

United Nations Environment Programme

**Evaluation of the subprogramme on the Division of
Policy Development and Law**

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Acronyms and abbreviations

AMCEN	African Ministerial Conference on the Environment
AMCOW	African Ministerial Conference on Water
ASEAN	Association of South-East Asian Nations
DCPI	Division of Communications and Public Information
DEC	Division of Environmental Conventions
DEPI	Division of Environmental Policy Implementation
DEWA	Division of Early Warning and Assessment
DFID	Department for International Development (United Kingdom)
DGEF	Division of Global Environment Facility Coordination
DPDL	Division of Policy Development and Law
DRC	Division of Regional Cooperation
DTIE	Division of Technology, Industry and Economics
EOU	Evaluation and Oversight Unit
FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environment Facility
GIWA	Global International Waters Assessment
GMEF	Global Ministerial Environment Forum
ICRAF	International Centre for Research in Agroforestry
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
IUCN	World Conservation Union
PERSGA	Regional Organization for the Conservation of the Environment of the Red Sea and the Gulf of Aden
ROA	Regional Office for Africa
ROE	Regional Office for Europe
SEI	Stockholm Environment Institute
SPREP	South Pacific Regional Environment Programme
TRIPS	trade-related aspects of intellectual property rights
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNU	United Nations University
US/EPA	United States Environmental Protection Agency
WEHAB	water, energy, health, agriculture and biodiversity
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

Acknowledgements

The Evaluation and Oversight Unit of the United Nations Environment Programme (UNEP) commissioned this evaluation. It is the first evaluation of the Division of Policy Development and Law of UNEP and was carried out over an eight-week period between 30 June and 30 August 2003. The evaluation was largely a participatory process that involved the staff of the Division of Policy Development and Law, senior officials of other UNEP divisions, some of the Division's major donors, and representatives of civil society.

I would like to express my profound gratitude to all the Division's staff and all other persons who provided assistance for this effort. Special thanks go to Bakary Kante, Director, and Halifa Drammeh, Deputy Director of the Division of Policy Development and Law, who provided detailed insights into the operations of the Division and who were available to respond to a wide range of questions that emerged in the course of the exercise. I received administrative assistance from the staff of the Evaluation and Oversight Unit. In particular, I wish to thank Segbedzi Norgbey, Susan Bech and Mela Shah. Winnie Mutua of the Division of Policy Development and Law coordinated many of the administrative and secretarial tasks. She diligently organized appointments and ensured that I had access to relevant documents. I wish to thank her for that support.

Executive summary

1. The Division of Policy Development and Law was created in 1999 as a core part of the new organizational structure of the United Nations Environment Programme (UNEP). Prior to that, UNEP activities were organized around sectoral issues and natural resource areas. Policy analysis and development were integral parts of activities of most, if not all, units and divisions of the organization. The structural changes that led to the creation of the Division of Policy Development and Law also saw the creation of the following divisions: Division of Early Warning and Assessment; Division of Environmental Conventions; Division of Environmental Policy Implementation; Division of Global Environmental Facility Coordination; Division of Communications and Public Information; Division of Regional Cooperation; and Division of Technology, Industry and Economics.

2. These changes were stimulated by the desire to restructure UNEP so as to achieve an integrated and coherent policy response to existing and emerging environmental challenges. They were instituted against a background of major developments in international environmental governance. In particular, by 1999, the international environmental conventions that had been adopted at the United Nations Conference on Environment and Development (the Earth Summit) in Rio de Janeiro in 1992 were maturing and consolidating their own political constituencies with autonomous decision-making bodies. These conventions—the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, and the United Nations Convention to Combat Desertification, adopted in 1994 – emerged out of the catalytic activities of UNEP and to a large extent found their initial political expression through UNEP. They now have legislative and political identities of their own. Their conferences of parties make decisions and determine their programmes and administrative operations.

3. In addition to the evolution of the conventions, the establishment at the Earth Summit of the United Nations Commission on Sustainable Development, the emergence of the World Trade Organization (WTO) out of the Uruguay Round of trade negotiations, and the growth of environmentalism in such development agencies as the World Bank and the United Nations Development Programme (UNDP) posed challenges to the traditional mandate and operations of UNEP. New institutional actors and to a large extent the multiplicity of international environmental programmes made some UNEP activities redundant. With a relatively small budget and staff and diminishing political clout, UNEP had to no option but to rethink and reposition itself.

4. The Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, adopted in 1997, provided the first political expression of repositioning the organization. Through the Declaration, the mandate of UNEP was expanded and rearticulated to enable it to focus on the provision of policy advice on environmental aspects or dimensions of development, and to advance the implementation of international environmental policies and laws. UNEP was mandated to serve as a link between the environmental community and development planners and policy-makers.

5. The creation of the functional structure of UNEP was also informed by outcomes of the United Nations Task Force on Environment and Human Settlements established by the Secretary General of the United Nations to advise on the mandate and operations of UNEP and the United Nations Human Settlements Programme (UN-Habitat). The Task Force noted that environmental policy-making was fragmented at all levels of governance, particularly in the United Nations system, and recommend that UNEP should provide leadership in coordinating environmental policy activities of the system and the international community. Also of concern to the Task Force was the growing multiplicity of environmental conventions, particularly those related to various components of biological diversity. It recommended that UNEP should play an active role to promote linkages and synergies between and among international environmental conventions.

6. The present evaluation considers the Division of Policy Development and Law – its structural form, programmes and operations – in the overall functional structure of UNEP. Indeed the mandate and activities of the Division are better understood and assessed in the broader context and associated efforts to reposition UNEP in the post-Rio international environmental governance process. The evaluation focuses on the following interrelated aspects: first, the mandate of the Division of Policy Development and Law in the overall structure of UNEP and extent to which the current organizational set-up has provided it with flexibility to implement 2000–2001 and 2002–2003 programmes; second, the relevance of the Division’s activities to UNEP clients and the extent to which the Division is effectively implementing the activities; third, the strengths and weaknesses of the Division in conducting policy analysis and development, engaging major groups in UNEP processes and activities, mainstreaming gender considerations in its activities and providing advisory services for the development and implementation of environmental law; and, fourth, the organizational and programmatic reforms that the Division and UNEP as a whole are planning to undertake to make the Division’s work more focused on and relevant to the Plan of Implementation of the World Summit on Sustainable Development.

7. The evaluation was conducted through a thorough review of a large body of documentation provided by UNEP. Such documentation included specific project proposals, work programmes, conference papers, annual reports, correspondence and decisions of the Governing Council of UNEP. Interviews were also conducted. In particular senior and programme staff of the Division of Policy Development and Law, directors and some senior staff of other divisions, two members of the Committee of Permanent Representatives, three persons from civil society and the non-governmental organization community, and two of the Division’s donors were interviewed. In addition, specific units of the Division of Policy Development and Law were requested to provide written submissions on specific questions or issues that emerged from interviews.

8. The Division of Policy Development and Law is organized into three core branches: Policy Analysis, Development and Partnerships Branch; Environment Law Branch; and Policy Coordination and Inter-Agency Affairs Branch. Its activities focus on:

- (a) Analysing, reviewing and developing policies, and articulating policy positions in response to emerging environmental issues and problems;
- (b) Developing new and strengthening existing legal and economic instruments as well as institutional frameworks to ensure that environmental policies are effectively implemented;
- (c) Promoting the participation of major interest groups (non-governmental organizations, private sector, scientific communities, women and others) in environmental policy dialogue and development; and
- (d) Enhancing environmental policy coordination and information exchange within the United Nations system.

9. According to the present evaluation, the Division’s activities are relevant to the mandate of UNEP and are being implemented to respond to demands articulated by the international community through the UNEP Governing Council and the Global Ministerial Environment Forum. The Division is responsible for the implementation of at least 30 per cent of the Council’s decisions. It is doing a commendable job despite a number of structural and resource constraints.

10. The current functional structure of UNEP impinges on the operations of the Division of Policy Development and Law. Two issues are important here. The first is the distinction between policy development and implementation. The current structure tends to reduce and treat the policy process as a linear and inorganic movement from the generation of policy to policy implementation. Generally, in real life policy development

is integrated in policy implementation and the converse is true as well. Policy development is a non-linear process that involves repeated testing of policy options through implementation. It is not a sequence of isolated or separate activities of assessment, analysis and development and then implementation. Thus, in reality the distinction between the Division of Policy Development and Law and the Division of Environmental Policy Implementation is blurred and unnecessary. Separation of the two creates, as in the case of UNEP, unnecessary redundancy and tension in administration of programmes. The second issue is the Division's autonomy and authority vis-à-vis the Office of the Executive Director of UNEP. The present evaluation has observed that, over the past years, the Division of Policy Development and Law has been instructed or asked by the Office of the Executive Director to take on ad hoc responsibilities to generate advice to the Executive Director. Some of these activities have diverted the Division's resources from its approved biennium work programme, and in many cases have overstretched its limited human and financial capacity.

11. Environmental policy analysis and development are knowledge-intensive and require a certain measure of flexibility and predictability on the part of institutions or departments that are mandated to undertake them. They are multidisciplinary and thus cannot be vested exclusively in one particular category of professions. Understanding of the political economy of policy-making in different contexts is as crucial as engaging scientific rigour. Thus, to be successful, the Division of Policy Development and Law should be a knowledge-based, multidisciplinary, flexible and politically connected entity. It should have organic links to a diverse range of knowledge institutions. The Division has considerable political leverage through the Office of the Executive Director and direct contact with ministries responsible for environmental policy and law. It has a certain measure of multidisciplinary outlook.

12. The development of the UNEP water policy and strategy is a good example of a policy process where the Division's multidisciplinary outlook was manifested. This process drew experts from all branches of the Division of Policy Development and Law and other divisions of UNEP. It is also an example of the Division's efforts to build and manage knowledge-intensive, multidisciplinary and politically leveraged policy-processes. Scientific assessment of water issues, legal and economic considerations, social questions associated with gender, and a variety of other aspects of policy were considered in the development of the UNEP water policy and strategy.

