

Terminal Evaluation of the UNEP/GEF 3801 Project “Strengthening the Implementation of the Biological Diversity Act and Rules with Focus on its Access and Benefit Sharing Provisions” (2011-2019)



Evaluation Office of the United Nations Environment Programme

Distributed: December 2020



Photos Credits:

Front cover: Frederic Perron-Welch

©UNEP/ (Frederic Perron-Welch), United Nations Environment Programme, Evaluation Mission (2019)

This report has been prepared by independent consultant evaluators and is a product of the Evaluation Office of UNEP. The findings and conclusions expressed herein do not necessarily reflect the views of Member States or the UN Environment Programme Senior Management.

For further information on this report, please contact:

Evaluation Office of UNEP

P. O. Box 30552-00100 GPO

Nairobi Kenya

Tel: (254-20) 762 3389

Email: unenvironment-evaluation-director@un.org

Website: <https://www.unenvironment.org/about-un-environment/evaluation>

“Strengthening the Implementation of the Biological Diversity Act and Rules with Focus on its Access and Benefit Sharing Provisions”

Global Environment Facility Project 3801

Date 10/20

All rights reserved.

© (2020) UN Environment Programme

ACKNOWLEDGEMENTS

This Terminal Evaluation was prepared for the Evaluation Office of UNEP by Frederic Perron-Welch, International Environmental Lawyer, as an independent consultant.

The evaluator would like to express their gratitude to all persons met and who contributed to this evaluation, as listed in Annex II.

The evaluation team would like to thank the project team and in particular, Mr. Max Zieren and Mr. Ersin Essen (Task Managers), India National Biodiversity Authority project team and in particular Ishwar Poojar, for their contribution and collaboration throughout the evaluation process. Sincere appreciation is also expressed to the Project Steering Committee who took time to provide comments to the draft report. The evaluator would also like to thank the Ministry of Environment, Forests and Climate Change, Government of India, Zoological Survey of India, Botanical Survey of India, the State Biodiversity Boards for Andhra Pradesh, Goa, Gujarat, Himachal Pradesh, Karnataka, Odisha, Sikkim, Telangana, Tripura, and West Bengal, and United Nations University-Institute of Advanced Studies (UNU-IAS).

The evaluation consultant hopes that the findings, conclusions and recommendations will contribute to the successful finalisation of the current project, formulation of a next phase and to the continuous improvement of similar projects in other countries and regions.

BRIEF CONSULTANT BIOGRAPHY – Mr Frederic Perron-Welch

Education

- Ph.D. Candidate, International Law, Leiden University, 2018-present
- LL.B. (Environmental Law), Dalhousie University, 2007-2010
- M.A. History, University of Toronto, 2004-2005
- B.A. History, cum laude, The Catholic University of America, 2000-2004

Experience

- Advisor on law and policy on biodiversity and access and benefit-sharing for CAF, CBD Secretariat, CIFOR, IDLO, IUCN, Swiss FOEN, UEMOA, UNCTAD, UNDP, UNEP and WHO.

Selected Professional Involvement

- *International Law Association (ILA)*: Board Member, ILA-Canada and Member, ILA Committee on Role of International Law in Sustainable Natural Resource Management
- *International Union for the Conservation of Nature*: Member of Joint Specialist Group on Access and Benefit-Sharing and Related Concepts

Certifications

- Called to the Bar of Ontario, Canada in 2011

Languages

- Native Proficiency in English and French, basic working proficiency in Spanish

Selected Publications on ABS

- Jorge Cabrera Medaglia and Frederic Perron-Welch, eds, *Legal Aspects of Implementing the Convention on Biological Diversity* (Cambridge University Press, Forthcoming 2021).
- Jorge Cabrera Medaglia and Frederic Perron-Welch “Rules and Practices of International Law on Benefit-Sharing for Sustainable Development” in Volker Mauerhofer, Daniela Rupo and Lara Tarquinio, eds, *Sustainability and Law: General and Specific Aspects* (Springer, 2020).
- Frederic Perron-Welch, *Synthetic Biology and its Potential Implications for BioTrade and Access and Benefit-Sharing* (UNCTAD, 2019).
- Jorge Cabrera Medaglia, Chidi Oguamanam, Olivier Rukundo and Frederic Perron-Welch, *Comparative Study of the Nagoya Protocol, the Plant Treaty and the UPOV Convention: The Interface of Access and Benefit Sharing and Plant Variety Protection* (CISDL, 2019).
- Jorge Cabrera Medaglia and Frederic Perron-Welch, “The Benefit-Sharing Principle in International Law” (2019) 14(1) *Journal of Intellectual Property Law & Practice* 62.
- Frederic Perron-Welch, “International Law Treaty Developments Affecting the Bio-Based Economy” (2018) 12(1) *Canadian International Lawyer* 27.
- Jorge Cabrera Medaglia, Frederic Perron-Welch and Balakrishna Pisupati, *SDG 15 on Terrestrial Biodiversity and Ecosystems: Contributions of International Law, Policy and Governance* (UNEP and CISDL, 2016)
- Jorge Cabrera Medaglia, Frederic Perron-Welch and Freedom-Kai Phillips, *Overview of National and Regional Measures on Access and Benefit Sharing: Challenges and Opportunities in Implementing the Nagoya Protocol*, 3rd Ed (CISDL, 2014)
- Marie Claire Cordonier Segger, Frederic Perron-Welch, Christine Frison, eds, *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge University Press, 2013)
- Thomas Greiber, Sonia Peña Moreno, Mattias Åhrén, Jimena Nieto Carrasco, Evanson Chege Kamau, Jorge Cabrera Medaglia, Maria Julia Oliva and Frederic Perron-Welch with China Williams and Natasha Ali, *An Explanatory Guide to the Nagoya Protocol on Access and Benefit-sharing* (IUCN, 2012)

Evaluation team

Frederic Perron-Welch – Evaluation Consultant

Evaluation Office of UNEP

Neeral Shah – Evaluation Manager

Mercy Mwangi – Evaluation Programme Assistant

ABOUT THE EVALUATION

Joint Evaluation: No

Report Language: English

Evaluation Type: Terminal Evaluation

Brief Description: This report is a terminal evaluation of a UNEP/GEF project implemented between 2011 and 2019. The project's overall goal was to increase the institutional, individual and systemic capacities of stakeholders to effectively implement the Biological Diversity Act to achieve biodiversity conservation through implementing ABS in India. The evaluation sought to assess project performance (in terms of relevance, effectiveness and efficiency), and determine outcomes and impacts (actual and potential) stemming from the project, including their sustainability. The evaluation has two primary purposes: (i) to provide evidence of results to meet accountability requirements, and (ii) to promote learning, feedback, and knowledge sharing through results and lessons learned among UNEP, the GEF and their executing partner, the National Biodiversity Authority, Ministry of Environment, Forests and Climate Change, Government of India.

Key words: India; Biodiversity; Access and Benefit-Sharing; Nagoya Protocol; Biological Resources; Traditional Knowledge; Law; Governance; Project Evaluation; TE; Terminal Evaluation; GEF; GEF Project

Primary data collection period: August 2019 – June 2020

Field mission dates: 25th September 2019 – 4th October 2019

Table of Contents

| | |
|---|----|
| 1. Introduction | 21 |
| 2. Evaluation Methods | 23 |
| 3. The Project | 25 |
| 3.1 Context..... | 25 |
| 3.2 Objectives and Components | 27 |
| 3.3 Stakeholders | 28 |
| 3.4 Project Implementation Structure and Partners | 29 |
| 3.5 Changes in Design During Implementation..... | 30 |
| 3.6 Project Financing..... | 31 |
| 4. Theory of Change at Evaluation | 33 |
| 4.1 Reconstructed Theory of Change at Evaluation..... | 33 |
| 5. Evaluation Findings..... | 38 |
| 5.1 Strategic Relevance | 38 |
| 5.1.1 Alignment to the UNEP Medium Term Strategy and Programme of Work | 38 |
| 5.1.2 Alignment to UNEP and GEF Strategic Priorities | 38 |
| 5.1.3 Relevance to regional, sub-regional and national environmental priorities | 39 |
| 5.1.4 Complementarity with existing interventions | 42 |
| 5.2 Quality of Project Design | 44 |
| 5.3 Nature of the External Context | 45 |
| 5.4 Effectiveness | 46 |
| 5.4.1 Delivery of Outputs | 46 |
| 5.4.2 Achievement of Direct Outcomes | 50 |
| 5.4.3 Likelihood of Impact..... | 52 |
| 5.5 Financial Management | 53 |
| 5.5.1 Completeness of Project Financial Information | 53 |
| 5.5.2 Communication Between Finance and Project Management Staff | 54 |
| 5.6 Efficiency | 58 |
| 5.7 Monitoring and Reporting | 59 |
| 5.7.1 Monitoring Design and Budgeting..... | 59 |
| 5.7.2 Monitoring of Project Implementation..... | 60 |
| 5.7.3 Project Reporting..... | 61 |

| | | |
|-------------------|---|------------|
| 5.8 | Sustainability | 61 |
| 5.8.1 | Socio-political Sustainability..... | 61 |
| 5.8.2 | Financial Sustainability | 62 |
| 5.8.3 | Institutional Sustainability | 62 |
| 5.9 | Factors Affecting Performance..... | 63 |
| 5.9.1 | Preparation and readiness..... | 63 |
| 5.9.2 | Quality of project management and supervision | 63 |
| 5.9.3 | Stakeholder participation and cooperation | 64 |
| 5.9.4 | Responsiveness to human rights and gender equity | 65 |
| 5.9.5 | Country ownership and driven-ness..... | 66 |
| 5.9.6 | Communication and public awareness | 66 |
| 6. | Conclusions and Recommendations..... | 68 |
| 6.1 | Conclusions | 68 |
| 6.2 | Lessons Learned | 72 |
| 6.3 | Recommendations | 73 |
| Annex I. | People Consulted During the Evaluation..... | 78 |
| Annex II. | Comparison of Results Framework in the Prodoc and the reconstructed Theory of Change at Evaluation | 82 |
| Annex III. | KEY documents consulted..... | 85 |
| Annex IV. | Brief CV of the Consultant..... | 86 |
| Annex V. | Terms of Reference..... | 87 |
| Annex VI. | Quality Assessment of the Evaluation Report | 106 |

List of Tables and Figures

| | |
|--|----|
| Table 1: Project Identification Table | 10 |
| Table 2: Key Stakeholders | 28 |
| Table 3: Budget at Design by Components..... | 31 |
| Table 4: Planned and Actual SOurces of Funding/Co-financing | 32 |
| Table 5: Overall Rating for Financial Management | 55 |
| Table 6: Summary of Ratings Table | 70 |
| Figure 1: Implementation Structure Diagram | 30 |
| Figure 2: Impact Pathway for enhanced well-being and conservation of biodiversity and benefit sharing as per the ProDoc (2010) | 33 |
| Figure 3: Reconstructed Theory of Change at Evaluation | |

List of acronyms and abbreviations

| | |
|--------------------------|---|
| ABS | Access and benefit-sharing |
| ASEAN | Association of Southeast Asian Nations |
| BD Act | Biological Diversity Act, 2002 |
| BR Rules | Biological Diversity Rules, 2004 |
| BMC(s) | Biodiversity Management Committee(s) |
| BSI | Botanical Survey of India |
| BSP | Bali Strategic Plan |
| CBD | Convention on Biological Diversity |
| CEBPOL | Centre for Biodiversity Policy and Law |
| COP | Conference of the Parties |
| FRLHT | Foundation for Revitalisation of Local Health Traditions |
| FY | Fiscal year |
| GEF | Global Environment Facility |
| GoI | Government of India |
| India ABS Project | UNEP/Global Environment Facility project “Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing Provisions” |
| IPR | Intellectual property rights |
| JBA | Japan Bio-industry Association |
| LBF(s) | Local biodiversity fund(s) |
| MAT | Mutually agreed terms |

| | |
|----------------|---|
| MoEFCC | Ministry of Environment, Forests and Climate Change |
| MTA | Material transfer agreement |
| MTE | Mid-term Evaluation |
| MTS | Medium-term Strategy |
| M&E | Monitoring and evaluation |
| NBA | National Biodiversity Agency |
| NPD | National Project Director |
| PBR(s) | Peoples' biodiversity register(s) |
| PCA | Project cooperation agreement |
| PIC | Prior informed consent |
| PM | Project Manager |
| PMU | Project Management Unit |
| POW | Programme of Work |
| ProDoc | Project Document |
| PTC | Project Technical Committee |
| SAARC | South Asian Association for Regional Cooperation |
| SACEP | South Asia Co-operative Environment Programme |
| SBB(s) | State Biodiversity Board(s) |
| SDG | Sustainable Development Goal |
| SPU | State Project Unit |
| SSFA | Small scale funding agreement |
| TE | Terminal evaluation |
| TDU | University of Trans Disciplinary Health Sciences and Technology |
| TM | Team manager |
| ToC | Theory of Change |
| TOR | Terms of reference |
| UN | United Nations |
| UNEP | United Nations Environment Programme |
| UNDP | United Nations Development Programme |
| UNU-IAS | United Nations University Institute of Advanced Studies |
| ZSI | Zoological Society of India |

Project Identification Table

Table 1: Project Identification Table

| | | | |
|--------------------------------------|--|-------------------------------------|---|
| GEF Project ID: | 3801 | | |
| Implementing Agency: | UNEP | Executing Agency: | National Biodiversity Authority (NBA) |
| Sub-programme: | Healthy and Productive Ecosystems & Environmental Governance | Expected Accomplishment(s): | Increased capacity at all levels to implement the access and benefit-sharing provisions of the Biodiversity Act, 2002 and Biodiversity Rules, 2004 ¹ |
| UN Environment approval date: | 7 th June 2011 | Programme of Work Output(s): | <p>Programme of Work 2010-2011, Ecosystem Management: EA (c) That countries and regions begin to realign their environmental programmes and financing to address degradation of selected priority ecosystem services.</p> <p>Environmental Governance: EA (b) That States increasingly implement their environmental obligations and achieve their environmental priority goals, targets and objectives through strengthened laws and institutions.</p> |
| GEF approval date: | March 2011 | Project type: | Full Size Project |
| GEF Operational Programme #: | SP8-ABS-Capacity Building | Focal Area(s): | Biodiversity |
| | | GEF Strategic Priority: | BD-4, to build capacity on ABS |
| Expected start date: | April 2011 | Actual start date: | 23 rd June 2011 |
| Planned completion date: | March 2014 | Actual completion date: | March 2019 |

¹ These were determined at evaluation as the expected accomplishments were not in the project documents.

| | | | | |
|---|----------------|---|--|---------------------|
| Planned project budget at approval: | US\$ 9,839,000 | Actual total expenditures reported as of September 2019: | US\$ 4,351,927 | |
| GEF grant allocation: | US\$ 3,561,000 | GEF grant expenditures reported as of September 2019: | US\$ 2,953,352 | |
| Project Preparation Grant - GEF financing: | US\$ 50,000 | Project Preparation Grant - co-financing: | US\$ 75,000 | |
| Expected Full-Size Project co-financing: | US\$ 4,743,000 | Secured Full-Size Project cash and in-kind co-financing from Gol September 2019: | US\$ 7,799,729 | |
| First disbursement: | US\$ 3,205,962 | Date of operational closure: | February, 2019 | |
| No. of revisions: | 4 | Date of last revision: | December 2017 (for NCE up to Dec 2018) | |
| No. of Steering Committee meetings: | Eight | Date of last/next Steering Committee meeting: | Last: 19 September, 2018 | Next: Not Scheduled |
| Mid-term Evaluation (planned date): | February 2015 | Mid-term Evaluation (actual date): | February 2015 | |
| Terminal Evaluation (planned date): | March 2014 | Terminal Evaluation (actual date): | September 2019 | |
| Coverage - Country(ies): | India | Coverage - Region(s): | Asia | |
| Dates of previous project phases: | N/A | Status of future project phases: | N/A | |

Executive Summary

Object of the Evaluation

1. This terminal evaluation report aims to assess the project performance, outcomes and impacts of the United Nations Environment Programme/Global Environment Facility project “Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing Provisions” (Global Environment Facility Project Number 3801).

Evaluation objectives and scope

2. The evaluation has two primary objectives: (i) to provide evidence of results to meet accountability requirements, and (ii) to promote operational improvement, learning and knowledge sharing through results and lessons learned among the United Nations Environment Programme, the National Biodiversity Authority of the Ministry of Environment, Forests and Climate Change, Government of India, and the United Nations University Institute of Advanced Studies. The temporal scope of the evaluation is the project implementation period (2011-2019). Its thematic scope includes standard project evaluation subjects such as 1) strategic relevance; 2) quality of project design; 3) nature of the external context; 4) effectiveness; 5) financial management; 6) efficiency; 7) monitoring and reporting; 8) sustainability; and, 9) factors affecting performance. Furthermore, the evaluation scope covers the key evaluation questions posed in the terms of reference for the evaluation.

Overall Evaluation Rating and Key Features of Performance

3. Although the project was significantly delayed and needed five no-cost-project extensions (adding 5 years to the project duration), it picked up steam as time went on and exceeded project targets by the end of the technical implementation period. In consequence, it has made important contributions to creating a sustainable foundation for implementing Access and Benefit Sharing (ABS) in India, and provided important lessons to other countries seeking to implement ABS frameworks.

4. The project was very strategically relevant, particularly in relation to its alignment with United Nations Environment Programme (UNEP) Medium-term Strategy 2010-2013, Programme of Work 2010-2011, and Bali Strategic Plan/South-South Cooperation, and Global Environment Facility (GEF) - IV strategic priorities. It was also highly relevant to regional, sub-regional and national environmental priorities. The external context for the project was also highly favourable, with no significant disruptions to the project caused by outside factors.

5. Financial management of this project was quite poor. Although audits by the Government of India did not demonstrate any financial irregularities, the financial information provided was significantly incomplete, and evidence of communication between finance and project management staff was absent. Overly sizable fund requests from the executing agency before spending arrangements were in place has led to issues in closing the project. The evidence also shows that project monitoring and reporting was poor, particularly the design of the monitoring framework and the monitoring of project implementation. In any future project phase, greater effort needs to be made to provide adequate financial management, and greater emphasis placed on designing and implementing a suitable project monitoring and reporting framework.

The overall evaluation rating is moderately satisfactory. For further information on how this rating was established, please refer to Chapter 6 and to the evaluation ratings table (Table 6) in the conclusions (section 7.1) of the report.

Synthesis of Main Conclusions

6. Overall, the project made an important contribution to the implementation of the access and benefit-sharing provisions of India's Biological Diversity Act, 2002. The project had a number of strong points, namely its alignment to United Nations Environment Programme and Global Environment Facility strategic priorities; its relevance to regional, sub-regional and national environmental priorities; its alignment to the United Nations Environment Programme Medium-term Strategy 2010-2013 and Programme of Work 2010-2011; the achievement of direct outputs; the nature of the external context; the likelihood of impact; socio-political sustainability; stakeholder participation and cooperation; responsiveness to human rights and gender equity; country ownership and driven-ness; and communication and public awareness. The project was not as strong in its complementarity with existing interventions; the quality of project design; the achievement of direct outcomes; financial sustainability; and, institutional sustainability. The evaluation discovered a number of weaknesses in project implementation, namely in the completeness of project financial information; communication between finance and project management staff; efficiency; monitoring design and budgeting; monitoring of project implementation; project reporting; preparation and readiness; and, the quality of project management and supervision.

7. In response to **key evaluation question 1**, it is unclear to what extent the project was able to incorporate lessons learned and recommendations from the India-United Nations Development Programme project "Strengthening Institutional Structures to Implement the Biological Diversity Act" into this project. No evaluation or report on the project is available from the United Nations Development Programme. Neither is information provided in the consolidated report on the Global Environment Facility/United Nations Environment Programme project on "Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing Provisions 2011-2019" despite the fact that the projects were running concurrently for the first two years of project implementation.

8. In response to **key evaluation question 2**, recommendations from the MTE were incorporated into the project to a certain extent. In regards to Recommendation 1, no evidence was presented to show that "written strategy for sustaining the project outputs and outcomes with specific indications of commitments and limitations on the part of the NBA and all participating SBBs" has been adopted for the post-project period. In regards to Recommendation 2, "focus on quality and potential for sustainability, rather than quantity, in the context of creating [biodiversity management committees]", the evidence shows that a reasonable number of biodiversity management committees have been established in project states. The number of biodiversity management committees constituted in the project states by the project ranges from 20-53, which may or may not be financially sustainable if they are only reliant on funding from ABS agreements. It is, however, preferable to some states in India which have over 20,000 BMCs. In regards to Recommendation 3, "de-emphasize cash and focus more on in-kind benefits", it appears at first glance that cash benefits are still being prioritized, and communities are still maximizing income from biological resources in an unsustainable way. Further investigation of project outputs is required to assess the solidity of this finding. In regards to Recommendation 4, "continue and increase investments in translation", it appears that significant steps were made in

translating project outputs into local languages, and that real gains were achieved in project performance as a result of the implementation of this final recommendation.

9. In response to **key evaluation question 3**, the project was able to significantly enhance the legal and institutional framework of India to integrate access and benefit sharing mechanism into Biological Diversity Act. New guidelines on access and benefit-sharing were adopted in 2014 and are now being implemented. In response to **key evaluation question 4**, the project made significant progress in identifying and recording knowledge of biodiversity through communities by developing over 200 people's biodiversity registers across the 10 project states. In response to **key evaluation question 5**, the project was able to make valuable contributions to, and collaborate with, other initiatives on access and benefit sharing both globally and regionally by sharing experiences in international fora such as the Conferences of the Parties to the Convention on Biological Diversity, and engaging in South-South cooperation on ABS.

10. Lastly, in response to **key evaluation question 6**, the project contributed to measurably improving the governance of biodiversity in India by strengthening the institutional capacity of the National Biodiversity Authority, of State Biodiversity Boards in the 10 project states, and of Biodiversity Management Committees in these states. However, biodiversity is still under significant threat in India due to socio-economic factors outside of the project's control.

