is not clear that the project directly inspired the Pledge, the Pledge certainly indicates that the linkages between human rights and the environment are starting to become mainstreamed in high-level policy-making.

### Incentives

- 203.** If the second phase of the project is indeed to focus on implementation of the environment and human rights linkages, the project team would need to create a clear set of guidelines or a checklist to help governments implement the good practices. In this sense, the compendiums produced by UNEP and the Independent Expert are only a first step and not enough to properly incentivise governments to take action.
- 204.** Additionally, to incentivise governments and other actors to operationalise the linkages, the Project Team must find innovative ways to explain the relevant protocols, guidelines, norms and processes that already exist, such as the Bali Guidelines on the Aarhus Convention to human rights lawyers. Awareness-raising will be key in this regard.

### Institutional changes

- 205.** Overall, it is too early to adequately assess whether the project has catalysed major institutional changes. The initial conclusion is that the likelihood of institutional change from the current project intervention is low, but that should be considered against the overall objective of the first phase was simply to produce a compilation of good practices. The major institutional changes are more likely to occur in the second phase.
- 206.** However, there are some signs that the groundwork laid by the project is being taken up by other Special Rapporteurs, such as the Special Rapporteurs on indigenous people and hazardous waste. The environment and human rights linkage appears to be recognised by a number of Special Rapporteurs and Independent Experts. On 5 June 2015, 27 rapporteurs and experts signed onto the Geneva Pledge for Human Rights in Climate Action, which was drafted at the ADP meeting in February and signed by 18 Member States. In their joint statement, the experts detailed how climate change could impact women's rights, access to safe drinking water, poverty, and other human rights issues, and expressed that “bringing a human rights perspective to climate change not only clarifies what is at stake; it also helps to ensure that responses are coherent, effective and responsive to the concerns of those most affected.”<sup>15</sup> Among the signees were the Special Rapporteurs on cultural rights, persons with disabilities, extreme poverty, indigenous people, internally displaced persons, human rights defenders, children, hazardous substances, violence against women, and safe drinking water. The adoption of the Pledge by UN Special Procedures indicates that environment and human rights linkages are becoming institutionally mainstreamed.
- 207.** Institutional change is evidenced in the theme for UNEA-2, “Healthy Environment, Healthy People”. The theme prominently reflects environment-human rights linkages by connecting human health to environmental health. UNEA-2 would be a good platform for involving human rights groups in Phase Two of the project, since the theme is very relevant to them.

<sup>14</sup> Ad Hoc Working Group for the Durban Platform for Enhanced Action, 13 February 2015. “The Geneva Pledge for Human Rights in Climate Action.” Available from: < [www.rree.go.cr/file-dd.php?id\\_file=617](http://www.rree.go.cr/file-dd.php?id_file=617) > [23 November 2015].

<sup>15</sup> Office of the High Commissioner for Human Rights, 5 June 2015. “Joint statement by UN Special Procedures on the occasion of World Environment Day (5 June 2015): Climate Change and Human Rights.” Available from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16049&LangID=E#sthash.cgKQpDIt.dpuf> [23 November 2015].

- 208.** The project also catalysed institutional change in that it induced collaboration between UNEP and OHCHR. While not entirely unprecedented, this was an important and unusual partnership, which lent the project increased institutional stability and convening power. It was mutually beneficial for all involved parties. UNEP officials have confirmed without the Independent Expert, it is unlikely that the partnership would have happened.

### **Policy Changes**

- 209.** Overall, it is too early to adequately assess whether the project has catalysed policy changes. This was outside the scope of Phase One. If indeed there will be a Phase 2, greater attention should be directed to understanding what resources will be needed to support governments in making the necessary policy changes.
- 210.** Related to the project, although outside its immediate scope, the Environmental Democracy Index has some influence on governments and national policy. It provides a metric for governments to see what they are doing well, how they can improve, and whether they can share their good practices.

### **Champions to Catalyse Change**

- 211.** Independent Expert (now Special Rapporteur) John Knox has been an important champion for the project. His mandate facilitated the UNEP-OHCHR partnership. Without his convening power, the project would not have been possible, and little change would have occurred.
- 212.** At the same time UNEP and OHCHR's partnership was critical to the project's success. Within each organisation there are individuals who have definitely played an important role in championing the cause of environment and human rights.

### **Key Lessons for Replication**

- 213.** The first lesson is that the partnership between the Special Rapporteur, OHCHR, UNEP, and other institutions has been essential to achievement of project results. Considering the limited availability of resources, this institutional partnership will be essential for a potential Phase 2.
- 214.** Equally, collaboration with key experts in the environment and human rights field will be essential if Phase 2 chooses to develop capacity building activities. Collaboration with other stakeholders in light of the expertise that they bring to the challenges.
- 215.** The third lesson relates to a continued role for the Special Rapporteur. Because of his important role in contributing to the project's success, especially in convening the environment and human rights communities, UNEP should consider potential collaboration with him in the second Phase. This is particularly important because in his new mandate, the Special Rapporteur plans to engage with specific countries on specific issues.
- 216.** Another lesson relates to how the good practices were chosen in the first place. The Project Team made the deliberate decision to focus on only good practices, so as to provide stakeholders with positive examples. However, the benefits of bad examples should not be understated—it is important for stakeholders to know what practices have failed so they can avoid previous mistakes. If the Project were to be replicated, looking at "bad practices", and how they could be amended, would be helpful.
- 217.** The final lesson that should be considered for replication is the importance of not just highlighting good practices but looking at bad example and distilling the relevant learning therefrom.



The overall rating for the achievement of the project catalytic role and replicability is likely

### 3.4. Efficiency

#### 3.4.1 Cost efficiencies

- 218.** It should be emphasised that the project was executed under very tight fiscal constraints.
- 219.** The major cost efficiency was UNEP's decision to hire an external consultant, who conducted most of the practical work on the project.

#### 3.4.2 Timeliness

- 220.** Another example of a time and cost saving measure was the coordination between OHCHR, UNEP, and the Special Rapporteur. Throughout Phase One, there was regular communication between the three parties and this was essential to preventing time wasting duplication of efforts.

#### 3.5.3 Use of pre-existing institutions

- 221.** The project built on the pre-existing cooperation between UNEP and OHCHR. The two organisations have worked together in the past, when financial and human resources make collaboration possible. However, the relationship has never been formalised, due to the amount of institutional work that would be required. Moving forward, an institutional ad hoc arrangement between UNEP and OHCHR would expedite the project's work, and would lend it more credibility. While a formal letter of agreement would ultimately be desirable, even a verbal understanding would be an important first step.

The overall rating for the achievement of efficiency is satisfactory

### 3.5. Factors affecting performance

The overall rating for factors affecting performance is satisfactory

#### 3.5.1 Preparation and readiness

##### Were the project stakeholders adequately identified?

- 222.** The project was jointly administered by UNEP's Environmental Governance Sub-Programme and the OHCHR Special Procedures Branch, in close cooperation with the Independent Expert. The project stakeholders included all those actors who contributed to good practices. These included governments, NGOs, think tanks and academic institutions. These stakeholders were identified by the Independent Expert as well as UNEP and OHCHR. The project partners did an excellent job in reaching out to the best possible stakeholders who in turn provided valuable inputs for the Good Practices Compilation.

**Were the project objectives and components clear and feasible?**

**223.** The project aimed to deepen understanding of the linkages between human rights protection and sustainable development by identifying, promoting and exchanging views on good practices. This project's intended result from this limited phase, as articulated in the ToC and prodoc is indeed realistic considering the decade of joint efforts between the two project partners (UNEP and OHCHR) in terms of joint activities, expert meetings, consultations, reports and awareness-raising events. Both project partners have strong convening capacity and exceptionally large networks of experts. They have planned to build on existing work in order to ensure the long-term sustainability of the results achieved.