13. During the bienniums under review the Environmental Law Branch implemented more than 75 percent of activities planned for 2000–2001 and at least 50 percent of 2002–2003 activities. Some of the activities that should be singled out for reference are: first, the organization of and provision of technical leadership to expert group and senior government officials' meetings to prepare the Montevideo Programme III; second, the provision of advisory services to the Intergovernmental Negotiating Committee for the Development of a Legally Binding Convention on Persistent Organic Pollutants; third, production of at least four issues of the UNEP biannual *Bulletin of Environmental Law* (volumes 12–15); fourth, the development of guidelines on compliance with and enforcement of multilateral environmental agreements (document UNEP/GCSS.VII/4/Add.2, November 2001); fifth, the production of a comprehensive environmental law training manual; sixth, the organization and provision of training in environmental law and regulations to more than 40 lawyers in developing and least developed countries and a global symposium for judges; and, seventh, the provision of technical services to at least 50 countries to review and develop their environmental laws.

14. The Policy Analysis, Development and Partnerships Branch is responsible for a wide range of activities including the following: the development of the UNEP water policy and strategy; the preparation of technical inputs into the international environmental governance process; support to the implementation of the Framework Convention on Climate Change; analysis and policy guidance on emerging environment-health nexus issues; the formulation of guidelines and policy approaches to integrate environmental considerations into poverty reduction strategies and development plans;

promoting the active engagement and participation of civil society, private sector and non-governmental organizations in UNEP and related environmental policy processes; urbanization and environment linkages; and analysis of land use and tenure policies.

15. The Branch's outputs from the 2000–2001 biennium programme of work include more than 50 technical papers and reports to intergovernmental bodies, at least 32 workshops and meetings organized and held on a wide range of environmental policy issues, workshop reports, advisory services to at least nine developing countries to help them prepare their national climate change strategies, preparation of a comprehensive strategy for civil society and non-governmental organization engagement with and participation in UNEP activities, and representation of UNEP at more than 20 meetings at United Nations Headquarters in New York and liaison with permanent missions of the United Nations.

16. During the 2002–2003 biennium, the Policy Analysis, Development and Partnerships Branch has been able to provide substantive technical inputs into the international environmental governance process, the World Urban Forum, the World Summit on Sustainable Development, and a variety of other international meetings. Its substantive outputs include a well researched book on the basics of environmental health produced jointly with the World Health Organization (WHO) and now widely cited, and a joint UNEP-World Conservation Union (IUCN) publication entitled *Carbon Forests and People: Towards Carbon Sequestration, Biodiversity and Sustainable Livelihoods*.

17. The Policy Coordination and Inter-Agency Affairs Branch is responsible for coordinating environmental policy activities in the United Nations system and promoting the work of UNEP in the system. It ensures that UNEP effectively participates in the United Nations General Assembly, the Commission on Sustainable Development and related bodies of the United Nations in New York. In addition, this Branch plays an important outreach role of ensuring that permanent missions in New York and United States-based institutions are informed of UNEP and its activities. It coordinates the operations of the Environment Management Group.

18. On the whole, the Division has been relatively successful in implementing its programme of work. There are, however, a number of challenges that need to be addressed to improve or further raise its performance. These are discussed in detail in the next sections of this report. In summary they include:

(a) Strengthening intra-divisional linkages between the Policy Analysis, Development and Partnerships Branch and the Environmental Law Branch;

(b) Raising the quality of its publications by establishing appropriate external and internal review procedures and policies;

(c) Strengthening partnerships with and actively engaging leading developing countries' university faculties of environmental policy studies. Efforts have been made to establish links with leading environmental law faculties around the world. The Division of Policy Development and Law needs to establish similar partnerships or links with faculties that work on environmental policy analysis and development;

(d) Strengthening collaboration (interdivisional partnerships) with other divisions of UNEP. In particular, the Division of Policy Development and Law and the Division of Technology, Industry and Economics need to forge specific collaboration – and if possible consolidate their work – on the poverty-environment nexus;

(e) Consistently pursuing specific issues within particular policy processes as opposed to spreading focus and limited capacity across a wide range of environmental issues. The Division of Policy Development and Law is currently focusing on a wide range of policy and legal issues in multiple policy processes;

(f) Giving some attention to anticipatory or foresight-related policy analysis to inform UNEP and the international community of future environmental policy and legal concerns or issues;

(g) Giving due attention to an analysis of the link between environmental degradation and gender, and developing guidelines to ensure that women issues or considerations are integrated into environmental policies.

19. Specific recommendations of the present evaluation are the following:

(a) *Recommendation 1:* the Division of Policy Development and Law should design ways and means of organizing its activities and professional staff in a more multidisciplinary manner. It needs to cluster its activities in such a way as to ensure cross-fertilization and convergence of the professional skills of its staff. Through such a strategy the Division should ensure that it does not spread its focus across natural resource sectors. It should focus on the systemic nature of environmental change and related policy issues;

(b) *Recommendation 2:* The Division of Policy Development and Law should establish an internal committee or group to formulate clear procedures for peer and external review of its papers and reports before they are put into the public domain;

(c) *Recommendation 3:* The Division of Policy Development and Law should establish a frequent (at least monthly) seminar series on key issues of its policy development and law activities. The seminar series would also provide an internal mechanism for the Division to review its work and build capacity of its staff in analysis and policy development;

(d) *Recommendation 4:* The work of the Division of Policy Development and Law work on poverty-environment linkages should be consolidated with the activities conducted by the Division of Technology, Industry and Economics on integrating environmental considerations into macroeconomic policies. An interdivisional working group should be established to develop a coherent body of policy-oriented activities informed by empirical assessment of the linkages between environmental degradation and poverty;

(e) *Recommendation 5:* The Division of Policy Development and Law should give more attention to gender issues in its activities. It should recruit competent professional staff with analytical and project development skills to design a body of activities on gender and the environment. This will ensure that it fulfils its responsibilities to mainstream gender considerations into environmental policies;

(f) *Recommendation 6:* The Division of Policy Development and Law should develop specific policy activities as part of the follow-up to the international environmental governance process. In particular, it needs to incorporate studies and analyses of institutional arrangements for environmental governance in its programme of work. Such studies and analyses would inform current discussions on institutional forms on how best to bridge the gaps between science and policy-making;

(g) *Recommendation 7:* The Division of Policy Development and Law should use domestic experiences and lessons from the UNEP water policy and strategy process to institute the interdivisional working group mechanism as its core means of building collaboration and synergy with other divisions of UNEP. It may wish to develop procedures and guidelines for an interdivisional working group, to ensure coherence in its approach to work with other divisions of UNEP;

(h) *Recommendation 8:* The Division of Policy Development and Law receives less than 15 per cent of the overall UNEP budget but is responsible for implementing almost one third of the organization's programme. Some of the activities, such as those on water policy and strategy and the work on policy coordination, do not

have distinct budgetary allocation. To ensure that its programme of work is effectively and efficiently implemented, the Division requires additional resources;

(I) *Recommendation 9:* The Division of Policy Development and Law should identify and establish a developing countries network of centres of excellence in environmental policy and law. It should seek to work with and through such a network in its policy analysis and law activities. In particular, the Division should forge and strengthen links with a selected number of internationally recognized institutes, including university faculties, of environmental policy and law. It should explore ways and means of designating some of these bodies as UNEP-linked centres of excellence in environmental policy and law;

(j) *Recommendation 10:* The Division of Policy Development and Law and UNEP as a whole do not possess the comparative advantage to launch and sustain a new cluster of policy analysis and development work on cultural diversity and its contributions to environmental sustainability. The Division should seek to work on issues of cultural diversity through existing programmes of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Intergovernmental Forum on Indigenous Issues and the World Intellectual Property Organization (WIPO). In particular, UNESCO and WIPO have international programmes and a long history of focus on the culture-environment nexus. There is no evidence that the proposed activities of the Division of Policy Development and Law will add new value to these existing efforts;

(k) *Recommendation 11:* Given the importance of energy in sustainable development and the importance that the Plan of Implementation of the World Summit on Sustainable Development has given to energy security, the Division of Policy Development and Law should develop a coherent cluster of analytical and policy development activities on energy. This should aim at generating the UNEP energy policy and strategy.

I. Terms of reference and methodology

A. Scope of the evaluation

20. The terms of reference for the present evaluation provided a broad scope of coverage of issues associated with the implementation of Sub-programme on environmental policy development and law. The evaluation covers the 2000–2001 and 2002–2003 bienniums. Its emphasis is on:

(a) Achievements or outputs of the Division between 2000 and 2003, and how its activities contribute to the attainment of the mandate of UNEP and the implementation of the Plan of Implementation of the World Summit on Sustainable Development and the Millennium Development Goals;

(b) Impacts made by the Division at national, regional and international levels in terms of stimulating and contributing to the development of environmental policies and laws;

(c) Capacity of the Division, including whether and in what way the functional structure of UNEP impinges on its operations;

(d) Nature of interdivisional linkages between the Division and other divisions of UNEP, and how the Division of Policy Development and Law interacts with other institutions, particularly those engaged in environmental policy and law;

(e) Extent to which gender issues (in particular, considerations about the role of women) are incorporated into the activities and processes of the Division; and

(f) Strategic measures that the Division promotes to ensure the institutionalization of civil society and non-governmental organization participation in UNEP activities and processes.

B. Process and methodology

21. The evaluation began with a review and interpretation of the terms of reference (see annex I to the present report). This was followed by a 10-day visit to UNEP headquarters to interview Division staff, members of UNEP management, representatives of the Committee of Permanent Representatives, a selected number of officials of some of the Division's donors and senior staff of other divisions of UNEP. During the visit I collected a large body of documentation. A visit was made to Geneva to interview staff at the UNEP Regional Office for Europe, the Economics and Trade Branch of the Division of Technology, Industry and Economics and the Chief of the Policy Coordination and Inter-Agency Affairs Branch of Division of Policy Development and Law, who was attending the Environmental Management Group meeting. A list of persons interviewed and documents reviewed is attached to this report.

22. After visits to Nairobi and Geneva, the evaluation was largely conducted through telephone discussions with persons who are knowledgeable about UNEP and the work of the Division of Policy Development and Law. Documents were reviewed. The first draft of the present report was submitted to the Evaluation and Oversight Unit for comments from UNEP. These were received and taken into account in finalizing the report.