Lessons Learned

| | |
|---------------------------|---|
| Lesson Learned #1: | Implementing access and benefit-sharing requires the implementation of complex legal and institutional measures at different levels, which is particularly challenging in a country as large and diverse as India. This project set out to achieve more than was feasible within the project period and with the amount of funds available. |
| Context/comment: | <p>Although the project succeeded in producing most of its outputs and its outcomes were largely achieved, this did not happen within the period of time initially proposed for project execution. Significant delays in project execution resulted in five no-cost extensions (a near tripling of the project implementation period) as well as financial management issues that are still being resolved.</p> <p>The project was overly ambitious for the period over which it would be executed. This is consistent with the findings of the GEF Biodiversity Focal Area Study undertaken by the GEF Independent Evaluation Office in 2017. Like other GEF projects focused on capacity-building for ABS, the project design for the India ABS Project design was 'overpacked'.² Given that this was a problem common to GEF ABS projects, it is unsurprising that this project faced challenges in meeting the extensive goals set out in the ProDoc.</p> <p>Furthermore, shortcomings in meeting outputs resulted from insufficient alignment between project activities, project outputs and project outcomes. This made it more challenging to achieve what was laid out in the project logframe than otherwise necessary. The lack of a coherent theory of change – which was not required for UNEP projects at the time – likely contributed to this situation.</p> <p>Lastly, although complementarity with other similar interventions was considered at project design, it was not clearly elaborated during the project implementation period. There is limited evidence showing that the project team, in collaboration with Regional Offices and Sub-Programme Coordinators, made efforts to ensure their own intervention was complementary to UNDP and other interventions, optimized any synergies, and avoided duplication of effort.</p> <p>India is a large and complex country, and the time required to initiate activities can be lengthier than in countries with more centralized administrative structures. However, now that more robust administrative structures are in place in the project states through the SBBs, it can be expected that they will be more able to respond to the demands placed upon them in any future project cycle.</p> <p>Any future project on ABS in India should be limited in scope and clearly focused on what can be reasonably achieved in the period of time allocated for the project, and with the limited funds available. Emphasis should also be placed on maximising impact by achieving project outcomes rather than focusing on the number of outputs.</p> |
| Lesson Learned #2: | Building a broad base of capacity at the local level continues to be challenging, and continued progress on implementing access and benefit-sharing locally is necessary to ensure continued engagement. |

² GEF Independent Evaluation Office, *Biodiversity Focal Area Study*, 10 November 2017, GEF/ME/C.53/Inf.03, iv.

| | |
|---------------------------|--|
| Context/comment: | Some exceptional cases exist at the local level with engaged Biodiversity Management Committees (BMCs), but capacity at the local level remains weak overall. Interest has been raised among communities, but this risks fading away if results are not achieved. This depends on compliance with ABS obligations by the private sector – particularly the domestic private sector - but compliance is poor in a number of important economic sectors that rely on biological resources. |
| Lesson Learned #3: | Experiences gained on implementing ABS in one Party to the Nagoya Protocol can provide valuable information for other Parties |
| Context/comment: | Despite challenges in implementation, the project significantly increased capacity to implement the access and benefit-sharing provisions of the BD Act and Rules at the national and state levels. India is now a global leader in implementing access and benefit-sharing and is sharing its experience in implementing the Nagoya Protocol with other countries and regions, helping to build global capacity through South-South cooperation. As many other Parties to the CBD and Nagoya Protocol are not as advanced as India in terms of implementation, the experience that India brings is highly valued. |

Recommendations

| | |
|--|--|
| Recommendation #1: | To ensure the sustainability of the project's achievements, it is recommended that a strategy be produced for sustaining the project's outputs and outcomes beyond the end of the project period with specific indications of commitments and limitations on the part of the National Biodiversity Authority and all participating State Biodiversity Boards |
| Context/comment: | <p>State Biodiversity Boards need continued support now that the project has come to an end and many project staff are leaving, or have left, their positions. State Biodiversity Boards are faced with significant obligations in supporting biodiversity management committees, but many have quite limited staff and financial resources.</p> <p>The MoEFCC and NBA need to focus on how to continue to provide support to less well-resourced states. A written strategy with clear commitments from the National Biodiversity Authority and all participating State Biodiversity Boards for sustaining the project's outcomes is required.</p> <p>The first recommendation in the 2015 mid-term evaluation indicated that a written strategy for sustaining the project's outputs and outcomes should be produced, including specific indications of commitments and limitations on the part of the NBA and all participating SBBs. The 2019 Project Implementation Report does not indicate that it was done by the NBA.</p> |
| Priority Level: | Critical recommendation |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project to implement. |
| Proposed implementation time-frame: | Immediately |

| | |
|--|---|
| Recommendation #2: | In order to leverage benefits from access and benefit-sharing for the conservation and sustainable use of biodiversity, capacity should continue to be built from the ground up to implement access and benefit-sharing |
| Context/comment: | <p>Biodiversity Management Committees are the basis for implementation and they need greater technical and financial support. Without this support, the conservation of biodiversity and sustainable use of biological resources will not be achieved.</p> <p>Biodiversity Management Committees should be associated with entities that have resources to endure. These entities could include local governments or other well-established local institutions like universities, schools, temples, and so on. This will reduce the likelihood of work ceasing and capacity fading away if financial benefits from ABS do not promptly materialize. Expectations have been raised by the project and communities may be disappointed to not see tangible results, leading to a loss of interest in engaging in the work of Biodiversity Management Committees and ABS more generally.</p> <p>Many Biodiversity Management Committees still need to be made truly functional, requiring further training for them to formulate strategies, to identify biological resources, and to conserve and sustainably use them for the benefit of their communities. Biodiversity Management Committees must be able to establish the quantum of biological resources available and traded locally to ensure sustainability, benefit-sharing and compliance. New methodologies are needed to address issues facing BMCs in a more methodological, easy to adapt approach.</p> |
| Priority Level: | Critical recommendation |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project to implement. |
| Proposed implementation time-frame: | Ongoing |
| Recommendation #3: | To ensure the sustainability of local interventions, states should ensure that they establish a reasonable number of Biodiversity Management Committees |
| Context/comment: | <p>States across India are obliged to establish Biodiversity Management Committees under the Biodiversity Act and Rules, and the National Green Tribunal has issued a ruling requiring that they be established promptly (<i>Chandra Bhal Singh v. Union of India & Ors</i>).</p> <p>Most project states and non-project states have established a manageable number of Biodiversity Management Committees, but some have created an unsustainable number.³ Establishing a limited number of Biodiversity Management Committees will ensure that they have adequate resources to function, and that capacity/technical/financial needs do not overwhelm State Biodiversity Boards. This may mean consolidating existing BMCs where possible.</p> <p>In most cases, Biodiversity Management Committees should be established at the tehsil/taluka/subdistrict/block level. Establishing a</p> |

³ As of 5 May 2020, the NBA's website reports that, of the 28 states listed, only two had under 1,000 BMCs, nine had over 10,000 and one has nearly 60,000.

| | |
|--|--|
| | committee for each gram panchayat or village panchayat is not an effective way to administer the Biological Diversity Act, and it is likely not financially feasible either. This will be important to keep in mind when choosing the means required to respond to the National Green Tribunal's judgment. |
| Priority Level: | Important recommendation |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project. |
| Proposed implementation time-frame: | Immediately (due to the tight timelines found in the ruling of the National Green Tribunal) |

| | |
|--|--|
| Recommendation #4: | To avoid budgeting issues, more emphasis should be placed on project oversight (financial management and monitoring and reporting) and transparency between UNEP and the executing agency |
| Context/comment: | <p>This project had distinct shortcomings in relation to financial management and monitoring and reporting.</p> <p>Lack of adequate financial management due to lack of transparency between the NBA and UNEP had consequences in terms of executing the project and closing it in a timely manner due to outstanding financial issues.</p> <p>Limitations in monitoring and reporting prevented the implementation of adaptive management techniques that could have improved the project's effectiveness and efficiency.</p> <p>In any future project phase, greater effort needs to be made to provide stronger project oversight based on transparency, agreed work plans, timely financial allocations, and fixed budget commitments.</p> |
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project. UNEP |
| Proposed implementation time-frame: | During any subsequent project phase |

| | |
|---------------------------|--|
| Recommendation #5: | To maximize the potential for ABS to play a positive role in the conservation and sustainable use of biodiversity, the private sector should be more closely involved in implementation to ensure adequate benefit-sharing |
| Context/comment: | <p>Significant interstate trade in biological resources makes traceability challenging without the active support of the private sector. Ways to involve the national private sector more closely in implementation are required, as it appears that some industries are not fully satisfying their legal obligations (particularly the ayurvedic industry). This could be done as part of the process of revising the Access and Benefit-Sharing Guidelines, 2014.</p> <p>Continued awareness raising about legal obligations under the Act is also required. Compliance may also require legal action in cases where</p> |

| | |
|--|--|
| | <p>companies are unwilling to conform to the law despite being aware of their obligation to do so.</p> <p>Furthermore, there is a need to involve actors in the biotechnology industry given the need to align legal and regulatory frameworks with the realities of research and development and technological advances.</p> |
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project to implement. |
| Proposed implementation time-frame: | Ongoing |
| Recommendation #6: | To achieve optimal results, a targeted approach should be adopted in any follow-up project in order to achieve the project's intended results |
| Context/comment: | <p>Any follow-up project must be clearly focused and aim to achieve a reasonable number of objectives. This project's design over-reached, seeking to meet all of the quite significant needs that India had in respect to access and benefit-sharing.</p> <p>A more targeted approach will better serve stakeholders in implementation, while simplifying adherence to timelines, the achievement of targets, and the proper allocation of financial and human resources.</p> <p>Greater attention should be paid to aligning project outcomes, outputs and project activities to ensure the achievement of medium-term outcomes, intermediate states, impacts and the generation of global environmental benefits. A properly elaborated theory of change, which is required in all new UNEP projects, will help in generating this alignment.</p> |
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the Ministry of Environment, Forests and Climate Change/National Biodiversity Authority |
| Proposed implementation time-frame: | During the elaboration of the Global Environment Facility Project Information Form and Project Document for any subsequent project. |

| | |
|---------------------------|--|
| Recommendation #7: | To increase the accountability of project partners, the GEF Secretariat should require proof of in-kind contributions |
| Context/comment: | <p>It is typical in GEF projects for project partners to pledge in-kind support, and this project is no exception. At the project conception stage, UNDP and UNEP Law Division jointly pledged US\$ 1,400,000 in in-kind contributions.</p> <p>No evidence was provided that such a sizable amount of in-kind contributions was provided. Given that these types of commitments influence the GEF's decision-making when project funding decisions are made, ensuring that project partners are held accountable for these commitments would seem appropriate.</p> <p>Project partners should be monitoring their in-kind contributions, and be able to demonstrate that they contributed the amounts pledged at the closure of the project.</p> |

| | |
|--|--|
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the GEF Secretariat |
| Proposed implementation time-frame: | Immediately |

1. Introduction

11. The project “Strengthening the Implementation of the Biological Diversity Act and Rules with Focus on its Access and Benefit Sharing Provisions (GEF ID 3801)” (India ABS Project) was a Global Environment Facility (GEF) full-sized project aiming to support the Government of India in the implementation of the access and benefit-sharing (ABS) provisions of its biodiversity law and regulations - the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004. The project objective was to increase the institutional, individual and systemic capacities of stakeholders to effectively implement the Biological Diversity Act to achieve biodiversity conservation through implementing ABS in India.

12. The project was endorsed by the GEF on 25 March 2011, with the expected start date in April 2011. However, it was only approved by UNEP on 7 June 2011 and actually began on 23 June 2011. It was scheduled to complete in March 2014 but received four no-cost extensions, bringing the completion date to March 2019. A fifth no-cost extension was signed in August 2019 so as to facilitate the evaluation field mission, which took place from 23 September to 4 October 2019. This terminal evaluation report covers the entire duration of the project (June 2011-June 2019).

13. The India ABS Project was implemented by the United Nations Environment Programme (UNEP) Ecosystems, Biodiversity and Land Degradation Unit, Asia and Pacific Office in cooperation with the National Biodiversity Authority (NBA), appointed by the Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India, as the executing agency.

14. The project document states that the India ABS project falls within the ecosystem management priority of UNEP’s 2010-2011 approved biennial Programme of Work. During the scheduled time of project implementation - 2011-2014 - the UNEP Medium-term Strategy (MTS) 2010-2013 did not explicitly mention ABS, but did aim to support States to implement environmental obligations generally under the environmental governance thematic priority.⁴ The India ABS Project also corresponded to GEF 4 strategic long-term objective BD-4, to build capacity on ABS, and Strategic programme for SP8-ABS-Capacity building.

15. The total project budget was US\$ 9,839,000 – US\$ 3,561,000 in cash from GEF and US\$ 1,535,000 in cash co-financing from the Government of India. In-kind co-financing totaled US\$ 4,743,000: US\$ 1,810,000 of in-kind contributions from the Government of India; and a total of US\$ 2,933,000 from SBBs in the original five implementing states, United Nations Development Programme, ZSI, BSI, UNEP Law Division and UNU-IAS.

16. The project was subject to a mid-term evaluation in 2015. The mid-term evaluation was part of an evaluation of a portfolio of five GEF ABS projects that UNEP implemented. The evaluations of the other four projects were terminal evaluations, but because UNEP had (at the time) extended the India ABS Project until June 2016, it was too early to carry out a terminal evaluation as originally planned. The UNEP Evaluation Office agreed, exceptionally, to include an

⁴ UNEP, *United Nations Environment Programme Medium-term Strategy 2010–2013* (UNEP/GCSS.X/8) para 44(b): “That States increasingly implement their environmental obligations and achieve their environmental priority goals, targets and objectives through strengthened laws and institutions.”

evaluation of the India ABS Project in the UNEP/GEF ABS portfolio evaluation as a late mid-term evaluation, rather than a terminal evaluation.⁵

17. This terminal evaluation has two primary purposes: (i) to provide evidence of results to meet accountability requirements, and (ii) to promote operational improvement, learning and knowledge sharing through results and lessons learned. The key intended audience includes UNEP, the NBA, and UNU-IAS. The terminal evaluation identifies lessons of operational relevance for future project formulation and implementation. The ToR are attached as Annex 1.

⁵ Mid-term evaluation, para 6.

2. Evaluation Methods

18. The terminal evaluation follows UNEP's key evaluation principles, which require that evaluation findings and judgements be based on sound evidence and analysis, verified from different sources, and clearly documented. It used a participatory approach to the extent possible and consulted key project stakeholders during the evaluation process. The evaluation used quantitative and qualitative methods to determine project achievements against the expected outputs and outcomes and against projected impacts. In attempting to attribute the outcomes and impacts of the project, the evaluation considered the difference between what happened because of the project and what would have happened without the project. The evaluation also addresses the questions of why things happened, and how they are likely to evolve by reconstructing the Theory of Change at evaluation.

19. The information sources used included meetings organized with stakeholders by the national project team, questionnaires targeted to different stakeholder groups,⁶ and the project documents provided to the evaluation consultant. These methods were selected to ensure that face-to-face interactions took place during the evaluation mission, that stakeholders were offered the opportunity to provide qualitative and quantitative views on the project in a structured manner, and to undertake a qualitative assessment of the outputs generated by the project. Quantitative data was analyzed by scoring, and qualitative data was analyzed through thematic analysis. Anonymity and confidentiality was protected through direct surveying of stakeholders and furnishing an option for their identity to remain confidential. Responses from stakeholders who have elected for confidentiality were taken into account in the evaluation while also being anonymized. The information gathered was confirmed through triangulation and stakeholder review.

20. There were several limitations to the methods and information sources used for the evaluation. Firstly, as India is a large, ecologically and culturally diverse country, no state that participated in the India ABS project is representative of all, or any, of the others. The ten implementing states were selected because they all are home to significant biodiversity and are experiencing biodiversity loss, but they are different geographically, ecologically, culturally and linguistically. Therefore, it was not possible to select a 'representative' state or states to visit for the terminal evaluation.

21. In order to address this limitation, the states visited during the terminal evaluation mission were selected based on a number of criteria. First, it was decided not to return to the two states which were visited during the MTE (Andhra Pradesh and Gujarat). Telangana was also ruled out as it was split from Andhra Pradesh in 2014. Second, the logistical challenges and expense of field visits to Himachal Pradesh and Sikkim rendered them impractical to visit during the time allocated for the evaluation mission. Of the five remaining states, three states were selected for field visits based on relevance to the project objective and components, the relative importance of biodiversity and cultural diversity, the need to assess states which were a part of the first and second tranches of the project, and varied levels of progress in implementation of ABS rules. The three states selected for field visits during the TE were Karnataka, Tripura and West Bengal.⁷ The

⁶ The questionnaire was developed based on the questionnaire used for the MTE, with added questions addressing specific questions posed for the TE.

⁷ The individual consultant also attended a workshop at NBA headquarters in Chennai, and a meeting between the NBA and all SBBs at the MoEFCC offices in New Delhi.

brevity of the TE mission and size of the country meant that the potential to carry out site visits was limited. In addition to meeting with SBBs in the three states, two site visits to biodiversity management committees (BMCs) were carried out in Tripura (Chabimura and Raipasa), one in Karnataka (Nallur Tamarind Grove Biodiversity Heritage Site), and none in West Bengal.

22. A second, and serious, limitation was the lack of an adequate stakeholder list. It was intended that interviewees would involve all stakeholders involved in the project, but the NBA project team was reluctant and did not provide a full list of stakeholders involved in project implementation despite repeated requests⁸. In consequence, the only stakeholders surveyed were those that attended meetings arranged by the NBA during the evaluation mission, and that could be followed up with after the mission. As the independent consultant was not able to interview any further stakeholders due to a lack of contact information, a bias in the information and responses received cannot be ruled out, and there is an imbalanced response rate across different groups.

23. A further limitation was the language barrier between the evaluation consultant and biodiversity management committee members during workshop meetings and field visits. This language barrier persisted during the follow-up to the evaluation mission. This limitation was not overcome, as translators were not budgeted for, the evaluation mission had to be organized in a short timeframe, and a comprehensive stakeholder list was not provided to the evaluation consultant in advance. This made one-on-one interviews impossible. This dynamic made it challenging to ensure that potentially excluded groups were reached and their experiences captured effectively or accurately.

24. A final limitation related to the timing of the TE. Although the project formally concluded in March 2019, the country visit was scheduled for the end of September. In consequence, a number of project staff had concluded their contracts with SBBs. In other cases, such as the BSI, high level administrators had changed entirely. In an attempt to address this, the NBA and SBBs invited staff that had been previously involved in the project to workshops in the states that were visited for the TE.

⁸ A further limitation on the completeness and time taken to complete the terminal evaluation report was that no comments or feedback were provided by the Executing Agency, despite several reminders and extensions to the deadline.

3. The Project

3.1 Context

25. India is one of world's 17 megadiverse countries, containing four global biodiversity hotspots. This biodiversity is of significant economic, ecological, social and cultural value to the people of India and future generations. However, biodiversity in India is facing significant human pressure. The major causes for biodiversity loss in India include habitat destruction, monoculture and intensive agriculture, climate change, invasive alien species, and poaching. In recent decades, biodiversity loss and ecosystem degradation has accelerated, largely in response to India's rapid economic development. This particularly affects socially and economically marginalized forest dwellers, and tribal communities in particular, whom are directly dependent on biodiversity.

26. India has been a Party to the CBD since 1994. It was the second country to adopt comprehensive legislation to address its commitments under the CBD, namely the Biological Diversity Act, 2002 (BD Act) accompanied by the Biological Diversity Rules, 2004 (BD Rules). It addresses the three objectives of the CBD: the conservation of biodiversity, the sustainable use of its components, and fair and equitable benefit-sharing. Going beyond the CBD, the BD Act calls for benefit-sharing from the utilization of biological resources rather than only the utilization of genetic resources.

27. The BD Act establishes a three tiered structure for its implementation. The NBA was established to deal with biodiversity policy and regulatory development, including addressing requests from foreign nationals for access to biological resources for commercial utilization, and a National Biodiversity Fund was established. States were empowered to establish SBBs to deal with conservation and sustainable use at the sub-national level, and address requests for commercial access from national users. The Act also calls for local government bodies to constitute BMCs to address biodiversity at the local level, prepare peoples' biodiversity registers (PBRs), establish local biodiversity funds (LBFs) and enter into ABS agreements.

28. At the time of the project design, the ABS component of the Act and Rules had not been fully addressed or implemented. Key challenges in implementation of the BD Act included inadequate information on biodiversity, the potential for its use, its economic value, lack of awareness about rules, limited institutional capacity, and lack of guidelines on ABS. A strong need existed for effective guidelines on ABS and improved capacity and awareness of the implementing institutions at national, state and local levels.⁹ The lack of appropriate methods, guidelines and tools also constrained the potential for ABS to contribute to the conservation of biodiversity and sustainable use of biological resources.

⁹ GEF India ABS Project Document, 13 and 91.

Picture 1: Geo-Referenced Maps of Intervention Sites Visited

Nallur Tamarind Grove Biodiversity Heritage Site



Raipasa Biodiversity Management Committee



Chabimura Biodiversity Management Committee



3.2 Objectives and Components

29. The project outputs and outcomes were grouped under six components. The first component involved identifying biodiversity with potential for ABS and their valuation in selected ecosystems (forest, agriculture and wetlands). The outputs under this component were 1) the development of standard economic valuation methods for forests, agriculture and wetland ecosystems in 5 project states, and 2) the use of standard economic valuation methods to inform the development of ABS agreements that capture appropriate benefit-sharing principles. The expected outcome was an enhanced understanding of the economic values of biodiversity for improved policy making and for the implementation of sustainable use and conservation of biodiversity through the ABS provisions of the BD Act.

30. The second project component aimed at developing tools and methodologies, guidelines and frameworks for implementing the ABS provisions of the BD Act. The outputs under this component were that 1) guidelines on prior informed consent (PIC), mutually agreed terms (MAT) and material transfer agreements (MTA) and benefit sharing agreements for implementing the ABS provisions are reviewed, and frameworks based on the revision are developed in 5 project states, 2) a database on the economic potential of bio-resources is established, and 3) PBRs are prepared in the 10 BMCs in 5 project states. The expected outcome was the strengthening of decision making on ABS issues at the national, state and local levels based on the use of appropriate tools, methodologies, frameworks and guidelines.

31. The third project component was to pilot agreements on ABS. The outputs were that 1) 25 ABS agreements are prepared and implemented, 2) best practice guidelines on equitable benefit-sharing are prepared and used, and 3) at least 5 biodiversity funds are established, and another 5 strengthened, at the local, state and national level. The expected outcome was that better and informed access to bio-resources under the provisions of the BD Act with equitable benefit-sharing provisions would be made possible.

32. The fourth project component pertained to the implementation of policy and regulatory framework(s) relating to ABS provisions at the national level and their contribution to international ABS policy issues. The outputs were that 1) links to on-going policy and regulatory frameworks on conservation and sustainable use and ABS issues at inter-ministerial and inter-sectoral levels would be established/enhanced through the creation of expert and working groups, and 2) sharing of experiences and information on implementation options for India at regional and international fora would be enhanced, including in regional preparatory processes. The expected outcomes were 1) the enhanced implementation of ABS provisions of the BD Act at national, state and local levels, and 2) a better understanding of national ABS implementation provisions at the international level, and international provisions at the national level.

33. The fifth project component involved capacity building to strengthen the implementation of ABS mechanisms at international level and provisions at the national level. Outputs included 1) enhancement of negotiation skills on ABS issues, 2) the development of an innovative financing mechanism for the implementation of the Act through the use of training programmes on issues including dealing with ABS applications, legal and policy issues, information management and intellectual property rights (IPR) issues, introduced at national and state levels in at least 5 states, 3) training of customs and excise and other enforcement officials on ABS issues, and 4) the development of a curriculum on ABS issues. The expected outcome was an

improved understanding of BD Act ABS provisions for implementation by the NBA, SBBs, and in a number of BMCs in each state.

34. The sixth project component concerned increasing public awareness and education programmes. Outputs under this component included that 1) State level platforms on private sector partnership are established in at least 3 states to enhance ABS components of the BD Act, 2) public awareness and participation programmes are developed in at least 5 states with a focus on ABS, 3) local language awareness material, including films, best practices and support programmes through the biodiversity fund, are developed and used in at least 5 states in order to facilitate better ABS implementation. The expected outcome was that public participation in implementing the BD Act would be ensured.

3.3 Stakeholders

35. The ProDoc contains a section that maps and analyses stakeholders (section 2.9). The stakeholders identified for the TE builds on this section, identifying key agents in the change process based on their involvement and level of influence in project implementation and sustainability. A list of key stakeholders for the terminal evaluation is found in Table 1.

Table 2: Key Stakeholders

| | |
|---|--|
| Project Decision-makers <ul style="list-style-type: none"> - Project Steering Committee - Management Committee - State Management Units | <ul style="list-style-type: none"> - Project decision-making bodies are key change agents as they are responsible for guiding and executing project activities. |
| Administrative Bodies (Ministries, Departments, Boards) <ul style="list-style-type: none"> - Ministry of Environment, Forests and Climate Change - Ministry of Industry and Commerce - Ministry of Agriculture and Farmers' Welfare - Ministry of AYUSH - Ministry of Science and Technology - Ministry of Tribal Affairs - Ministry of Law and Justice - Ministry of Rural Development - State Forest Departments - State Biodiversity Boards | <ul style="list-style-type: none"> - Administrative bodies play an important role in the change process, namely the MoEFCC, State Forest Departments and State Biodiversity Boards. |
| Scientific community (including academic and national research institutions) <ul style="list-style-type: none"> - R&D institutions - Botanical Survey of India - Zoological Survey of India - Environmental Information System (ENVIS) - Universities in the ten project states dealing with biodiversity | <ul style="list-style-type: none"> - The scientific and academic community plays an important part in the change process, |

| | |
|--|---|
| <ul style="list-style-type: none"> - Centers of excellence on biodiversity | |
| <p>Civil society, private sector and media stakeholders</p> <ul style="list-style-type: none"> - Non-governmental organizations (local development, environment, self-help groups) - Industries using bioresources (e.g. ayurvedic industry, biotechnology) - Media organizations (radio, print media, television) | <ul style="list-style-type: none"> - NGOs play an important role in the change process as they play a direct role in supporting communities develop sustainable livelihoods - The private sector plays a key role in the change progress, as an important user of biological resources - Media organizations play an important role in the change process as key actors in raising public awareness of ABS |
| <p>Local communities</p> <ul style="list-style-type: none"> - Biodiversity management committee members, including representatives of local communities | <ul style="list-style-type: none"> - BMC members are the key change agents in implementing ABS, as they are parties to ABS agreements and responsible for biodiversity management at the local level. |

3.4 Project Implementation Structure and Partners

36. The project was executed by MoEFCC, which assumed overall responsibility for the achievement of the project results. The MoEFCC entered into agreements relating to the project with external agencies, namely UNDP, UNEP, and GEF. MoEFCC designated the NBA as the domestic implementing agency, with the NBA Chairperson assigned the role of National Project Director (NPD). A Project Management Unit (PMU) was established at the NBA for the day-to-day coordination and carrying out of project activities, headed by a Project Manager (PM). A Project Technical Committee (PTC) was also established to provide technical and methodological expertise to the project at national, state and local levels in order to resolve implementation problems and ensure the technical soundness of project outputs. Project implementing partners included State Biodiversity Boards (SBBs), the UNEP Law Division, the Zoological Society of India (ZSI), the Botanical Survey of India (BSI), and the United Nations University Institute of Advanced Studies (UNU-IAS).

