Insights from testing a new methodology for unified evaluation of multilateral environmental agreements

Becoming a party to an international treaty, convention, agreement or protocol places states under a set of legally binding commitments. These commitments often include regular reporting on implementation to the relevant secretariats. However, such international instruments frequently touch on overlapping areas. This demands careful coordination to ensure that implementation is coherent, exploits synergies, and avoids gaps and conflicts. It also opens up the possibility of combining evaluation and reporting for several agreements, saving time and resources as well as providing additional insights into the overall coherence and effectiveness of implementation.

In 2011 the United Nations Environment Programme (UNEP) Division of Environmental Law and Conventions commissioned SEI's Tallinn Centre to develop a methodology that could be used to review coherence and effectiveness in national implementation of two clusters of multilateral environmental agreements (MEAs), one related to biodiversity and the other related to chemicals and waste (Peterson et al. 2012).

UNEP's aim was to fill a gap in MEA review mechanisms, which are highly varied. Furthermore, there is a broad lack of standard procedures or legally regulated processes for individual MEAs and, especially, for clusters of MEAs (Peterson et al. 2012).

The review should improve the evidence base on countries' performance in implementing the MEAs; at the international level this could enhance knowledge of links between national and global environmental goals, while at the national level it could be useful to set priorities for future implementation, review the legal framework and institutional set-up, and identify gaps in capacities and resources. A second aim was to explore the effectiveness of fulfilling obligations under the different MEAs in properly addressing countries' specific environmental concerns, and whether countries are doing enough to address these concerns. An important requirement was that it should be simple and easy to apply, in order to minimize the time and resources countries would have to invest in carrying out the reviews.

The new methodology developed under the project is designed to be used by independent experts, the secretariats of the MEAs, and national audit offices. Focal points at the national governments could also commission independent experts or auditors to reviewing their implementation of MEAs.

In developing the methodology SEI worked in close collaboration with State Audit Office of Estonia and the Working Group on Environmental Auditing of the International Organization of Supreme Audit Institutions. This Discussion Brief gives a brief introduction to the methodology and reflects on learning and observations from testing of the methodology. The methodology was tested with funding from the Swedish International Development Cooperation Agency (Sida) in 2013–14.

The testing was carried out on a cluster of four biodiversity-related MEAs, all of which are administered by UNEP or the

The African elephant is at risk of extinction (CITES Appendix I), largely due to poaching. A third of the 100,000 African elephants poached in the past three years were in Tanzania.

International Union for Conservation of Nature (IUCN): the 1992 Convention on Biological Diversity (CBD), the 1971 Ramsar Convention on Wetlands (Convention on Wetlands of International Importance, especially as Waterfowl Habitat), the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Washington Convention), and the 1979 Convention on Migratory Species of Wild Animals (CMS or Bonn Convention). The methodology was tested in two countries, Estonia and Tanzania, both of which have signed all four MEAs, but which differ markedly in size, population, bio-geographical region, institutions, and other aspects.

Methodology

The methodology builds on several existing guidelines and methods for the implementation evaluations; for example, Manual on Compliance with and Enforcement of Multilateral Environmental Agreements (Bruch and Mrema 2006) and Auditing the Implementation of Multilateral Environmental Agreements (MEAs): A Primer for Auditors (UNEP 2010), along with previous reviews of MEA implementation. A full description of the methodology can be found in Peterson et al. (2012).

The review framework examines 15 categories, each of which describes a different aspect of good governance that would enable effective implementation of the cluster of MEAs (see Box 1). These address two aspects of effectiveness: "implementation effectiveness" (questions 1-11 and 13); and "objective-led effectiveness" (questions 12, 14 and 15), which include criteria related to real-world outcomes of MEA implementation. The full list of categories, along with assessment of Estonia and Tanzania's performance in each, is shown in Table 1.

For each category, national implementation is measured in the light of a set of criteria and benchmarks for "ideal implementation". An example of "ideal implementation" benchmarks and criteria is given in Box 1. Based on this assessment, the country is scored "strong", "moderate" or "weak" against each of the 15 categories, and recommendations made for improvement.

The total performance in the 15 categories is used to give an overall assessment of the effectiveness of national implementation of the cluster of MEAs as high, moderate or low (Table 1).

Data sources, verification and stakeholder engagement

The first point of reference for reviews is publicly available documents: national reports submitted to the conferences of the parties of the MEAs, monitoring reports, policies, national strat-

egies, statistics etc. The methodology also suggests discussions with stakeholders, and face-to-face meetings with focal points and responsible government agencies by the reviewers.