C. Limitations or constraints

23. The present evaluation was constrained by two main factors. The first was timing: the evaluation was initiated at a time when some of UNEP professional staff and those of the Division's collaborating institutions were away on their summer vacation. Some of the senior staff of UNEP were away on home leave.

24. The second constraint on the evaluation was the incomplete programme implementation reports from the Division of Policy Development and Law. In a number of cases, reports for both the 2000–2001 and 2002–2003 bienniums are incomplete and inconsistent with information provided during the interviews. Significant efforts were made, however, to verify and obtain facts by requesting the relevant staff to submit written responses to specific questions. These two limitations or constraints do not in any way vitiate the empirical content and findings of the present evaluation report.

II. Setting the stage: UNEP in a changing world

25. The 1990s witnessed major changes in international environmental governance.¹ They saw increased national, regional and international efforts to establish new norms, rules and agencies dedicated to the management of the environment. While the 1980s were largely a period of building global and local environmental awareness, the 1990s were devoted to the negotiation of international treaties on such environmental challenges as climate change, the loss of biological diversity, and desertification and degradation of land. These efforts were given political expression at the United Nations Conference on Environment and Development (the Earth Summit) held in June 1992 in Rio de Janeiro.

26. The Earth Summit was a consolidation of efforts of several years of international negotiations. Its main outputs were the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, Agenda 21 (the United Nations programme of work on environment and development), and the Rio Declaration. The

¹ International environmental governance is herein defined as a regime of norms, policies, rules and institutions that guide or determine global ecological stewardship. It also relates to systemic interactions of instruments and institutions of governance to catalyse, promote and achieve environmental sustainability.

United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa was adopted two years after the Earth Summit.

27. The negotiation, adoption and subsequent ratification of these international environmental conventions were in no small measure guided and led by UNEP. It can be argued that the impacts of UNEP as a catalytic agency for global environmentalism are manifested in the conventions and related global policy processes. As a source of scientific information and a political platform for decision-making at the international level, it played a major role in the formation and development of those instruments of international environmental governance.

28. The success of UNEP in its first 22 years also came with major challenges. The first five years after the Earth Summit saw major turbulence in the cognitive structure and operations of UNEP. The conventions acquired a relatively distinct political outlook and strong constituencies outside UNEP. The United Nations Commission on Sustainable Development, created at the Earth Summit, took a share of the political clout that UNEP had previously enjoyed as the only environmental mouthpiece of the United Nations system. A number of key environmental dialogues moved from the UNEP platform to the Commission on Sustainable Development and the conference of the parties to the conventions.

29. The creation of the World Trade Organization (WTO) and the entry into force of its agreements in 1994 added new dimensions to the configuration of international environmental governance. Through such treaties as the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement and the Agreement on Agriculture, trade-environment linkages and, in particular, the implications of trade liberalization for good environmental governance became more politically pronounced.

30. To respond to these institutional and related programmatic developments, as well as to enlarge its relevance, UNEP had no option but to rethink and reposition itself in a new environmental governance landscape. The Nairobi Declaration on the Role and Mandate of UNEP, adopted in 1997, provided the first political expression of the repositioning of the organization. Through the Declaration, adopted by the Governing Council at its nineteenth session, the mandate of UNEP was expanded and rearticulated to enable it to focus on the provision of policy advice on environmental aspects or dimensions of development, and to advance the implementation of international environmental policies and laws. UNEP was mandated to serve as a link between the environmental community and development planners and policy-makers.

31. The United Nations Task Force on Environment and Human Settlements established by the Secretary General of the United Nations to advise on the mandate and operations of UNEP and the United Nations Human Settlements Programme (UN-Habitat) was instrumental in setting the political tone and making explicit recommendations for the renewal and restructuring of UNEP. The Task Force noted that environmental policy-making was fragmented at all levels of governance, particularly in the United Nations system, and recommend that UNEP should provide leadership in coordinating environmental policy activities of the system and the international community. Also of concern to the Task Force was the growing multiplicity of environmental conventions, particularly those related to various components of biological diversity. It recommended that UNEP should play an active role in promoting linkages and synergies between and among international environmental conventions.

32. The Task Force's recommendations formed the basis for restructuring UNEP into functional divisions on policy development and law, environmental policy implementation, coordination of environmental conventions, regional cooperation, early warning and assessment, and coordination of activities of the Global Environment Facility (GEF). According to a policy statement of the Executive Director to the Governing Council at its twentieth session, in February 1999, the functional structure should increase intra-agency coherence and focus on environmental issues in a holistic

manner. He stressed that the “need for an integrated and coherent policy response to the existing and emerging environmental challenges is mirrored in [...] presentation of an integrated organizational structure [...] and [...] desire to streamline and develop a leaner administration.”

33. In addition to reforms associated with the organizational structure, the overall political governance of UNEP was enlarged with the establishment of the Global Ministerial Environment Forum in Malmö in May 2000. The establishment of the Forum seems to have enriched the political standing of UNEP, at least with more periodic engagement of ministers in environmental dialogue within the Programme’s context. Whether it has or will serve to ensure no further erosion of political capital for the future of UNEP, with the emergence of many other international environmental institutions, is still a matter of inquiry and debate. What is clear is that the Forum is becoming, perhaps, the most important political and policy process for setting the agenda of UNEP.

34. The present evaluation of the Division of Policy Development and Law considers the Division in the context of the overall organizational structure and programmes of UNEP. It focuses on, first, whether and in what way the functional structure has affected the Division’s capacity to implement the 2001–2001 and 2002–2003 programmes of work; second, outputs and impacts of the work of the Division of Policy Development and Law and their relevance to the mandate of UNEP; third, collaboration with regional offices, other divisions of UNEP, United Nations agencies and partners; fourth, strengths and weaknesses; and, fifth, the effectiveness of the Division in promoting the participation of civil society and other non-governmental organizations in the work of UNEP.

III. Mandate, structure and capacity of the Division of Policy Development and Law

A. Mandate and overall responsibilities

35. The overall mandate of the Division of Policy Development and Law is to enable the international community to formulate policy and legal responses to environmental problems. Its activities focus on:

- (a) Analysis, review and the development of policies, and articulation of policy positions in response to emerging environmental issues and problems;
- (b) Developing new and strengthening existing legal and economic instruments as well as the institutional framework to ensure that environmental policies are effectively implemented;
- (c) Promoting the participation of major interest groups (non-governmental organizations, the private sector, scientific communities, women and others) in environmental policy dialogue and development; and
- (d) Enhancing environmental policy coordination and information exchange within the United Nations system.

36. The Division of Policy Development and Law derives its mandate from General Assembly resolutions 2997(XXVII), 32/197, 47/190, S/19-2, 53/242, 54/216, 54/217 and 54/218 and Governing Council decisions 17/25, 19/1, SS.V/2, 20/2, 20/3, 20/4, 20/6, 20/10, 20/12, 20/13, 20/16, 20/17, 20/18, 20/19, 20/22, 20/24, 20/25, 20/27, 20/28, 20/33, SS.VI/1, SS.VI/2 and SS.VI/3. Its work expanded in 2001 and 2002 to cover the implementation of decision 21/21 of the Governing Council.

37. The activities of the Division articulate the overall mandate of UNEP and largely promote the achievement of the organization’s objectives.

B. Organizational structure

38. The Division of Policy Development and Law is organized in three core branches: Policy Analysis, Development and Partnerships Branch; Environmental Law Branch; and Policy Coordination and Inter-Agency Affairs Branch.

39. The Policy Analysis, Development and Partnerships Branch is responsible for: first, conducting analysis of key and emerging environmental issues and promoting the use of the analysis to develop policies; second, articulating UNEP policy positions on critical environmental and sustainable development issues; and, third, promoting the participation of civil society, non-governmental organizations, the private sector, women and scientific communities in environmental policy dialogues.

40. The Environmental Law Branch supports Governments in the review and development of environmental laws and regulations. It provides legal advisory services to regional and international negotiations as well as to individual countries upon request. This Branch is also often called upon to provide legal advice to the Office of the Executive Director.

41. The Policy Coordination and Inter-Agency Affairs Branch, located in New York, operates as the New York office of UNEP. It is responsible for ensuring the incorporation of UNEP priorities and inputs into the work of United Nations agencies. The Branch also aims at strengthening the role and participation of UNEP in the General Assembly, the Commission on Sustainable Development, the Economic and Social Council and other relevant intergovernmental bodies. It coordinates the operations of the Environment Management Group.

C. Staffing and budget

42. During the biennium 2000–2001, the Division of Policy Development and Law had 32 staff-members in the professional category and above, and 27 in the local level category. Estimated budgetary allocation for this period, as stated in the Executive Director's report to the Governing Council at its twenty-first session, was \$19,335,000. The actual or realized allocated budget for this biennium, however, was about \$13.7 million.

43. The professional staff complement of the Division of Policy Development and Law for the 2002–2003 biennium is estimated at 35, with 33 in the local level category. The estimated budgetary allocation for this period is \$13.9 million.

44. Over 70 per cent of the Division's budget for 2000–2001 was spent on salaries and travel. It is estimated that a similar portion will be spent on these items at the end of the 2002–2003 biennium.

45. Generally, the Division's biennium budget has not grown with growing demands for its services. As stated earlier, the Division is often expected to take on advisory responsibilities, sometimes on an ad hoc basis. With a limited budget, some of its resources are often diverted from the core activities. In some cases, planned work has been discontinued or not carried out because of its limited budgetary allocation. For example, during the 2000–2001 biennium, planned work on conducting case studies and developing guidelines on gender-environment linkages was terminated because of lack of funds and resources.

46. In terms of level and disciplinary orientation of professional staff, the Division of Policy Development and Law has at least five lawyers at headquarters and three posted in regional offices. It has two economists and a good mix of natural scientists. The Division is also staffed with persons with a relatively long experience in environmental policy and law development in government. An area that seems to require attention in terms of staffing is environmental economics. From interviews with various

professional staff-members in the Division, it appears that there is a growing demand for expertise in economics, given that most – if not all – the activities of the Division of Policy Development and Law have economic underpinnings. For example, mainstreaming poverty reduction considerations in all the policy and law work of the Division requires expertise in environmental economics.