**224.** The project's planned results were clear and feasible considering budget constraints and time limitations. Evidence is provided by the fact that most of the project milestones were in fact achieved and that the Good Practices Report has been so well received internationally.

**Were the capacities of the executing agencies considered?**

**225.** Considering the long-standing collaboration between UNEA and UNHCHR, it is assumed that the capacities have been fully assessed.

**Was the project document clear and realistic?**

**226.** The project document was extremely clear and realistic. It identified key factors such as relevance to UNEP's mandates, intended results and causality, efficiency, sustainability, replication and catalytic effects, risk identification as well as governance arrangements, management arrangements, financial planning and monitoring.

**Were the partnership arrangements clearly defined?**

**227.** The partnership arrangements were clearly defined in the governance and management arrangements.

**Were the counterpart resources assured?**

Counterpart resources from OHCHR were assured even though they were not necessarily sufficient.

**Were adequate project management arrangements in place?**

**228.** The project management arrangements are clearly described in terms of the roles and responsibilities of the Human Rights Council; Special Procedures Branch; the UN Independent Expert on Human Rights and the Environment; UNEP; NGOs and think tanks; regional organisations; academia. UNEP through DELC was responsible for the implementation of most of the activities. The project team consisted of 1 project manager, 4 Regional outposted legal offices, 1 Project team member in UNEP, 1 Project member in OHCHR, and 1 project administrative supporting UNEP. Contributions and overall guidance were provided by the environmental law and governance branch head.

- 229.** The project steering committee consisted of internal and external actors thus providing an important governance structure.

#### **Were lessons from other projects considered in project design?**

- 230.** The project builds on lessons learned from UNEP and OHCHR's longstanding collaboration.

The overall rating for the achievement of preparation and readiness is satisfactory

### **3.5.2 Project implementation and management**

- 231.** NB: project implementation and management have been addressed in the preceding section

The overall rating for the achievement of project implementation and management is satisfactory

### **3.5.3 Stakeholder participation, cooperation and partnerships**

- 232.** The project team worked with a number of actors to optimise stakeholder participation in the project. During the Nairobi consultation, they worked with UNEP's Major Groups and Stakeholders Branch. In Panama, the project team worked with the Regional Offices of UNDP, UNEP, and OHCHR to engage stakeholders. In South Africa, they partnered with the Legal Resource Centre. During the Copenhagen and Bangkok visits, the project team organised consultations around seminars that were already on going. The project team recognised the importance of working closely with actors in each region who could identify the best possible stakeholders for the regional consultations. In the next phase, UNDP has indicated its willingness to partner more closely with UNEP especially in identifying local organisations on the ground that would be interested in participating in future consultations or capacity building.
- 233.** It should be noted that OHCHR does not have an equivalent to UNEP's Major Groups and Stakeholders Branch (MGSB). One staff member works on civil society and relations with the Human Rights Council, but that is the extent of OHCHR's stakeholder engagement capacity. This means that UNEP's role in stakeholder identification and engagement is of critical importance.

#### **Stakeholder Ownership**

- 234.** The level of stakeholder ownership has been sufficient for project results to be sustained, because stakeholder consultations were at the core of the first phase of the project. All of the interviewees praised the project team for the high quality of the regional consultations. UNEP, OHCHR, the Special Rapporteur, and project advisors such as the Universal Rights Group all made a significant effort to bring a diverse and engaged group of stakeholders to each consultation.
- 235.** Notably, interviewees expressed that this project's consultations were much better than those that UNEP organizes on its own. Because of the interagency collaboration, the project team convened a unique grouping of stakeholders, which was different from the traditional stakeholders that each project partner would have convened on its own. This forced UNEP in particular to reach beyond its familiar list of stakeholder contacts, and include other contacts. Since stakeholders on

the ground are always changing, this is a positive development, and one that further reinforces the need for interagency collaboration.

- 236. The project team could have made a greater effort to reach out to the private sector in light of the importance of their support for the further development of the environment and human rights agenda. Recently, the Special Rapporteur released a statement on the Ad Hoc Working Group on Business and Human Rights. The project team should consider working with them.
- 237. Outreach to the judiciary should also be enhanced, considering the important role they play in the development of environment and human rights norms.
- 238. Another key stakeholder that should be better engaged is national governments. Most consultation participants expressed enthusiasm for and ownership of the Project. However, in practice, ownership by key Member States should be enhanced if there is to be a second phase. This can best be achieved by demonstrating the extent to which the project can support member states in operationalizing environment and human rights linkages.

The overall rating for the achievement of stakeholders participation, cooperation and partnerships is highly satisfactory

#### 3.5.4 Communication and public awareness

- 239. Communication and public awareness are inhibited by the lack of human resources. UNEP needs a permanent resource person within each regional office who can identify organisations and individual who should be approached for future regional consultations. This will ensure consistent stakeholder engagement. Currently the consultant for each phase must start afresh in terms of their knowledge of stakeholders to approach thus limiting their impact and stakeholder engagement.

The overall rating for the achievement of communication and public awareness is moderately satisfactory

#### 3.5.5 Country ownership and driven-ness

- 240. Most consultation participants expressed enthusiasm for the extent to which the project enabled their engagement and ownership. However, in practice, ownership by Member States could have been improved, something which Phase 2 will need to address through capacity building.

The overall rating for the achievement of country ownership and driven-ness is moderately satisfactory

#### 3.5.6 Financial planning and management

##### Dependence of project impact on continued financial support

- 241. UNEP's financial support was crucial to Phase One's success. Without UNEP funding, the work of the Special Rapporteur would have been severely limited. If Phase Two is more ambitious

in scope, it will be necessary to mobilise additional resources. Partnerships with additional UN organisations such as UNDP will be important to reduce costs.

#### **Adequacy of resource mobilisation strategy**

- 242.** Funding for the project was provided by UNEP and OHCHR and selected donor governments. The planned project budget at approval was USD 433,920 (exclusive of staff time). The total actual expenditures consisted of USD 250,586. The total of secured financing was USD 286,028.
- 243.** Within OHCHR, resource mobilisation was inadequate for Project implementation. OHCHR's contribution came from the Regular Budget of the UN, not from OHCHR-specific funding. That was all the funding that was available, and the amounts were insubstantial. Thus, OHCHR could only pay for the Special Rapporteur's mandated activities; they were only able to contribute enough for him to be able to produce the mandated report and do some consultations. This funding deficit actually prompted the partnership with UNEP, since alone OHCHR only had enough resources to organise five consultations. It is important to highlight that OHCHR's contribution extended only to mandated activities. They lacked the resources for consultants, and did not have enough for meetings.
- 244.** Within UNEP, project resources were limited but just sufficient, given the small scope of the deliverables. The project team were efficient in spending what little resources they had. Had more resources been available, more could have been done.
- 245.** The main financial mobilisation problem related not to the amount, but to the flow of resources. At key points in the project life, resource flows were frozen, making it impossible for the project team to receive the funding they needed at the time they needed it.
- 246.** Administrative challenges within UNEP's finance department have been deeply problematic for this project and many others.

#### **Likelihood of financial resources becoming available**

- 247.** At least within UNEP, chances are fairly good that adequate financial resources will become available for the second phase. There is a growing recognition for the linkages between environment and human rights and this work is already prioritised under UNEP's Montevideo Programme IV and its environmental rule of law work. However it should be emphasised that the project did not raise even the modest resources specified in the project document..

