



## TERMS OF REFERENCE

### **Review of UNECE activities under the Espoo Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment (SEA) 2011-2015**

#### **I. Purpose**

The purpose of this evaluation is to review the relevance, effectiveness and efficiency of UNECE activities under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (SEA). The results of the evaluation will be used to ensure the relevance of policy and workplan activities for 2017–2020, and enable more effective procedures for the delivery of future activities, where necessary.

#### **II. Scope**

The evaluation will assess the role of the secretariat in servicing and supporting the work of the governing and subsidiary bodies under the Convention and the Protocol: Meeting of the Parties to the Convention (MoP); Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP); Working Group on Environmental Impact Assessment and Strategic Environmental Assessment; Implementation Committee; and the Bureau). The evaluation will review the work from 2011 to 2015 (joint workplans for 2011–2014 and 2014–2017) adopted by the Parties to the two treaties.

#### **III. Background**

The 1991 Espoo Convention offers a legal framework for international cooperation in assessing and managing environmental impacts of planned economic activities that are likely to have significant adverse impact on the environment across borders. In force since 1997, it has 45 Parties, including the European Union. The Convention has been amended to provide for the possibility of all United Nations Member States to accede, but the amendment is not yet operational. The Convention has been applied thousands of times to date which indicates that States find transboundary environmental assessment a valuable procedure for informing and consulting the authorities and the public of neighbouring countries to safeguard the environment.

In 2003, the Convention was supplemented by the Protocol on SEA. Since its entry into force in 2010, the Protocol concretely helps to lay the groundwork for sustainable development: it ensures that Parties integrate environmental, including health, considerations and public concerns into their plans and programmes, and to the extent possible also into policies and legislation, at the earliest stages and highest levels of decision-making. Unlike the Convention, the Protocol applies mainly domestically, with the consideration of transboundary impacts being secondary. To date, the Protocol counts 26 Parties, including the European Union. It is open for accession by any United Nations Member State. At present, the capacity and the experience in implementing SEA is still relatively limited in many countries of the UNECE region.

Further to the entry into force of the Protocol, Parties to the two treaties established in 2011 a new institutional framework and adapted rules of procedure to keep under regular review and to promote the implementation of both the Protocol and the Convention:

- The Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on SEA, held its first and second sessions in 2011 and in 2014, respectively. To maximise the synergies between the two treaties these sessions have been held in conjunction with the fifth and sixth sessions of the Meeting of the Parties to the Espoo Convention. The two governing bodies also adopt joint workplans. They will meet in 2017 to adopt a workplan for 2017–2020.
- A joint Working Group on EIA and SEA was established to assist the Parties in the implementation of the Convention and the Protocol and in the management of their workplan and in monitoring the expenditure of associated funds;

- The mandate of the Implementation Committee to review compliance by the Parties with their obligations under the Convention, with a view to assisting them fully to meet their commitments, was extended to cover also the Protocol;
- A Bureau that consists of Chairs and vice-chairs of the bodies, and other elected members provides guidance for the implementation of the work under the two treaties; and
- Networks of national points of contact for notification and of focal points for administrative matters the Convention and the Protocol facilitate the effective implementation of both treaties.

#### IV. Issues

Key questions that the evaluation seeks to answer include:

- A. The *effectiveness* of the overall work of the governing and subsidiary bodies in reviewing and promoting the implementation of Convention and the Protocol, the management of the workplan in monitoring the expenditure of associated funds, with a focus on the role of the secretariat in supporting and promoting this work. The issues include the:
- a. quality and usefulness of the meetings (preparation, format, conduct, servicing, level of participation, follow-up);
  - b. quality, usefulness, format/length of the meeting documentation;
  - c. degree of implementation of the workplan activities;
  - d. effectiveness of the procedure for the review of compliance;
  - e. effectiveness of the reporting and the review of the implementation of the Convention and the Protocol;
  - f. effectiveness of the monitoring of the expenditure on the basis of reports on the use of funds by the secretariat;
  - g. effectiveness of communication between the secretariat, and the national the focal points and points of contact for notification; and the interactions between the Parties; and
  - h. effectiveness of the capacity building activities.
- B. The *efficiency* of the overall work of the governing and subsidiary bodies in reviewing and promoting the implementation of Convention and the Protocol, the management of the workplan in monitoring the expenditure of associated funds, with a focus on the role of the secretariat in supporting and promoting this work. The issues include the:
- a. timeliness of the preparation of meeting documentation;
  - b. efficiency of the procedure for the review of compliance;
  - c. efficiency of the reporting and the review of the implementation of the Convention and the Protocol;
  - d. efficiency of communication between the secretariat, and the national the focal points and points of contact for notification; and the interactions between the Parties; and
  - e. efficiency of the capacity building activities.
- C. The *relevance* of activities in the workplan (assessment of priorities and needs). The issues include:
- a. The process of prioritisation of subcategories/activities in the current workplan and decisions of the Meeting of the Parties (including also the promotion of further ratifications and global outreach);
  - b. Identifying proposals for new subcategories and related activities (including method of work; organizational arrangements; expected outcome; time schedule and budget);
  - c. Assess the extent to which the relevance of the work is determined by the availability and prioritization of financial and in-kind contributions; and
  - d. Identifying options maximising resources and for attracting financial and in-kind support for future activities and assess the extent to which the financial strategy adopted in 2014 has been successfully implemented.