37. Under the guidance of the Project Steering Committee (PSC), the NBA was responsible for the coordination and implementation of the project at national, state and local levels through the PMU and State Project Units (SPU) hosted by SBBs involved in the project. Each SPU was headed by the Member Secretary of the relevant SBB, and State Project Coordinators (SPCs) reporting to the PM were hired for the duration of the project. BMCs were mainly involved in project implementation through their interactions with the SPUs, but also engaged with the PMU.

38. As the GEF Implementing Agency for the project, UNEP coordinated the activities of partners, provided technical and scientific expertise, and supported the strengthening of regional cooperation. It also oversaw the transfer of financial resources, approved expenditures, participated in the PSC, monitored and evaluated project execution and output performance, and

commissioned the MTE and TE of the project. The UNEP Law Division provided technical support/backstopping to the NBA and linked the project to other ongoing ABS initiatives. UNU-IAS was a knowledge partner in the project's implementation.

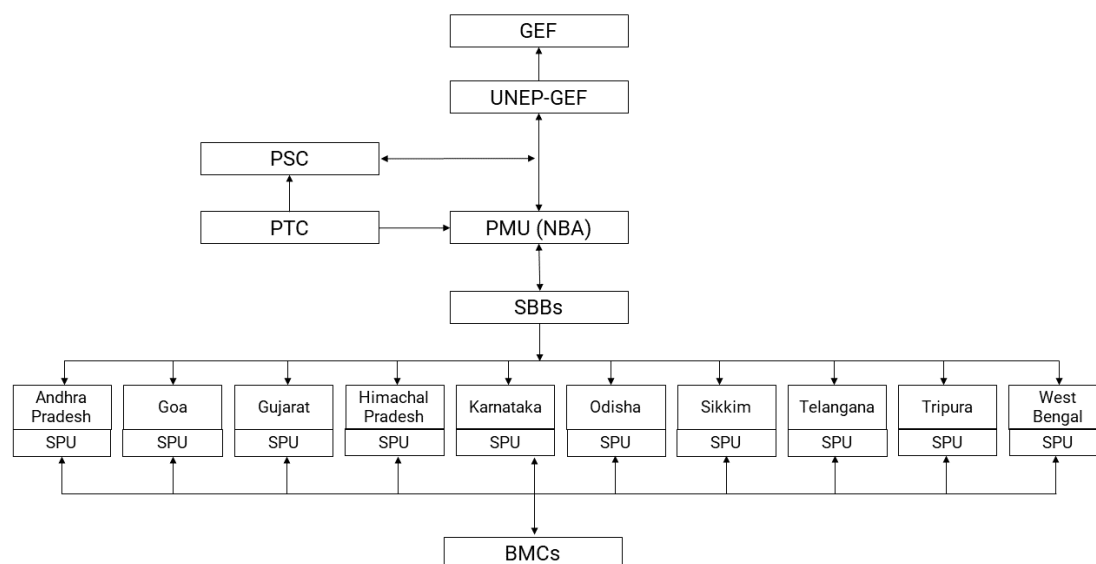


Figure 1: Implementation Structure Diagram

3.5 Changes in Design During Implementation

39. Due to delays in project implementation, a series of no-cost extensions were granted. On 24 July 2014, UNEP approved a project revision that extended the technical duration of the project until 31 December 2015. In October 2015, UNEP approved India's second request for a no-cost extension until June 2016. UNEP granted a third no-cost extension in December 2016, which extended the technical duration of the project to 31 December 2017 and legal end date to 30 June 2018. A fourth no-cost extension was granted to extend the technical duration until December 2018. A fifth no-cost extension was signed in August 2019 to enable the TE.

40. The most significant change to the project design during implementation was the expansion of the project to five additional states. In June 2014, one month after the project's original completion date and one month before the project extension, the third PSC meeting approved extending the project to an additional five states and two Union Territories. The five additional states included in the project were Goa, Karnataka, Odisha, Telangana, and Tripura. The two Union Territories were ultimately not included. The project revision document approved in July 2014 did not revise the project goal or objectives and did not indicate that the project was taking on five additional states and two Union Territories. The revision included workplans for January-June 2014 and July 2014-June 2015. The workplans made only one change to the activities set out in the project document, increasing the target for one activity.¹⁰

¹⁰ This information was obtained in the MTE, the workplans were not provided to the evaluation consultant for the TE.

3.6 Project Financing

41. The overall project budget at design was US\$ 9,839,000 comprising US\$ 3,561,000 from GEF and US\$ 6,278,000 from co-financing. The budget at design consisted of eight components, described in Table 2 below.

Table 3: Budget at Design by Components¹¹

| Project Component | GEF allocation (US\$) | Co-Finance (US\$) | Total Budget (US\$) |
|--|-----------------------|-------------------|---------------------|
| 1. Identification of biodiversity with potential for ABS and their valuation in selected ecosystems | 496,000 | 1,100,000 | 1,596,000 |
| 2. Development of methodologies, guidelines, frameworks for implementing ABS provisions of the Biological Diversity Act | 505,000 | 700,000 | 1,205,000 |
| 3. Piloting agreements on ABS | 488,900 | 656,000 | 1,144,900 |
| 4. Implementation of Policy and regulatory frameworks relating to ABS provisions at national level and thereby contribute to international ABS policy issues | 530,000 | 800,000 | 1,330,000 |
| 5. Capacity building for strengthening implementation of ABS provisions of the BD Act 2002 | 510,000 | 1,000,000 | 1,510,000 |
| 6. Increasing public awareness and education programmes | 460,000 | 1,000,000 | 1,460,000 |
| 7. Project Management | 356,000 | 400,000 | 756,000 |
| 8. Monitoring and Evaluation | 215,000 | 0 | 215,000 |

42. At the planning stage, funding from the GEF Trust Fund made up 70% of the planned cash funding, with 30% cash co-financing from the Government of India. Of the planned co-financing, the Government of India and other Indian public agencies would provide roughly 65%, with UNDP providing roughly 21%, UNEP Law Division providing roughly 8%, and UNU-IAS providing roughly 5%. Actual cash financing from the GEF Trust Fund made up 68% of the cash funding, and Government of India cash financing made up 32% of the cash funding. Based on the documents provided to the evaluation consultant, it is not possible to determine the breakdown of actual in-kind contributions. See Table 3 below for more information.

¹¹ Budget expenditure per component could not be determined, as a breakdown per component was not provided to the evaluation consultant (budget breakdown was provided per budget line instead).

Table 4: Planned and Actual Sources of Funding/Co-financing

| Funding | Planned | Actual |
|---|----------------|----------------------------|
| GEF Trust Fund | US\$ 3,561,000 | US\$ 2,953,352.57 |
| Co-financing | Planned | Actual |
| Government of India | US\$ 1,535,000 | US\$ 1,398,574.80 |
| In-kind | Planned | Actual |
| Government of India | US\$ 1,810,000 | Missing |
| ZSI, BSI and State Biodiversity Boards (5 states) | US\$ 1,283,000 | Missing |
| UNDP | US\$ 1,000,000 | Missing |
| UNEP Law Division | US\$ 400,000 | Missing |
| UNU-IAS | US\$ 250,000 | US\$ 194,920 ¹² |

¹² To February 2015, per 2015 project proposal for UNU-IAS intervention. No update on further cash/in-kind co-financing in the final report from UNU-IAS from 2018.

4. Theory of Change at Evaluation

4.1 Reconstructed Theory of Change at Evaluation

43. As noted in the MTE, the India ABS Project was designed, approved, and being implemented before UNEP required use of the ToC approach. The ProDoc included a diagram of an “impact pathway for enhanced well-being and conservation of biodiversity and benefit sharing”, but did not provide any explanation or discussion thereof.

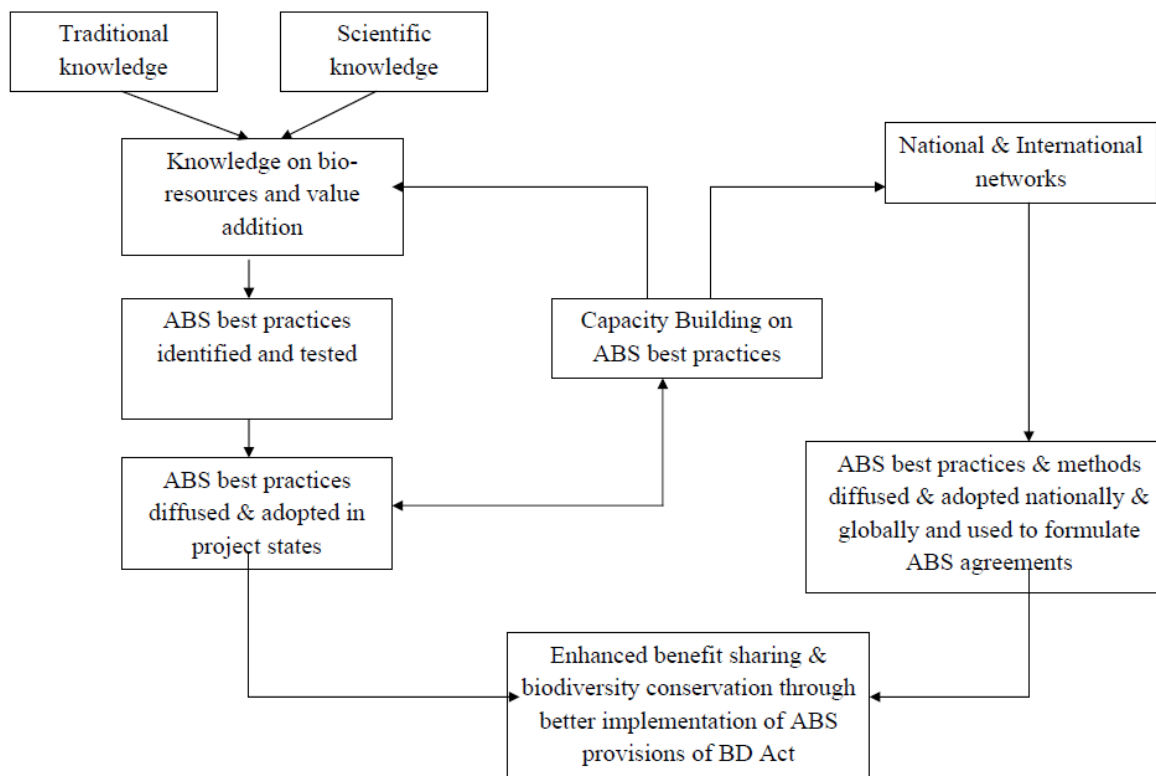


Figure 2: Impact Pathway for enhanced well-being and conservation of biodiversity and benefit sharing as per the ProDoc (2010)

44. In consequence, the MTE retrofitted a ToC onto the project, using elements from the ProDoc to the extent possible.¹³ It was first elaborated in the MTE Inception Report, revised based on input from project partners, then adopted for the final MTE. In preparation for the terminal evaluation the ToC used during the MTE was further revised, and included in the Terminal

¹³ In its section on incremental cost reasoning, the project document stated that 1) “[t]he project envisages significant impacts in terms of providing access to its biological resources and/or associated knowledge and sharing of benefits effectively and efficiently”, and 2) “[t]he project shall help the NBA to ensure fair and transparent benefit sharing with stakeholders”. In its section on sustainability, the project document stated that “[s]ustainability of the project...will primarily depend on visible impact and benefits to the local communities”. The MTE inferred from these elements that “if the NBA has the capacity to assure that benefits from using biological resources are shared with stakeholders, the results of the project will be sustainable.”

Evaluation Inception Report. A summary of the project's results hierarchy as modified is presented in Annex IV, as well as the revised ToC.

45. The reconstructed ToC at evaluation builds on the six project components, 15 project outputs, and nine project outcomes found in the ProDoc. Underlying this are a series of drivers and assumptions, which lead from outputs to direct outcomes, project outcomes to intermediate states, and from intermediate states to impact.

46. The first component of the project involves identifying biodiversity with potential for ABS and its valuation in select ecosystems such as forests, agriculture and wetlands. This would be achieved through the development of standard economic valuation methods for forests, agriculture and wetland ecosystems in 5 project states, guidance on using this methodology. The implementation of this component and its outputs would lead to project outcomes including enhanced understanding of the economic value of biodiversity, decision-making based on appropriate tools and methodologies, establishment of equitable ABS agreements based on national guidelines, and better ABS implementation at all levels.

47. The second component aims for the development of tools, methodologies, guidelines, frameworks for implementing the ABS provisions of the BD Act. The outputs are that guidelines on PIC, MAT, MTA and benefit sharing agreements for implementing the ABS provisions, reviewed and frameworks based on the revision are developed in 5 project states, a database on the economic potential of bio-resources is established, and that PBR are prepared in 10 BMCs in 5 project states. The implementation of this component and its outputs would lead to project outcomes including decision-making based on appropriate tools and methodologies, the establishment of equitable ABS agreements based on national guidelines, and better ABS implementation at all levels.

48. The third component intends to pilot ABS agreements. The outputs are that 25 ABS agreements are adopted, best practice guidelines on benefit sharing are adopted, 5 Biodiversity Funds are established, and 5 Biodiversity Funds are strengthened. The implementation of this component and its outputs would lead to the project outcome of better and informed access to bio-resources under the provisions of the BD Act with improved/enhanced ABS provisions.

49. The fourth component proposes to further the implementation of policy and regulatory framework(s) relating to ABS provisions at local, state and national levels, thereby contributing to the international ABS regime. The outputs under this component are that links are established/enhanced with ongoing policy and regulatory frameworks on conservation, sustainable use and ABS issues at inter-ministerial and intersectoral levels through the creation of expert and working groups; and an enhanced sharing of experiences and information on implementation options for India at regional and international fora, including regional preparatory processes. This component and its outputs would contribute to the objectives of enhancing implementation of ABS provisions of the BD Act at local, state and national levels, and improving understanding of national implementation provisions of ABS mechanisms at the international level and vice versa.

50. The fifth component aims to undertake capacity building for strengthening implementation of ABS provisions of the BD Act. The outputs under this component are enhanced negotiation skills on ABS issues; the creation of an innovative financing mechanism for implementation of the BD Act through training programs on issues such as dealing with ABS

applications, legal and policy issues, information management, and IPR issues at national and state levels in at least 5 states; orientation of customs and excise and other enforcement officials on ABS issues; and the development of a curriculum on ABS issues. The implementation of this component and its outputs would contribute to the improved understanding of the NBA, SBBs and BMCs of the ABS provisions under the BD Act, and a strengthened capacity of local, state and national level administrations to effectively implement ABS provisions under the BD Act.

51. The sixth component aims to increase public awareness and education processes. The outputs under this component are that state level platforms on private sector partnerships are established in at least 3 states to enhance the ABS component of the BD Act; that public awareness and participation programs are developed in at least 5 states with a focus on ABS; and that local language awareness material including films, best practices and support programs through Biodiversity Funds are developed and used in at least in 5 states in order to facilitate better ABS implementation. The implementation of this component would contribute to the outcomes of strengthening the NBA, SBBs and BMCs through awareness programs on issues related to ABS; and, that public participation, including from the private sector, academic community, students, civil society organizations, women' groups and others, are ensured to facilitate better and effective implementation of the benefit sharing provisions of the BD Act.

52. Causal Pathways from Outputs to Direct Outcomes: The causal pathways leading from the outputs under these components to outcomes are underlain by drivers and assumptions. The **drivers** that underlie the transition from outputs to outcomes include that: 1) concerned SBBs effectively undertake assessments as prescribed in the manuals developed as outputs; 2) the economic potential of biodiversity attracts prospective users, leading to the sharing of benefits; 3) the NBA establishes links with ABS focal points in other countries, enabling the sharing of experiences and international cooperation; 4) effective communication is established between SBBs and BMCs, allowing for SBBs to provide BMCs with the support necessary to enable ABS; 5) the public and private sectors are willing to participate, as this is not guaranteed due to competing interests in the public sector, and the tremendous number of private sector actors using bioresources ; 6) media involvement, to raise public awareness of ABS and educate users on their obligations; 7) the required number of functional BMCs are available to interact with ABS project team, as ABS is implemented at the BMC level; and, 8) the creation, strengthening, and maintenance of effective working relationships among the NBA, SBBs, and BMCs, as ABS implementation needs to involve all three administrative levels.

53. The **assumptions** underlying the transition from outputs to outcomes include that: 1) adequate financial and technical support is available, as capacity to implement ABS is quite low at state and local levels and significant financial and human resources are required to remedy this; 2) training facilities are available at state level, as most of the capacity-building must take place at the sub-national level; 3) socio-political unrest does not affect project implementation, which is a clear risk in India; and 4) there are no substantive amendments to the BD Act or Rules that change the foundation on which the project is based, as this could require re-working outputs and undermine outcomes.

54. Causal Pathways from Outcomes to Impact: The medium-term outcomes are that 1) tools for implementing ABS are available in local languages, allowing for replication of experience developing ABS agreements and decision-making in other states as more communities gain access to information in a form they can understand; 2) SBBs and BMCs in participating states are serving as models for implementing ABS in other states; and 3) the implementation of the BD

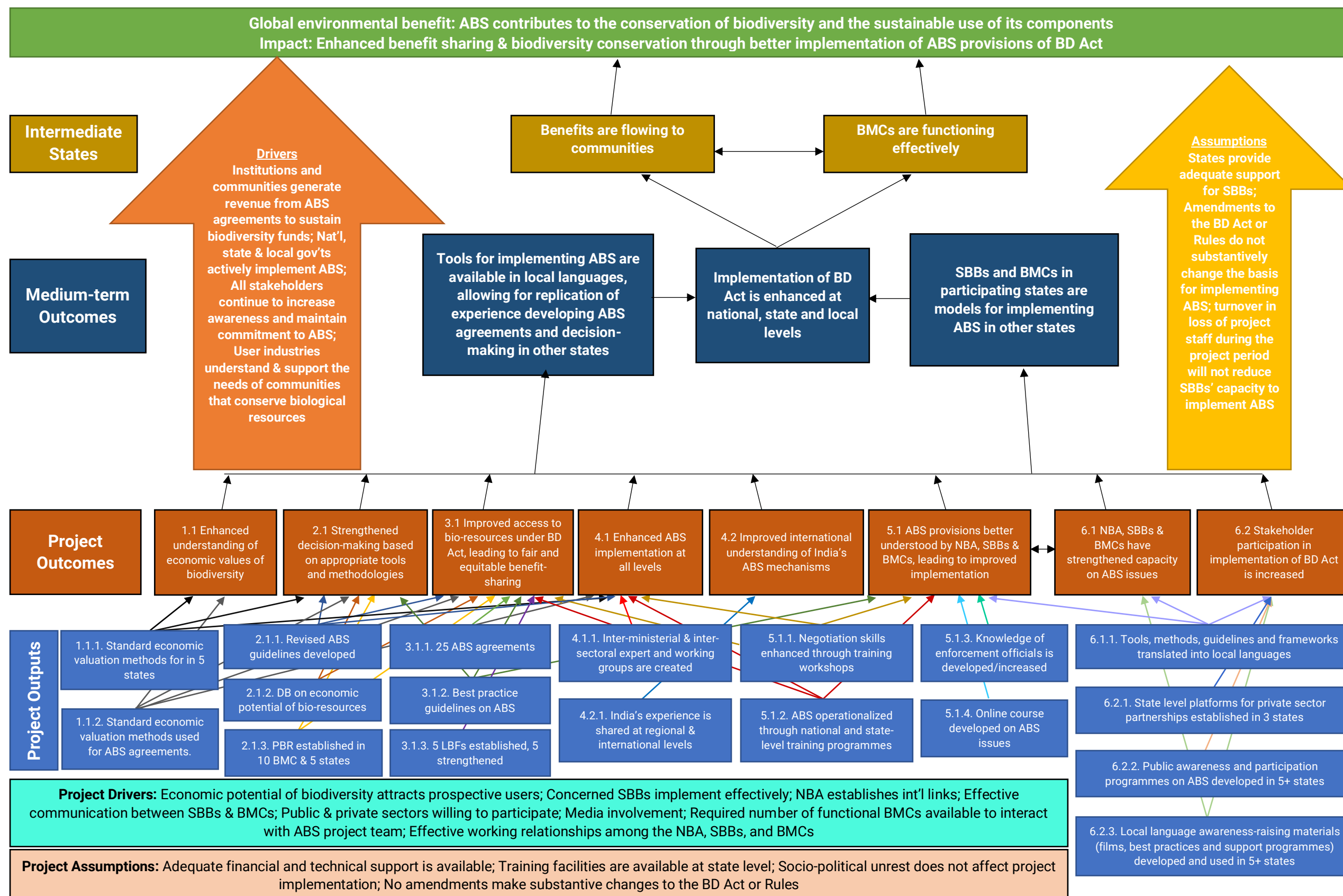
Act is enhanced at national, state and local levels. The intermediate states leading from these medium-term outcomes are that benefits are flowing to communities, and BMCs are functioning effectively. The ultimate global environmental benefit of these intermediate states would be that ABS contributes to the conservation of biodiversity and the sustainable use of its components, and the impact would be enhanced benefit-sharing and biodiversity conservation through better implementation of the ABS provisions of the BD Act.

55. The reconstructed ToC identifies four common **drivers** from project outcomes to medium-term outcomes, to intermediate states, to impact: 1) institutions and communities generate revenue from ABS agreements to sustain state and local biodiversity funds, as funds are required to ensure biodiversity conservation and sustainable use; 2) national, state and local governments actively implement ABS, as all levels are required to actively implement the ABS provisions of the BD Act to successfully generate benefits from bioresources; 3) all stakeholders continue to increase awareness and maintain commitment to ABS, as awareness of ABS is currently very low at the local level, and many private sector actors lack commitment to ABS objectives; and 4) user industries understand and support the needs of communities that conserve biological resources, as the main actors involved in piloting ABS agreements are those involved in the bilateral transaction associated with the bioresource.

56. Three common **assumptions** are identified that might affect the prospects that the project's outcomes will progress to direct outcomes, then to medium-term outcomes, on to intermediate states, and finally to impact, namely that 1) states provide adequate budgetary support for SBBs, as SBBs play a primary role in approving ABS agreements from the use of bioresources by users from India; and 2) amendments to the BD Act or BD Rules do not substantively change the basis for implementing ABS, as this will disrupt long-term progress in implementation by changing the basis for the ABS system; and 3) turnover in project staff during the project period will not reduce SBBs' capacity to implement ABS.

57. As there have not been any amendments to the BD Act or BD Rules during the project period, the following were explored further during the evaluation process: 1) whether states have provided adequate budgetary support for SBBs; 2) whether SBBs lost capacity to implement ABS due to turnover in staff during the project period; 3) whether all stakeholders continue to increase their awareness of, and maintain their commitment to, ABS; and, 4) whether user industries understand and support the needs of communities that conserve biological resources.

Figure 3: Reconstructed Theory of Change at Evaluation



5. Evaluation Findings

5.1 Strategic Relevance

5.1.1 Alignment to the UNEP Medium Term Strategy and Programme of Work

58. The India ABS Project was designed during 2009-2010 and aimed to “Increase the institutional, individual and systemic capacities of stakeholders to effectively implement the Biological Diversity Act to achieve biodiversity conservation through implementing ABS provisions in India.” The project was implemented under the UNEP Programme of Work (POW) 2010-2011 subprogramme 3 on ecosystem management. However, the project objective was not well aligned to the content of the subprogramme. Rather, the India ABS project was more appropriately aligned with the objectives of POW subprogramme 4 on environmental governance, which aimed to ensure that environmental governance at the country, regional and global levels is strengthened to address agreed environmental priorities. The participation of the UNEP Law Division as a technical project partner demonstrates a recognition of this linkage.

59. For the period 2010–2013, environmental governance was also one of UNEP MTS’s cross-cutting thematic priorities. One of the expected accomplishments under this priority was “That States increasingly implement their environmental obligations and achieve their environmental priority goals, targets and objectives through strengthened laws and institutions”. The India ABS project did make a tangible contribution to this expected accomplishment through the increased implementation of India’s obligations under the CBD, and the achievement of its national environmental priorities through a strengthened regulatory and institutional framework on ABS.