The overall rating for the achievement of financial planning and management is moderately unsatisfactory

### **3.5.7 Supervision, guidance and technical backstopping**

Supervision, guidance and technical backstopping were not particularly relevant to this project since most of the work was carried out by the Independent Expert and consultant Ramin Pejean. There was regular interaction between the Independent Expert and the project manager, as well as the other members of the project team at UNEP and the Special Procedures Branch at OHCHR. Overall guidance was provided by the coordinator of the sub-programme on environmental governance.

The overall rating for the achievement of supervision, guidance and technical backstopping is **S**

### 3.5.8 Monitoring and evaluation

The overall rating for the achievement of monitoring and evaluation is satisfactory

#### M&E design

**248.** The project monitoring plan included a monitoring group coordinated by the project coordinator in DELC. It met at least twice a year to review indicators and milestones. The Steering Committee was intended to further guide project implementation. However, it was never formed. The monitoring group also consulted with the Independent Expert and the staff at OHCHR that support the Independent Expert.

**249.** The project was monitored through the use of the project indicators noted in the logframe and through completion of project milestones as described in the Logical Framework. Progress reports were also prepared. As well a unified half-yearly progress and financial report was submitted to the relevant Programme Framework Coordinating Division.

**250.** The logical framework does not reflect the assumptions from the Theory of Change.

**251.** The indicators are SMART but they only pertain to outputs. It should be noted that the logframe only includes one outcome which should be revisited in future project phases

**252.** The Means of Verification are appropriate. However, the assumptions have not been identified. The milestones are clear and the performance indicators appear to be sufficient to foster management towards higher-level objectives.

**253.** The project contains baseline information in relation to key performance indicators. There is no explanation of the method for baseline data collection.

The overall rating for the achievement of M&E design is satisfactory

#### M&E plan implementation

**254.** The Logical Framework clearly specifies the month and year of submission for each project report. Additionally, the Monitoring Plan stipulates that a half-yearly Progress and Financial report be submitted by 31 October and 31 July each year of the project's duration, plus a Final Report within 60 days of the project's completion.

**255.** The roles of the project coordinator, monitoring group, Steering Committee, Independent Expert, and OHCHR staff are clearly noted.

**256.** The budget does not appear to have allocated resources for monitoring project progress.

**257.** The overall approach to monitoring seems to conform with standard approaches. There are no glaring omissions, except for the fact that there is no designated budget for monitoring.

The overall rating for the achievement of M&E plan and implementation is satisfactory

## CONCLUSIONS, LESSONS LEARNED AND RECOMMENDATIONS

### 4.1. CONCLUSIONS

#### 4.1.1 Achievements and shortcomings

##### Achievements

**258.** The project aimed to build the capacity of states and non-state actors to understand the linkages between human rights protection and sustainable development by identifying, promoting and exchanging views on good practices.

**259.** The key deliverable of the project, notably the compilation of good practices has been extremely well received in both the environment and human rights communities for its comprehensive scope. Many have acknowledged the important contribution that the report has made in highlighting good practices, which were hitherto unknown to both the environment and human rights communities. The regional consultations were very important in generating inputs for the good practices report.

**260.** The new web portal will ensure that the practices are disseminated to a broad range of actors in both the environment and human rights spheres.

**261.** The project was also instrumental in deepening understanding of the linkages between human rights and the environment within the Human Rights Council. The Independent Expert's presentation of the good practices was pivotal in the decision of the Human Rights council to renew the mandate but also to elevate environmental issues on its agenda and to take decisions to recognise the work of UNEP in the mandate of the Special Rapporteur.

**262.** It should also be emphasized that the success of the project results was also facilitated by the decade of joint efforts between the two project partners (UNEP and OHCHR) in terms of joint activities, expert meetings, consultations, reports and awareness-raising events. Both project partners have strong convening capacity and exceptionally large networks of experts.

##### Shortcomings

**263.** Notwithstanding the success of the project's results, the 15-month timeframe was rather short. Even though all the consultations were convened, the independent expert was only able to carry out two country visits (Costa Rica and France). Resource constraints were also a factor considering the difference between the original budget contained in the project document and the actual expenditures. Clearly resources will have to be increased if Phase 2 is to deepen understanding of the challenges in operationalising the linkages between environment and human rights.

#### 4.1.2 Overall assessment

**264.** The compilation of good practices was highly praised by governments and human rights and environment experts. All of the interviewees agreed that the project activities that were designed to generate the good practices were extremely effective. These included the regional consultations, expert seminars, the country visits, and the dissemination of a questionnaire. Little else could have been done to generate additional feedback in light of the limited resources.



**265.** Most interviewees felt that enough good practices had been identified and that what is needed at this point is a deeper analysis of the actual effectiveness of the good practices and the challenges and opportunities for strengthening and replicating implementation.

**266.** If UNEP plans to focus on operationalization of the good practices in a possible second phase, it is clear that training will be essential. However, before embarking on the design of training programmes, it will be important for UNEP to analyse the concrete implementation challenges related to the good practices and the resources needed to facilitate implementation at the national level.

**267.** It should also be emphasized that the project has succeeded in convincing the Human Rights Council to elevate environmental issues on the HRC agenda and to take decisions that recognise the work of UNEP in the mandate of the Special Rapporteur. The Special Rapporteur has played an important role in this regard through the official presentation of his report to the HRC.

**268.** There are many different intergovernmental processes in which the environment and human rights linkages could be elevated more prominently. In this regard, promoting the environment and human rights linkages within the MEAs is essential. The presence of the Special Rapporteur at key COPs would be helpful to ensure that the governing bodies incorporate environmental human rights, starting first with procedural rights. MEA national reporting processes could be used by Member States to indicate how and where they are implementing human rights dimensions that relate to the MEA in question.

**269.** A final note is that the mainstreaming of human rights should be an integral part of UNEP's core mandate. There are human rights dimensions to each of UNEP's sub-programme areas. The UNEP Secretariat should conduct internal training for UNEP staff to raise understanding and awareness about the importance of integrating environment and human rights into its work. If environment and human rights are to be properly mainstreamed in UNEP's core mandate, it must be clear that this nexus is as integral to UNEP's activities as gender mainstreaming was years ago.

#### Answers to fundamental evaluation questions

Fundamental evaluation question	Experience from Phase 1
(a) Based on your experience participating in one or more of the project activities, how effective was the project in identifying and disseminating good practices concerning the relationship between human rights and the environment?	<p>The compilation of good practices was highly praised by governments and human rights and environment experts. All of the interviewees agreed that the project activities that were designed to generate the good practices were extremely effective. These included the regional consultations, expert seminars, the country visits, and the dissemination of a questionnaire. Little else could have been done to generate additional feedback in light of the limited resources.</p> <p>The value of the compilation of good practices has been acknowledged by all of the interviewees. In fact, it is one of the few resources that compile good practices in the area of both procedural and substantive environmental human rights. The new web portal will ensure that the practices are disseminated to a broad range of actors in both the environment and human rights spheres.</p>