Insights from testing the methodology

Overall, the testing in Estonia and Tanzania was successful and indicated that the methodology is useful and applicable. However, it also revealed some opportunities for refinement. For example, it was decided that the criteria and benchmarks

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Box 1: Examples of benchmarks and criteria

Review question 2: Have the responsibilities been effectively designated between management, scientific and enforcement authorities?

Ideal implementation:

- The national focal points for the MEAs in question have been determined.
- Agencies for implementing the MEAs in question are in place.

Their responsibilities are:

  - enforcement of laws and regulations related to the MEAs in question,
  - development and review of the implementation plan of the MEAs in question,
  - monitoring and evaluation of implementation of the MEAs in question,
  - collection, reporting and analysis of data,
  - awareness raising and publicity.

- Principal responsibility for carrying out the commitments under the MEAs in question, as well as the roles and responsibilities of each agency, have been clearly defined and enforced. There are no gaps and overlapping roles and responsibilities.
- Implementation of the MEAs in question is sufficiently coordinated among different levels of government as well as horizontally.
- Responsible agencies exchange information and cooperate closely with each other and with other sectors.
- The number of positions is sufficient for the implementation of the MEAs in question.

Review question 15: Are the objectives achieved under MEAs in question?

Ideal implementation:

- There is a political will for achieving the objectives and meeting the obligations of the MEAs in question.
- The objectives of the MEAs in question are achieved and obligations met.
- The overall effectiveness of the MEAs in question in meeting its objectives is regularly reviewed and improvement measures undertaken.
- The national implementation/action plan is enforced by the national government.
- The reports on compliance, non-compliance and impacts of the MEAs in question are reviewed by Minister of the Environment/the national government/parliament and discussed in public.
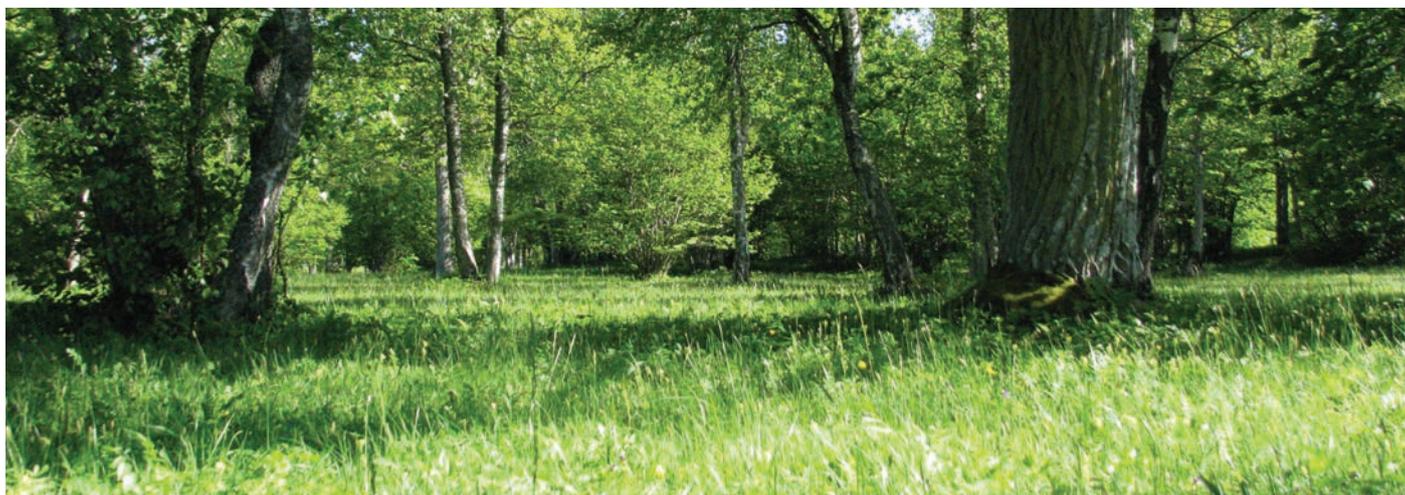
Puhtu-Laelatu Nature Reserve, Estonia

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Table 1: Overall assessment of implementation of biodiversity conventions in Estonia (EE) and Tanzania (TZ)

Review categories	Strong		Moderate		Weak	
	EE	TZ	EE	TZ	EE	TZ
1. Adequate legal and policy framework		●	●			
2. Coordinated institutional and administrative framework			●	●		
3. Development of an integrated national implementation/action plan(s)			●			●
4. Effective implementation and review of the plan(s)			●	●		
5. Effective monitoring of implementation of the MEAs in question			●			●
6. Consideration of objectives of the MEAs in question in decision making			●	●		
7. Adequate financing of the implementation			●			●
8. Strong competencies and capacity			●	●		
9. Stakeholder engagement			●	●		
10. Effective enforcement system			●	●		
11. Cross-border cooperation	●			●		
12. Achieving the objectives			●	●		
13. Coordination across the cluster of MEAs			●	●		
14. Benefits for the environment			●			●
15. Socio-economic benefits			●	●		

for ideal implementation should be taken as broad guidance, rather than attempting to evaluate implementation against each of them separately, as originally planned.