The rating for alignment to the UNEP MTS 2010-2013 and POW 2010-2011 is satisfactory, as the evidence shows that UNEP did have environmental governance as a priority under the MTS and POW, despite the project being implemented under a different subprogramme.

5.1.2 Alignment to UNEP and GEF Strategic Priorities

60. The India ABS Project was aligned and relevant to aspects of the UNEP Bali Strategic Plan¹⁴ (BSP) and South-South Cooperation. Specifically, the project aligns with the objective of the Bali Strategic Plan to strengthen the capacity of Governments of developing countries, at all levels, to comply with international agreements and implement their obligations at the national level, and to achieve their environmental goals, targets and objectives. It is also aligned with several cross-cutting issues under the Bali Strategic Plan, including: 1) strengthening of national and regional environmental or environment-related institutions, 2) development of national environmental law; 3) assistance for facilitating compliance with and enforcement of obligations under multilateral environmental agreements and implementation of environmental commitments. It is further aligned with the thematic area of biological diversity. The India ABS Project aimed to strengthen national and sub-national environment-related institutions (the NBA, SBBs and BMCs), develop national environmental law (the regulations establishing guidelines on ABS), and compliance with and enforcement of obligations under the CBD.

61. The design of the India ABS Project also noted the need to intensify South-South efforts directed towards institutional capacity-building through the exchange of expertise,

¹⁴ UNEP, *Bali Strategic Plan for Technology Support and Capacity-building* (UNEP/GC.23/6/Add.1).

experiences, information and documentation, which is aligned with the Bali Strategic Plan's emphasis on "intensify[ing] efforts directed towards institutional capacity-building, including through the exchange of expertise, experiences, information and documentation between the institutions of the South in order to develop human resources and strengthen the institutions of the South."¹⁵ The India ABS Project's Output 4 aimed for "enhanced sharing of experiences and information on implementation options for India at regional and international fora, including regional preparatory processes."¹⁶ Two activities under this output were aimed at South-South cooperation, namely the development of a process documentation manual on ABS systems for use by countries in the region and globally, and the sharing of experiences and information with other countries at regional and international fora.¹⁷

62. The project was closely aligned with GEF Strategic Priorities. It was funded under the fourth replenishment of the GEF Trust Fund (GEF-4), covering 2006 to 2010, which included a strategic objective on ABS "Strategic Objective 4: To Build Capacity on Access and Benefit Sharing"¹⁸ and one strategic programme: "Strategic Program[me] 8: Building Capacity on Access and Benefit Sharing (ABS)."¹⁹ Strategic Programme 8 aimed specifically to support capacity building of governments so that they may meet their obligations under CBD Article 15, and to build capacity within key stakeholder groups, including indigenous and local communities and the scientific community. It supported the establishment of measures that promote concrete ABS agreements that recognize the core principles of PIC and MAT, including the fair and equitable sharing of benefits. Projects in the programme were to be consistent with the *Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization* and the related action plan on capacity building for ABS adopted under the CBD.²⁰

Based on the evidence provided above, the rating for alignment to UNEP and GEF strategic priorities is highly satisfactory.

5.1.3 Relevance to regional, sub-regional and national environmental priorities

63. The India ABS project was relevant to environmental priorities at the regional, sub-regional and national levels. Aside from the broader priority of conserving biodiversity in Asia, ABS has been a priority for countries in the region and sub-region. Other countries in the sub-region with GEF-funded ABS projects running concurrently with the India ABS Project included Bhutan (GEF ID 5448) and Nepal (GEF ID 4464 and 9352). In the region, other countries implementing ABS projects included ASEAN member states (GEF ID 3853), Malaysia (GEF ID 5593), Myanmar (GEF ID 5731), and Viet Nam (GEF ID 5653). Other countries in the region that are now launching ABS projects include Cambodia (GEF ID 9741) and the Philippines (GEF ID 10079). ABS is also an area of collaboration under the Association of Southeast Asian Nations (ASEAN)-India Green Fund, announced by India in 2007 at the 6th ASEAN-India Summit.

64. The South Asian Association for Regional Cooperation (SAARC), of which India is a member (along with Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, Pakistan and Sri Lanka), adopted the *SAARC Convention on Cooperation on Environment* in 2010. Its objective

¹⁵ Ibid, para 21.

¹⁶ India ABS Project ProDoc, 43.

¹⁷ Ibid.

¹⁸ Global Environment Facility, *Focal Area Strategies and Strategic Programming for GEF-4* (GEF/C.31/10/Revised), 17.

¹⁹ Ibid, 18.

²⁰ Ibid, para 72. Capacity building on ABS has continued to be a priority under GEF-5 (2010-2014), GEF-6 (2014-2018) and GEF-7 (2018-2022).

is to promote cooperation in the field of environment and sustainable development, which extends to the exchange of best practices and knowledge, capacity building, and transfer of eco-friendly technology.²¹ Its scope covers several areas to which the India ABS Project is relevant, including biodiversity, ecosystem management for sustainable livelihoods, global environmental issues, and wildlife conservation and combating illegal trade in wildlife and bio-resources.²² The South Asia Co-operative Environment Programme (SACEP), an intergovernmental organization of which India is a part (along with Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka), has biodiversity conservation as one of its areas of cooperation. It adopted a declaration at its 12th Governing Council meeting on “South Asia’s Biodiversity Beyond 2010”.²³ The India ABS Project is of relevance to this declaration’s regional environmental goal of achieving the Aichi Biodiversity Targets, which include the entry into force and operationalization of the Nagoya Protocol on Access and Benefit-Sharing (Target 16). Access and benefit sharing is also identified as an issue for cooperation under the biodiversity cooperation programme.²⁴ India is the focal point for the biodiversity and biosafety priority area for cooperation.²⁵

65. The baseline information section of the ProDoc notes includes a sub-section on gaps in implementing ABS provisions, which include a lack of regional capacity and human resources.²⁶ In describing component 2 of the project (Development of methodologies, guidelines, frameworks for implementing ABS provisions of the Biological Diversity Act), it is stated that materials developed and lessons learned from this component will contribute to regional and international best practice examples and models for further developing ABS provisions.²⁷ The description of component 4 of the project (implementation of policy and regulatory framework(s) relating to ABS provisions at national level and thereby contribute to international ABS policy issues), the ProDoc indicates that part of the effect of the implementation of the national policy and regulatory framework will be to contribute to international ABS policy issues, and that an expected result is the better understanding of national implementation provisions of ABS at the international level, and vice versa.²⁸ Output 4 in the ProDoc calls for enhanced sharing of experiences and information on implementation options for India at regional and international fora, including regional preparatory processes. Activity 4.4 involves the development of a process documentation manual on ABS system for use by countries in the region and globally, and activity 4.5 involves the sharing of experiences and information with other countries at regional and international fora.²⁹ In describing component 5 of the project (capacity building for strengthening implementation of ABS provisions of the Biological Diversity Act), the ProDoc also notes that the outcomes of the component will provide regional opportunities for capacity building.³⁰

66. The ProDoc’s incremental cost reasoning includes the statement that, besides contributing to international programmes and initiatives on ABS, the project can provide experiences and good practices for other countries to develop biodiversity

²¹ SAARC Convention on Cooperation on Environment, 29 April 2010 (in force 23 October 2013), arts 1-2.

²² Ibid, art 2.

²³ 12th Meeting of the Governing Council of SACEP, Decision No 11, “South Asia’s Biodiversity Beyond 2010” GC 12.SACEP, Annex XX.

²⁴ SACEP, “Biodiversity Conservation”, online: <http://www.sacep.org/programmes/biodiversity-conservation>.

²⁵ Pradip Kumar Sarker, Md Saifur Rahman, Lukas Giessen, “Regional governance by the South Asia Cooperative Environment Program (SACEP)? Institutional design and customizable regime policy offering flexible political options” (2018) 77 Land Use Policy 454, 463.

²⁶ India ABS Project ProDoc, para 80.

²⁷ Ibid, 39.

²⁸ Ibid, 40.

²⁹ Ibid, 43.

³⁰ Ibid, 40.

regulations/legislation on the operationalization of ABS.³¹ It is also noted that the valuation methods for tropical ecosystems linked with the ABS mechanisms will provide examples of methods and modalities for developing ABS agreements in other countries.³² In regards to cost-effectiveness, the ProDoc explains that national and international networking, sharing of expertise, information and technical materials will reduce cost and promote local, state, national and regional level capacity building. It also states that as a pilot project, the outcomes would enable replication in other countries.³³ The incremental cost table in Annex III notes that the global benefit of component two is that tools, guidelines and frameworks on ABS are available for regional and global replication.³⁴ Similarly, the global benefit of component two is that enhanced capacity for better implementation of ABS provisions at the national level provides opportunities for increasing regional capacity to implement ABS provisions.³⁵

67. At the national level, the ProDoc explained that India perceives protecting its biodiversity to be a critical national priority because of its importance to local livelihoods. India was an early signatory of the CBD and passed the BD Act and BD Rules in the early 2000s. The ProDoc also cited several national policies and plans that established capacity building to strengthen the implementation of the BD Act as a national priority (e.g. the National Biodiversity Action Plan, National Forest Policy, National Agricultural Policy; National Seeds Policy, Marine Fishing Policy, National Environment Policy, National Biotechnology Development Strategy, the Protection of Plant Varieties and Farmers Rights Act, and National Action Plan on Climate Change).³⁶

68. In describing component 4 of the project, the ProDoc notes that lessons learnt from this component will support national actions on priorities identified under the national environmental policy and national biodiversity action plan.³⁷ The 2006 National Environment Policy contains a section (5.24) on biodiversity, traditional knowledge and natural heritage. The measures relating to this section include working out modalities for the implementation of prior informed consent and fair and equitable benefit sharing in respect to biological material and associated traditional knowledge to enable the country and local communities to derive economic benefits from providing access.³⁸ This is one impetus for the India ABS Project.

69. The India ABS Project is relevant to several objectives of the 2008 National Biodiversity Action Plan, primarily the eighth objective (strengthening implementation of policy, legislative and administrative measures for biodiversity conservation and management); the tenth objective (valuation of goods and services provided by biodiversity and use of economic instruments in decision making processes); and the eleventh objective (international cooperation).³⁹ Under the eighth objective, the action plan notes that “[i]ssues relating to benefit sharing and protection of traditional knowledge are rather complex and still evolving. Being a megadiverse country rich in associated traditional knowledge, effective implementation of the Biological Diversity Act and Rules is in the interest of the country and its people, and therefore needs to be strengthened. Experience gained in implementation of the national legislation on [ABS] would be of much value in strengthening and effectively

³¹ Ibid, para 123.

³² Ibid, para 128.

³³ Ibid, para 169.

³⁴ Ibid, 67.

³⁵ Ibid, 70.

³⁶ Ibid, para 21.

³⁷ Ibid, 40.

³⁸ Ministry of Environment & Forests, *National Environment Policy* (Government of India, 2006), 28.

³⁹ Ministry of Environment and Forests, *National Biodiversity Action Plan* (Government of India, 2008), 20-23.

articulating the developing country perspective for an international regime on ABS presently being negotiated under the CBD.”⁴⁰

70. The India ABS Project is relevant to several actions under this objective, including: 1) accelerate effective actions at the central, state and local levels to implement provisions under the BD Act; 2) support preparation of PBRs with technical help by the scientific institutions; 3) strengthen systems for documentation, application and protection of biodiversity-associated traditional knowledge, providing adequate protection to these knowledge systems while encouraging benefits to communities; 4) revive and revitalize sustainable traditional practices and other folk uses of components of biodiversity and associated benefits to local communities with a view to promoting and strengthening traditional knowledge and practices; 5) create public education and awareness about the need to conserve, protect and gainfully use traditional knowledge systems; and, 6) Develop appropriate system and modalities for operationalizing provisions for prior informed consent and benefit sharing under the BD Act, working towards greater congruence between these provisions and trade related aspects of intellectual property rights.⁴¹

71. Under the tenth objective, it is noted that “[t]here is ... a need to move from the current near exclusive reliance on regulations, to a judicious mix of incentives and regulatory instruments.”⁴² The India ABS Project conceives of access and benefit sharing as one such incentive mechanism, and is pertinent to several actions under this objective, such as 1) develop suitable valuation models for adoption at national, state and local levels; 2) support projects and pilot studies aimed at validating methods of valuation of bioresources; 3) assess the utility of traditional and innovative fiscal instruments for promoting the conservation and sustainable utilization of biodiversity; and, 4) mobilize additional resources based on project formulation for biodiversity conservation.⁴³

72. Under the eleventh objective, the action plan notes that “concerted efforts are now required to further improve bilateral, regional and multilateral cooperation, ... [and] also cooperation with UN agencies and other international organizations on issues related to biodiversity.”⁴⁴ The India ABS Project is relevant to several actions under this objective, including 1) further consolidating and strengthening global cooperation, especially with UN agencies and other international bodies on issues related to biodiversity; 2) promote regional cooperation for effective implementation of suitable strategies for the conservation of biodiversity, especially with neighbouring countries through fora such as SAARC and ASEAN; and, 3) promote technology transfer and scientific cooperation towards conservation of biological resources, their sustainable use and equitable sharing of benefits arising out of their use.⁴⁵

Based on the evidence provided above, the rating for relevance to regional, sub-regional and national environmental priorities is highly satisfactory.

5.1.4 Complementarity with existing interventions

73. The India ABS Project ProDoc notes the potential for alignment with a pre-existing India-UNDP project on alignment with pre-existing India-UNDP project launched under the India-UNDAF 2008-2012 on "Strengthening Institutional Structures to Implement the

⁴⁰ Ibid, 47.

⁴¹ Ibid, 47-48.

⁴² Ibid, 52.

⁴³ Ibid.

⁴⁴ Ibid, 54.

⁴⁵ Ibid.

Biological Diversity Act".⁴⁶ No evidence was presented demonstrating that the India ABS Project was able to incorporate lessons learned and recommendations from the India-UNDP project. No evaluation or report on the project is available from UNDP,⁴⁷ nor is a final report available on the NBA website on the project.⁴⁸ No relevant information is provided in the Consolidated Report 2011-2019 despite the fact that the projects were running concurrently for the first two years of project implementation. There was also no information provided on synergies generated with a UNDP-GEF project covering similar subject matter that ran concurrently from 2008-2015, "Mainstreaming Conservation and Sustainable Use of Medicinal Plants Diversity in Three Indian States."⁴⁹

74. The ProDoc also mentioned complementarity with existing interventions, including UNEP ABS projects, the work of the ABS Capacity Development Initiative, the UNU-IAS project on development of policy tools and guidelines on ABS, the Japan Bio-industry Association (JBA) project in ABS with India, and the bilateral cooperation project on multilateral environmental agreements between Norway and India. No information was provided in the ProDoc on how these complementarities would be built upon.

75. During the project period, the ABS Capacity Development Initiative held the Second ABS Dialogue on Key Challenges and Practical Ways Forward for the Implementation of the Nagoya Protocol took place from 4 to 6 August 2014 in Goa, co-organised by the Government of India. The evidence provided does not show that project staff were involved in organizing, or participated in, this event. The ABS Capacity Development Initiative also held a Community to Community Exchange and Capacity Development Workshop for Traditional Knowledge Holders from 28-4 October 2015 in Bengaluru. The evidence provided does not show that project staff were involved in organizing, or participating in, this event. Evidence was also not provided on how synergies were realized with this work.

76. UNU-IAS was involved in the conceptualization of the India ABS project, and was approached by UNEP to act as a project partner. In this context, UNU-IAS agreed to provide an in-kind contribution of US\$ 250,000 on condition that compensation on a cost basis would be made. From 2011-2013, UNU-IAS provided in-kind, *ad hoc* input for the project, as required. Technical inputs were provided to the economic valuation methodology, capacity-building activities for domestic and international stakeholders, and the development of knowledge products. In 2015, UNU-IAS submitted a project proposal to carry out research and capacity building activities as part of the India ABS Project. The NBA affirmed its desire for this support in a letter to UNEP on 11 December 2015 requesting the reduction of US\$ 122,950 from the total funds for the implementation of the Project and the transfer of this sum to UNU-IAS to cover the cost of the implementation and conducting of the research and capacity building activities. A Small Scale Funding Agreement (SSFA) was signed on 12 July 2016 between

⁴⁶ Ibid, paras 98-99.

⁴⁷ UNDP, "Strengthening Institutional Structures to Implement the Biological Diversity Act" online: https://www.in.undp.org/content/india/en/home/operations/projects/closed/strengthening_intititutionalstruct_urestoimplementthebiologicaldive.html

⁴⁸ NBA, "UNDP Project", online: <http://nbaindia.org/undp/>

⁴⁹ UNDP, "Mainstreaming Conservation and Sustainable Use of Medicinal Plants Diversity in Three Indian States" online: https://www.in.undp.org/content/india/en/home/operations/projects/closed/mainstreaming_conservationandsustainableuseofmedicinalplantdiver.html

UNEP, UNU-IAS, and MoEFCC,⁵⁰ and amended twice to extend the period of validity to 31 December 2018.⁵¹

77. The Norway-India bilateral cooperation project resulted in the creation of the Centre for Biodiversity Policy and Law (CEBPOL)⁵² at the NBA to strengthen capacity on biodiversity policy and conservation related issues in India. Although CEBPOL was established in 2013, its activities did not begin until February 2015.⁵³ Its inaugural event on 3-4 February 2015 – which was attended by NBA and SBB representatives – was to share the experiences of India and Norway on ABS. A series of six awareness raising workshops in which the NBA participated were held by CEBPOL in June and July of 2016 (13 June, New Delhi; 22 June, Guwahati; 29 June, Pune; 15 July, Hyderabad; 28 July, Bangalore). Several publications relevant to the implementation of ABS in India were produced by CEBPOL during the India ABS Project implementation period.⁵⁴

The rating for complementarity is moderately satisfactory. Although complementarity was generally considered at project design, it was not clearly elaborated. During the project implementation period, there is limited evidence showing that the project team, in collaboration with Regional Offices and Sub-Programme Coordinators, made efforts to ensure their own intervention was complementary to UNDP interventions, optimized any synergies, and avoided duplication of effort.

Overall Rating for Strategic Relevance

Strategic relevance is rated overall as satisfactory, as it was aligned with UNEP's Mandate, Medium Term Strategy/Thematic Priorities; Regional, sub-regional and national environmental priorities; the target group and beneficiary needs and priorities; and donor/funding agency priorities. It took into consideration UNEP's BSP and South-South Cooperation policies, but only partially considered complementarity with other interventions.

5.2 Quality of Project Design

78. The Assessment of Project Design Quality identified a number of strengths and weaknesses in the project design. The greatest strengths of the project design are 1) its relevance to UNEP, GEF, and national priorities and interests, 2) its governance and supervision arrangements, and 3) its provisions for evaluation. The ProDoc also satisfactorily provided for project preparation and the administrative aspects of project design, e.g. management execution, financial planning/budgeting, logical framework and monitoring.

⁵⁰ United Nations Environment Programme Small Scale Funding Agreement (SSFA) for the Research and Capacity Building Activities Component of the Global Environment Facility Full Size project "Strengthening the implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing Provisions", SSFA/DEPI-BD/2015/10.

⁵¹ Amendment No.1 to the SSFA between United Nations Environment Programme (UNEP) – DEPI and the United Nations University Institute for the Advanced Study of Sustainability (UNU-IAS) and the Ministry of Environment, Forest and Climate Change, Government of India, SSFA/DEPI-BD/2015/10, Amendment No-1.

⁵² <http://nbaindia.org/cebpol/>

⁵³ NBA, "Workshop on Consolidating CEBPOL – Sharing of Experiences on ABS" 3-4 February 2015, online: <http://nbaindia.org/cebpol/pub/consolidatingabs.pdf>

⁵⁴ KS Bavikatte & MW Tvedt, "Beyond the Thumbrule Approach: Regulatory Innovations for Bioprospecting in India" (2015) 11(1) Law, Environment and Development Journal 1; CEBPOL, *Protected Areas and Access and Benefit Sharing (ABS): A Review* (NBA, 2018); CEBPOL, *Compliance of Access and Benefit Sharing (ABS): A Sector Specific Review* (NBA, 2018); CEBPOL, *Review of Selected National Legislations Relating to Access and Benefit-sharing*, (NBA and Norwegian Environment Agency, 2018); CEBPOL, *New ABS Instruments Adapted to Genetic Resources for Food and Agriculture* (NBA, 2019); CEBPOL, *Implementation of the Multilateral System of the Plant Treaty in India: Exploring Linkages with Biological Diversity Act, 2002* (NBA, 2019).

Furthermore, the ProDoc satisfactorily addresses the learning, communication and outreach aspects of the project.

79. The project design is moderately satisfactory in its plans for sustainability/replication and catalytic effects. However, the ProDoc does not mention financial risks and does not address the issue of funding, from any source, to sustain project outcomes. The ProDoc states that sustainability depends on local institutions and their ability to generate funding through ABS, but does not offer a suggestion on how this could be done or indicate that the project would explore those issues. It mentions replicability but does not present a strategy to do so.

80. The moderate weaknesses in the project design were related to efficiency, and partnership arrangements. The project was overambitious in relation to its duration, both in terms of activities and funding. In consequence, the project sought and obtained five no-cost extensions. Partners were identified for project execution, but their capacity was not explicitly assessed and their roles and responsibilities were not clearly specified. This makes it impossible to determine whether their roles and responsibilities were appropriate to their capacities.

81. There are a number of significant weaknesses in the project design. The most significant of these relate to external context; intended results and causality; and, risk identification and social safeguards. In regards to the external context, the ProDoc does not identify any unusually challenging operational factors that are likely to negatively affect project performance, despite the existence of some, i.e. the potential for conflicts (ethnic and religious; or over natural resources), and yearly natural disasters resulting from the monsoon.

82. In terms of intended results and causality, the ProDoc included a simple diagram of an impact pathway but did not elaborate on it. Its description of the project intervention logic mistakes assumptions for results and assumes that all outcomes will follow naturally once there is sufficient capacity. Furthermore, it does not explicitly mention drivers or assumptions for outcomes or impacts. The ProDoc also does not identify risks or potentially negative project outcomes and, as such, it does not identify adequate mechanisms to reduce its social or environmental impact.

The rating for quality of project design is moderately satisfactory. Yet, it should be noted that minutes from Project Review Committee meetings were not provided to the evaluation consultant as required. This means that any improvements to project design during the project development process could not be taken into account.

5.3 Nature of the External Context

83. The ProDoc made no reference to the nature of the external context (ongoing/high likelihood of conflict, ongoing/high likelihood of natural disaster, ongoing/high likelihood of change in national government). During project implementation, conflicts and natural disasters did not appear to impact the implementation of the project. Infrastructure in some project states (e.g. Himachal Pradesh, Sikkim) occasionally affected project operations due to difficult road access to intervention sites. Economic conditions during the project period were favourable and stable. There was a change in national government during the later (no-cost extension) phases of the project, but this did not result in political upheaval during the project implementation phase. As a result, it appears that the external context did not significantly affect the project's performance.

The nature of external context is rated as highly favourable, as climatic events that could affect project operations did not occur, the security situation was favourable and stable, infrastructure weaknesses only occasionally affected project operations, economic conditions were favourable and stable, and the political context was favourable and stable.

5.4 Effectiveness

5.4.1 Delivery of Outputs

84. By the time of its conclusion, the project was largely effective in delivering the planned outputs, and often went beyond what had initially been expected. However, this was not achieved within the original project period. Also, the evidence presented shows that some outputs were not delivered.

85. **Output 1.1.1** (Standard economic valuation methods are developed for forest, agricultural and wetland ecosystems in 5 project states) was delivered. As part of the project, three publications were issued in 2013, the first addressing the general question of valuation in the context of benefit sharing, the second proposing methodologies for valuation, and the third carrying out a literature review on bio-resources valuation.⁵⁵ This output was therefore delivered in a timely manner (during the first phase of project implementation). These documents were used to inform the development of the 2014 ABS Guidelines. A training manual on economic valuation was subsequently developed which addresses the economic valuation of bio-resources from selected ecosystems.⁵⁶ As part of the project, the Karnataka State Biodiversity Board subsequently published an assessment of agricultural, forest and wetland bioresources based on the valuation methods.⁵⁷

86. **Output 1.1.2** (Standard economic valuation methods are used to inform the development of ABS agreements that are fair and equitable) was partially delivered. As the economic valuation methods developed under output 1.1.1 were used to develop the benefit-sharing modalities in the 2014 ABS Guidelines, the methods were indirectly used to inform fair and equitable ABS agreements developed after the adoption of the guidelines. The consolidated report notes that, subsequently, methodologies were “disseminated through capacity building programmes, workshops, presentations in specific programmes, where explanations were given on significance of economic valuation for the bio-resources, valuation methodology and its use in decision making. The materials developed included contextual note, approach paper, explanatory note, training manual, background papers, policy briefs, an auto-run CD, fact sheets, educational standee on different issues relevant to valuation of bio-resources for access and benefit sharing. Currently the sector specific policy papers are in progress.”⁵⁸ Despite this progress, evidence was not made available demonstrating that the valuation methods were used to inform the development of specific ABS agreements. Further studies are required to establish the quantum of biological resources available and traded from forests, agriculture and wetlands.