(b) What other activities and approaches would be helpful in identifying additional good practices?	Most interviewees felt that enough good practices had been identified and that what was needed at this point was a deeper analysis of the actual effectiveness of the good practices and the challenges and opportunities for strengthening and replicating implementation.
(c) If you participated in any of the awareness raising, training and consultation events, how did these increase your awareness and understanding of the linkages between human rights and the environment and related good practices?	<p>Uniting the human rights and environment communities was a crucial impact driver for the Project. The Project achieved great success in bringing these communities together, and this unity will facilitate further progress in upcoming phases.</p> <p>The Project's goal was in part to bring together the human rights and environment communities, and through the good practices of the environment community show what good practices can be applied to the human rights community, and what practices from the human rights community can be applied to the environmental policy domain.</p> <p>The Project showed that these communities are linked, and how efforts in each field can be applied jointly. Without the Project, it would have been very difficult for these communities to come together.</p>
(d) What other types of outreach and awareness-raising activities would be helpful?	If UNEP plans to focus on operationalization of the good practices in a possible second phase, it is clear that training will be essential. However, before embarking on the design of training programmes, it will be important for UNEP to analyse the concrete implementation challenges related to the good practices and the resources needed to facilitate implementation at the national level. In this regard, it will be important to renew contact with the stakeholders who provided the good practices to learn directly from them about how best to replicate the good practices in other geographies.
(e) If you engage in inter-governmental processes (either as a state or non-state actor) do you think that the informational materials that were produced by the project enabled you to address issues concerning the relationship between human rights and the environment?	The inter-agency cooperation between UNEP and OHCHR that has been strengthened as a result of the project has also made it easier for each organisation to convey the importance of those linkages to their respective governing bodies. The presentation of the good practices by the Independent Expert to the Human Rights Council in June 2015 was well received by Member States, who in turn endorsed a second mandate and elevated his position to Special Rapporteur. Similarly, UNEA-2 is organising a side event on human rights and the environment and this will provide another important opportunity to elevate the linkages with Member States.
(f) Based on your experience in the first phase of UNEP and OHCHR's work, what are the lessons that could assist in: (i) the continued	There are several important lessons that cut across these challenges. First, there is a need to deepen inter-agency cooperation between UNEP and OHCHR. This partnership has been essential to the

identification of good practices; (ii) wider dissemination and promotion of these good practices; (iii) strengthened capacity building for implementation of a human rights approach to the environment; (iv) raising awareness of the importance of the environment and human rights linkages for the implementation of the SDGs and the advancement of the environmental rule of law?	first phase, and will be critical to wider promotion of the good practices. Second, within both UNEP and OHCHR there is a need for dedicated programme officers on environment and human rights to drive this work forward and to ensure that it is duly mainstreamed within each organisation. Third, the next phase will necessarily require training in order to deepen understanding and capacity for the operationalization of the linkages. There are a wide range of stakeholders who should be targeted from the judiciary to environmental human rights defenders and in order to reach these stakeholders, it will be essential for UNEP to partner with key organisations on the ground such as GLOBE national chapters and national bar associations, as well as national human rights tribunals.
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## 4.2. Findings and lessons learned

Table 9 - Overview of findings and lessons learned

Key area of analysis	Findings	Lessons learned and observations for future project planning
Project design	<ul style="list-style-type: none"> <li>The project aimed to build the capacity of states and non-state actors to understand the linkages between environment and human rights through the promotion of good practices. The project design was limited to what could realistically be achieved with the resources and time available. Despite the short time frame, the project succeeded in convening consultations in all regions, which generated important inputs for the compilation of good practices.</li> <li>The design of the project built on many years of joint efforts between the two main project partners UNEP and OHCHR together with the then Independent Expert.</li> <li>The key deliverable of the project, notably the compilation of good practices was extremely well received and recognised as having highlighted important case studies, which were hitherto unknown.</li> </ul>	<ul style="list-style-type: none"> <li><i>Inter-agency cooperation is key</i> and should be stepped up. The project could not have been realised without the cooperation between UNEP, OHCHR and the then Independent expert. If Phase 2 plans to address implementation challenges, then continued inter-agency cooperation between UNEP and OHCHR and the Special Rapporteur will be essential and should be formalised through a Memorandum of Understanding.</li> <li>UNEP has MOUs with other UN agencies but not with OHCHR, an MOU would be essential to deepening and securing longer-term cooperation, as well as increasing the credibility and the legitimacy.</li> <li>Compilation of good practices is a good start. But <i>deeper insights</i> are needed into the factors that are essential to the further operationalisation of these good practices.</li> </ul>
Strategic relevance	<p>The project's intended results have contributed to the Expected Accomplishment (b) on the basis of the following factors:</p> <ul style="list-style-type: none"> <li>The project's first output provided for the promotion and exchange of good practices. This has provided countries with the resources to learn from each other regarding the challenges and opportunities of developing and enforcing laws related to environment and human rights.</li> <li>The second output provided for the training services and capacity building, which although not fully executed, was originally designed to enhance the capacity of states to develop and enforce legislation regarding human rights and the environment;</li> <li>The third output regarding the contributions to interagency and intergovernmental processes has helped to galvanize more widespread political support for environment and human rights.</li> <li>This project contributes directly to advancing of environmental law in relation to the nexus between human rights and the environment, as mandated by the Montevideo Programme IV (para IV.A on human rights and the environment)</li> </ul>	<ul style="list-style-type: none"> <li>The nexus between environment and human rights is still poorly understood by State and non-state actors. There is so much more that UNEP and OHCHR could be doing to <i>deepen understanding of the importance of the linkages</i> and of deepening the mainstreaming of environment and human rights within the core of UNEP's mandate.</li> <li>The <i>promotion and exchange of good practices</i> is an invaluable resource for Member States. State practices elsewhere help key actors within governments to advance compelling argument for change. This is an approach that UNEP should continue to develop in phase 2.</li> <li><i>Regional consultations</i> are an important tool for generating deeper insights but also for the exchange of knowledge of good practices. This is precisely the type of outreach, which UNEP should be doing more of. Building upon its convening power is essential to establish a more visible presence in the regions as well.</li> <li>The regional consultations also built <i>important bridges</i> between the environment and human rights communities. In a possible phase 2, regional consultations should continue to be used to deepen these ties.</li> </ul>

	<ul style="list-style-type: none"> <li>The project consultation methodology reflects the extent to which the objective is consistent with sub-regional environmental issues and needs. Specifically, efforts were made to reach out to a wide range of actors including national governments, NGOs, major think tanks and academic institutions active in the field of human rights and the environment.</li> <li>The geographic focus of the consultations ensured that the regional and sub-regional dimensions and priorities were duly highlighted.</li> </ul>	
<b>Effectiveness</b>	<p><b>Output 1- Good practices</b></p> <ul style="list-style-type: none"> <li>The compilation of good practices was highly praised by governments and other actors. All the interviewees agreed that the project activities that were designed to generate the good practices were highly effective. Little else could have been done to generate additional input in light of the limited resources.</li> <li>Despite the success of the team in identifying good practices, limited resources prevented a deeper inquiry into the success factors of the good practices and the extent to which they could be replicated.</li> <li>The final compendium of good practices does and does not provide common threads. It provides enough information to go back and follow up, but it fails to provide a proper reflection of the practices. Often, a practice is presented without a proper metric for assessing whether or not a party has achieved the intended outcomes.</li> <li>While the Team was able to identify good practices, they lacked the resources to make sure they were really effective, or to see how they were implemented. If an NGO were to look at the good practices compendium, and ask the Team how to implement the practices, it would be difficult to answer them.</li> <li>This deficit links to the broader awareness-raising about linkages between human rights and environment. As the Project proceeds, the good practices will become more broadly known. For the usage of many national human rights actors, what has been put together is already sufficient. Yet to reach environmental experts and to put the practices into use, more practices and norms are needed. Bringing the</li> </ul>	<p><b>Output 1</b></p> <p>Many interviewees stressed the importance of <i>building on the good practices</i> work by:</p> <ul style="list-style-type: none"> <li>Deepening the enquiry into how the good practices are being enforced by tribunals,</li> <li>Working with the MEA secretariats to embed these good practices in the MEAs themselves,</li> <li>Assessing how they are inspiring law makers to develop new legislation,</li> <li>Understanding how the good practices are supporting human rights litigators,</li> <li>Focusing on implementation at the regional and the national level through targeted capacity building,</li> <li>Exploring how human rights mechanisms can improve environmental protection and management,</li> <li>Examining the need for monitoring systems for assessing the implementation of environment and human rights,</li> <li>Avoiding targeted intervention strategies that might offend member states, but framing the work at the country level as part of a broader review of environmental legislation in which the mainstreaming of human rights is a critical component,</li> <li>Producing concrete guidance, guidelines or handbooks to assist governments in implementing environment and human rights. On this point it would be useful to look at the outputs of the other mandate holders.</li> <li>Identifying the human rights elements of the SDGs,</li> <li>Feeding into the future environmental rule of law report, especially the chapter dedicated to environment and human rights. This work may not drill down to the country level but may explore the extent to which legislation is implementing the environmental rule of law.</li> <li>At the same time, UNEP's environmental rule of law work should not be over-burdened with too many other components that would undermine the specific niche that the environmental rule of law project has carved out. If the environmental rule of law project becomes too all encompassing it will not succeed in mobilising the political support needed.</li> </ul> <p><b>Output 2</b></p>