47. In certain areas, the ability of the Division of Policy Development and Law to implement planned activities has been affected by a slow pace of recruitment of staff. The present evaluation established that certain key positions, such as that of the head of the Civil Society and NGOs Unit had been vacant for at least eight months. The evaluation established that the position was being upgraded to D1 and that recruitment was planned to begin in August 2003.

IV. Implementation of the subprogramme

A. Policy Analysis, Development and Partnerships Branch

1. UNEP water policy and strategy

48. The Division of Policy Development and Law is the focal point on water issues. During the bienniums under review it has been responsible for coordinating and providing leadership to develop the UNEP water policy and strategy. The Division's work on freshwater is commendable and has received good recognition by most Governments. This is manifested in statements made by Governments during the last three sessions of the Governing Council. In particular, at its twenty-first regular session, in February 2001, the Council endorsed the UNEP water policy and strategy.

49. The present evaluation established that the UNEP water policy and strategy was one of its most significant inputs into the World Summit on Sustainable Development. UNEP was able to participate in and contribute to discussions on water issues at the World Summit as a result of its analytical and policy development work on freshwater. A number of government delegations at the World Summit made statements commending UNEP on its work on freshwater. Three of four interviewed leading scientists involved in the Millennium Ecosystems Assessment ranked the UNEP water policy and strategy as perhaps the most significant policy development-related product of the Division of Policy Development and Law over the bienniums under consideration.

50. During the preparatory process for the World Summit on Sustainable Development, UNEP supported subregional and regional meetings that prepared the Summit's agenda and comprehensive aspects of water that form part of the Plan of Implementation.

51. There are a number of factors that have made the work on water policy and strategy a success. These include:

(a) High political profile and attention that UNEP has secured for water policy issues. The Executive Director of UNEP has been instrumental in creating a politically rich policy process to address water issues. Drafts of the policy and strategy documents have gone through regional and international consideration, including the Global Ministerial Forum on Environment;

(b) Establishment of an interdivisional working group to develop further the water policy and strategy. The Division of Policy Development and Law took a leadership role in establishing a process that brings together the complementary responsibilities and experts of various UNEP divisions. This strategy or approach has ensured that the policy process is informed by a rich body of science and integrated water resources management experience (particularly from the UNEP Division of Environmental Warning and Assessment, the International Environment Technology

Centre in Japan and the UNEP Collaborating Centre on Energy and Environment in Denmark);

(c) Participatory approach that involves frequent reporting to Governments, in particular, through the Committee of Permanent Representatives;

(d) Recognition of the systemic nature of water and issues associated with its management—the strategy and policy explicitly recognize gender, land, and sectoral linkages to agriculture, industry and energy.

52. One of the key challenges that now face the Division of Policy Development and Law and the UNEP leadership is to make a clear delimitation between its role in promoting the implementation of the policy and strategy and that of the Division of Environmental Policy Implementation. The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities is located and administered in the Division of Environmental Policy Implementation, and thus far it has not been clearly established how the mandate and responsibilities of the Global Programme of Action differ from those of the Division of Policy Development and Law with respect to how to implement cross-sectoral aspects of the water policy and strategy.

53. Another key issue is that the Division of Policy Development and Law does not have a budget for work on water policy and law. While – as a focal point in UNEP – it is responsible for coordinating the water policy and strategy, it does not have the necessary budget. The Division has had to draw financial resources from its other activities to conduct work on freshwater. The absence of budgetary resources allocated to this work may undermine the Division, and the overall capacity of UNEP to continue analysis and development of water policy and strategy, and, in particular, the domestication of the UNEP water policy and strategy at country level.

2. Climate change

54. The Division of Policy Development and Law is the focal point for climate change activities in UNEP. It provides technical leadership for implementing enabling activities with funding from GEF. During the 2000–2001 and 2002–2003 bienniums, the Climate Change Unit has been actively engaged in a wide range of policy analysis and development activities. It has largely focused on supporting countries to develop climate change adaptation measures. Some of the notable outputs of the unit include, first, technical assistance to more than 15 developing countries in the preparation of their national climate change strategies; second, its draft report entitled: “Poverty and climate change: reducing the vulnerability of the poor”, prepared as a contribution to the eighth meeting of the Conference of Parties to the Framework Convention on Climate Change; third, the preparation and publication of vulnerability indices, in the form of UNEP Policy Series No. 3: *Vulnerability Indices Climate Change Impacts and Adaptation*, and a handbook on climate change impacts and adaptation. This handbook has been in such high demand that it has been translated into French and reprinted in English. The Framework Convention’s Subsidiary Body on Scientific and Technical Advice has recognized the handbook as an authoritative source of policy advice to Governments.

55. There are two features of the Division’s climate change work that have contributed to such outputs. The first is its explicit and strong links to the scientific community. The activities of the Climate Change Unit are linked to the Intergovernmental Panel on Climate Change (IPCC) and a wide range of institutional partners. The policy analysis prepared by the unit is informed by and founded on IPCC scientific assessments. This gives credibility to its policy analysis and outputs on climate change. The second feature is coherence between the analysis being undertaken at the Division of Policy Development and Law and the decisions of the Conference of the Parties to the Framework Convention on Climate Change. The policy analysis work at the Division is largely focused on the agenda of the Framework Convention on Climate Change and aims at explicitly influencing decisions of the Convention’s governing bodies, as well as specific actions at the national level.

3. Land and soil policy

56. The work carried out by the Division of Policy Development and Law on land and soil policy is largely related to its activities on climate change. The overall objective of the land and soil policy work is to develop guidelines and compile best practices in use and management of land, and to provide advice to Governments on the land use-climate change vulnerability interface. The Division has been productive in generating technical material on land use and related policy issues. Key outputs of the Division of Policy Development and Law in this area include the publications *Carbon Forests and People: Towards the Integrated Management of Carbon Sequestration, Biodiversity and Sustainable Livelihoods* and *A World Soils Agenda*, edited by Hurmi and Meyer, and the UNEP land and soil policy paper submitted to the Governing Council at its twenty-second session. The Division is preparing a UNEP land policy that defines the organization's role in land use management and soil conservation. This policy is likely to be based on the ecosystem approach and development imperatives, including poverty imperatives.

4. Poverty and environment

57. While the poverty-environment nexus had preoccupied UNEP since the 1970s, the first Global Ministerial Forum on Environment and its 2000 Malmö Declaration provided new political impetus and focus on the need to confront and address poverty as a facet of environmental degradation. The Forum and its Declaration give UNEP a new certain measure of authority to institutionalize policy analysis and development activities, so as to promote a better understanding of the poverty-environment nexus and to support the international community in integrating environmental considerations into poverty-reduction policies, strategies and programmes.

58. The Malmö Ministerial Declaration states that "the root causes of global environmental degradation are embodied in social and economic problems such as pervasive poverty, unsustainable production and consumption patterns, inequity in distribution of wealth, and the debt burden." Paragraph 7 of the Declaration states: "To confront the underlying causes of environmental degradation and poverty, we must integrate environmental considerations in the mainstream of decision-making. We must also intensify our efforts in developing preventive action and a concerted response".

59. The work by the Division of Policy Development and Law on poverty-environment linkages is aimed at implementing provisions of the Malmö Declaration and related decisions of the Governing Council, in particular decision 22/10 on poverty and environment in Africa. It focuses on an analysis of interlinkages between poverty and environmental degradation using an ecosystems approach. The Division of Policy Development and Law plans to develop guidelines on how best to integrate environmental considerations into poverty-reduction strategies and other development policy instruments.

60. Over the past two years or so, the Division of Policy Development and Law has organized at least three expert workshops and prepared a concept paper on poverty-environment linkages. These have largely been based on the issues that were discussed and emerged at the Global Ministerial Environment Forum in Malmö.

61. The present evaluation established that the Division of Policy Development and Law has engaged both the World Bank and the United Kingdom's Department for International Development (DFID) in UNEP expert workshops on poverty-environment linkages. That said, however, there is a lack of clarity about the specific issues and policy processes that the Division will be tackling, so as to ensure that these same issues are not already being dealt with by the other two agencies. DFID and the Bank have conducted a series of studies on how to mainstream environmental considerations into poverty reduction strategies and policies.

62. The present evaluation has found that the Division's work on the poverty-environment nexus is still cast in theoretical terms. Specific policy issues and natural resource sectors have not been identified, so that the focus can be brought on to analysis and policy development. Discussion of work on the poverty-environment nexus as a specific cluster of analysis remains very general in nature, despite the activities conducted by other units within the Division, such as those on climate change and poverty. Efforts are, however, being made by Division of Policy Development and Law to give an empirical outlook to work on the linkages between poverty and environment. Thus, the Division has organized and held consultations and set up focal points in Mali, Senegal, Côte d'Ivoire, Uganda and Kenya.

63. The UNEP Division of Technology, Industry and Economics has a branch working on Economics and Trade. The Economics and Trade Branch, based in Geneva, has a body of policy analysis work that focuses on an integrated assessment to establish explicit linkages between poverty, trade and environmental sustainability. It also conducts activities on environmental impact assessment and international trade, particularly in relation to issues emerging from WTO. In January 2003, a consultative workshop between the Director of the Division of Policy Development and Law and the Chief of the Economics and Trade Branch, together with other partners, agreed on cooperation modalities in the field of environment and poverty. To date, however, no actual collaboration is under way between the Division and the Branch on the analysis and development of policies on poverty-environment linkages.

5. Civil society and non-governmental organization participation

64. Until 1999 the involvement of civil society and non-governmental organizations with UNEP was entirely ad hoc in nature and often not based on specific activities or processes that would actively engage and use these actors in policy dialogue and development. The Malmö Global Ministerial Environment Forum provided a political basis for vitalizing civil society and non-governmental organization participation in UNEP. The Malmö Ministerial Declaration stresses the importance of civil society in addressing environmental issues and bringing these issues to the attention of policy makers.