⁵⁵ P Nelliya & B Pisupati, *Biodiversity Economics from Access and Benefit Sharing Perspective*, Valuation of Biodiversity Dissemination Paper No 1 (NBA, 2013); P Nelliya and B Pisupati, *Valuation of Bio-resources for Operationalizing Access and Benefit Sharing Mechanism: Search for Methodology*, Valuation of Biodiversity Dissemination Paper No 2 (NBA, 2013); *Bio-resources Valuation through Selected Literature: A Review*, Valuation of Biodiversity Dissemination Paper No 3 (NBA, 2013).

⁵⁶ National Biodiversity Authority, *Economic Valuation of Bio-Resources for Access and Benefit-Sharing: Training Manual 1 for SBB UNEP-GEF-NBA Team*, online: <http://nbaindia.org/unep-gef/docu/ev/TrainingManual.pdf>

⁵⁷ Karnataka State Biodiversity Board, *Economic Valuation of Potential Bioresources for Access and Benefit Sharing*, online: <http://nbaindia.org/unep-gef/pub1/Karnataka/Economic-valuation-of-Bioresources-for-ABS.pdf>

⁵⁸ Consolidated report 2011-2019, 19.

87. **Output 2.1.1** (Revised guidelines for implementing the ABS provisions of the BD Act are developed, and frameworks based on this revision are developed in 5 project states) was delivered. National guidelines for implementing the ABS provisions of the BD Act were developed and adopted as regulations in 2014. During the project period it was determined that state level frameworks were not necessary as the national guidelines were developed through a consultative process involving inputs from the states. It was therefore decided that the national guidelines would be used for state-level implementation. Following the adoption of the guidelines, the NBA issued operational guidelines to the SBBs for the processing of ABS applications. This output was therefore delivered in a timely manner (by 2014) and significantly enhanced the legal and institutional framework of India to integrate the ABS mechanism into the BD Act.

88. **Output 2.1.2** (A database on the economic potential of bio-resources is established) was delivered in part. Detailed publications on the economic potential of bio-resources have been produced in the project states, which is the first step to establishing a database (gathering the necessary information to populate it), but no evidence was provided to show that this information was compiled into a database during the project period.

89. **Output 2.1.3** (People's Biodiversity Registers (PBRs) are prepared in 10 BMCs in 5 project states) was delivered. The target was significantly exceeded, with a total of 209 PBRs prepared in the 10 project states. This was a significant contribution by the project to identifying and recording knowledge of biodiversity through communities. This high number was achieved through the development of a model PBR that could be replicated in BMCs across the project states, and the development of a skill-based training programme for village youths on identifying and documenting biodiversity components ('village botanist course') in cooperation with the Foundation for Revitalisation of Local Health Traditions (FRLHT) at the University of Trans Disciplinary Health Sciences and Technology (TDU) in Bengaluru. However, the output was not delivered in a timely manner, with PBRs prepared in three of the 5 project states before the no cost extension. The meeting minutes for the 2nd PSC meeting in December 2013 reported that 8 PBRs had been developed in Andhra Pradesh, and 25 in West Bengal. At the 3rd PSC meeting in June 2014, Gujarat reported that 2 PBRs had been developed. PBRs were not developed in Himachal Pradesh or Sikkim before the first no-cost extension.

90. **Output 3.1.1** (25 ABS agreements are negotiated and implemented) was delivered. It was significantly exceeded, with 470 ABS agreements entered into by the end of the project period. However, the numbers are not spread equally among project states, with four project states (Himachal Pradesh, Sikkim, Goa and Odisha), having signed only two agreements each, and one project state (Karnataka) having signed 201.⁵⁹ However this output was not delivered in a timely manner. The first report recording the number of ABS agreements in place is PIR FY 2016, which reported that 94 agreements had been signed in five project states. Evidence was not made available showing that new agreements were entered into during the initial project period.

91. **Output 3.1.2** (Best practice guidelines on fair and equitable benefit-sharing are developed and used) was partially delivered. No evidence was provided that best practice guidelines were developed or used. ABS agreements are still negotiated on a case-by-case

⁵⁹ Karnataka was particularly effective in reaching out to users of biological resources, and persistent in getting them to sign ABS agreements. There is also higher government capacity to carry out this work as compared to states like Himachal Pradesh and Sikkim. Goa and Odisha's results can partially be explained by the fact that they were only added to the project in its expanded phase.

basis using the 2014 ABS Guidelines without the direction that would be provided through the compilation, analysis and dissemination of best practices in the form of guidelines.

92. **Output 3.1.3** (At least 5 biodiversity funds are established, and another 5 strengthened, at local, state and national levels) was delivered. In 2013, a document containing guidelines on operationalizing BMCs was released, which addressed financial aspects.⁶⁰ A second publication on the operation and maintenance of local biodiversity funds was released in 2014.⁶¹ By mid 2014, LBFs had been established in four project states, and funds had been released to 50 LBFs in Andhra Pradesh. The output was therefore met in a timely manner. Capacity building workshops for BMCs on LBFs were held throughout the project states from 2014-2018, thereby strengthening at least 5 funds. By the end of the project period, the project had established 340 LBFs.

93. **Output 4.1.1** (Links are established or enhanced with on-going policy and regulatory frameworks on conservation and sustainable use and ABS issues through the creation of inter-ministerial and inter-sectoral expert and working groups) was delivered. Inter-ministerial and inter-sectoral expert and working groups were established under the project both at the national and state levels. Examples include National Expert Committees on Access and Benefit Sharing, Normally Traded Commodities, Medicinal Plants and Agro-biodiversity. However, this was not done within the initial project period. The output was first reported in 2015.

94. **Output 4.2.1** (India participates in international and regional fora, including regional preparatory processes, to share experiences and information on ABS implementation options) was delivered. This participation made an important contribution to other initiatives on ABS, globally, as India is more advanced in its implementation of ABS than many other countries. At the international level, the project team held a side event at the 2nd meeting of the Intergovernmental Committee on the Nagoya Protocol in 2012, a second side event at the 11th Conference of the Parties (COP) to the CBD (Sharing India's experiences on ABS), the NBA Chairman participated in COP12 in 2014, the project team held a side-event at CBD COP13 in 2016 (Access Benefit Sharing (ABS) Good Practices and Lessons Learnt from India), and held a side event at CBD COP 14 in 2018 (India's insights from head starting the implementation of Access and Benefit-Sharing and launch of an online course on ABS). A capacity building workshop for African nationals on the Nagoya Protocol on ABS, traditional knowledge and the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress was held in 2013. In terms of regional collaboration, a workshop was held in 2012 on ABS, TK and national legislation on biodiversity for SAARC government officials, and an ASEAN-India capacity building workshop on the Nagoya Protocol was also held in 2012. The output was therefore met in a timely fashion.

95. **Output 5.1.1** (Negotiation skills on ABS issues are enhanced through training workshops) was delivered. Negotiation training workshops with BMCs were held in Tripura (2015, 2016), Telangana (2016), Sikkim (2016), Odisha (2016), and chairpersons of BMCs in Goa (2018). A publication on engaging in ABS negotiations was published in 2018.⁶² As it this output was not delivered until after the initial project period, it was not carried out in a timely fashion.

⁶⁰ NBA, *Guidelines on Operationalization of Biodiversity Management Committees (BMCs)* (Government of India, 2013), Section II, online: <http://nbaindia.org/uploaded/pdf/Guidelines%20for%20BMC.pdf>

⁶¹ NBA, *Local Biodiversity Fund Operation and Maintenance: A Community Dialogue* (Government of India, 2014), online: <http://nbaindia.org/unep-gef/pub1/Finalbf.pdf>

⁶² NBA, *Negotiation for Access and Benefit Sharing* (Government of India, 2018), online: <http://nbaindia.org/unep-gef/pub1/Negotiation.pdf>

96. **Output 5.1.2** (Training programmes on issues such as dealing with ABS applications, legal and policy issues, information management and IPR issues are carried out at the national level and in at least 5 states) was delivered. The Consolidated Report 2011-2019 notes that during the period 2011-2013 the PMU held five capacity building workshops in the initial five project implementing states to create awareness of the BD Act and its ABS provisions, and was involved in five capacity building workshops in project implementing states for BMCs. An ABS retreat for NBA staff was held to provide information on how to process ABS applications. During the period 2015-2017, a thematic capacity building programme was carried out on ABS and traditional knowledge. As the necessary number of training programmes were carried out during the initial project period, this output was carried out in a timely fashion.

97. **Output 5.1.3** (Orientation workshops are held for customs, excise and other enforcement officials on ABS issues) was not delivered. Although the evaluation consultant was informed that these officials may have attended other orientation workshops, no focused workshops were held for this specific stakeholder group.

98. **Output 5.1.4** (An online course is developed on ABS issues) was partially delivered. UNU-IAS was commissioned to develop the course, and the course was soft-launched during a side-event at COP 14 in 2018.⁶³ A security audit by an authorized security agency of the Government of India is now required before it is fully put into use. This output was not carried out in a timely fashion, only having been completed in 2018. Furthermore, the course is still not available over a year after it was soft-launched. This reduces its utility and has prevented the evaluation consultant from assessing its quality.

99. **Output 6.1.1** (Tools, methods, guidelines and frameworks developed under the project are produced in local languages) was delivered. Relevant materials developed under the India ABS Project in English, such as the Project Folder; Project Biodiversity Management Committees - Operational Tool Kit; Local Biodiversity Fund - Operation and Maintenance; ABS Terminology; 2014 ABS Guidelines, and ABS Guidance Manual were translated by the SPUs into regional languages (Hindi, Kannada, Telugu, Marathi, Nepali, Bengali, Konkani, Kokbarak).

100. **Output 6.2.1** (State level platforms for private sector partnerships are established in at least 3 states) was delivered. The platforms were created and nurtured during the project period with private sector partners in order to facilitate understanding of ABS regulation and implementation.

101. **Output 6.2.2** (Public awareness and participation programmes with a focus on ABS are developed in at least 5 states) was delivered. Several awareness programs focusing on ABS were developed and implemented in all partner states and well received by stakeholders. These included workshops, participation in fairs/exhibitions, videos, television and radio interviews, and radio and newspaper advertisements.

102. **Output 6.2.3** (Local language awareness-raising materials, including films, best practices and support programmes, are developed and used in at least 5 states) was delivered. As noted under output 6.1.1, project materials (including awareness-raising materials and best practices relating to BMCs and LBFs) were translated into local languages and used to provide support programmes for awareness raising by SBBs. Videos in local languages were produced (e.g. Biodiversity & Biodiversity Management Committee Formation by the Karnataka Biodiversity Board; Biodiversity and its Conservation by the Telangana SBB).

⁶³ <https://ias.unu.edu/en/news/announcements/abs-online-course.html>

Taking into account the delays in producing outputs, delivery of outputs is rated as satisfactory

5.4.2 Achievement of Direct Outcomes

103. **Outcome 1.1** (Understanding of the economic values of biological diversity is enhanced for improved policy making and the promotion of sustainable use and conservation of biological diversity through ABS) was achieved through the development of methods and tools for economic valuation and the promulgation of these tools. As noted in paragraph 85, three publications were issued in 2013 on the general question of valuation in the context of benefit sharing, the second proposing methodologies for valuation, and the third carrying out a literature review on bio-resources valuation. These were used in the development of the 2014 ABS Guidelines. As noted in paragraph 86, the methodologies were disseminated through capacity building programmes, workshops, presentations and in specific programmes. The materials developed included contextual note, approach paper, explanatory note, training manual, background papers, policy briefs, an auto-run CD, fact sheets, and an educational standee.

104. **Outcome 2.1** (National, state and local decision-making on ABS is strengthened, based on the use of appropriate tools, methodologies, and frameworks) was achieved in part. As noted in paragraph 87, guidelines were adopted in 2014 establishing a framework for implementing the ABS provisions of the BD Act. As described in paragraphs 85 and 86, economic valuation methods were developed and subsequently used to inform the elaboration of these guidelines. Paragraph 89 elaborates on the creation of 209 PBRs across all project states. However, a database on the economic potential of bio-resources was not established (see paragraph 88), and best practice guidelines on ABS were not developed (see paragraph 91).

105. **Outcome 3.1** (Improved access to bio-resources under the provisions of the BD Act, resulting in fair and equitable benefit-sharing) was achieved in part. Exceeding the target set, hundreds of ABS agreements were signed in the project states on the basis of the project's interventions (see paragraph 90), including standard economic valuation methods (see paragraph 86) and revised ABS guidelines (see paragraph 87). By the end of the project 340 LBFs had been established (see paragraph 92), as well as 209 PBRs (see paragraph 89). Inter-ministerial and inter-sectoral expert and working groups were established that supported improved ABS (see paragraph 93), negotiation skills were enhanced (see paragraph 95), and training programmes on a variety of ABS issues were carried out in project states (see paragraph 96). However, the quality of these ABS agreements could not be evaluated as they are not publicly available. Best practice guidelines on ABS were not developed (see paragraph 91), nor was a database on the economic potential of bio-resources set up (see paragraph 88).

106. **Outcome 4.1** (Implementation of the ABS provisions of the BD Act at national, state and local levels is enhanced) was achieved. The project supported the creation of inter-ministerial and inter-sectoral expert and working groups at both the national and state levels (see paragraph 93). Standard economic valuation methods have been developed and used (see paragraphs 85 and 86), new ABS guidelines developed (see paragraph 87), ABS negotiation skills enhanced (see paragraph 95), and training programmes implemented at national and state levels (see paragraph 96).

107. **Outcome 4.2** (Understanding of implementation of India's ABS framework is improved at the international level, and understanding of international ABS implementation is improved in India) was achieved. The project convened events in India to share India's experience with

ABS and learn from the experiences of other countries, and the project also held international events alongside CBD meetings to showcase experiences in the implementation of ABS in India (see paragraph 94).

108. **Outcome 5.1** (ABS provisions under the BD Act are better understood by the NBA, SBBs and some BMCs in each state, leading to improved implementation of ABS) was achieved in part. Workshops and training programmes involving NBA staff, SBBs and BMCs were held on the ABS provisions of the BD Act (see paragraphs 95 and 90), and tools, methods, guidelines and frameworks were translated into local languages (see paragraph 99). However, focused orientation workshops were not held for enforcement officials (see paragraph 97), and the online course was developed quite late in the project implementation period and is not yet functional in its final form (see paragraph 98). Best practice guidelines on ABS were also not developed, which would have improved understanding and implementation of ABS (see paragraph 91).

109. **Outcome 6.1** (The NBA, SBBs and BMCs have strengthened capacity as a result of awareness-raising programmes on issues relating to ABS) was achieved through the translation of tools, methods, guidelines and frameworks developed under the project into local languages (see paragraph 99), and training was carried out at the state level based on these local language tools. Local language awareness-raising materials were also developed and used in the project states (see paragraph 102).

110. **Outcome 6.2** (Participation of different stakeholders in the implementation of the ABS provisions of the BD Act is increased) was achieved. The project ensured greater participation of different stakeholders in the implementation of the ABS provisions of the BD Act, including the private sector, academic community, students, civil society organizations, women's groups and others (see paragraphs 99-102). The private sector remains hesitant to participate in the implementation of ABS provisions of the BD Act, but some actors have been convinced to begin participating in the ABS process.

111. Most drivers from outputs to direct outcomes were present. Based on the evidence provided, and the country mission/field visits, the economic potential of biodiversity has attracted prospective users; SBBs involved in the project have effectively implemented their obligations; the NBA has established international links; there has been effective communication between SBBs & BMCs; the public sector was willing to participate; the media has been involved; the required number of functional BMCs were available to interact with ABS project team; and, effective working relationships among the NBA, SBBs, and BMCs were established. However, some parts of the private sector were (and remain) hesitant to fully engage with their obligations under the BD Act and Rules, meaning that this driver was only partly present.

112. The assumptions for the change process from outputs to direct outcomes are also present. Adequate financial and technical support was available from the NBA to SBBs, and subsequently from SBBs to BMCs; training facilities were available at state level for the NBA and SBBs to provide capacity building and awareness raising; socio-political unrest did not affect project implementation; and, no substantive amendments were made to the BD Act or Rules.

The overall rating on achievement of direct outcomes is satisfactory. The most important project outcomes for attaining intermediate states were fully achieved, but some project outcomes were only partially achieved. Assumptions for progress from project outputs to project outcomes hold, and the majority of drivers to support transition from outputs to project outcomes are in place.

5.4.3 Likelihood of Impact

113. The likelihood of impact is determined by: 1) whether the drivers to support transition from outputs to direct outcomes are in place; 2) whether assumptions for the change process from outputs to direct outcomes hold; 3) whether direct outcomes are achieved; 4) whether the drivers to support transition from direct outcomes to intermediate states are in place; 5) whether assumptions for the change process from direct outcomes to intermediate states hold; 6) whether intermediate states have been achieved; 7) whether the drivers to support transition from intermediate states to impact are in place; and, 8) whether assumptions for the change process from intermediate states to impact hold.

114. In response to points 1-3, as noted in paragraphs 111 and 112, most drivers supporting transition from outputs to direct outcomes are in place, and assumptions for the change process from outputs to direct outcomes are also present. All direct outcomes were either achieved (1.1, 4.1, 4.2, 6.1, 6.2) or partially achieved (2.1, 3.1, 5.1). The drivers leading from outcomes to intermediate states to impact are partially present. Institutions and communities in project states have generated revenue from ABS to sustain biodiversity funds¹⁰⁸⁻¹⁰⁹; all stakeholders in project states are continuing to increase their awareness and maintaining their commitment to ABS (see paras 108-110); and some – not all – user industries in project states are beginning to understand & support the needs of communities that conserve biological resources (see para 110). Others are resistant to complying with the law.⁶⁴

115. The assumptions for the change process from direct outcomes to intermediate states to impact partly hold. Project states provided adequate support for SBBs during the project period. No amendments have been made to the BD Act and or Rules, therefore there has been no substantive change for implementing ABS; The loss of project staff during the project period has led to some loss of capacity, but discussions with SBB members during the country mission indicated that this will not reduce SBBs' capacity to implement ABS as measures were taken to maintain technical knowledge within these bodies, and project documents are available to train new staff members. The transfer of knowledge/capacity development among the intended beneficiaries was also successfully promoted by the project activities (see paras 108-110).

116. The intermediate states have been partially achieved. Benefits are flowing to some communities, and some BMCs are functioning effectively (see paras 105, 111). The impact of the project was partly achieved (see paras 103-106, 108-110), which has resulted in enhanced benefit-sharing and biodiversity conservation through better implementation of the ABS provisions of the BD Act. Continued scaling-up and replication of the project's interventions is required to strengthen this impact across India in all states and all BMCs. In the context of the project, the global environmental benefit of ABS contributing to the conservation of biodiversity and the sustainable use of its components has also been partly achieved (see para 107). However, it should be noted that it is outside of the scope of this evaluation, and impossible with the resources available for it, to determine the extent to which global environmental benefits were realized.

117. In regards to UNEP's expected accomplishments in the 2010-2013 MTS, as noted in paragraphs 58 and 59, the project is best aligned with the environmental governance priority area. When viewed through this lens, rather than the ecosystem management priority area, the

⁶⁴ See e.g. *Divya Pharmacy vs Government of India and Others*, Writ Petition (M/S) No. 3437 of 2016; *Karnataka State Biodiversity Board vs M/s. Pradhan Herbal Company and others*, (C.C. 6424/2018); C Kulkarni, "Cases slapped on 10 firms for exploiting bio-resources" Deccan Herald, Apr 24 2019, online: <https://www.deccanherald.com/city/top-bengaluru-stories/cases-slapped-on-10-firms-for-exploiting-bio-resources-730372.html>.

project contributed to the following accomplishments: 1) States increasingly implement their environmental obligations and achieve their environmental priority goals, targets and objectives through strengthened laws and institutions, and 2) national and international stakeholders have access to sound science and policy advice for decision-making.

118. The project has also contributed to the achievement of Sustainable Development Goal (SDG) 15.6, which is to promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed. It also strengthens India's contribution to indicator 15.6.1, the number of countries that have adopted legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits. This SDG is based on Aichi Biodiversity Target 16, which aimed for the entry into force and operationalization of the Nagoya Protocol by 2015, consistent with national legislation.

119. The risk was low that the project would have unintended negative effects, and no evidence emerged from the evaluation to indicate that negative effects occurred (e.g. conversion and degradation of natural habitats, adverse impacts on priority ecosystem services, involuntary resettlement, undermining or inadvertently weakening the rights of indigenous peoples, adverse gender impacts). As noted elsewhere in the evaluation, by increasing their understanding of the BD Act, and ABS more specifically, the project helped to provide new livelihoods based on biological resources to disadvantaged groups including tribal groups and women (see paragraphs 108-110).

The rating for likelihood of impact is likely.

Overall Rating for Effectiveness

The overall rating for effectiveness is satisfactory.

5.5 Financial Management

5.5.1 Completeness of Project Financial Information

120. The project financial information provided to the evaluation consultant was only partially complete. A high-level project budget for by project component and UNEP budget lines is provided in Appendix 1 to the ProDoc. A high-level project budget by funding source for secured and unsecured funds was also provided in Appendix 2 of the ProDoc. Budget revisions made in 2014 (revision 1), 2015 (revision 2), 2016 (revision 4), and 2018 (proposed revision 6) were provided to the evaluation consultant. The third revision, fifth revision and final version of the sixth revision were not provided. Beyond the detailed project budget provided in relation to the ProDoc budget, no detailed project budget by output/outcome was provided for secured funds in the NCE period.

121. The initial project cooperation agreement (PCA) between UNEP and MoEFCC was provided (PCA/2011/013), as well as the first, second, third and fifth amendments to the PCA. The fourth amendment was not provided. The 5th cash advance statement relating to the PCA was provided to the evaluation consultant, which covered cash requirements to 30 June 2017. It notes the dates of prior cash advances and the sums involved. This is the most recent statement, as financial issues must be resolved before the final transfer is made.

122. A fund transfer request from the NBA to UNEP to transfer \$122,950 to UNU-IAS to carry out work under the project was provided (11 December 2015, File No 13/44/12-13). The

tripartite SSFA between UNEP, MoEFCC and UNEP formalizing this arrangement was provided (SSFA/DEPI/BD/2015/10), as well as the two subsequent amendments. The final cash advance statement for the SSFA was provided to the evaluation consultant, which notes the dates of prior cash advances and the sums involved.

123. Disbursement (funds transfer) documents from GEF to UNEP were not provided to the evaluation consultant. A project expenditure sheet was provided up to 30 June 2019, which included information on the cash co-financing provided by the Government of India and cumulative expenditures. A report of delivery of in-kind contributions by UNU-IAS to February 2015 was provided to the evaluation consultant as part of the UNU-IAS proposal on research and capacity building activities under the India ABS Project. No other proof or reports were provided of in-kind contributions by project partners.

124. Financial reports from the NBA to UNEP were provided for FY 11-12, 12-13, 13-14. No financial reports were provided for FY 14-15, 15-16, 16-17, 17-18, or 18-19. Quarterly expenditure statements from UNU-IAS were provided for quarter 3 (1 July– 30 September), and quarter 4 (1 October – 31 December) of 2017. No quarterly statements were provided for quarters 3 and 4 of 2016, or quarters 1 and 2 of 2017.

125. Audit reports were provided to the evaluation consultant for FY 11-12, FY 12-13, FY 13-14, FY 15-16, FY 16-17 and FY 17-18. No audit reports were provided for FY 2014-2015 or FY 2018-2019. Management responses to the audit reports appeared to not be required for the years provided, as no anomalies in spending were identified by the auditors.

126. However, at the end of 2018, the executing agency reported an accrued total of over US\$ 120,000 in interest generated on the GEF grant. This is typically not possible, as current accounts and quarterly advance/expenditure periods used on GEF projects do not enable such significant gains. It is unclear how or why this interest was generated on the GEF funds.