	<p>discussion to regional, national, and local levels would be helpful in this regard.</p> <ul style="list-style-type: none"> <li>The way in which the report unfolded highlighted some key issues: first, the overlapping nature of human rights and environment with other rights and procedures, and secondly, good practices needing to be elaborated to become best practices. Specifically in the context of climate change and its impacts, there is room for improvement around how we assess those research impacts.</li> </ul> <p><b>Output 2- Training</b></p> <ul style="list-style-type: none"> <li>Besides the Yale meeting, there were no real training activities in Phase One, per se. This indicates that the initial Project proposal, which included training activities, may have been overly ambitious.</li> <li>The web portal identified at the beginning of the Project was a means to disseminate good practices. The portal was a joint initiative. It was initially meant to be hosted by Wake Forest University, and was developed through the combined efforts of UNEP, OHCHR, and John Knox. The web portal recently went live.</li> <li>There were a few technical issues and the Team had to revise some content, so the official launch date was slightly later. UNEP produced a publication of the web portal's content. There will be a full good practices report, in addition to the portal.</li> </ul> <p><b>Output 3</b></p> <p><b>Promoting the good practices in inter-governmental processes</b></p> <ul style="list-style-type: none"> <li>The project team has done an excellent job in generating valuable material in the form of the good practices. The challenge now is to promote the good practices in relevant intergovernmental processes. For example the Special Rapporteurs report to the Human Rights Council will seek guidance from the HRC on how to operationalize good practices.</li> <li>The Special Rapporteur is keen to explore linkages with other MEA COPs and at Paris COP21 he spoke at a side event on human rights and climate change. He focused on the human rights violations of climate</li> </ul>	<ul style="list-style-type: none"> <li>If UNEP plans to focus on operationalization of the good practices in a possible second phase, it is clear that training will be essential. The project team should <i>deepen partnerships with other on-going training programs</i> to ensure that the environment and human rights linkages are fully integrated. These include: DELC's Global training program on environmental law and policy; DELC's on-going work with the judiciary and UNEP's environmental rule of law work and the mid-term review of the Montevideo Programme IV.</li> <li>However, before embarking on the design of training programmes, it will be important for UNEP to <i>analyse the concrete implementation challenges</i> related to the good practices and the resources needed to facilitate implementation at the national level. In this regard, it will be important to renew contact with the stakeholders who provided the good practices to learn directly from them about how best to replicate the good practices in other geographies.</li> <li><i>Potential training on environment and human rights could also be tied to UNEP's work in elevating the environmental dimensions of the SDGs.</i> UNEP and OHCHR could collaborate in supporting national governments with the resources needed to ensure that the rights-based approach that is embedded in the SDGs is duly reflected in national SDG strategies.</li> <li>The substantive <i>foundation of the trainings should be underpinned by the good practices</i>, using the same organisational principles as the good practice compilation, notably the distinction between procedural obligations and substantive obligations. It will also be important for the training material to deepen understanding of the human rights and environmental linkages, whilst emphasising both the strengths and weaknesses of integrating a human rights perspective in environmental policy-making.</li> <li>There are many <i>ongoing UNEP activities</i> upon which new training on environment and human rights could be developed. These include: DELC's Global Training Programme on Environmental Law and Policy; DELC's ongoing work with the judiciary; UNEP's Environmental Rule of Law work and its International Advisory Council for the Advancement of Justice, Governance and Law for Environmental Sustainability.</li> <li>Similarly, UNEP should consider <i>building on the online course that it is developing together with UNITAR, UNDP, and the UN Special Rapporteur</i>. The course aims to empower policy makers, experts and advocates with the tools develop public policies and laws for the protection of the environment and human rights, specifically targeting the relevant SDGs. Since the partners expect to launch the course during the 1st quarter of 2016, the results of this evaluation should feed into that process.<sup>16</sup></li> </ul>
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• 16 16 <http://www.unitar.org/human-rights-and-environmental-protection-light-sdgs-0>