65. Paragraphs 14–16 of the Malmö Ministerial Declaration provide the basis for the active engagement and involvement of civil society and non-governmental organizations in UNEP. These provisions were reinforced by Governing Council decision 21/19 that called on UNEP to submit “a draft strategy for the active engagement of the civil society, private sector and other major groups in the work of the United Nations Environment Programme”.

66. The Division's Civil Society and NGOs Unit established a global consultative and participatory process to develop the strategy. Between May and November 2001 it organized regional consultations in the five United Nations regions (Europe and North America, Latin America and the Caribbean, West Asia, Asia and the Pacific, and Africa). These consultations were followed by the submission of elements of a draft strategy to the Committee of Permanent Representatives, which was presented to the Global Civil Society Forum held during the seventh special session of the Governing Council/Global Ministerial Environment Forum in February 2002 in Cartagena, Columbia. The civil society recommendations on the strategy were submitted to the Governing Council at its seventh special session, which took the civil society views into consideration when formulating its decision SS.VII.5. This new decision calls on UNEP “to further develop, and revise as necessary the strategy on engaging civil society in the programme of activities of UNEP”.

67. The Division of Policy Development and Law revised the strategy and engaged civil society organizations in another round of consultations. A new strategy was presented to the Governing Council/Global Ministerial Environment Forum at its twenty-second session in February 2003. According to the strategy, UNEP will engage

with civil society and non-governmental organizations in policy formulation and programme implementation.

68. Other specific actions taken by the Division of Policy Development and Law in regard to civil society and non-governmental organization engagement include the following:

(a) Establishment of a website dedicated to civil society activities and participation in UNEP;

(b) Development of a databank of civil society organizations;

(c) Support to several side events at the World Summit on Sustainable Development; and

(d) Publication of a study that provides conceptual and operational elaboration of civil society's role in sustainable development. The study, entitled "Civic entrepreneurship: A civil society perspective on sustainable development" and financed by UNEP, is the fruit of a two-year collaboration with the Stockholm Environment Institute (SEI), that gathered contributions from 350 civil society practitioners from 70 countries. This publication was launched at the World Summit on Sustainable Development.

69. The Division's Civil Society and NGOs Unit web site, at the internet address www.unep.org/dpdl/cso/, is considered a rich source of information not just on the activities of UNEP but on a wide range of initiatives of civil society organizations across the world. Several non-governmental organization representatives interviewed during the present evaluation singled out the web site as one of the Unit's resources for civil society organizations and Governments.

70. In the 2002–2003 biennium programme, the Division of Policy Development and Law launched work to raise awareness of the importance of cultural aspects of environmental sustainability. In 2002 a round-table on cultural diversity and biodiversity was organized jointly with the United Nations Educational, Scientific and Cultural Organization (UNESCO). A booklet on issues discussed at and recommendations of the round-table has been published by UNEP and UNESCO.

71. A key concern that emerged during the present evaluation is whether UNEP as a whole and the Division of Policy Development and Law in particular have a comparative advantage to work on issues of cultural diversity and its links to the environment. The Division currently lacks the necessary staff to engage in analytical work and policy development processes on the complex issues of cultural diversity and indigenous people. There is no evidence that it will add new value to the work being done by UNESCO, the World Intellectual Property Organization (WIPO) and other competent agencies.

6. International environmental governance

72. In decision 21/21, adopted at its twenty-first session, in February 2001, the Governing Council/Global Ministerial Environment Forum established a process on international environmental governance. The process was to conduct a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance, including the financing of UNEP. An intergovernmental group of ministers and their representatives was established to undertake the assessment and report to the Governing Council/Global Ministerial Environment Forum at its next session, in Cartagena, in February 2002.

73. The Division of Policy Development and Law played a major role in the international environmental governance process. To a large extent it coordinated UNEP input into the process through the office of its Deputy Director and that of the Chief of

the Policy Coordination and Inter-Agency Affairs Branch. A large portion of the background material for the process and advice to the Office of the Executive Director of UNEP was generated by the Division. It was also instrumental in ensuring that at least 12 key meetings on international environmental governance were provided with professional or technical services. It generated at least 14 papers and reports for the process.

7. Urbanization and the environment

74. Work by the Division of Policy Development and Law on the urbanization-environment nexus focuses on developing policy guidelines for improving water supply and sanitation in urban areas and air quality management in cities. Collaboration has been established with UN-Habitat on these issues. Specific activities in this area include a workshop organized in June 2002 on phasing out leaded gasoline in East Africa, which was attended by 91 participants from the industry sector, Governments, non-governmental organizations and academic institutions; a web site to promote dialogue and design specific actions to phase out leaded gasoline; and participation in the World Urban Forum. This involved making presentations at the Forum.

75. One of the major initiatives of the Division of Policy Development and Law in the area of urbanization is the Partnerships for Clean Fuels and Vehicles. This initiative, which focuses on the promotion of clean fuels and environmentally sound vehicles in developing countries, was established in September 2002 as an outcome of the World Summit on Sustainable Development. Through the initiative a number of international and regional activities have been launched. They include: mapping of progress in phasing out leaded gasoline in sub-Saharan Africa; support to developing countries to develop guidelines and policies for cleaner vehicles, particularly by promoting sharing of experiences and good practices; and support to countries in developing enforcement and compliance measures with an initial focus on adulteration of fuel.

76. An important aspect of the Partnership's activities is outreach. Through the website <http://www.unep.org/pcfvl/> and the *Partnership Newsletter*, a rich and growing body of information is being built and made available to policy-makers and industry as well as to such other groups as civil society and non-governmental organizations. More than 25 private sector organizations are involved in the Partnership for Clean Fuels and Vehicles and UN-Habitat is one of its main partners.

B. Environmental Law Branch

77. Until 1998, environmental law work was organized and conducted in a single branch of UNEP as a coherent strategic programme. With the restructuring of the organization in that year, two key components of the work were relocated and taken over by the Division of Environmental Policy Implementation. These two components are compliance with and enforcement of environmental law, and capacity-building for the review, development and implementation of environmental law.

78. The Division's Environmental Law Branch is also responsible for capacity-building activities. During the 2000–2001 biennium, the Branch conducted a series of training activities in environmental law. It assisted more than 30 developing countries in reviewing their legislation and generated at least two environmental law training manuals.

79. Other strategic roles played by the Branch during the biennium include its support to subregional and regional groups in developing and adopting environmental accords on such challenges as forest fires. It was instrumental in providing advisory services in the preparation of the Association of South-East Asian Nations (ASEAN) transboundary accords on forest fires and transboundary water resources management in Africa. The Branch provided legal advisory services for the development of an ASEAN agreement on transboundary haze pollution. It was responsible for preparing technical

material for the second and third meetings of the intergovernmental negotiating committee for the agreement, held in Kuala Lumpur in May 2001, Bangkok in July 2001 and Jakarta in September 2001.

80. Another set of outputs of the Branch during the 2000-2001 include volume 3 of the UNEP series *Selected Multilateral Treaties in the Field of the Environment*, and a compilation of documents on dispute settlements on international environmental law. In collaboration with IUCN and the Food and Agriculture Organization of the United Nations (FAO), the Branch has contributed to the development of the global environmental law gateway, ECOLEX³, providing on-line access to over 10,000 legal references covering international treaties, national legislation, judicial decisions and literature on environmental law. It also generated at least four issues of the biannual *Bulletin of Environmental Law*.

81. The Branch was responsible for servicing at least two sessions of the Intergovernmental Negotiating Committee for the Development of an International Legal Instrument on Persistent Organic Pollutants. Its specific role in that process included preparing technical papers for the committee and providing advice in the drafting of various provisions of the agreement.

82. In collaboration with the Division of Environmental Policy Implementation, the Division of Policy Development and Law has prepared guidelines on compliance with and enforcement of international environmental agreements. The guidelines are contained in document UNEP/GCSS.VII/4/ADD/2, dated 23 November 2001.

83. To develop the Programme for the Development and Periodic Review of Environmental Law for the first Decade of the Twenty-First Century (known as the Montevideo Programme III – a body of strategic activities of UNEP in the field of environmental law), the Branch organized two workshops and prepared draft documents on strategic activities of the Programme. The Branch's 2002-2003 work programme is based on the Montevideo Programme III adopted by the Governing Council/Global Ministerial Environment Forum at its twenty-first session.

84. During the 2002-2003 biennium, the following activities have been initiated or undertaken to implement the Montevideo Programme III:

(a) In collaboration with the Commonwealth Secretariat, the United Nations University (UNU), the South Pacific Regional Environment Programme (SPREP) and the Government of Australia, UNEP organized a symposium for judges from the Pacific region to debate the role of judges in the development of environmental law;

(b) With IUCN and other institutions, UNEP organized workshops on the environmental law curriculum in Kuwait in March 2002 for West Asia and North Africa;

(c) UNEP undertook a study on liability and compensation regimes related to environmental damage and convened a meeting of experts to review the study; and

(d) UNEP provided legal advice to the fourth meeting of the task force of the Regional Organization for the Conservation of the Environment of the Red Sea and the Gulf of Aden (PERSGA).

85. Other significant actions undertaken by the Branch to implement the Montevideo Programme III include the following:

(a) Global Judges Symposium on Sustainable Development and the Role of Law, held in Johannesburg, in August 2002. More than 100 judges and chief justices

³ The database is available on-line at www.ecolex.org

from around the world participated in the symposium and adopted the Johannesburg Principles on the Role of Law and Sustainable Development;

(b) Provision of legal services to the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade – the future Rotterdam Convention;

(c) Publication of the *Compendium of Summaries of Judicial Decisions in Environment-related Cases* (DPDL Policy Series No. 4); and

(d) Production of updated editions of the UNEP Environmental Law Training Manual and the Environmental Law Handbook.

86. On the whole, over the 2000–2001 and 2002–2003 bienniums, the Environmental Law Branch generated substantive outputs. According to the present evaluation, it has successfully implemented at least 75 per cent of the costed work programmes of the bienniums. Key concerns emerging from the evaluation relate to a lack of explicit synergies between the law-related activities in the Division of Environmental Policy Implementation and those in the Division of Policy Development and Law. It is unclear why work on compliance with and enforcement of environmental law is being undertaken in separate divisions of UNEP. This concern was also raised in the 2003 evaluation of the Division of Environmental Policy Implementation.