127. Furthermore, the Task Manager indicated that revised versions of the same QER or annual budgets modified the same budget items, which is an indication that the records behind these statements were apparently not fixed or final. This brings into question the adequacy and accuracy of the documents provided by the executing agency to UNEP despite the audit reports.

The rating for completeness of project financial information is moderately unsatisfactory.

5.5.2 Communication Between Finance and Project Management Staff

128. The documents provided to the evaluation consultant showing communication between UNEP finance and task managers are almost non-existent. Some e-mail correspondence between the third TM and PMU was provided, showing the TM's awareness of the financial status of the project. Interviews with the second and third TMs indicated that they were strongly aware of the financial status of the project, and that they were proactive in raising and resolving financial issues. Based on these interviews, it also appears that the TMs were responsive and adaptive in managing the project given the quality of the information provided.

129. As noted in paragraphs 126 and 127, it appears that the financial progress reports provided by the executing agency were of low quality and not entirely reliable. The final TM noted that the PMU took decisions or assumed they could change budgets, expenditures or request advance funds without first requesting a review and approval of changes by the UNEP TM and FMO. The final TM also noted that the PMU did not adequately recognize UNEP's

fiduciary role, and assumed wrongly on several occasions that a formal letter by the GoI would be able to override UNEP's role in oversight, reconsideration, or rejection of modifications to the budget. Due to lack of financial transparency between the executing agency and UNEP, TMs were unable to exercise adequate financial oversight. However, the technical progress reports provided to the evaluation consultant were of sufficient quality for informed decision-making by the FMO

130. Email exchanges that demonstrate joint decision making between the UNEP TMs and FMOs were not provided for the project's technical implementation period. An interview was conducted with both the second and third task managers, which indicated that communication did take place. Information was not provided on whether all narrative and financial reports were reviewed by both TMs and FMOs prior to submission, or if the technical and financial reports were reviewed separately.

131. One major shortcoming in gathering information on communication between TMs and FMOs is the turnover in personnel during the project period. There were three TMs overseeing the project from 2011-2019, and a number of FMOs. This made it challenging for the final TM and FMO to provide documentary evidence of all communications between TMs and FMOs over the course of project implementation.

The rating for communication between finance and project management staff is moderately satisfactory.

Overall Rating for Financial Management

Table 5: Overall Rating for Financial Management

| Financial management components: | | Rating | Evidence/ Comments |
|---|--|---------|---|
| 1. Completeness of project financial information: | | | |
| Provision of key documents to the evaluator (based on the responses to A-G below) | | MU | |
| A. | Co-financing and Project Cost's tables at design (by budget lines) | Yes | Contained in ProDoc. |
| B. | Revisions to the budget | Partial | Several revisions to the budget were not provided. |
| C. | All relevant project legal agreements (e.g. SSFA, PCA, ICA) | Yes | PCA and amendments provided; SSFA and amendments provided. |
| D. | Proof of fund transfers | Partial | 5 th cash advance statement for PCA provided (final transfer TBD). Final cash advance statement |

| Financial management components: | | Rating | Evidence/ Comments |
|--|---|---------|---|
| | | | under SSFA provided. Other proof of fund transfers not provided. |
| E. | Proof of co-financing (cash and in-kind) | Partial | Proof of cash and in-kind co-financing from the Government of India was provided. Proof of nearly all other in-kind financing was not provided. GEF Secretariat does not request proof or audit of co-finance, which means that this information is not systematically collected. |
| F. | A summary report on the project's expenditures during the life of the project (by budget lines, project components and/or annual level) | Partial | Quarterly expenditure statement provided for Q2 2019. Final statement not provided. |
| G. | Copies of any completed audits and management responses | Partial | High level audit reports were provided, confirming that there were no spending anomalies, but several were missing. |
| Any gaps in terms of financial information that could be indicative of shortcomings in the project's compliance with the UN Environment or donor rules | | Yes | Although several audit reports were not provided, spending discrepancies were not noted in other financial or oversight documents provided to the |

| Financial management components: | Rating | Evidence/ Comments |
|--|--------|--|
| | | evaluation consultant. However, the interview with the third TM revealed that the PMU was not transparent with UNEP on finance and administration, and took decisions or assumed they could change budgets, expenditures or request advance funds without review and approval by UNEP TM and FMO. In consequence, UNEP's fiduciary role was not respected. |
| Project Manager, Task Manager and Fund Management Officer responsiveness to financial requests during the evaluation process | S | PM, TM and FMO were generally responsive to financial requests. |
| 2. Communication between finance and project management staff | MS | Limited evidence of communication provided, interviews with TMs confirmed that there was communication . |
| Project Manager and/or Task Manager's level of awareness of the project's financial status. ⁶⁵ | MS | Evidence that the second and third TMs were aware of the financial status of the project. |

⁶⁵ There were three task managers for this project, and score reflects the awareness of the second and third task managers. The first task manager has retired and is not available to interview.

| Financial management components: | Rating | Evidence/ Comments |
|--|--------|--|
| Fund Management Officer's knowledge of project progress/status when disbursements are done. | MS | No evidence provided, indirect information provided by interview with TMs |
| Level of addressing and resolving financial management issues among Fund Management Officer and Project Manager/Task Manager. | MS | No evidence provided, indirect information provided by interviews with TMs |
| Contact/communication between by Fund Management Officer, Project Manager/Task Manager during the preparation of financial and progress reports. | MS | No evidence provided, indirect information provided by interviews with TMs |
| Overall rating | MU | |

The overall rating for financial management is moderately unsatisfactory.

5.6 Efficiency

132. The project built on the initial steps that some of the participating SBBs had already taken to begin implementing ABS. It also built on skills and knowledge held by existing institutions at national and state levels that would participate in the project and provide in-kind funding (e.g. BSI and ZSI). The project also aimed to maximize efficiency by identifying multilateral agencies other than UNEP that would provide in-kind support (e.g. the Access and Benefit-Sharing Capacity Development Initiative, UNDP, UNU-IAS). Since the project emphasized inter-agency coordination and collaboration, it was expected that duplication of efforts would be avoided, thus increasing cost effectiveness. As discussed in paragraph 73, no evidence was provided on synergies being generated with the two concurrent UNDP projects other than through UNDP's participation in meetings of the PSC. There is greater evidence of coordination with the Access and Benefit-Sharing Initiative and UNU-IAS, as noted in paragraphs 75-76.

133. Over time, both national and state levels, government institutions extended the support necessary to implement project activities. The project was able to use existing infrastructure where available, and existing human resources where the skill sets were available. The project also followed procurement procedures that aimed to assure that it receives the maximum possible value for use of project funds. However, secured funding appears to have taken longer than expected to mobilize. Furthermore, evidence of in-kind contributions by most project partners is missing. This information is not required by the GEF Secretariat, and this seems to have led to a lack of tracking of partner commitments that were made at the project formulation stage (e.g. US\$ 1,000,000 in-kind contribution from UNDP, which the evaluator would have expected to have visible results).

134. However, timeliness is also a dimension of efficiency, and lack of timeliness in delivering outputs was a serious issue for this project. There were five no-cost extensions to the project (with the final extension made to accommodate the TE) due to serious delays in implementation. The logical inference from this lack of timeliness is that implementation was not efficient, that the project as designed was overambitious, or both. As noted below (paras 153-155), the executing agency's preparation and readiness during the inception phase of the process was unsatisfactory. The PIR for FY 2012 notes that although the project was launched in August 2011, the PMU was not established until April 2012 and the recruitment process for the PM was only completed in August 2012, one year after the launch of the project. The PIR for FY 2012 also noted that SPUs were still being established by the SBBs in the project states. For the five initial project states, a SPC was only hired in Gujarat, Himachal Pradesh, and West Bengal in 2013, in Sikkim in 2014, and in Andhra Pradesh in 2015 – after the end of the initial project period.

135. However, the project was able to increase its efficiency from 2015 onward, as it was able to replicate lessons learned from the five initial project states in the five new project states. The evidence shows that most of the recommendations from the MTE were taken into account. First, a focus was placed on the improving the quality and potential for sustainability of BMCs in the 10 project states, rather than on increasing the quantity (the number of BMCs constituted in the project states ranges from 20-53). This led to improvements in project performance, as it was able to maximize the use of technical, financial and human resources. Second, it was noted that both cash and non-cash benefits are emphasized in information dissemination and training activities, but there is no evidence that a greater emphasis was placed on non-monetary benefits in practice. Third, investments in translation were continued and scaled up, leading to real gains in project performance at the state and local levels due to the availability of tools and guidelines in local languages.

136. As indicated in the numerous orders of the National Green Tribunal in the case of *Chandra Bhal Singh Vs. Union of India & Ors*, on the obligation to constitute BMCs in all states and establish PBRs, delays in project execution have had negative impacts on at least one group of stakeholders (local communities) in project states. As noted in the order of 9 August 2019, "non establishment of BMCs and absence of PBRs deprives the local community of the advantage of the biological resources."⁶⁶

137. Information was not provided on how project management minimized UNEP's environmental footprint.

Due to the four technical no-cost extensions and the negative impact on at least one stakeholder group resulting therefrom, the rating for efficiency is unsatisfactory.

5.7 Monitoring and Reporting

5.7.1 Monitoring Design and Budgeting

138. As noted in the MTE, the ProDoc proposed to adhere to all GEF and UNEP requirements for monitoring and evaluation (M&E). It included a costed M&E plan and a summary of reporting requirements and responsibilities. The project results framework annexed to the ProDoc identified assumptions and included indicators at the level of the project objective and outcomes. The costed M&E plan in the project document provided for all regular reporting to

⁶⁶ *Chandra Bhal Singh v. Union of India & Ors*, OA No. 347/2016, (IA No. 471/2019), para 10.

UNEP and GEF as well as for PSC meetings, regular technical monitoring missions by the PMU, annual audits, and mid-term and terminal evaluations.

139. The MTE also noted that the budget in the ProDoc allocated US\$ 245,000 for M&E: US\$ 215,000 from GEF funds and US\$ 30,000 from GoI in-kind co-financing. The costed M&E plan annexed to the ProDoc indicated that M&E would cost a total of US\$ 531,000 – US\$ 215,000 from GEF funds and US\$ 316,000 from NBA funds. There was no indication of NBA co-financing in the ProDoc and no other mention of an in-kind contribution from NBA anywhere else in the ProDoc. According to the budget, GEF funds would be used for field surveys and project staff travel; the inception meeting and PSC meetings; audit; and the MTE and TE.

140. The original costed M&E plan provided for the same activities and covered project reporting as well. The total indicative cost for reporting, according to the M&E plan, was US\$ 16,000, which would be assumed by NBA. The costed M&E plan was revised when the budget was revised. The revised M&E plan covered the same activities as the original M&E plan and reduced the indicative cost to US\$ 406,882: US\$ 192,410 from GEF and US\$ 214,472 from the NBA. The revised budget allocated US\$ 162,096 of GEF funds for M&E. There was no documented explanation for the US\$ 30,314 difference between the revised costed M&E plan and the revised budget.

141. The estimated total cost of M&E in the revised project budget corresponded to 2.5% of the total project costs, which was in line with the recommendation made in the 2008 UNEP Evaluation Manual that for projects with a total budget greater than US\$ 4,000,000, indicative evaluation costs should be less than 3.5% of the total project budget.

142. The ProDoc notes that “The M&E plan will be reviewed and revised as necessary during the project inception workshop to ensure project stakeholders understand their roles and responsibilities vis-à-vis project monitoring and evaluation. Indicators and their means of verification may also be fine-tuned at the inception workshop.” Yet, a revised plan was not provided to the evaluation consultant, nor mentioned in the PIR FY12. The project inception workshop report indicates that the M&E plan was presented to participants, but that no changes were made.⁶⁷

The overall rating on M&E design and budgeting at this time is unsatisfactory. At project launch/mobilisation the monitoring plan covered only the indicators in the logical framework. Information on how, how frequently, and by whom data would be collected was not provided.

5.7.2 Monitoring of Project Implementation

143. The ProDoc notes that project supervision would take an adaptive management approach, and that a project supervision plan would be developed at the inception of the project that would be communicated to project partners during the inception workshop. Although this supervision plan reportedly exists, the evaluation consultant was not provided with this plan.

144. The PSC was constituted by order of the MoEFCC on 1 July 2011. The order establishing the PSC noted that it would meet twice a year to, among others, hold periodic

⁶⁷ NBA, “Inception Report: Strengthening the Implementation of the Biological Diversity Act & Rules with Focus on its Access and Benefit Sharing Provisions”, 23-24 August 2011, 17. Online: <http://nbaindia.org/unep-gef/docu/11/01/2.pdf>.

reviews and provide oversight. PSC meetings were held in January 2013, December 2013, June 2014, February 2015, October 2015, December 2016, January 2018 and September 2018.

145. One report for a supervision mission was provided to the evaluation consultant (17-19 September 2018 involving attendance in the PSC meeting). Detailed activity plans were only provided for July 2015-June 2016, January-December 2017, and January-December 2018. Technical project reports were not provided to the evaluation consultant or to UNEP. Management memos, minutes and correspondence relevant to the effective delivery of the project were not provided. Although there are likely more progress reports, mission reports and related records, the fact that UNEP had to change the TM on three occasions negatively affected the keeping and transfer of such records.

146. Based on interviews with the second and third TMs, the continuous monitoring of implementation took place through the annual PIR documents, regular email correspondence and occasional Skype calls by the UNEP TM with the PMU/Project Coordinator on budgets, no-cost extensions, and expense reports. This monitoring system supported an adaptive and results-based management approach, but due to shortcomings in execution, the project did not remain on-course in achieving results.

The rating for monitoring of project implementation is moderately satisfactory.

5.7.3 Project Reporting

147. According to the ProDoc, the PSC was to receive half yearly reports on progress. The evaluation consultant was not provided with any half-yearly reports prior to July 2016. Half yearly project reports were only provided for July-December 2016, January-June 2017, June-December 2017, July-December 2018, and January-June 2019. PIR were provided for each fiscal year of project implementation (FY12, FY13, FY14, FY 15, FY16, FY17, FY18, FY19). A final report from UNU-IAS in relation to its work under the SSFA was provided.

148. Evidence was not provided on collaboration and communication with appropriate UNEP colleagues, such as the UNEP Law Division. The data as reported is not disaggregated by vulnerable/marginalized groups, including gender. The data provided for donor reporting in some parts of the PIRs is often minimal, and there is inconsistency between reported progress in the PIR and available evidence. The ratings for percentage complete of different outputs activities often seem arbitrary and not reflective of progress.

Based on the evidence at hand, the current rating for project reporting is moderately unsatisfactory.

Overall Rating for Monitoring and Reporting

The overall rating for monitoring and reporting is moderately unsatisfactory.

5.8 Sustainability

5.8.1 Socio-political Sustainability

149. Although the ProDoc did not mention risks relating to socio-political sustainability, social and political factors support the continuation and further development of direct project outcomes. The conservation and sustainable use of biodiversity remains a social and political priority in India due to the direct dependence of large parts of the population on biodiversity

(see paragraphs 67-71). The sustainability of project outcomes has a moderate degree of dependency on social/political factors but, based on discussions during the evaluation mission, the level of ownership, interest and commitment among government and other stakeholders – including from local communities in project states – to take the project achievements forwards is strong. Individual capacity development efforts are likely to be sustained, as the project did focus on raising awareness of the BD Act and ABS at the grassroots level (see paragraphs 108-110).

The rating for socio-political sustainability is likely.

5.8.2 Financial Sustainability

150. The project document did not address the issue of funding, from any source, to sustain project outcomes. Ongoing funding from the national government for the NBA, and from state governments for their SBBs, is required to maintain functioning institutions. It appears that such funding will continue. However, financial sustainability at the local level is not assured. After the project ends many BMCs will need to rely solely on sums in LBFs resulting from benefit-sharing from the use of biodiversity to fund their operations, as they are not associated with permanent local institutions. As benefit-sharing is not operating smoothly in all project states, this makes the sustainability of local interventions less likely. Although a second project phase has been discussed, no future funding has yet been applied for or obtained. Deriving continued benefits from the direct project outcomes is highly dependent on future funding for institutions, but it appears that future funding for national and state level institutions is forthcoming.

The rating for financial sustainability is moderately likely.

5.8.3 Institutional Sustainability

151. The institutional frameworks and governance systems (laws, policies and administrative arrangements) implemented by the project at the national and state levels are sufficient to ensure the sustainability of project outcomes at those levels. A regulatory framework has been adopted for ABS at the national level (the 2014 ABS Regulations), SBBs have been established in all ten project states, and state biodiversity rules have been adopted in nine of the ten project states (the State Rules for Himachal Pradesh were drafted and are before the State Cabinet). Based on discussions during the terminal evaluation mission, it appears that institutional capacity development efforts at the national and state level are likely to be sustained despite staff turnover, as new staff can be trained using the knowledge products developed under the India ABS Project. However, it is only moderately likely that the institutional arrangements established at the local level will be sustained over the long term, as many BMCs are not embedded in local institutional structures. Discussions during the evaluation mission indicated that SBBs will continue providing direct support to BMCs in the post-project period to ensure the ongoing functioning of BMCs.

152. One issue of concern is that evidence was not provided showing that Recommendation 1 from the MTE was followed during the project phase – namely the development of a written strategy for the post-project period for sustaining the project outputs and outcomes with specific indications of commitments and limitations on the part of the NBA and all SBBs participating in the project. It is noted in the MTE Recommendation Implementation Plan that the expected completion date for the strategy is “At various stages of the project and beyond project period”, but such a strategy was not provided to the evaluation consultant.

The rating for institutional sustainability is likely.

Overall Rating for Sustainability

The overall rating for sustainability is moderately likely.

5.9 Factors Affecting Performance

5.9.1 Preparation and readiness

153. The evidence provided shows that preparation and readiness during the inception period (the time between project approval and the first disbursement) was lacking. The GEF approval date for the project was March 2011, UNEP approval date was May 2011 and the first disbursement was made in June 2011 (3 months). The inception meeting was not held until 23-24 August 2011 and the report was not published until December 2011.⁶⁸ The state-level inception meetings were held on 11 November 2011 (Andhra Pradesh), 1 December 2011 (West Bengal), 7 February 2012 (Gujarat), 3 July 2012 (Himachal Pradesh) and 8 December 2012 (Sikkim).⁶⁹ Stakeholders were engaged through participation in these meetings.

154. The PMU was established in 2012 and, due to challenges in finding a suitable candidate, recruitment for the National Project Manager was only completed in August 2012 - over one year after the first disbursement was made. Although a steering committee was established with good representation, the first PSC meeting did not take place until 22 January 2013, twenty-two months after project approval.

155. The following documents were not provided to the evaluation consultant: 1) an annual costed workplan developed during the inception period, 2) procurement plans, 3) signed legal and financial documents with partners, 4) a comprehensive and relevant stakeholder evaluation, and, 5) an environmental, social and economic safeguards assessment.

The overall rating for preparation and readiness is unsatisfactory.

5.9.2 Quality of project management and supervision

156. Based on the evidence provided, the project management performance of the executing agency and the technical backstopping and supervision provided by UNEP were lacking. As noted in paragraph 143, although an adaptive management approach was put forward in the ProDoc, a project supervision plan was not provided to the evaluation consultant.

157. Interviews with the second and third TMs demonstrated that adaptive management techniques were applied (see para 146), with the UNEP TM responding to execution challenges and contextual challenges, and providing regular and relevant advice by TMs to deal with known problems and challenges. Four no-cost extensions were agreed upon by UNEP in order to adapt to challenges on the ground. Based on the evaluation mission, PSC reports, and interviews with the second and third TMs and the PM, it appears that the working relationship appears to have been largely constructive despite repeated challenges in project implementation.

⁶⁸ NBA, "Inception Report: Strengthening the Implementation of the Biological Diversity Act & Rules with Focus on its Access and Benefit Sharing Provisions", supra.

⁶⁹ Ibid, 139.

158. As noted in paragraph 144, the PSC was first convened in 2013 – one year and a half after the project was initiated. Despite being required to meet at least once a year, it did not meet at all in 2011, 2012 or 2017. However, when the PSC did meet, the evidence provided for shows that it functioned well, with relevant content discussed, decisions reached, and the majority of designated members were regularly in attendance. The meeting reports also show that the NBA showed leadership in striving towards achievement of the planned project outcomes despite a sometimes challenging administrative environment at state levels.

159. From discussions during the country mission, all staff had sufficient capacity that was aligned with project requirements. One reason for delay in the project was due to locating these technically qualified staff at the national and state levels. Given the significant devolution of project implementation responsibilities to state project units, project staff were located effectively for efficient project implementation. Discussions during the country visit also suggested that staff turnover handover processes and information exchanges at the national and state levels were not an issue, but documentary evidence is not available to support this claim.

160. Interviews with the second and third TMs demonstrate that staff turnover at UNEP was associated with ad hoc but supportive handover processes where information was exchanged between outgoing and incoming staff. The transition between the first and second TM was done over a six-month period where both TMs were located in Nairobi and the new TM could seek information from the former TM before he retired when challenges were faced. The second handover process was more challenging, as the incoming TM was based in Bangkok. The second TM compiled project documents to transfer to the third TM through a shared folder, but due to the e-mail software that UNEP was using, not all project e-mails could be forwarded. The second TM selected priority e-mails to forward to the third TM, and offered to provide ongoing support when needed.

161. Where financial shortfalls were an issue, funds were re-prioritized and moved to meet implementation and accountability requirements. One such example is the reallocation of funds to UNU-IAS (US\$ 122,950) to help achieve project implementation requirements relating to research and capacity development.

The rating for quality of project management and supervision is moderately satisfactory.

5.9.3 Stakeholder participation and cooperation

162. The project was effective in ensuring stakeholder participation and cooperation in implementation. As noted in table 1, a strong analysis was carried out of stakeholder groups in the ProDoc. Strong efforts, with mixed effectiveness (e.g. in regards to the private sector – see paragraph 114), were made by the Project Team to promote stakeholder ownership of the outcomes of the project.

163. The project had strong and effective, but sometimes irregular (especially in the early project phase) consultation and communication with stakeholder groups during the life of the project. Strong support was given to collaboration and collective action between stakeholder group, particularly in exchanging learning and expertise between SBBs and between BMCs. Evidence also exists of collaboration with UNU-IAS and the Norway bilateral cooperation project (see paragraphs 76 and 77). However, evidence was not provided showing that plans were shared with UNDP, that resources were pooled with them, or that learning and experience was shared (see paragraph 73) beyond their participation in meetings of the PSC. This is also the case with several of the activities undertaken by the ABS Capacity Development Initiative in India (see paragraph 75).

164. The project addressed the environmental, social and environmental impacts of the degradation of biodiversity by aiming at improving environmental quality and the socio-economic status of the tribal and rural populations organized in BMCs. ABS is linked to poverty alleviation and the generation of livelihoods, and this was considered and addressed well in the project. BMCs must be constituted with female and tribal/scheduled caste representation, which aims to ensure equity of opportunities and the achievement of human rights to development and access to natural resources.

The rating for stakeholders participation and cooperation is moderately satisfactory.

5.9.4 Responsiveness to human rights and gender equity

165. The project was designed to be responsive to the needs of tribal and rural populations in India. The ProDoc mentions the need to generate greater benefits from biodiversity for tribal and rural populations, recognizing that they live in close relation to natural systems. It also makes reference to the socio-economic challenges faced by forest dwellers and tribal communities due to natural resource depletion, and the loss of traditional knowledge resulting from the degradation of biological resources. The ProDoc further notes that the inclusion of natural resource-dependent tribal and marginalized population, particularly women, in the planning and decision-making process is a vital element of the project's strategy. The BD Rules require BMCs to be constituted in a way that includes women and marginalized groups (A BMC must consist of a Chairperson and not more than six persons of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled Tribes). In dedicating significant attention to establishing BMCs, building their capacity, and developing PBRs, the project had a positive impact on empowering disadvantaged groups through BMCs.

166. The UNEP MTS 2010-2013 stated that UNEP is committed to the integration of gender equality and equity in all its projects, and that this commitment extends to work that UNEP undertakes with its partners.⁷⁰ It also stated that the full implementation of UNEP Governing Council decision 23/11 on gender equality and the environment, and the draft UNEP gender policy and gender plan of action, would be needed to ensure that the MTS was implemented in the gender responsive manner.⁷¹ To do so, UNEP committed to strengthening the capacities of its partners with regards to gender issues and analysis to ensure that UNEP supports gender responsive environmental management. This would entail continuous support to build strategic alliances with external partners.⁷²

167. The evidence shows that gender was partially mainstreamed in the project.⁷³ Women are mentioned in the context section of the ProDoc as members of BMCs,⁷⁴ and that the inclusion of natural resource-dependent tribal and marginalized populations, particularly women, in the ABS decision-making process is a critical and vital element of the project's strategy.⁷⁵ In regards to social safeguards, the ProDoc states that the "project is highly positive and productive as it addresses the rural and tribal communities in particular by providing multiple livelihoods and opportunities for the marginalized (poor, women and children and youth). It is very responsive in adequately addressing gender dimensions by enhancing access and equitable sharing of benefits from biodiversity as well as livelihoods."⁷⁶

⁷⁰ UNEP MTS 2010-2013, para 98.