	<p>change and how better use of human rights mechanisms can improve environmental policy.</p> <ul style="list-style-type: none"> <li>• The project has succeeded in convincing the Human Rights Council to elevate environmental issues on the HRC agenda and to take decisions that recognise the work of UNEP in the mandate of the Special Rapporteur. The Special Rapporteur has played an important role in this regard through the official presentation of his report to the HRC. The Council's discussion of the linkages stems directly from the good practices compilation that the Independent Expert used as the basis for his report to Council.</li> <li>• There is considerable untapped potential to deepening this work, however human resource constraints in UNEP's Regional Office for Europe (ROE) is a factor. UNEP must be seen to engage more systematically with the Human Rights Council if it is to be effective in mobilising increased political support on the part of Member States for environment and human rights linkages.</li> <li>• The project has certainly helped to stimulate UNEP's efforts to mainstream the integration of human rights dimensions into MEAs. That said, there is always more that UNEP can do to deepen this work, especially in the context of the UNFCCC and CBD processes.</li> <li>• UNEP has also been able to align with other relevant events such as the colloquium on Environmental Law, which had organised with office of the Chief Justice of Kenya.</li> <li>• The inter-agency cooperation between UNEP and OHCHR that has been strengthened as a result of the project has also made it easier for each organisation to convey the importance of those linkages to their respective governing bodies.</li> <li>• UNEP and OHCHR collaboration has worked well and could potentially underpin a possible second phase.</li> </ul>	<ul style="list-style-type: none"> <li>• Another important and highly relevant ongoing process is the ongoing mid-term review of the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), especially since environmental human rights is one of the programme areas under review. Since the outcomes of that review will be presented at UNEA-2, the findings of this evaluation will provide useful insights that could help inform the future development of the fifth Programme. Potential training to be developed under the Montevideo Programme could be synergized with training under the ambit of the follow-up to this project.</li> <li>• It will be important to <i>target the following stakeholders as a matter of priority</i>: Judiciary, lawyers, parliamentarians, government policy makers, human rights commissions and environment tribunals, national bar associations, universities and law schools, private sector and other UN organisations.</li> </ul> <p><b>Output 3</b></p> <ul style="list-style-type: none"> <li>• <i>UNEP's cooperation with OHCHR should be further strengthened</i>, perhaps with a MOU. The nature of the continued cooperation will depend on the institutional home within UNEP that is chosen for the next phase of the project, either with the rule of law or Montevideo processes.</li> <li>• It is important for <i>UNEP to mainstream the environment and human rights nexus into its core mandate</i>. A good example would be the SDGs, which will frame UNEP's work for many years to come. If environment and human rights are to be properly mainstreamed in UNEP's core mandate, it must be clear that this nexus is as integral to UNEP's activities as gender mainstreaming was years ago.</li> <li>• There are <i>many different intergovernmental processes in which the environment and human rights linkages could be elevated</i> more prominently. In this regard both UNEP and OHCHR would benefit from a dedicated project officer on environment and human rights who would be responsible for promoting the linkages in other intergovernmental processes. This is important to ensure that linkages are promoted systematically within both UNEP and the Human Rights Council.</li> <li>• UNEP should <i>deepen its understanding of where human rights and environment linkages are recognised in MEAs</i> and the decisions of environmental tribunals. So the next step in the work should be examination of how these tribunals have enforced MEA provisions and how the good practices can be applied in the MEAs themselves.</li> <li>• The <i>presence of the Special Rapporteur at key COPs</i> would be helpful to ensure that the governing bodies incorporate environmental human rights, starting first</li> </ul>
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		<p>with procedural rights. MEA national reporting processes could be used by Member States to indicate how and where they are implementing human rights dimensions that relate to the MEA in question.</p> <ul style="list-style-type: none"> <li>• UNEP and OHCHR should explore the possibility of <i>integrating environmental human rights in both the Universal Periodic Review Mechanism</i> and in creating a human rights assessment tool that could be used by the MEAs to explore how the environment and human rights linkages are being addressed.</li> <li>• Since the mid-term review of Montevideo Programme IV will be discussed at UNEA-2, it is important that the results of this evaluation feed into that process. It is imperative that UNEA-2 sends a strong message about the importance of integrating and operationalizing the linkages.</li> <li>• Whilst OHCHR ensured that the SDGs were embedded with a rights-based approach, the <i>focus now should be directed towards the implementation of Agenda 2030 to ensure that the strategies and policies that are developed to implement it are grounded in environmental human rights</i>. In this regard, the reviews of national and regional SDG process will require rights-based approaches to data and statistics and monitoring that focuses on the progressive reduction of inequalities. For the Agenda 2030 process to achieve its objectives, the elevation and embedding of environmental human rights will be critical given the key role that a healthy environment plays in the achievement of basic human rights.</li> <li>• UNEP colleagues have suggested that it would be very helpful to have <i>a guidance note in advance of UNEA that stipulated what the environment and human rights nexus mean in concrete terms</i>. It has been suggested that the SDG are used as a test case around which environment and human rights criteria could be developed. This is something that UNEP could do together with OHCHR.</li> <li>• The project team should <i>examine mandates of other Special Rapporteurs, and evaluate what techniques have and have not worked</i>. One process that should be explored in greater detail is the Ruggie Guiding Principles, which were endorsed by the Human Rights Council as the first global standard for the prevention of human rights abuses by the private sector.</li> <li>• More <i>intra-UN partnerships</i> should be formed to further secure the Project's effectiveness and sustainability. For example, the Project Team should partner with UNDP for the implementation phase, in light of its in-country experience and resources.</li> </ul>
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<b>Sustainability</b>	<ul style="list-style-type: none"> <li>• There are several socio-political factors that affect the achievement of project results. These include the divergence of legal and political frameworks, the resistance to rights based approaches and policy fragmentation between environment and human rights issues. As well as the degree of ownership by the main stakeholders.</li> <li>• Regarding the financial sustainability, the actual budget provided only enough resources to cover the regional consultations and the good practices report.</li> <li>• Regarding the institutional sustainability, it is clear that the cooperation between UNEP and OHCHR was essential to the project's success.</li> </ul>	<ul style="list-style-type: none"> <li>• In the first phase, the consultations brought a wide range of actors together who normally would not have the opportunity to interact. Greater outreach should have been made to the private sector and to the MEA Secretariats.</li> <li>• Increasing the financial resources for a possible next phase will be essential to understand the effectiveness of the good practices and the opportunities and challenges for replicating them.</li> <li>• Despite the on-going collaboration between UNEP and OHCHR, the potential second phase would be bolstered by deepening the cooperation between the two organisations and their respective governing bodies.</li> </ul>
<b>Replication</b>	<ul style="list-style-type: none"> <li>• It is too early to assess whether the good practices have catalysed behavioural change on the part of governments. However, behavioural change can at least be observed on the part of the Human Rights Council decision to remove the Independent Expert's mandate and elevate his position to Special Rapporteur.</li> <li>• Another way that the project catalysed behavioural changes was the convening of experts from the environment and human rights fields, who do not normally have the opportunity to interact.</li> <li>• Overall it is too early to assess whether the project has catalyse institutional changes, however there are some signs that the ground work laid by the project is being taken up by other Special Rapporteurs. For example 27 Special Rapporteurs signed onto the Geneva Pledge on human rights in climate action. The project also catalysed institutional change in the deepening of relations between UNEP and OHCHR.</li> </ul>	<p>There are a number of key elements essential to the successful replication of the project:</p> <ul style="list-style-type: none"> <li>• The partnership between the Special Rapporteur, OHCHR, UNEP will be essential for a potential second phase. Since in his new mandate the Special Rapporteur plans to engage with specific countries—because of the political sensitivities, this may be an excellent entry point for UNEP to deepen its country level work.</li> <li>• Equally, collaboration with key experts in the environment and human rights field will be essential for possible future capacity building.</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>• The Project was executed under very tight fiscal restraints. The major cost efficiency was UNEP's decision to hire an external consultant who conducted most of the substantive work.</li> <li>• Another example of a time and cost saving measure was the coordination of OHCHR, UNEP and the Independent Expert.</li> </ul>	<ul style="list-style-type: none"> <li>• Inter-agency cooperation was essential to executing the project, considering the tight budgetary constraints.</li> </ul>

## ANNEXES

1. Evaluation TOR (too long to be added)
2. Project Logical Framework
3. List of Interviewees
4. Bibliography
5. Brief Biography of the Consultant
6. Project Design Quality Matrix

Annex I. TERMS OF REFERENCE FOR THE EVALUATION [TOO LONG TO BE ADDED]

## Annex II. PROJECT LOGICAL FRAMEWORK

Table 2: UNEP Logical Framework

1. Relevant Expected Accomplishment in the PoW			
<b>PoW 2014-2015: Environmental Governance Expected Accomplishment (b): 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</b>			
Project Outcome	Indicators	Means of Verification	
Enhanced knowledge and understanding of good practices, challenges and policy options to advance human rights and environment objectives among stakeholders in both the environmental and human rights fields	Report reflecting latest understanding and selected good practices on the environment/human rights nexus available (Baseline: 0, Target: 1)	- Published report as available on UNEP web site	
	Number of hits to the website (Baseline: 0, Target: 1000)	- Web portal, statistics on access to web pages and on downloads	
	Number of contributions to the portal (Baseline: 0, Target: 30)		
	Number of decisions adopted by UN entities/inter agency forums concerning linkages between human rights and the environment (Baseline: 0, Target: 1)	- Proceedings of inter-governmental or inter-agency processes	
Project milestones:			Expected Milestone Delivery Date
M1. One consultation undertaken and questionnaire disseminated			June 2014
M2. One consultations undertaken, responses to questionnaire collected and consolidated			December 2014
M3. Interactive portal fully operational and findings of good practices reflected in the IE final report to the Human Rights Council and acknowledged in HRC proceedings			June 2015
2. Project Outputs	Indicators	Means of Verification	PoW-EA Output <sup>3</sup>