C. Policy Coordination and Inter-Agency Affairs Branch

87. During the 2000–2001 and 2002–2003 bienniums, the Division's Policy Coordination and Inter-Agency Affairs Branch has actively ensured that UNEP concerns and environmental considerations are given due attention in the operations of the United Nations system. It serves as a vital link with Governments, through their permanent missions in New York, with agencies, funds and programmes of the United Nations system, and with departments of the United Nations Secretariat, notably the offices of the Secretary-General and the Deputy Secretary-General. Through its participation in intergovernmental meetings, the Branch ensures that the UNEP agenda and its guidance on environmental policy issues are taken into account in the deliberations and recommendations of the General Assembly and the Economic and Social Council.

88. An important aspect of the Branch's work relates to making technical contributions to the annual reports of the United Nations Secretary-General. The Branch was instrumental in developing and coordinating the UNEP strategic approach to and inputs into the ten-year review of the United Nations Conference on Environment and Development and related preparations for the World Summit on Sustainable Development. In particular, it played a strategic role in preparing technical material and providing strategic advice on political dynamics of the international environmental governance process. The Branch was responsible for coordinating a large part of the international environmental governance negotiations that took place in New York. It also provides guidance and support to the UNEP Governing Council/Global Ministerial Environment Forum, through the preparation of key policy documents.

89. During the bienniums under review, the Branch organized more than 35 briefings in New York for permanent missions, non-governmental organizations and civil society on UNEP activities and on specific topical environmental policy issues. Some of the notable briefings include one entitled "Peace and the environment: Opening the season for non-violence" organized in conjunction with the United Nations Department of Public Information and attended by more than 250 participants.

90. The Policy Coordination and Inter-Agency Affairs Branch has designed outreach approaches, including an active website <http://www.nyo.unep.org/>, to engage State and non-State actors in UNEP work and strategies. The Branch is instrumental in securing

the participation of United States-based academic institutions, religious groups, civil society, and the private sector to participate in the work of UNEP.

91. The Branch has also been instrumental in getting the Environment Management Group reestablished with a clear mandate. It plays a major administrative and technical role in ensuring that the Group functions properly. The Environmental Management Group, with a small secretariat in Geneva, is chaired by UNEP. Its members include specialized United Nations agencies, funds and programmes, and the secretariats of multilateral environmental agreements. Since 2001 four meetings of the Group have been held.

92. During the bienniums under review, the Branch has played a major role in preparing and supporting the participation of the UNEP Executive Director in the meetings of the United Nations System Chief Executives Board, so as to ensure that environmental issues receive adequate attention. The Branch's Director is the UNEP focal point for all matters related to the Chief Executives Board. It also provides substantive reports and policy analysis to UNEP headquarters on the outcomes of Chief Executives Board and other United Nations meetings, including the required follow-up for inter-agency initiatives.

93. Another key output of the Branch during the bienniums is the publication *Children in the New Millennium: Environmental Impact on Health*, which the Branch prepared in 2002 in collaboration with the United Nations Children's Fund (UNICEF), the United States Environmental Protection Agency (US/EPA) and WHO. The focus of this effort was to provide information on specific environmental health threats facing children in their immediate surroundings, as well as on the impact of global environmental problems. It is intended to stimulate policy dialogue on ways of protecting children from health hazards of environmental degradation. Such dialogue would also focus on caring for the environment in order to ensure good health of children.

V. Strategic partnerships or collaboration

A. Intra-divisional partnerships

94. Policy development and related responsibilities of law review, as well as capacity-building, are knowledge-intensive and multidisciplinary in nature. Policy development is supposed to inform and stimulate the review and formulation of environmental laws. The converse is also true: environmental law review and formulation also generate policy development. Thus, in terms of the organization and operations of the Division of Policy Development and Law, it is crucial that multidisciplinary teams and inter-branch activities are established.

95. The present evaluation found that there are no orchestrated operational links and synergies between the activities of the Policy Analysis, Development and Partnerships Branch and the work of the Environmental Law Branch. While some attempts have been made in the past to involve some of the legal expertise of the Environmental Law Branch in some of the analytical work of the Policy Analysis, Development and Partnerships Branch, these have been ad hoc and not centred around specific joint activities.

96. Within the Policy Analysis, Development and Partnerships Branch, the Division has not established explicit linkages between the work of the Civil Society and NGO Unit and the other units that focus on policy analysis. In fact, it is not at all clear why the Civil Society and NGO Unit is even located within this Branch. While the evaluation was under way, there was a proposal to establish a separate branch dedicated to civil society and non-governmental organization engagement and related activities.

B. Interdivisional collaboration

97. The current organizational structure of UNEP is designed to ensure an integrated approach to environmental issues. In establishing this structure the aspiration of the Executive Director was to move the organization away from sectoral approaches to environmental issues. There is no evidence that both the cognitive and operational structures of UNEP have been transformed in such a manner as to focus on environmental issues in a holistic fashion. It has created a linear *modus operandi* and is denying the organization as a whole the opportunity to build and achieve synergies between and within its constituent subprogrammes.

98. Generally, the Division of Policy Development and Law collaborates with other divisions of UNEP in the implementation of the subprogramme. Its work also feeds into the operations of the other divisions. Because, however, of the specific organizational structure, there are cases where potential synergies between the Division of Policy Development and Law and other divisions are lost. In some cases there is a tendency to duplicate and not build on what other divisions are doing. This point can be illustrated by a comparison of the work conducted by the Division of Policy Development and Law on environment-poverty linkages and the activities of the Economics and Trade Branch of Division of Technology, Industry and Economics. The Economics and Trade Branch has activities designed to enhance countries' capacities to integrate environmental considerations into macroeconomic policies, and improve their understanding of the links and complementary aspects of environment, trade and development. Its work on economic instruments has an explicit focus on poverty-environment linkages. To date, there has been no collaboration between the Division of Policy Development and Law and the Economics and Trade Branch in the analysis of poverty-environment linkages and related policy development. Discussions between the two entities have not yet been translated into practical collaborative activities or projects.

99. Most of the UNEP staff interviewed during the evaluation voiced concerns about the lack of clear mechanisms for interdivisional collaboration. They noted that in many instances the allocation responsibilities to divisions is not based on criteria that recognize divisional capabilities and mandates. One area of responsibility allocation that is causing concern and confusion relates to the divisional leadership for the implementation of Governing Council decisions on the development of an international strategic plan on capacity-building and technology support. The Division's management claimed that the Executive Director had given the Division authority to coordinate and serve as the focal point for the development of the strategic plan. The Division of Environmental Policy Implementation made similar claims of authority from the Executive Director to provide leadership and act as focal point for the development of the same strategic plan.

100. There are some, albeit not very well institutionalized, efforts to ensure interdivisional collaboration and synergy of activities. An example of some good practice is with the interdivisional working group that was established and expressly authorized by the Senior Management Group to develop a UNEP water policy and strategy. In this case the Division of Policy Development and Law has been able to use scientific assessment work from the UNEP Division of Environmental Warning and Assessment, expertise of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Division of Environmental Policy Implementation and other divisions to develop a coherent policy instrument through a multidisciplinary and participatory approach. A key determinant of the operation of this effort was authorization from the Senior Management Group that an interdivisional working group be established. This executive authorization of the interdivisional working group on water policy seems to have given the Division of Policy Development and Law the administrative ability to secure the active involvement of the other divisions.

101. Collaboration between the Division of Policy Development and Law and the Division of Environmental Conventions has centred around a number of activities, including the international environmental governance process, support to countries to

implement the United Nations Framework Convention on Climate Change and a variety of related climate change activities, and the issue of land use and implementation of the United Nations Convention to Combat Desertification. The Division of Environmental Conventions has drawn legal expertise from the Division of Policy Development and Law to support countries in preparing for conferences of the parties to various conventions.

102. There is relatively good collaboration between the Division of Policy Development and Law and the UNEP Regional Office for Africa. During 2000 and 2001, the Division undertook significant work to support this regional office. Its Director acted as the Director of the regional office during 2000 and initiated the formulation of a new strategic programme for the regional office. Some of the actions and outputs of collaboration between the Division and the regional office include, first, the establishment of the African Ministerial Conference on Water (AMCOW) and the revitalization of the African Ministerial Conference on Environment (AMCEN); second, legal services provided by the Division of Policy Development and Law to meetings of the Abidjan Convention and the Nairobi Convention; third, the preparation of a draft revised version of the African Convention on the Conservation of Nature and Natural Resources; and, fourth, the preparation of technical materials and strengthening the capacity of African delegations to meetings of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

103. The Division of Policy Development and Law has established collaboration with the Regional Office for Asia and the Pacific, the Regional Office for Latin America and the Caribbean and the Regional Office for West Asia. This collaboration is largely in the form of legal services and support from the Environmental Law Branch and a series of workshops on climate change vulnerability and adaptation through the Division's Climate Change Unit. One important area in which the Division has collaborated with and provided support to the regional offices for Asia and the Pacific and for Latin America and the Caribbean is in the development of transboundary agreements. It has outposted staff in both regional offices.

104. There is no substantive collaboration between the Division of Policy Development and Law and the Regional Office for Europe. The Regional Office for Europe relies on an extensive network of environmental policy and law institutes in Europe and collaboration between it and the Division is mainly in the form of exchange of information, particularly on issues related to water management.

105. The present evaluation was unable to establish whether there is any collaboration between the Division and the Regional Office for North America. There is, however, substantive evidence that the Policy Coordination and Inter-Agency Affairs Branch has established growing partnerships with North American non-governmental organizations and academic institutions. Some of these institutions are making inputs into the work of the Division and UNEP as a whole. Such institutions include the Harvard University School of Public Health and the Stockholm Environment Institute (SEI) in Boston.

C. Partnerships with scientific communities

106. The Division of Policy Development and Law has made some effort to establish partnerships with scientific and academic institutions. For example, its work on the effects of environmental degradation on human health is being conducted in collaboration with the Harvard University School of Public Health. The Division is working with the International Centre for Research in Agroforestry (ICRAF) on issues of climate change and land use.