## V. Methodology

The evaluation will be carried out based on a survey using a questionnaire, followed by targeted interviews to further elaborate the findings of the survey. An extensive desk review of existing documents will take place in the first instance.

### 1. Desk review of:

- Joint workplans for 2011–2014 and 2014–2017 adopted by the Parties to the two treaties, namely, the Workplan for the implementation of the Convention and its Protocol for the period up to the sixth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, [Annex to decision I/9–V/9, ECE/MP.EIA/SEA/2](#); Workplan for the implementation of the Convention and its Protocol for the period up to the seventh session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, [Annex I to decision VI/3–II/3 in ECE/MP.EIA/20/Add.3-ECE/MP.EIA/SEA/4/Add.3](#)
- Reviews of implementation of the Convention and the Protocol (biennial). Fourth review of implementation of the Convention ECE.MP.EIA.2014.3 adopted by decision VI/1, [ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1](#), and [First review of implementation of the Protocol on SEA](#) adopted by decision II/1 in [ECE/MP.EIA/20/Add.1-ECE/MP.EIA/SEA/4/Add.1](#)
- Reports on the activities of the Implementation Committee [ECE/MP.EIA/2011/4](#) and [ECE/MP.EIA/2014/4-ECE/MP.EIA/SEA/2014/4](#)
- Detailed [biennial financial reports](#) (produced by the secretariat and approved by the Bureau, and the Report on the budget and financial arrangements in the period since the fifth session of the Meeting of the Parties to the Convention ECE/MP.EIA/2014/1- ECE/MP.EIA/SEA/2014/1
- Decision VI/4-II/4 on budget, financial arrangements and financial assistance; in [ECE/MP.EIA/20/Add.3](#) - [ECE/MP.EIA/SEA/4/Add.3](#)
- Financial strategy in annex II to decision [VI/4-II/4 in ECE/MP.EIA/20/Add.3-ECE/MP.EIA/SEA/4/Add.3](#)
- Status of ratification of the Convention and the Protocol at the time of the evaluation (link to the database maintained [UN Treaty Section](#)) and informal status reports provided by the secretariat to the meetings of the Bureau, the Working Group, and the Meetings of the Parties. For the latest see [http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.4\\_may2015/ece.mp.eia.wg.2.2015.INF.2\\_status\\_of\\_ratification.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/WG2.4_may2015/ece.mp.eia.wg.2.2015.INF.2_status_of_ratification.pdf)
- [Rules of procedure of the Meetings of the Parties; Structure and functions; and operating rules of the Implementation Committee](#)
- Other documents that the evaluator deems necessary for this exercise.

### 2. Questionnaire

A tailored questionnaire will be disseminated among stakeholders:

- National focal points nominated by the Governments; Participants in the 2011 and 2014 sessions of the Meetings of the Parties and 2015 meetings of the Working Group, Bureau and the Implementation Committee; (noting that there is an overlap between the categories).
- The meeting participants comprise delegates from member States and representatives of international and non-governmental organizations.

The questionnaire will use a combination of closed and open questions and will be distributed in English and Russian. For the analysis, both quantitative and qualitative methods will be used accordingly.

### 3. Interviews

A series of interviews with the involved stakeholders will be conducted to further explore responses from the questionnaires. The interviews will take place by phone or Skype. The views of relevant UNECE Secretariat staff in the secretariat of Espoo Convention and its Protocol on SEA, and in the broader Environment subprogramme will be sought.

## VI. Evaluation Schedule

- A. October 2015: Desk review of documents, development of the self-evaluation methodology, submission of the inception report outlining the methodology
- B. Mid October 2015: Preparation and translation of the questionnaire (Consultant, with the support of the secretariat), distribution to stakeholders)
- C. November 2015: Data analysis (consultant)
- D. Mid November 2015: Interviews (stakeholders to identified by the secretariat and the consultant)
- E. 10 Dec 2015: Submission of draft report (consultant) to secretariat for review of factual errors (secretariat)
- F. 21 Dec 2015: Review of secretariat comments and submission of the final report to UNECE (consultant)

## VII. Resources

The self-evaluation will be completed by an external independent consultant within 30 working days. The Secretary to the two treaties (P-4) will manage the evaluation with support of a programme assistant at a G4 level.

## VIII. Intended Use/Next Steps

The evaluation will be used to ensure that the activities under the Convention and the Protocol remain relevant and provide added value for member States and other stakeholders. It will also support a transparent process for establishing more effective mechanisms in the delivery of future activities under the two treaties. The evaluation report will be made available to Parties and other stakeholders of the Convention and the Protocol; the broader UNECE membership, as well as to the public through the UNECE website.

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