<b>OUTPUT 1: Good practices and lessons learnt on human rights and the environment identified, disseminated and promoted.</b>	Number of consultations undertaken with government representatives, civil society and NGOs, legal professionals and experts (Baseline: 0, Target: 2)	Reports and outcomes of consultations (available on UNEP and OHCHR websites) Mission reports	PoW 2014-15 Output: 4b1
	Number of information tools compiled and disseminated (case law compendium, fact sheets, pamphlets, and learning tools) (Baseline: 0, Target: 4)	UNEP website, copies of publications and other information tools	
	Number of completed questionnaires submitted and processed (Baseline: 0, Target: 50)	Compiled questionnaires archived or available on UNEP and OHCHR websites	
	Section of final report on gender compiled and made available on website (Baseline: 0, Target: 1).	Final report	
<b>Project output 1 milestones:</b>			
M1. One consultation held and report finalised			June 2014
M2. One consultation held and report finalised and Web Portal Operational			December 2014
M3. Final Report on good practices, challenges, and lessons learned prepared and disseminated.			June 2015
<b>OUTPUT 2: Training services or other capacity building interventions delivered to</b>	Number of side events and capacity building interventions delivered (Baseline: 0, Target: 5).	Reports/Minutes of the events	PoW 2014-15 Output: 4b1
		Feedback questionnaires/survey of	

UNEP		Human rights and the environment: good practices	
<b>Increase awareness and understanding of best practices and challenges on human rights and environment</b>	Number of people attending events/interventions [baseline: 0; target: 100]	participants UNEP and OHCHR website	
<b>Project output 2 milestones:</b>			
M1 One awareness raising events/training service provided			June 2014
M2 One awareness raising event/training service provided			December 2014
M3 Three side events/training services provided			June 2015
<b>OUTPUT 3: Thematic inputs highlighting linkages and policy options for further integration of human rights and environment made available to inter-agency and inter-governmental processes.</b>	Number of documents discussing linkages with human rights and environment and policy options submitted to inter-governmental processes/inter-agency <del>forum</del> including to the Independent Expert on Human Rights and the Environment to be incorporated into his report to the Human Rights Council. (Baseline: 0, Target: 4).	Minutes of inter-agency and inter-governmental meetings: CEB's High-Level Committee on Programmes, Human Rights Council, UNEP Environment Assembly, relevant MEA COPs, and UNEP-OHCHR joint events.	PoW 2014-15 Output: 4b1
<b>Project output 3 milestones:</b>			
<del>M1 One</del> document reporting on human rights and environment submitted to UNEA			June 2014
<del>M2 Two</del> written inputs submitted to an inter-agency forum			December 2014
M3 Summary of good practices compilation integrated in final IE report to the Human Rights Council			June 2015

## Annex III. LIST OF INTERVIEWEES

Table 11: Human Rights and the Environment: Terminal Evaluation list of interviewees:

UNEP		
Cristina Zucca	EG Subprogramme Coordinator	cristina.zucca@unep.org
Lara Ognibene	Legal Officer, DELC	lara.ognibene@unep.org
Elizabeth Mrema	Director, DELC	elizabeth.mrema@unep.org
Masa Nagai	Deputy Director, DELC	masa.nagai@unep.org
Arnold Kreilhuber	Legal Officer, DELC	arnold.kreilhuber@unep.org
Barbara Ruis	Legal Officer, DELC & ROE	barbara.ruis@unep.org
Ramin Pejan	Consultant, Staff Attorney at Earthjustice	ramin.pejan@gmail.com
Achim Halpaap	UNEP	Achim.halpaap.unep.org
Andrea Brusco	Legal Officer, UNEP	Andrea.brusco@unep.org
OHCHR		
Soo-Young Hwang	Human Rights Officer	<a href="mailto:shwang@ohchr.org">shwang@ohchr.org</a>
Other partners		
John Knox	UN Special Rapporteur on Human Rights and the Environment; former Independent Expert on Human Rights and the Environment; Henry C. Lauerman Professor of International Law at Wake Forest University School of Law	knoxjh@wfu.org
Janet Love	National Director, Legal Resource Centre	janetl@lrc.org.za
Marc Limon	Universal Rights Group	marc@universal-rights.org
Member States		
Benny Müller	Permanent Mission of Switzerland to the UN	benjamin.mueller@eda.admin.ch
Urška Cas-Svetek	Permanent Mission of Slovenia to the UN	urska.cas-svetek@gov.si
Stakeholders		
Kishan Khoday	Team Leader for Climate Change, DRR & Resilience, UNDP	kishan.khoday@undp.org
Daniel MaGraw	CIEL	dmagraw@gmail.com
Dante Pesce	Vincular	Dante.pesce@vincular.cl
David Boyd	Simon Fraser University	David.boyd@sfu.ca
Vince Yu	South Centre	vice@southcentre.org

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## Annex V. BIOGRAPHY OF THE CONSULTANT

Johannah Bernstein's entire professional life has been devoted to the cause of multilateral environmental diplomacy and advocacy. She is an Oxford-educated international environmental lawyer (combined with a B.A. in Human Ecology) and has over 20 years of professional experience advising UN organisations, national governments, the private sector and international non-governmental organisations on a wide spectrum of global sustainability challenges. Johannah has an exceptional command of the United Nations system, combined with her unique knowledge of global sustainability issues and the political dynamics of multilateral environmental diplomacy processes.

Her work started first as director of the Canadian coalition of NGOs involved in the 1992 Earth Summit. From 1992 to 1999, Johannah developed advocacy campaigns for prominent international NGOs for most of the global summits of the 1990s and the United Nations negotiations on climate change, biodiversity, and desertification, environmental justice, human development, global governance reform and the Millennium Development Goals.

### EU policy work

Since 1999, Johannah has been running her own international environmental law practice from Brussels, Montreal and Geneva. During her ten years in Brussels, Johannah provided environmental law and policy advice to the European Commission (facilitating stakeholder consultations on the EU Sustainable Development Strategy, the External Dimensions Strategy, EU preparations for the World Summit for Sustainable Development), Members of the European Parliament (advising on issues related to corporate social responsibility, greening EU foreign policy, personal emissions trading,); European environmental NGOs (WWF-EPO, Friends of the Earth EU, Institute for Environmental Security, GLOBE EU); as well as supporting the governments of Sweden, Denmark, Finland and The Netherlands in promoting their environmental priorities during their respective EU Presidencies.

### Policy advice to international organisations

In the last three years, Johannah has re-focused her work on international sustainability policy issues with many of the Geneva-based United Nations agencies and international organisations, such as the United Nations Environment Programme (assisting in design and facilitation of the World Mountain Forum, preparation of sustainable mountain development strategy; production of videos on mountain ecosystem conservation; leading team-building retreats for UNEP's Regional Office for Europe; leading staff retreat on Delivering as One programme); the United Nations Economic Commission for Europe (participation in four-person first ever external evaluation; legal advice for pre-negotiations on sustainable housing convention; participation as governance expert in Environmental Performance Review mission to Bosnia and Herzegovina, and analysis of member state governance innovations); the Organisation for Security and Cooperation in Europe (drafting the first ever environmental security strategy); the United Nations Institute for Training and Research (development of e-learning courses on green diplomacy and on environmental governance); the World Conservation Union (capacity building and support for IUCN policy review); the MAVA Foundation (strategic analysis of reform of the EU Common Agricultural Policy); the International Institute for Sustainable Development (facilitation of high-level roundtable on UNEP reform, analysis of environmental security challenges in the Democratic Republic of Congo); the Swiss Development Cooperation Agency (production of videos on sustainable mountain development); the Stockholm Environment Institute (drafting manifesto signed by 22 Nobel Laureates at the third Nobel Symposium convened by the Stockholm Environment Institute).

### Private sector work



In addition to Johannah's policy work, she is working increasingly with the private sector, providing strategic advice to start-up and growth-stage clean tech, renewable energy and agro-forestry companies.