107. The Division is also establishing collaboration with academic institutions of developing countries. This is mainly in the areas of environmental law and climate change-related activities. It lacks explicit links to such institutions in policy analysis and development areas. This is despite the fact that a growing number of universities in the developing world are establishing environmental policy research programmes.

D. Partnerships with the private sector

108. The private sector is now a major actor in international environmental governance. Its decisions and investments influence global environmental sustainability trends. Thus, the Malmö Declaration explicitly recognizes the role of this sector in international efforts to achieve sustainable development.

109. The Division of Policy Development and Law has recently begun to forge partnerships with the private sector. These mainly revolve around its recently launched activities on phasing out leaded gasoline in East Africa. Apart from this effort, the present evaluation did not find any other evidence of substantive engagement by the Division of the private sector in its work.

VI. Findings and recommendations

A. Summary of findings

110. In summary, the present evaluation concluded that the Division of Policy Development and Law is doing a commendable job. It is responsible for implementing at least one third of the decisions of the Governing Council and plays a major advisory role in supporting the operations of the Office of the Executive Director of UNEP. The Division has been instrumental in strengthening partnerships between UNEP and the non-governmental organization community and a growing number of civil society groups. Its activities on water policy and strategy, environment-health connections, support for the formulation of climate change adaptation strategies and policies, environmental law, land use and management policies and the coordination of policies within the United Nations have all yielded substantive outputs.

111. The relative success of the Division in implementing the subprogramme is to a large extent the result of the dynamic leadership, executive attention, commitment and hard work of a relatively small staff. Perhaps because of this good performance and the nature of its mandate, there is a tendency for the Division of Policy Development and Law to take on many new responsibilities on an ad hoc basis. This overstretches its already limited human resource capacity and diverts financial resources from the approved programme of work.

112. The Division's work on the poverty-environment linkages is crucial, particularly in the post-World Summit on Sustainable Development context and with the mounting efforts by developing countries to formulate and adopt poverty reduction strategies and policies. According to the present evaluation, this area of policy analysis and development is not receiving adequate intellectual guidance and is still highly conceptual in nature, with very little empirical basis for policy development. The Division of Policy Development and Law has not established a clear policy process and the necessary analytical focus on the environment-poverty nexus.

113. The work on environment and health is innovative and, through it, UNEP is starting to inform the international community of the complex connections between environmental sustainability and human health. The present evaluation has noted and recognized the impressive array of high quality publications resulting from this work and encourages the Division to give more attention to the analysis and development of policies aimed at mainstreaming environmental considerations into the operations of health departments and ministries. It may wish to consider establishing regional and international dialogue and related outreach mechanisms to improve public and policy-makers' understanding of the environment-health nexus. In particular, the Division of Policy Development and Law should forge more substantive partnership with WHO on specific areas or issues of analysis and policy development.

114. Despite the commendable efforts made by the Division of Policy Development and Law and UNEP to advance the international environmental governance process and

the significant attention given to this process during the World Summit on Sustainable Development, the Division has not developed demonstrable activities to follow up on the process and its outcomes. One key aspect of such work is the analysis of and policies for institutional arrangements for global environmental governance. Thus far the Division has been silent on this and other critical issues emerging from the international environmental governance process.

115. In terms of its contributions to the implementation of the commitments entered into at the World Summit on Sustainable Development, the present evaluation notes that the Division already has activities on water, health and energy and is contributing to the realization of the water, energy, health, agriculture and biodiversity (WEHAB) agenda. Of concern is the diminished or low priority given to biodiversity issues and the absence of a coherent body of work on forest policy and strategy. In the 2002–2003 biennium, forest policy work was largely discontinued because of lack of funding. There is no evidence that the Division of Policy Development and Law made any strategic efforts to develop proposals and raise funds for forest policy and strategy.

116. The Division of Policy Development and Law has not attended to gender issues, in particular its responsibility to ensure that gender considerations are adequately mainstreamed or integrated into environmental policies and laws. During the 2000–2001 and 2002–2003 bienniums, the Division was expected to undertake studies to analyse the social dimensions of environmental degradation, particularly its impact on rural women.

B. Recommendations

117. In the light of the findings of the evaluation, the following recommendations regarding the Division of Policy Development and Law have been formulated:

(a) *Recommendation 1:* the Division of Policy Development and Law should design ways and means of organizing its activities and professional staff in a more multidisciplinary manner. It needs to cluster its activities in such a way as to ensure cross-fertilization and convergence of the professional skills of its staff. Through such a strategy the Division should ensure that it does not spread its focus across natural resource sectors. It should focus on the systemic nature of environmental change and related policy issues;

(b) *Recommendation 2:* The Division of Policy Development and Law should establish an internal committee or group to formulate clear procedures for peer and external review of its papers and reports before they are put into the public domain. This is one way of ensuring that its publications are of high or at least reasonable quality;

(c) *Recommendation 3:* The Division of Policy Development and Law should establish a frequent (at least monthly) seminar series on key issues of its policy development and law activities. The seminar series would also provide an internal mechanism for the Division to review its work and build capacity of its staff in analysis and policy development;

(d) *Recommendation 4:* The work of the Division of Policy Development and Law work on poverty-environment linkages should be consolidated with the activities conducted by the Division of Technology, Industry and Economics on integrating environmental considerations into macroeconomic policies. An interdivisional working group should be established to develop a coherent body of policy-oriented activities informed by empirical assessment of the linkages between environmental degradation and poverty;

(e) *Recommendation 5:* The Division of Policy Development and Law should give more attention to gender issues in its activities. It should recruit competent professional staff with analytical and project development skills to design a body of activities on gender and the environment. This will ensure that it fulfils its responsibilities to mainstream gender considerations into environmental policies;

(f) *Recommendation 6:* The Division of Policy Development and Law should develop specific policy processes as part of the follow-up to the international environmental governance process. In particular, it needs to incorporate studies and analyses of institutional arrangements for environmental governance in its programme of work. Such studies and analyses would inform current discussions on institutional forms on how best to bridge the gaps between science and policy-making;

(g) *Recommendation 7:* The Division of Policy Development and Law should use domestic experiences and lessons from the UNEP water policy and strategy process to institute the interdivisional working group mechanism as its core means of building collaboration and synergy with other divisions of UNEP. It may wish to develop procedures and guidelines for an interdivisional working group, to ensure coherence in its approach to work with other divisions of UNEP;

(h) *Recommendation 8:* The Division of Policy Development and Law receives less than 15 per cent of the overall UNEP budget but is responsible for implementing almost one third of the organization's programme. Some of the activities, such as those on water policy and strategy and the work on policy coordination, do not have distinct budgetary allocation. To ensure that its programme of work is effectively and efficiently implemented, the Division requires additional resources;

(i) *Recommendation 9:* The Division of Policy Development and Law should identify and establish a developing countries network of centres of excellence in environmental policy and law. It should seek to work with and through such a network in its policy analysis and law activities. In particular, the Division should forge and strengthen links with a selected number of internationally recognized institutes, including university faculties, of environmental policy and law. It should explore ways and means of designating some of these bodies as UNEP-linked centres of excellence in environmental policy and law;

(j) *Recommendation 10:* The Division of Policy Development and Law and UNEP as a whole do not possess the comparative advantage to launch and sustain a new cluster of policy analysis and development work on cultural diversity and its contributions to environmental sustainability. The Division should seek to work on issues of cultural diversity through existing programmes of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Intergovernmental Forum on Indigenous Issues and the World Intellectual Property Organization (WIPO). In particular, UNESCO and WIPO have international programmes and a long history of focus on the culture-environment nexus. There is no evidence that the proposed activities of the Division of Policy Development and Law will add new value to these existing efforts;

(k) *Recommendation 11:* Given the importance of energy in sustainable development and the importance that the Plan of Implementation of the World Summit on Sustainable Development has given to energy security, the Division of Policy Development and Law should develop a coherent cluster of analytical and policy development activities on energy. This should aim at generating the UNEP energy policy and strategy.

C. Overall conclusion

118. On the whole, the activities of the Division of Policy Development and Law are expressly designed to achieve the overall mandate of UNEP. During the 2000–2001 and 2002–2003 bienniums, the Division successfully implemented most of its activities and generated a considerable number of outputs, including publications and the enhancing of Governments' capacities in environmental law. It is a resource for Governments, civil society and private sector in various areas of environmental policy and law development.

Annex I

Terms of reference

Under the guidance of the Chief of the Evaluation and Oversight Unit (EOU) and in close co-operation with the Director and units of the Division of Policy Development and Law (DPDL), this evaluation shall undertake a detailed review and evaluation of activities implemented in relation to subprogramme 2 “Environmental policy development and law” of the Programme of Work 2000–2001 and 2002–2003. The evaluation shall be conducted by a Consultant and EOU during the period 30 June 2003–24 August 2003 (Six weeks spread over eight weeks).

1. Background

The Division of Policy Development and Law (DPDL) was created under the UNEP Functional Structure of 1999 with the overall objective “to enable Member States and the international community to develop coherent policies that incorporate environmental dimension, as well as appropriate policy and legal instruments, to support sustainable development and respond to emerging environmental conditions and trends”. The thrust of this evaluation is to assess the soundness of the UNEP strategy, the nature and impact of UNEP support and the policy related activities undertaken by DPDL.

The objectives of the subprogramme are implemented through the following four functional areas of work:

- (i) Policy review, analysis and development;
- (ii) Policy coordination and inter-agency affairs (located in New York);
- (iii) Non-governmental organizations and civil society;
- (iv) Environmental law and other instruments.

This evaluation will examine collaboration between DPDL and UNEP regional offices, UNEP divisions of DEPI, DEC, DTIE, DEWA and DGEF and collaboration with other UN bodies, forums and groups. The evaluation will look at differences, if any, and inter-linkages in capacity-building of environmental law at the policy development and implementation levels.