The reviews were carried out on the basis of existing reports and studies as well as on information and opinions received from the focal points and other stakeholders during electronic communications, face-to-face meetings and workshops. To make the reviews more accurate and revealing, countries could conduct studies such as biodiversity inventories or social and administrative cost analyses. Furthermore, the methodology suggests focus group discussions as another way to collect evidence. However, these activities have time and resource implications, which need to be taken into account when planning a review.

While the processes of implementation of MEAs were usually documented relatively thoroughly, outcomes proved harder to trace and to attribute clearly to implementation of the MEAs. When assessing those objective-led categories that look at outcomes, close cooperation with stakeholders,

for example in focus group meetings, proved to be particularly valuable. It should be noted that the reviews did not evaluate the cost-effectiveness of budget spending on implementation of the MEAs.

Related to this, testing revealed that it is not always possible to distinguish between implementation of the biodiversity conventions from broader nature conservation activities, for example in the categories Consideration of objectives of the MEAs in decision making and Adequate financing. In such cases, it makes sense to take a more comprehensive view. Likewise, wider nature conservation activities also contribute to the implementation of the MEAs, for example in the categories Stakeholder engagement, Cross-border cooperation, Benefits for the environment and Socio-economic benefits.

Finally, testing showed that it can be challenging to give meaningful overall scores for the cluster of MEAs in different categories if some of the MEAs are implemented effectively and others are not. In this case, the best answer is probably to give an average score and add fuller explanatory comments.

Tolkuse bog, a wetland in south-western Estonia

Migratory barnacle geese (*Branta leucopsis*) in Matsalu National Park, Estonia

Experiences and stakeholder feedback in Estonia and Tanzania also suggest that certain adjustments may be appropriate when applying the methodology in different national contexts. For country-specific findings and further reflections on the use and usefulness of the methodology see the Project Reports from Estonia (Peterson et al. 2014) and Tanzania (Senyagwa and Noel 2014).

Operationalizing the reviews

Based on the experiences in Estonia and Tanzania, a single country review using the new methodology could take two experts two months' full-time work over a six-month period. The work could be shared by an environmental policy analyst and an environmental law expert. If time is short, a third expert could be involved, especially during the desk study phase, when it is likely that large volumes of documents must be reviewed and evaluated. In the interests of impartiality and transparency, the reviews could be implemented by state auditors or international experts.

While the work is mostly desk-based, meetings with national focal points of the MEAs and other stakeholders is needed to update and fill gaps in publicly available documentation (and particularly in what is available online). Validating the data and scoring also benefits from close cooperation with a wide spectrum of stakeholders, along with focus group discussions. A good working relationship with MEA focal points and other governmental officials engaged in the implementation of MEAs is essential.

While countries often have formal structures and mechanisms for implementation of individuals MEAs, coordination between MEAs in a cluster is at best informal. Countries should consider setting up permanent joint working groups to oversee and coordinate implementation of clusters of MEAs. These groups could include representatives of all the responsible governmental authorities, local governments, experts and civil society. They could arrange for periodic reviews of implementation of the cluster of conventions (perhaps every two to three years), discuss how to deal with any challenges identified in the reviews, and communicate the results to a wider audience. Establishing such joint working groups could also enhance the competence and capacity of other sectors (beyond environment) relevant to implementing the conventions.

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Conclusions

Overall, the testing exercises in Estonia and Tanzania indicate that the methodology for unified audits of national implementation of clusters of MEAs can be useful and is relatively easy to apply. It yields information that can be valuable both at national level and for monitoring of national performance by the global secretartiats of the individual MEAs. It also provides meaningful results even with relatively scant data, giving countries some flexibility in how much time and resources they invest – although more comprehensive evidence-gathering processes clearly produce better audits. Testing indicated a need to adapt the methodology in some respects to national circumstances. If the methodology is widely adopted, it could streamline and considerably reduce the costs of national reporting on individual MEAs – which could in turn encourage more countries to fulfil their reporting obligations.

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