### **University teaching, negotiation training and facilitation**

In addition, since 1992, Johannah has been a visiting lecturer on international law, global governance and environmental diplomacy at several universities in Europe and North America, including Columbia University (Biosphere 2 Earth Semester), the University of California at Santa Barbara (Bren School of Environmental Management), Duke University, McGill University, University of Geneva (Masters in International Affairs), the Graduate Institute of International and Development Studies, University of Kent (Brussels School of International Studies), and Joensuu University (Finland). Johannah has also developed and led UN environmental negotiation training programmes around the world for UNEP, UNITAR, WWF, LEAD International, the Organisation for Security and Cooperation in Europe, IUCN, the Heinrich Boell Foundation and Environment Canada. She has trained over 300 environmental negotiators in the past twenty years.

As well, over the past years, Johannah has chaired and facilitated numerous conferences, expert dialogues and roundtables on a wide range of global sustainability issues for organisations such as UNEP, IUCN, the Tällberg Foundation, European Commission, WWF EU, International Institute for Sustainable Development, the Worldwatch Institute, Dutch Foreign Ministry, Swedish Environment Ministry, Danish Foreign Ministry, the Stockholm Environment Institute, the Organisation for Security and Cooperation in Europe (OSCE) and the Verbier Green Pioneering Summit.

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## Annex 6: UNEP Evaluation Report Quality Assessment

Evaluation Report Title:

Terminal Evaluation Environment and Human Rights

All UNEP evaluation reports are subject to a quality assessment by the Evaluation Office. The quality assessment is used as a tool for providing structured feedback to the evaluation consultants. The quality of both the draft and final evaluation report is assessed and rated against the following criteria:

Substantive report quality criteria	UNEP EO Comments	Draft Report Rating	Final Report Rating
<b>A. Strategic relevance:</b> Does the report present a well-reasoned, complete and evidence-based assessment of strategic relevance of the intervention?	Draft report: This is dealt with in depth. Final report: as above	5	5
<b>B. Achievement of outputs:</b> Does the report present a well-reasoned, complete and evidence-based assessment of outputs delivered by the intervention (including their quality)?	Draft report: Output level description is comprehensive. Final report: as above	5	5
<b>C. Presentation Theory of Change:</b> Is the Theory of Change of the intervention clearly presented? Are causal pathways logical and complete (including drivers, assumptions and key actors)?	Draft report: The ToC is fairly simplistic in terms of capturing a complex policy change process, however it does usefully highlight the domain within which this modest intervention operates and what parts of the causal pathways are beyond the scope of the intervention. Final report: as above	4	4
<b>D. Effectiveness - Attainment of project objectives and results:</b> Does the report present a well-reasoned, complete and evidence-based assessment of the achievement of the relevant outcomes and project objectives?	Draft report: described, but limited largely to output level by the scope of the intervention. Final report: As above	4	4
<b>E. Sustainability and replication:</b> Does the report present a well-reasoned and evidence-based assessment of sustainability of outcomes and replication / catalytic effects?	Draft report: Dealt with in a thorough analysis, again limited by the modest progress possible for the intervention Final report:	4	4
<b>F. Efficiency:</b> Does the report present a well-reasoned, complete and evidence-based assessment of efficiency?	Draft report: efficiency analysis is rather limited. No financial data presented.  Final report: Only limited financial data available – not possible to link expenditure to progress. Therefore effectiveness is only discussed in a light manner	2	3
<b>G. Factors affecting project performance:</b> Does the report present a well-reasoned, complete and evidence-based assessment of all factors affecting project performance? In particular, does the report include the actual project costs (total and per activity) and actual co-financing used; and an assessment of the quality of the project M&E system and its use for project management?	Draft report: Financial information of any sort was lacking.  Final report: The treatment of financial issues remains a weak element in this evaluation report.	3	4

<b>H. Quality and utility of the recommendations:</b> Are recommendations based on explicit evaluation findings? Do recommendations specify the actions necessary to correct existing conditions or improve operations ('who?' 'what?' 'where?' 'when?'). Can they be implemented?	Draft report: not presented at draft stage  Final report: At final stage there is a lot of overlap between Lessons and Recommendations. Good recommendations, but rather too many.	1	4
<b>I. Quality and utility of the lessons:</b> Are lessons based on explicit evaluation findings? Do they suggest prescriptive action? Do they specify in which contexts they are applicable?	Draft report: not presented at draft stage  Final report: At final stage there is a lot of overlap between Lessons and Recommendations. L & R are analogous, the former to be used where compliance is not needed or is not feasible.	1	4
<b>J. Structure and clarity of the report:</b> Does the report structure follow EO guidelines? Are all requested Annexes included?	Draft report:  Final report:	4	5
<b>K. Evaluation methods and information sources:</b> Are evaluation methods and information sources clearly described? Are data collection methods, the triangulation / verification approach, details of stakeholder consultations provided? Are the limitations of evaluation methods and information sources described?	Draft report: Description of methods and sampling approaches is very limited Final report: Details of stakeholder consultations included, and consultations were extensive. Rationale behind the selection of informants is lacking.	1	3
<b>L. Quality of writing:</b> Was the report well written? (clear English language and grammar)	Draft report: The report is well-written Final report: as above	5	5
<b>M. Report formatting:</b> Does the report follow EO guidelines using headings, numbered paragraphs etc.	Draft report: yes, follows guidelines  Final report: as above	5	5
<b>OVERALL REPORT QUALITY RATING</b>		3.75	4.50

#### Rating system for quality of evaluation reports

A number rating 1-6 is used for each criterion: Highly Satisfactory = 6, Satisfactory = 5, Moderately Satisfactory = 4, Moderately Unsatisfactory = 3, Unsatisfactory = 2, Highly Unsatisfactory = 1

The overall quality of the evaluation report is calculated by taking the mean score of all rated quality criteria.

## **2. Checklist of compliance with UNEP EO's normal operating procedures for the evaluation process**

Compliance issue	Yes	No
1. Were the TORs shared with the implementing and executing agencies for comment prior to finalization?	x	
2. Was the budget for the evaluation agreed and approved by the UNEP Evaluation Office?	x	
3. Was the final selection of the preferred evaluator or evaluators made by the UNEP Evaluation Office?	x	
4. Were possible conflicts of interest of the selected evaluator(s) appraised? (Evaluators should not have participated substantively during project preparation and/or implementation and should have no conflict of interest with any proposed follow-up phases)	x	
5. Was an inception report delivered before commencing any travel in connection with the evaluation?	x	
6. Were formal written comments on the inception report prepared by the UNEP Evaluation Office and shared with the consultant?	x	
7. If a terminal evaluation; was it initiated within the period six months before or after project completion? If a mid-term evaluation; was the mid-term evaluation initiated within a six month period prior to the project/programmes's mid-point?	x	
8. Was the draft evaluation report sent directly to EO by the evaluator?	x	
9. Did UNEP Evaluation Office check the quality of the draft report, including EO peer review, prior to dissemination to stakeholders for comment?	x	
10. Did UNEP Evaluation Office disseminate (or authorize dissemination) of the draft report to key stakeholders to solicit formal comments?	x	
11. Did UNEP Evaluation Office complete an assessment of the quality of the draft evaluation report?	x	
12. Were formal written stakeholder comments sent directly to the UNEP Evaluation Office?	x	
13. Were all collated stakeholder comments and the UNEP Evaluation Office guidance to the evaluator shared with all evaluation stakeholders?	x	
14. Did UNEP Evaluation Office complete an assessment of the quality of the final report?	x	
15. Was an implementation plan for the evaluation recommendations prepared?	x	

### **Comments in relation to any non-compliant issues:**