The evaluation will determine the effectiveness of the Division’s efforts in systematic policy integration and development at the regional, sub-regional and national levels as well as the usefulness of policy analyses and studies of integrated environmental impact and sustainable development. The achievements of the Division’s task areas covering urban environment, land use and climate change, deforestation and civil society will also be evaluated.

1.1 Legislative mandate

Subprogramme 2 “Environmental policy development and law” is based on General Assembly resolutions 2997(XXVII), 32/197, 47/190, S-19/2, 53/242, 54/216, 54/217, 54/218 and Governing Council decisions 17/25, 19/1, SS.V/2, 20/2, 20/3, 20/4, 20/6, 20/10, 20/12, 20/13, 20/16, 20/17, 20/18, 20/19, 20/22, 20/24, 20/25, 20/27, 20/28, 20/33, SS.VI/1, SS.VI/2 and SS.VI/3.

1.2 Scope of the evaluation

The evaluation shall be conducted as an in-depth evaluation. The objective of the evaluation is to establish programme impact, and review and evaluate the implementation of planned programme activities, outputs and results against actual results as well as the subprogramme contribution to the broader objectives of UNEP’s mandate.

The achievements of DPDL will be evaluated against the performance indicators specified in the programme of work of subprogramme 2 using the evaluation parameters of appropriateness, effectiveness and efficiency, impact, and sustainability. Guidelines on evaluation indicators are provided in the UNEP project manual pp. 13/89–13/99 and also available on http://www.unep.org/Project_Manual/

The evaluation will also assess the effects from the restructuring of the Organization in 1999 on activities implemented and policy strategies developed by DPDL according to the programme of work 2000–2001 and year 2002 of the 2002–2003 programme of work.

Relevant documents that will be reviewed at UNEP Headquarters include the Division's costed work plan, project documents, financial reports, six monthly programme and project progress reports, policy papers, manuals, guidelines, self evaluation facts sheets, web sites and publications. Interviews will be conducted with relevant personnel within and outside UNEP during the period of the evaluation.

Travel to the Division's Policy Coordination and Inter-agency Affairs Branch located in New York and its Inter-agency Affairs and Intergovernmental Liaison Unit located in Geneva is recommended.

2. Terms of reference

- (a) Establish how the activities undertaken by the Division contribute to the attainment of the subprogramme's objectives, UNEP's mandate, and the WSSD Plan of Implementation and the Millennium Development goals.
- (b) Establish the relative importance attributed by the Division to each of its five objectives and assess the implementation rate by which activities and outputs have been achieved based on six monthly programme reports.
- (c) Identify the strategic approach adopted by the Division toward strengthening the joint efforts of UNEP's divisions for promoting and supporting the integration of environmental dimensions into social and economic policies and strategies at regional, sub-regional and global levels.
- (d) Determine how the Division promotes system-wide and inter-agency cooperation and coordination for the development and implementation of environmental policy, and determine the efficiency of information exchange mechanisms, timeliness of policy analyses and reports and systematic UNEP intervention in United Nations inter-agency bodies.
- (e) Determine the effectiveness of the Division in promoting the participation of civil society and other non-governmental organizations in the work of UNEP.
- (f) Identify approaches and best practices used by the Division to engage civil society and non-governmental organizations as well as the scientific community and the private sector in UNEP's policy development activities.
- (g) Review the strategic approach of the Montevideo Programme III, funding mechanisms and appropriateness of legal advisory support provided to Conventions, Governments, and other legal stakeholders and determine the extent to which replicability of activities and results have been achieved, in particular with respect to Africa, Latin America and the Caribbean and Asia and the Pacific.
- (h) Assess the contributions of the Division in the implementation of UNEP's water policy and strategy, including development of policies, guidelines, economic instruments, legal tools and participatory management approaches for integrated water resource management that link environmental goals and sustainable development.

- (i) Determine the effectiveness and systematic approach of the Division's - activities in the area of development, implementation and enforcement of environmental law at national level.
- (j) Evaluate the inter-linkages, if any, between capacity-building activities in environmental law at the policy development and implementation levels.
- (k) Assess interdivisional co-operation applicable to policy development in UNEP.
- (l) Determine the extent to which gender and issues of women have been incorporated into the activities and outputs of the Division.
- (m) Identify strengths and weaknesses in the Division's strategy to promote the development and implementation of environmental policy including building of coherent and effective legal regimes and strengthening of international environmental governance.
- (n) Make recommendations, which will assist UNEP to better articulate the functions of the Division as well as enhance the Division's capacity to promote coherent policies that incorporate environmental dimensions and appropriate policy and legal instruments.

3. Evaluation report format and procedures

The evaluation report shall be a detailed report of no more than 30 pages and include:

- (i) A concise summary (no more than 4 pages)
- (ii) Separate section on lessons learned
- (iii) Separate section on findings and recommendations
- (iv) All annexes should be typed

The contract will begin on 30 June 2003 and end 24 August 2003 (Six weeks spread over 8 weeks). These terms of reference have been developed collaboratively by EOU and DPDL staff. The consultant will submit a first draft of his report to EOU on 28 July 2003. A draft version will be forwarded to DPDL for initial comment. Thereafter, a draft version of the evaluation report will be shared with all other divisions in UNEP for comment.

Comments on the final draft report will be sent to the Consultant after a maximum of 2 weeks after which the Consultant will submit the final report.

The findings and recommendations of the evaluation report shall be presented by EOU to DPDL staff and further subject to and implementation follow-up plan.

The final report shall be submitted by 24 August 2003 and printed in hard copy.

In case, the evaluator cannot provide the products in accordance with the TORs, the timeframe agreed, or his products are substandard, the payment to the evaluator could be withheld, until such a time the products are modified to meet UNEP's standard. In case, the evaluator fails to submit a satisfactory final product to UNEP, the product prepared by the evaluator may not constitute the evaluation report.

Annex II

List of some of the persons interviewed

Bakary Kante, DPDL
Halifa Drammeh, DPDL
Susan Bech, EOU
Lal Kurukulasuriya, DPDL
Tim Kasten, DPDL
Bai-Mass Taal, DPDL
Ravi Sharma, DPDL
Frits Schlingemann, ROE
Abaza Hussein, DTIE-ETB
Sylie Bankobeza, DPDL
Jens Mackensen, DPDL
Rob De Jong, DPDL
Alex Alusa, ROA
Karen Levine, USA Permanent Representative to UN
Yusuf Bagha, DPDL
H. Gopalan, DPDL
David Smith, DPDL
Ahmed Djoghlaif, GEF Coordination
Zhijia Wang, UNEP-DRC
Nick Nuttall, UNEP-DCPI
Thierry de Oliveira, DPDL
Barbara Ruis, DPDL
S. Anantha Krishnan, UN Habitat
Beverly Miller, Secretariat of Governing Council, UNEP
Peter Janus, Deputy Permanent Representative of Netherlands to UNEP
Ivar Baste, DEWA
Dhesigan Naidoo, Government of South Africa
Khungeka Njobe, Government of South Africa
Alan Rodgers, UNDP-GEF
Adnan Z. Amin, DPDL/New York
Werner Obermeyer, DPDL/New York
Maaïke Jansen, DPDL/New York
George Ondenge, Government of Kenya

Annex III

List of selected documents reviewed

UNEP, 1997. Nairobi Declaration, January/February 1997.

DPDL work programmes 2000-2001 and 2002 and 2003

DPDL programme implementation reports

<http://www.unep.org/documents/default.print.asp?documentid=74&articleid=1051>

UNEP 2003. Evaluation report of the Division of Environmental Conventions. Evaluation and Oversight Unit.

UNEP 2003. Evaluation report of the Division of Environmental Policy Implementation.

UNEP 2003. *UNEP in 2002, Annual Report*. United Nations Environment Programme, Nairobi.

UNEP 2002. *UNEP 2001 Annual Report*. United Nations Environment Programme, Nairobi.

Background papers and reports submitted to the Governing Council/Global Ministerial Environment Forum 2000, 2001, 2002 and 2003

Annex IV

Indicative list of DPDL publications (2001–2003)

1. UNEP (2001) *Vulnerability Indices: Climate Change Impacts and Adaptation*. UNEP Policy Series, 3. ISBN 92-807-2074-0
 2. UNEP (undated) *UNEP Water Policy and Strategy*. UNEP Policy Series, 1. ISBN 92-807-1930-0
 3. AfDB, et. al. (2002) "Poverty and climate change: Reducing the vulnerability of the poor". Consultation draft report.
 4. Annabe Yassi, Tord Kjellstrom, Theo de Kok and Tee Guidotti (2001) *Basic Environmental Health*. Publication of the World Health Organization and UNEP. ISBN 0-19-513558-X.
 5. UNEP (2002) *Carbon Forests and People. Towards the Integrated Management of Carbon Sequestration, Biodiversity and Sustainable Livelihoods*. ISBN 2-8317 0683-1
 6. Ann. (2002) *Caribbean Environmental Law Development and Application*. ISBN 968-7913-20-7
 7. UNEP (2003) *The Fair Share Water Strategy for Sustainable Development in Africa*. ISBN 9280716867
 8. WHO (2002) *Global Solar UV Index: A Practical Guide*. UNEP, WHO, WMO and International Commission on Non-Ionizing Radiation Protection. ISBN 92 4 159007 6
 9. UNEP (2003) *Water for the Future: An Annotated Bibliography for the World Water Day and the International Year of Freshwater*. ISBN 9280723063
 10. UNEP (2003) *A Manual for Water and Waste Management: What the Tourism Industry Can Do to Improve Its Performance*. ISBN 928072343X
 11. UNEP/IDRC (2002) *Ecosystem Disruption and Human Health*. Supplement to LEISA Magazine. ISSN 1569 8424
 12. Hurni and Meyer, H. (eds) (2002) *A World Soils Agenda—Discussing International Actions for Sustainable Use of Soils*. ISBN 3 906 151 59 X
 13. UNEP (2003) *Air Pollution in Megacities of Asia (APMA): Seoul Workshop Proceedings*. ISBN 89 8464 028 X
 14. Tariq Banuri and Adil Najam (2002) *Civic Entrepreneurship: A Civil Society Perspective on Sustainable Development*. UNEP and Stockholm Environment Institute (SEI) Boston.
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