⁷¹ Ibid, para 99.

⁷² Ibid.

⁷³ The score for UNEP Gender Scoring is 1.

⁷⁴ India ABS Project ProDoc, para 60

⁷⁵ Ibid, para 61.

⁷⁶ Ibid, para 143.

Women's groups are mentioned in the objectives and outcomes/output column of the project results framework under Component 6 (increasing public awareness and education programmes).⁷⁷ Gender is not mentioned in the project budget.

The rating for responsiveness to human rights and gender equity is satisfactory

5.9.5 Country ownership and driven-ness

168. National, state and local government and public sector agencies were strongly engaged in the project. Collaboration between agencies at all levels was necessary to generate forward momentum on the moving forwards from outputs to direct outcomes, and moving forward from direct outcomes towards intermediate states.

169. Government and public sector agencies were involved in project execution and technical support groups, particularly at the state level, and official representatives of the MoEFCC remained involved throughout the project period through PSC and coordination meetings, as well as oversight meetings and visits to project sites. This will help ensure that ABS remains embedded in the institution, and linked to its other responsibilities and work areas (e.g. forest management, protected areas).

170. National and state ministries were also involved in implementing the project through participation in meetings of expert and advisory committees, focus groups, dialogues, and interactive meetings. Government institutions remain engaged in implementing ABS in India over the long term, providing continued support to the project outcomes. The 8th meeting of the PSC indicated that the NBA would organise Ministerial consultations on the ABS mechanism at the national level involving different Ministries and stakeholders in December 2018, but the calendar of events does not indicate that this took place. However, it was noted in the minutes of the 8th meeting of the PSC that consultations with relevant line ministries were taking place at the State level.

171. The interests of gendered and marginalized groups remain at the fore, as enabling ABS through BMCs will continue to promote local development that provides livelihoods for women and tribal and rural communities.

172. The evidence demonstrates that the government agencies and public sector agencies that are essential for moving to outputs and direct outcomes to intermediate states took a leadership role in the strategic guidance of project delivery, securing additional resources for continued implementation after the project period, endorsing the project's results, and advocating for change to achieve higher level results.

The rating for country ownership and driven-ness is satisfactory

5.9.6 Communication and public awareness

173. The India ABS Project contained a specific component on communication and public awareness (Component 6 - see paragraphs 99-102 for further information). Learning and experience arising from the project during its implementation was broadly shared between project partners and interested groups both through direct (PSC, workshops, information-

⁷⁷ Ibid, 77.

sharing meetings and capacity building activities) and indirect means (e.g. the project website set up in order to provide information on the project and its outputs).⁷⁸

174. Public awareness activities were undertaken during the project implementation period to influence public attitudes towards ABS (e.g. radio jingles, radio and television interviews, newspaper articles – see paragraph 101). These existing communication channels were used to reach a broad audience, particularly in the case of radio – which can reach marginalized groups more effectively than communication through the mediums of television or newspapers. Wider communities such as the academic community and private sector were also involved through targeted awareness raising and engagement activities (see paragraphs 100 and 101). Feedback channels were established, particularly through engagement activities with the private sector (see paragraph 100).

175. The information and documents developed through the project will continue to be available through the NBA website, which is institutionally and financially sustainable as it exists independently of the project.

The rating for communication and public awareness is satisfactory.

⁷⁸ Online: <http://nbaindia.org/unep-gef/>

6. Conclusions and Recommendations

6.1 Conclusions

176. Based on the relative weights allocated to evaluation criteria, the overall rating for the India ABS project is moderately satisfactory. Despite this, the India ABS Project did have a number of strong points. Firstly, the project was very strategically relevant. As noted in paragraphs 58 and 59, it was aligned with the UNEP MTS 2010-2013 and POW 2010-2011. As elaborated upon in paragraphs 60, 61, and 62, it was also aligned with the strategic priorities laid out in the UNEP BSP/South-South Cooperation, and GEF-4. Paragraphs 63-72 describe how the project is relevant to environmental priorities at the regional, sub-regional and national levels.

177. The India ABS Project was designed to be complementary to existing interventions, but the evidence provided does not allow for an assessment of how successful the project was in achieving synergies across the board. Evidence is presented on synergies with the UNU-IAS project in paragraph 76, and the India-Norway bilateral cooperation project in paragraph 77. Lack of synergy is demonstrated with ABS Capacity Development Initiative interventions in paragraph 75. Evidence was not provided on synergies realized with other UNEP ABS projects, national UNDP projects, or the JBA project on ABS with India.

178. The India ABS Project was moderately effective overall, despite problems with the timeliness of execution. The impact aimed for is likely to be attained as direct outcomes were satisfactorily achieved. This includes success in identifying and recording knowledge of biodiversity through communities in the 10 project states, contributing to and collaborating with other initiatives on ABS globally, and contributing to a measurable improvement of the governance of biodiversity in India. The intervention is also moderately likely to be sustainable from an institutional, socio-political and financial point of view. This is, in part, because the project was able to enhance the legal and institutional framework of India to integrate ABS into the BD Act. It is also due to the integration of recommendations from the MTE into the project and gains achieved in project performance as a result.

179. The quality of project design was also moderately satisfactory, with highly satisfactory proposed governance and supervision arrangements; highly satisfactory strategic relevance; a satisfactory learning, communication and outreach approach; satisfactory project preparation; satisfactory financial planning and budgeting; and, moderately satisfactory sustainability/replication. Human rights and gender dimensions of the intervention were also considered in the project design. The ProDoc does mention the need to generate greater benefits from biodiversity for tribal and rural populations, recognizing that they live in close relation to natural systems. It also makes reference to the socio-economic challenges faced by forest dwellers and tribal communities due to natural resource depletion, and the loss of traditional knowledge resulting from the degradation of biological resources. The ProDoc further notes that the inclusion of natural resource-dependent tribal and marginalized population, particularly women, in the planning and decision-making process is a vital element of the project's strategy. The BD Rules require BMCs to be constituted in a way that includes women and marginalized groups (A BMC must consist of a Chairperson and not more than six persons of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled Tribes). In dedicating significant attention to establishing BMCs and building their capacity, the project had a positive impact on empowering disadvantaged groups through BMCs.

180. The delivery of outputs was satisfactory, but timeliness was an issue. Based on the evidence presented, in some cases insufficient attention was paid to linking project activities with project outputs. Issues with timeliness were, in part, driven by a lack of preparation/readiness on the executing agency's part, and an overly ambitious project. This compromised the project's efficiency. As insufficient documentation was provided to the evaluation consultant, the project rated moderately unsatisfactorily on financial management and monitoring and reporting.

181. In response to Key Strategic Question 1 (To what extent was the project able to incorporate lessons learned and recommendations from the India-UNDP project "Strengthening Institutional Structures to Implement the Biological Diversity Act" into this project? And were any synergies realised?) the evidence does not show that the India ABS Project was able to incorporate lessons learned and recommendations from the India-UNDP project on "Strengthening Institutional Structures to Implement the Biological Diversity Act", or that synergies were realised between the two projects (see paragraph 73 for more details).

182. In response to Key Strategic Question 2 (To what extent were recommendations from the MTE incorporated into the project and were any gains achieved in project performance as a result of the implementations of these recommendations?), recommendations from the MTE were incorporated into the project to a certain extent. In regards to MTE Recommendation 1 (Produce a written strategy for sustaining the project's outputs and outcomes with specific indications of commitments and limitations on the part of the NBA and all participating SBBs), no evidence was presented to show that a written strategy has been produced on the part of the NBA and all SBBs participating in the project for the post-project period. In regards to MTE Recommendation 2 (focus on quality and potential for sustainability, rather than quantity, in the context of creating BMCs), the evidence shows that a reasonable number of biodiversity management committees have been established in project states. The number of BMCs constituted in the project states by the project ranges from 20-53, which may or may not be financially sustainable if they are only reliant on funding from ABS agreements. In regards to MTE Recommendation 3 (De-emphasize cash and focus more on in-kind benefits), it appears at first glance that cash benefits are still being prioritized, and communities are still maximizing income from biological resources in an unsustainable way. In regards to MTE Recommendation 4 (Continue and increase investments in translation), the evidence shows significant progress in translating project outputs into local languages, and that real gains were achieved in project performance as a result of the implementation of this final recommendation.

183. In response to Key Strategic Question 3 (To what extent was the project able to enhance legal and institutional framework of India to integrate access and benefit sharing mechanism into Biological Diversity Act?), the project was able to significantly enhance the legal and institutional framework of India to integrate access and benefit sharing mechanism into Biological Diversity Act. New guidelines on access and benefit-sharing were adopted in 2014 and are now being implemented (see paragraph 87 for more information).

184. In response to Key Strategic Question 4 (To what extent was the project able to identify and record knowledge of biodiversity through communities?), the project made significant progress in identifying and recording knowledge of biodiversity through communities by developing over 200 people's biodiversity registers across the 10 project states (see paragraph 89 for more information). Work remains to be done in building the capacity of BMCs to identify resources, formulate strategies, and conserve and sustainably use biological resources for the benefit of local communities. There is a need to initiate pilot scale studies to start documenting the quantum of bioresources available and traded within their jurisdiction.

185. In response to Key Strategic Question 5 (To what extent was the project able to contribute to and/or collaborate with other initiatives on access and benefit sharing, globally?), the project was able to make valuable contributions to, and collaborate with, other initiatives on ABS both globally and regionally by sharing experiences in international fora such as the Conferences of the Parties to the Convention on Biological Diversity, and engaging in South-South cooperation on ABS (see paragraph 94 for more information).

186. Lastly, in response to Key Strategic Question 6 (To what extent did the project contribute to measurable improvement of the conservation and/or governance of biodiversity, in India?), the project contributed to measurably improving the governance of biodiversity in India by strengthening the institutional capacity of the National Biodiversity Authority, of State Biodiversity Boards in the 10 project states, and of Biodiversity Management Committees in these states. However, biodiversity is still under significant threat in India due to socio-economic factors outside of the project's control. Given freedom of trade across state borders, traceability for the purposes of compliance is very difficult.

Table 6: Summary of Ratings Table

| Criterion | Summary Assessment | Rating |
|---|--|-----------|
| A. Strategic Relevance | The project's objectives were consistent with national needs with respect to ABS. They were also consistent with global, regional and sub-regional priorities. | S |
| <i>1. Alignment to MTS and POW</i> | Although the project's objectives were generally consistent with the MTS 2010-2013 and POW 2010-2011, it appears that the project was not placed in the correct subprogramme (ecosystems management rather than environmental governance). See paragraphs 58 and 59. | S |
| <i>2. Alignment to UNEP/Donor/GEF strategic priorities</i> | The project was very well aligned with UNEP and GEF strategic priorities. See paragraphs 60-62. | HS |
| <i>3. Relevance to regional, sub-regional and national environmental priorities</i> | The project was quite relevant to regional, sub-regional and national environmental priorities. See paragraphs 63-72. | HS |
| <i>4. Complementarity with existing interventions</i> | Although the project document claimed complementarity with a number of other existing interventions, the evidence does not bear this out in the implementation phase. See paragraphs 73-77. | MS |
| B. Quality of Project Design | The quality of project design was moderately satisfactory. See paragraphs 78-82. | MS |
| C. Nature of External Context | There were no external factors significantly affecting project performance during the project period. See paragraph 83. | HF |
| D. Effectiveness | | S |
| <i>1. Delivery of outputs</i> | The planned outputs were delivered, but over a much longer period of time than initially planned for. See paragraphs 84-102. | S |
| <i>2. Achievement of direct outcomes</i> | The project successfully achieved most direct outcomes. See paragraphs 103-110. | S |
| <i>3. Likelihood of impact</i> | Although they were delayed, the project outputs and outcomes are likely to lead to enhanced benefit sharing and biodiversity conservation through better implementation of the ABS provisions of the BD Act. See paragraphs 113-119. | L |
| E. Financial Management | | MU |

| Criterion | Summary Assessment | Rating |
|--|---|---------------|
| <i>1. Completeness of project financial information</i> | The project financial information provided to the evaluation consultant was only partially complete. See paragraphs 120-125 | MU |
| <i>2. Communication between finance and project management staff</i> | Little evidence of communications between finance and project management staff was provided to the evaluation consultant. See paragraph 128. | MS |
| F. Efficiency | The project was not particularly efficient in meeting its objectives. The rating is based on the lack of timeliness in project implementation, as demonstrated by the number of no-cost extensions, and the impact the lack of timeliness had on an important stakeholder group (tribal and local communities). See paragraphs 132-136. | U |
| G. Monitoring and Reporting | | MU |
| <i>1. Monitoring design and budgeting</i> | Although an initial monitoring and evaluation plan was laid out in the project document, no detailed monitoring plan for the project was officially adopted at the inception meeting. The budgeting numbers for M&E were also inconsistent. See paragraphs 138-142. | U |
| <i>2. Monitoring of project implementation</i> | The evidence provided does not demonstrate a fully operational monitoring system that facilitated the timely tracking of results and progress throughout the implementation period. See paragraphs 143-146. | MS |
| <i>3. Project reporting</i> | Annual reports were provided, but many reporting documents were not. The data in the annual reports is not disaggregated, and is sometimes not sufficiently descriptive. See paragraph 148. | MU |
| H. Sustainability | | ML |
| <i>1. Socio-political sustainability</i> | Socio-political sustainability is likely, as there is a social and political commitment to safeguarding biodiversity in India. See paragraph 149. | L |
| <i>2. Financial sustainability</i> | Financial sustainability is moderately likely, as the sustainability of the intervention on the ground depends both on the adequacy of funding for national and state bodies, and the generation of funds for BMCs through ABS agreements. See paragraph 150. | ML |
| <i>3. Institutional sustainability</i> | Institutional sustainability is likely at the national and state levels, as legal instruments have been formally adopted and capacity has been substantially increased. It is less likely at the local levels as BMCs are not always embedded in local institutional structures. See paragraph 151. | L |
| I. Factors Affecting Performance | | |
| <i>1. Preparation and readiness</i> | The executing agency was not well prepared and ready to implement the project. See paragraph 154. | U |
| <i>2. Quality of project management and supervision</i> | From the evidence provided, the project management performance of the executing agency and oversight from UNEP was only moderately satisfactory, leading to missed targets and surprises along the way. See paragraphs 156-161. | MS |
| <i>3. Stakeholders participation and cooperation</i> | Implementation began and was undertaken with a strong analysis of stakeholder groups. Throughout the project, efforts were made to ensure stakeholder participation, cooperation and collaboration. Impacts to key stakeholders were considered to a large extent. | MS |

| Criterion | Summary Assessment | Rating |
|---|--|-----------|
| | Linkages to poverty alleviation or impact on economic livelihoods were considered and addressed. See paragraphs 162-164. | |
| 4. Responsiveness to human rights and gender equity | The project was responsive to the needs of tribal and rural populations in India. Gender was partially mainstreamed in the project. See paragraphs 165-167. | S |
| 5. Country ownership and driven-ness | The project had a strong level of country ownership and driven-ness, with preliminary evidence suggesting that all government ministries/public agencies that are essential for moving from outputs to outcomes have provided strategic guidance to project delivery, endorsed project results, and advocated for change to achieve higher level results. See paragraphs 168-172. | S |
| 6. Communication and public awareness | Most key audiences driving the change were aware of the project's main messages, communication activities and channels were well-targeted, frequent, interactive, well monitored, and adequately financed; communication and public awareness efforts were largely effective in driving change; substantial experience sharing between project partners and other stakeholders took place. See paragraphs 173-175. | S |
| Overall Project Rating | | MS |

6.2 Lessons Learned

187. The evaluation has identified lessons of operational relevance for future project formulation and implementation, especially if a second phase of the project is developed. The lessons are as follows:

| | |
|---------------------------|---|
| Lesson Learned #1: | Implementing access and benefit-sharing requires the implementation of complex legal and institutional measures at different levels, which is particularly challenging in a country as large and diverse as India. This project set out to achieve more than was feasible within the project period and with the amount of funds available. |
| Context/comment: | <p>Although the project succeeded in producing most of its outputs and its outcomes were largely achieved, this did not happen within the period of time initially proposed for project execution. Significant delays in project execution resulted in five no-cost extensions (a near tripling of the project implementation period) as well as financial management issues that are still being resolved.</p> <p>The project was overly ambitious for the period over which it would be executed. This is consistent with the findings of the GEF Biodiversity Focal Area Study undertaken by the GEF Independent Evaluation Office in 2017. Like other GEF projects focused on capacity-building for ABS, the project design for the India ABS Project design was 'overpacked'.⁷⁹ Given that this was a problem common to GEF ABS projects, it is unsurprising that this project faced challenges in meeting the extensive goals set out in the ProDoc.</p> <p>Furthermore, shortcomings in meeting outputs resulted from insufficient alignment between project activities, project outputs and project outcomes. This made it more challenging to achieve what was laid out in the project logframe than otherwise necessary. The lack of a</p> |

⁷⁹ GEF Independent Evaluation Office, *Biodiversity Focal Area Study*, 10 November 2017, GEF/ME/C.53/Inf.03, iv.

| | |
|---------------------------|---|
| | <p>coherent theory of change – which was not required for UNEP projects at the time – likely contributed to this situation.</p> <p>Lastly, although complementarity with other similar interventions was considered at project design, it was not clearly elaborated during the project implementation period. There is limited evidence showing that the project team, in collaboration with Regional Offices and Sub-Programme Coordinators, made efforts to ensure their own intervention was complementary to UNDP and other interventions, optimized any synergies, and avoided duplication of effort.</p> <p>India is a large and complex country, and the time required to initiate activities can be lengthier than in countries with more centralized administrative structures. However, now that more robust administrative structures are in place in the project states through the SBBs, it can be expected that they will be more able to respond to the demands placed upon them in any future project cycle.</p> <p>Any future project on ABS in India should be limited in scope and clearly focused on what can be reasonably achieved in the period of time allocated for the project, and with the limited funds available. Emphasis should also be placed on maximising impact by achieving project outcomes rather than focusing on the number of outputs.</p> |
| Lesson Learned #2: | Building a broad base of capacity at the local level continues to be challenging, and continued progress on implementing access and benefit-sharing locally is necessary to ensure continued engagement. |
| Context/comment: | Some exceptional cases exist at the local level with engaged BMCs, but capacity at the local level remains weak overall. Interest has been raised among communities, but this risks fading away if results are not achieved. This depends on compliance with ABS obligations by the private sector – particularly the domestic private sector - but compliance is poor in a number of important economic sectors that rely on biological resources. |
| Lesson Learned #3: | Experiences gained on implementing ABS in one Party to the Nagoya Protocol can provide valuable information for other Parties |
| Context/comment: | Despite challenges in implementation, the project significantly increased capacity to implement the access and benefit-sharing provisions of the BD Act and Rules at the national and state levels. India is now a global leader in implementing access and benefit-sharing and is sharing its experience in implementing the Nagoya Protocol with other countries and regions, helping to build global capacity through South-South cooperation. As many other Parties to the CBD and Nagoya Protocol are not as advanced as India in terms of implementation, the experience that India brings is highly valued. |

6.3 Recommendations

| | |
|---------------------------|---|
| Recommendation #1: | To ensure the sustainability of the project's achievements, a written strategy should be produced for sustaining the project's outputs and outcomes with specific indications of commitments and limitations on the part of the National Biodiversity Authority and all participating State Biodiversity Boards |
| Context/comment: | State Biodiversity Boards need continued support now that the project has come to an end and many project staff are leaving, or have left, their positions. State Biodiversity Boards are faced with significant obligations in supporting biodiversity management committees, but many have quite limited staff and financial resources. |

| | |
|--|---|
| | <p>The MoEFCC and NBA need to focus on how to continue to provide support to less well-resourced states. A written strategy with clear commitments from the National Biodiversity Authority and all participating State Biodiversity Boards for sustaining the project's outcomes is required.</p> <p>The first recommendation in the 2015 mid-term evaluation indicated that a written strategy for sustaining the project's outputs and outcomes should be produced, including specific indications of commitments and limitations on the part of the NBA and all participating SBBs. does not indicate that it was done by the NBA.</p> |
| Priority Level: | Critical recommendation |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project to implement. |
| Proposed implementation time-frame: | Immediately |
| Recommendation #2: | In order to leverage benefits from access and benefit-sharing for the conservation and sustainable use of biodiversity, capacity should continue to be built from the ground up to implement access and benefit-sharing |
| Context/comment: | <p>Biodiversity Management Committees are the basis for implementation and they need greater technical and financial support. Without this support, the conservation of biodiversity and sustainable use of biological resources will not be achieved.</p> <p>Biodiversity Management Committees should be associated with entities that have resources to endure. These entities could include local governments or other well-established local institutions like universities, schools, temples, and so on. This will reduce the likelihood of work ceasing and capacity fading away if financial benefits from ABS do not promptly materialize. Expectations have been raised by the project and communities may be disappointed to not see tangible results, leading to a loss of interest in engaging in the work of Biodiversity Management Committees and ABS more generally.</p> <p>Many Biodiversity Management Committees still need to be made truly functional, requiring further training for them to formulate strategies, to identify biological resources, and to conserve and sustainably use them for the benefit of their communities. Biodiversity Management Committees must be able to establish the quantum of biological resources available and traded locally to ensure sustainability, benefit-sharing and compliance. New methodologies are needed to address issues facing BMCs in a more methodological, easy to adapt approach.</p> |
| Priority Level: | Critical recommendation |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project to implement. |
| Proposed implementation time-frame: | Ongoing |
| Recommendation #3: | To ensure the sustainability of local interventions, states should ensure that they establish a reasonable number of Biodiversity Management Committees |
| Context/comment: | States across India are obliged to establish Biodiversity Management Committees under the Biodiversity Act and Rules, and the National |

| | |
|--|--|
| | <p>Green Tribunal has issued a ruling requiring that they be established promptly (<i>Chandra Bhal Singh v. Union of India & Ors</i>).</p> <p>Most project states and non-project states have established a manageable number of Biodiversity Management Committees, but some have created an unsustainable number.⁸⁰ Establishing a limited number of Biodiversity Management Committees will ensure that they have adequate resources to function, and that capacity/technical/financial needs do not overwhelm State Biodiversity Boards. This may mean consolidating existing BMCs where possible.</p> <p>In most cases, Biodiversity Management Committees should be established at the tehsil/taluka/subdistrict/block level. Establishing a committee for each gram panchayat or village panchayat is not an effective way to administer the Biological Diversity Act, and it is likely not financially feasible either. This will be important to keep in mind when choosing the means required to respond to the National Green Tribunal's judgment.</p> |
| Priority Level: | Important recommendation |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project. |
| Proposed implementation time-frame: | Immediately (due to the tight timelines found in the ruling of the National Green Tribunal) |
| Recommendation #4: | To avoid budgeting issues, more emphasis should be placed on project oversight (financial management and monitoring and reporting) and transparency between UNEP and the executing agency |
| Context/comment: | <p>This project had distinct shortcomings in relation to financial management and monitoring and reporting.</p> <p>Lack of adequate financial management due to lack of transparency between the NBA and UNEP had consequences in terms of executing the project and closing it in a timely manner due to outstanding financial issues.</p> <p>Limitations in monitoring and reporting prevented the implementation of adaptive management techniques that could have improved the project's effectiveness and efficiency.</p> <p>In any future project phase, greater effort needs to be made to provide stronger project oversight based on transparency, agreed work plans, timely financial allocations, and fixed budget commitments.</p> |
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project. UNEP |
| Proposed implementation time-frame: | During any subsequent project phase |
| Recommendation #5: | To maximize the potential for ABS to play a positive role in the conservation and sustainable use of biodiversity, the private sector should be more closely involved in implementation to ensure adequate benefit-sharing |
| Context/comment: | Significant interstate trade in biological resources makes traceability challenging without the active support of the private sector. Ways to involve the national private sector more closely in implementation are |

⁸⁰ As of 5 May 2020, the NBA's website reports that, of the 28 states listed, only two had under 1,000 BMCs, nine had over 10,000 and one has nearly 60,000.

| | |
|--|--|
| | <p>required, as it appears that some industries are not fully satisfying their legal obligations (particularly the ayurvedic industry). This could be done as part of the process of revising the Access and Benefit-Sharing Guidelines, 2014.</p> <p>Continued awareness raising about legal obligations under the Act is also required. Compliance may also require legal action in cases where companies are unwilling to conform to the law despite being aware of their obligation to do so.</p> <p>Furthermore, there is a need to involve actors in the biotechnology industry given the need to align legal and regulatory frameworks with the realities of research and development and technological advances.</p> |
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the National Biodiversity Authority and State Biodiversity Boards participating in the project to implement. |
| Proposed implementation time-frame: | Ongoing |
| Recommendation #6: | To achieve optimal results, a targeted approach should be adopted in any follow-up project in order to achieve the project's intended results |
| Context/comment: | <p>Any follow-up project must be clearly focused and aim to achieve a reasonable number of objectives. This project's design over-reached, seeking to meet all of the quite significant needs that India had in respect to access and benefit-sharing.</p> <p>A more targeted approach will better serve stakeholders in implementation, while simplifying adherence to timelines, the achievement of targets, and the proper allocation of financial and human resources.</p> <p>Greater attention should be paid to aligning project outcomes, outputs and project activities to ensure the achievement of medium-term outcomes, intermediate states, impacts and the generation of global environmental benefits. A properly elaborated theory of change, which is required in all new UNEP projects, will help in generating this alignment.</p> |
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the Ministry of Environment, Forests and Climate Change/National Biodiversity Authority |
| Proposed implementation time-frame: | During the elaboration of the Global Environment Facility Project Information Form and Project Document for any subsequent project. |
| Recommendation #7: | To increase the accountability of project partners, the GEF Secretariat should require proof of in-kind contributions |
| Context/comment: | <p>It is typical in GEF projects for project partners to pledge in-kind support, and this project is no exception. At the project conception stage, UNDP and UNEP Law Division jointly pledged US\$ 1,400,000 in in-kind contributions.</p> <p>No evidence was provided that such a sizable amount of in-kind contributions was provided. Given that these types of commitments influence the GEF's decision-making when project funding decisions are made, ensuring that project partners are held accountable for these commitments would seem appropriate.</p> <p>Project partners should be monitoring their in-kind contributions, and be able to demonstrate that they contributed the amounts pledged at the closure of the project.</p> |

| | |
|--|--|
| Priority Level | Opportunity for improvement |
| Responsibility: | UNEP TM to pass on the recommendation to the GEF Secretariat |
| Proposed implementation time-frame: | Immediately |

ANNEX I. PEOPLE CONSULTED DURING THE EVALUATION

| Organisation | Name | Position | Gender |
|------------------------|----------------------------------|--|--------|
| UNEP | Max Zieren | Task Manager | M |
| UNEP | Ersin Essen | Former Task Manager | M |
| UNEP | Martin Okun | Finance and Budget Officer | M |
| INDEPENDENT | Patricia Moore | Mid-term Evaluation Consultant | F |
| NBA | Dr. V.B. Mathur | Chairperson | M |
| NBA | Dr Ishwar Poojar | Project Manager, PMU | M |
| NBA | Bairava Kaladharan | Legal Executive, PMU | M |
| NBA | Thamzih Selvi | Finance Manager, PMU | F |
| NBA | Vidya Ramesh | Administrative Secretary, PMU | F |
| NBA | M Geetha | Senior System Administrator (IT), PMU | F |
| Indian Patent Office | Dr Sharana Gouda | Assistant Controller of Patents & Designs | M |
| Andhra Pradesh SBB | Dr P.V. Chalapathi Rao | Member Secretary | M |
| Andhra Pradesh SBB | Dr. Srinivasa Rao | Former State Project Coordinator | M |
| Andhra Pradesh SBB | Dr K Thulsi Rao | Director Research and Education & Expert Committee Member | M |
| Goa SBB | Dr Pradip Sarmokadam | Member Secretary | M |
| Goa SBB | Reshma Kerkar | Scientific and Administrative Officer | F |
| Goa SBB | Rajendra Kerkar | Expert Board Member & Expert Member on Technical Expert Committee on Traditional Knowledge and Biodiversity Heritage Sites | M |
| Telangana SBB | Dr. Shilpi Sharma | Regional Coordinator | F |
| Tripura SBB | Sangat Deb | Technical Officer | M |
| Tripura SBB | Animesh Saha | Finance Assistant | M |
| Tripura SBB | Bishop Chakraborty | | M |
| Tripura SBB | Sangat Deb | | |
| Tripura SBB | Biprajit Roy | ADPA | M |
| Tripura SBB | Prof Jyoti Prakash Roy Chowdhury | Member | M |
| Tripura Forest Service | N Jamatia | | M |
| West Bengal SBB | Dr Asok Kanti Sanyal | Chairman | M |
| West Bengal SBB | Siddhartha Roy | Member Secretary | M |
| West Bengal SBB | Dr Rina Chakrabarty | Member | F |
| West Bengal SBB | Dr S.N. Ghosh | Senior Research Officer | M |
| West Bengal SBB | Dr. Anirban Roy, | Research Officer, | M |
| West Bengal SBB | Dr Prakash Pradham | Research Assistant | M |
| Bhagwanpur II BMC | Amit Kumar Das | Chairman | M |

| Organisation | Name | Position | Gender |
|---------------------------------------|-----------------------|-----------------|--------|
| Gaighata BMC | Nilkamal Mondal | Chairman | M |
| Indervelly BMC | Sonkamble Gopinath | Secretary | M |
| Kothagudem BMC | Ganam Anjaiah, | Secretary | M |
| Penha de franca BMC | Ganapat Siddhaye | Secretary | M |
| Raipassa BMC | Gouranga Debbarma | | M |
| Raipassa BMC | RPS Janem | | M |
| Sonamukhi BMC | Dr Shuvra Kanti Sinha | Chairperson | M |
| Thanchenna BMC | Rakesh Das | Chairman | M |
| Velig Priol Cuncolem BMC | Savita Deshmukh | Member | M |
| Botanical Survey of India | Dr A.A. Mao | Director | M |
| Botanical Survey of India | Dr M. Sanjappa | Former Director | M |
| Centre for Technology & Development | D. Raghunandan | Director | M |
| Indian Institute of Oilseeds Research | Dr. K.S. Varaprasad | Director | M |
| UNU-IAS | Dr M.S. Suneetha | Research Fellow | F |

September 27 – Chabimura Biodiversity Management Committee, Tripura (remain to be moved up)

1. Nashatra Janti
2. Kabir Hossain, Trader, Amarpur
3. Ratan Das
4. Chandra Sadam Gamali

September 28 – Raipasa Biodiversity Management Committee, Tripura

1. Belash Olbam, community member
2. Pintu Debbarma, community member
3. Sri Champalal Medak, community member
4. Chailendra Debbarma, community member
5. Sanjay Reang, community member
6. Lalrinzuali Molsom, community member
7. Pratina Debbama, community member
8. Rina Kalai, community member
9. Monirung Reang, community member
10. Santi Rani Reang, community member
11. Nilanmale Reang, community member
12. Kartik Debesm, community member
13. Raidhan Kankuki, community member
14. Paltorla Molsom, community member
15. Vanlalhrvaia Molsom, community member
16. Chaitanya Molsom, community member
17. Kanailal Molsom, community member
18. Chameildaya Molsom, community member
19. Thelapati Debbarma, community member
20. Ashok Debbarma, community member
21. Bidhyadaya Gomatia, community member

September 29 – Tripura State Biodiversity Board, Agartala, Tripura

1. Dr. Priyasankar Choudhury, Professor of Zoology, Tripura University (Member, TBB)

| |
|--|
| <ol style="list-style-type: none"> 2. Basant Kumar Agarwala, Chairman, Tripura State Pollution Control Board (Member, Expert committee on animal resource development and fisheries) 3. Dr. Sabyasashi Dasgupta, Associate Professor and Head, Department of Forestry & Biodiversity, Tripura University 4. Dr Mrinal Kanti Datta, Associate Professor and Head, Department of Fisheries Resource Management, Central Agricultural University (Member, Expert committee on animal resource development and fisheries) 5. Dr Prantosh Roy, Member Expert Committee on TK & IPR 6. Prof B.K. Datta, Department of Botany, Tripura University (Member, TBB) 7. Prof Ajay Krishna Saha, Department of Botany, Tripura University (Member, TBB) 8. Dr. B. K. Kilikdar, Retd. Judge, Tripura (Legal Expert Committee) 9. Prof Ranjan Kumar Mishra, Principal, Tripura Government Law College (Member, Legal Expert Committee) 10. Dr. Partha Sarathi Adhya, Assistant Professor, Tripura Government Law College (Member, Legal Expert Committee) 11. Animesh Das, Deputy Conservator of Forests, Tripura Biodiversity Board 12. Dr S.P. Das, Indian Council of Agricultural Research Tripura Centre 13. Rakesh Das, Chairman, Tripura Biodiversity Board 14. Kabir Hossain, Trader, Amarpur 15. Sangat Deb, Technical Officer, Tripura Biodiversity Board 16. Bishop Chakraborty, Tripura Biodiversity Board 17. Animesh Saha, Finance Assistant, Tripura Biodiversity Board 18. Biprajit Roy, ADPA, Tripura Biodiversity Board 19. Ratan Das 20. Community representatives from Raipassa & Chabimura |
| <p><u>September 30 – Ministry of Environment, Forests and Climate Change, New Delhi, National Capital Territory</u></p> <ol style="list-style-type: none"> 1. A.K. Goyal, Chairperson, Expert Committee on Exam of Biodiversity Act, Rules & ABS Regulation 2. Dr Sujata Arora, Adviser, MoEFCC 3. C Achalender Reddy, Director of Centre for Innovations in Public Systems (former Secretary, NBA) 4. Kalicharan S Khartade, Secretary, Telangana Biodiversity Board 5. Dr Asok Sanyal, Chairman West Bengal Biodiversity Board 6. Siddhartha Roy, Member Secretary, West Bengal Biodiversity Board 7. Animesh Das, Deputy Conservator of Forests, Tripura Biodiversity Board 8. Dr D Manjunatha, Member Secretary, Sikkim Biodiversity Board 9. Dr Pratap Chandra Panda, Member Secretary, Odisha Biodiversity Board 10. Suktisita Bhattacharya, Joint Secretary, Panchayats & Rural Development, West Bengal 11. Dr Ranjeet S Rana, Scientist, MoEFCC 12. Dr Virender Singh, Member Secretary, Karnataka Biodiversity Board 13. J. Justin Mohan, Secretary, National Biodiversity Authority 14. S.B.L. Misra, Chairman, Andhra Pradesh SBB 15. Dr. K. Thulsi Rao, Director, R&E, Andhra Pradesh SBB 16. Dr Pradip Sarmokadam, Member Secretary, Goa SBB 17. Nishant Thakur, Joint Member Secretary, Himachal Pradesh SBB 18. Dr Murari Lal Thakur, State Project Coordinator, Himachal Pradesh SBB |
| <p><u>October 1 – The University of Trans-Disciplinary Health Sciences and Technology (TDU), Bengaluru, Karnataka</u></p> <ul style="list-style-type: none"> • Deepa Srivathsa, Assistant Professor, TDU • Darshan Shankar, managing trustee of FRLHT and founder of TDU |
| <p><u>October 2 – TDU, Bengaluru, Karnataka</u></p> <ul style="list-style-type: none"> • Prof G. Hariramamurthi, Center Head, FRLHT, TDU |
| <p><u>October 3 – Karnataka State Biodiversity Board, Bengaluru, Karnataka</u></p> <ol style="list-style-type: none"> 1. Dr. Giridhar Kinhal, former Director Indian Institute of Forest Management, Gol 2. Dr. M Sanjappa, former head of Botanical Survey of India |

3. Suhas B Nimbalkar, Eitimo Ventures
4. T Srinalth, Geno Phe Biotech Pvt Ltd
5. Prof. M Narayana Swamy, Veterinary College, Hebbal & Member, Karnataka SBB
6. Dr Ravishankar Bhat, Co-founder, Biological Research Innovation Centre & Solutions LLP
7. Dr. Visender Singh, Member Secretary, Karnataka SBB
8. Dr. Vidya Pradeep, State Project Coordinator, Karnataka SBB
9. Ms. Sriranjam Ranganathan, Coordinator, Kaigal Trust
10. Dr. K.V. Gumprasad, The Himalaya Drug Company
11. Dr. BV Purushotham, Deputy Director AYUSH, Karnataka SBB
12. Dr Nitin Deshpande, CEO, Tranalab Pvt Ltd
13. Ms. B.H. Vijayalakshimi, Technical Executive, ABS Cell, Karnataka SBB
14. BN Aishwarya, Consultant, PBR, Karnataka SBB
15. Farheen Naaz, Technical Executive, PBR, Karnataka SBB
16. Dr. M.K. Ramesh, Professor of Law, National Law School of India University

October 4 – Tamarind Grove Biodiversity Heritage Site

1. S. Pritham, Research Assistant, Zoology, Karnataka SBB
2. Smt Mamatha, Chairperson, Nallur Grama-Panchayat BMC
3. Mr. Krishnappa, Member, Nallur Grama-Panchayat BMC
4. Mr. Muniraju, Guard, Nallur Grama-Panchayat BMC
5. Dr BC Purushotham, Deputy Director AYUSH, Karnataka SBB

ANNEX II. COMPARISON OF RESULTS FRAMEWORK IN THE PRODOC AND THE RECONSTRUCTED THEORY OF CHANGE AT EVALUATION

| Results Hierarchy in ProDoc Logframe | Results Hierarchy in Theory of Change at Evaluation | Justification for reconstruction |
|--|---|---|
| Component 1. Identification of biodiversity with potential for ABS and their valuation in select ecosystems such as forests, agriculture and wetlands | Component 1. Identification of biodiversity with potential for ABS and their valuation in select ecosystems such as forests, agriculture and wetlands | |
| <p>Outcome 1.1 Enhanced understanding of economic values of biological diversity for improved policy making and for the implementation of sustainable use and conservation of biological diversity through ABS provisions under the BD Act.</p> <p>Outputs</p> <ul style="list-style-type: none"> Standard economic valuation methods developed for forests, agriculture and wetland ecosystems in 5 project states. Use of standard economic valuation methods to inform development of ABS agreements that capture appropriate benefit sharing principles. | <p>Outcome 1.1: Understanding of the economic values of biological diversity is enhanced for improved policy making and the promotion of sustainable use and conservation of biological diversity through ABS</p> <p>Output 1.1.1: Standard economic valuation methods are developed for forest, agricultural and wetland ecosystems in 5 project states.</p> <p>Output 1.1.2: Standard economic valuation methods are used to inform the development of ABS agreements that are fair and equitable.</p> | <p>Outcome 1.1 has been rephrased to clarify the intended outcome (improved decision making and promotion of sustainable use and conservation through ABS).</p> <p>The first output has been numbered (1.1.1) and slightly rephrased, while the second output has been numbered (1.1.2) and clarified ("appropriate benefit sharing principles" has been restated to mean fair and equitable ABS agreements).</p> |
| Component 2. Development of tools and methodologies, guidelines, frameworks for implementing ABS provisions for the BD Act. | Component 2. Development of tools and methodologies, guidelines, frameworks for implementing ABS provisions for the BD Act. | |
| <p>Outcome 2.1 Decision making on ABS issues at national, state and local levels based on use of appropriate tools, methodologies, frameworks and guidelines strengthened.</p> <p>Outputs</p> <ul style="list-style-type: none"> Guidelines on PIC, MAT and Material Transfer Agreement (MTA) and benefit sharing agreements for implementing the ABS provisions, reviewed and frameworks based on the revision are developed in 5 project states. Database on economic potential of bio-resources established. People's Biodiversity Registers (PBRs) prepared in the 10 BMCs in 5 project states. | <p>Outcome 2.1: National, state and local decision-making on ABS is strengthened, based on the use of appropriate tools, methodologies, and frameworks.</p> <p>Output 2.1.1: Revised guidelines for implementing the ABS provisions of the BD Act are developed, and frameworks based on this revision are developed in 5 project states.</p> <p>Output 2.1.2: A database on the economic potential of bio-resources is established.</p> <p>Output 2.1.3: People's Biodiversity Registers (PBRs) are prepared in 10 BMCs in 5 project states.</p> | <p>The first output has been numbered (2.1.1) and clarified by removing redundant text in order to clarify the output, which is now aligned with UNEP guidelines.</p> <p>The second output has been numbered (2.1.2) and clarified to indicate that only one database will be established</p> <p>The third output has been numbered (2.1.3) and language clarified, as it was unclear which were "the" 10 BMCs.</p> |
| Component 3. Piloting agreements on ABS | Component 3. Piloting agreements on ABS | |
| <p>Outcome 3.1 Better and informed access to bio resources under the provisions of the BD Act possible with equitable benefit sharing provisions.</p> <p>Outputs</p> <ul style="list-style-type: none"> 25 agreements on ABS prepared and implemented. Best practice guidelines on equitable benefit sharing prepared and used. At least 5 Biodiversity funds established and another 5 strengthened at local, state and national level. | <p>Outcome 3.1: Improved access to bio-resources under the provisions of the BD Act, leading to fair and equitable benefit-sharing</p> <p>Output 3.1.1: 25 ABS agreements are negotiated and implemented</p> <p>Output 3.1.2: Best practice guidelines on fair and equitable benefit-sharing are developed and used</p> <p>Output 3.1.3: At least 5 biodiversity funds are established, and another 5 strengthened, at local, state and national levels.</p> | <p>Outcome 3.1 has been clarified to align with UNEP guidelines. It now represents a change in behavior over the mid-term.</p> <p>The first output has been numbered (3.1.1) and language changed from "prepared" to "negotiated", since ABS agreements are contracts negotiated between two parties.</p> <p>The second output has been numbered (3.1.2) and</p> |

| | | |
|---|--|---|
| | | language changed from "prepared" to "developed". The third output has been numbered (3.1.3) and clarified. |
| Component 4. Implementation of Policy and Regulatory Framework(s) relating to ABS provisions at national level and thereby contribute to international ABS policy issues | Component 4. Implementation of Policy and Regulatory Framework(s) relating to ABS provisions at national level and thereby contribute to international ABS policy issues | |
| <p>Outcome 4.1 Enhanced implementation of ABS provisions of BD Act at national, state and local levels.</p> <p>Outcome 4.2 Better understanding of national implementation provisions of ABS at international level and vice versa.</p> <p>Outputs</p> <ul style="list-style-type: none"> Links established / enhanced to on-going policy and regulatory frameworks on conservation and sustainable use and ABS issues at inter-ministerial and inter-sectoral levels through creation of expert and working groups. Enhanced sharing of experiences and information on implementation options for India at regional and international fora, including regional preparatory processes. | <p>Outcome 4.1 Implementation of the ABS provisions of the BD Act at national, state and local levels is enhanced.</p> <p>Output 4.1.1 Links are established or enhanced with on-going policy and regulatory frameworks on conservation and sustainable use and ABS issues through the creation of inter-ministerial and inter-sectoral expert and working groups.</p> <p>Outcome 4.2 Understanding of implementation of India's ABS framework is improved at the international level, and understanding of international ABS implementation is improved in India</p> <p>Output 4.2.1 India participates in international and regional fora, including regional preparatory processes, to share experiences and information on ABS implementation options</p> | <p>Outcome 4.1 is clarified to be a change in capacity, per UNEP guidelines</p> <p>The first output (now 4.1.1) is linked to the first outcome, and it is clarified that the output is the creation of specific types of working groups, rather than links with "inter-ministerial and inter-sectoral levels", per UNEP guidelines.</p> <p>Outcome 4.2 is reworded to demonstrate a change in capacity, per UNEP guidelines.</p> <p>The second output (now 4.1.2) is reworded as an output, per UNEP guidelines</p> |
| Component 5: Capacity building for strengthening implementation of provisions of ABS mechanisms at international level and vice versa | Component 5: Capacity building for strengthening implementation of provisions of ABS mechanisms at international level and vice versa | |
| <p>Outcome 5.1 Improved understanding of ABS provisions under the BD Act for implementation by National Biodiversity Authority, other State Biodiversity Boards and in a few Biodiversity Management Committees in each state.</p> <p>Outputs</p> <ul style="list-style-type: none"> Enhance negotiation skills on ABS issues Innovative financing mechanism for the implementation of Act through training programmes on issues such as dealing with ABS applications, legal and policy issues, information management and IPR issues, imported at national and state levels in at least 5 states. Orientation of customs and excise and other enforcement officials on ABS issues Curriculum on ABS issues. | <p>Outcome 5.1 ABS provisions under the BD Act are better understood by the NBA, SBBs and some BMCs in each state, leading to improved implementation of ABS.</p> <p>Output 5.1.1 Negotiation skills on ABS issues are enhanced through training workshops</p> <p>Output 5.1.2 ABS is operationalized as a financing mechanism for the implementation of the BD Act through training programmes on issues such as dealing with ABS applications, legal and policy issues, information management and IPR issues at the national level and in at least 5 states</p> <p>Output 5.1.3 Knowledge of customs, excise and other enforcement officials on ABS is developed/increased through orientation workshops on ABS issues</p> <p>Output 5.1.4 An online course is developed on ABS issues</p> | <p>Outcome 5.1 is reworded to reflect a change in capacity, per UNEP guidelines.</p> <p>The first output (now 5.1.1) is reworded as an output per UNEP guidelines, building on activities found in the ProDoc.</p> <p>The second output (now 5.1.2) is reworded, as it was very unclear. It is assumed for the TE that "innovative financing mechanism for the implementation of Act" means ABS. Has been restructured as an output per UNEP guidelines.</p> <p>The third output (now 5.1.3) is reworded as an output per UNEP guidelines.</p> <p>The fourth output (now 5.1.4) is reworded as an output, and now mentions a course, as a curriculum is not a capacity building tool.</p> |
| Component 6: Increasing public awareness and education programmes | Component 6: Increasing public awareness and education programmes | |
| <p>Outcome 6.1 The NBA, SBB and BMC are strengthened through awareness programmes on issues related to ABS.</p> | <p>Outcome 6.1 The NBA, SBBs and BMCs have strengthened capacity on issues relating to ABS</p> | <p>Outcome 6.1 is rewritten to reflect a change in capacity per UNEP guidelines</p> |

| | | |
|--|---|--|
| <p>Outcome 6.2 Enhanced participation of different stakeholders in the implementation of the benefit sharing provisions of the BD Act.</p> <p>Outputs</p> <ul style="list-style-type: none"> • State level platforms on private sector partnership established in at least 3 states to enhance ABS components of the BD Act • Public Awareness and participation programmes developed in at least 5 states with focus on ABS. • Local language awareness material including films, best practices and support programmes through the biodiversity fund developed and used in at least 5 states in order to facilitate better ABS implementation | <p>Output 6.1.1 Tools, methods, guidelines and frameworks developed under the project are produced in local languages.</p> <p>Outcome 6.2 Participation of different stakeholders in the implementation of the ABS provisions of the BD act is increased</p> <p>Output 6.2.1 State level platforms for private sector partnerships are established in at least 3 states</p> <p>Output 6.2.2 Public awareness and participation programmes with a focus on ABS are developed in at least 5 states</p> <p>Output 6.2.3 Local language awareness-raising materials, including films, best practices and support programmes, are developed and used in at least 5 states</p> | <p>A new output (now 6.1.1) was created under Outcome 6.1, as no existing outputs were relevant. It is based upon an activity found in the ProDoc.</p> <p>Outcome 6.2 is rewritten to reflect a change in behaviour per UNEP guidelines</p> <p>The first output (now 6.2.1) is placed under Outcome 6.2 and shortened to reflect UNEP guidelines</p> <p>The second output (now 6.2.2) is placed under Outcome 6.2 and slightly reworded for clarity.</p> <p>The third output (now 6.2.3) is phrased as an output per UNEP guidelines, placed under Outcome 6.2 and reference to “the biodiversity fund” is removed, as it is unclear which fund is being referred to. Also changed “awareness material” to “awareness-raising materials”</p> |
|--|---|--|

ANNEX III. KEY DOCUMENTS CONSULTED

Project planning and reporting documents

- UNEP-GEF PIF and Project Document
- Project cooperation agreement and amendments
- Project Inception Report
- Project Implementation Reviews and six-month progress reports
- Project Consolidated Report 2011-2019
- Project Steering Committee minutes and activity plans
- Progress reports from collaborating partners (UNU-IAS)
- Annual budgets, financial reports and audits

Project outputs – Overall

- ABS Mechanism under the Biological Diversity Act, 2002, India
- Negotiation for Access and Benefit-Sharing
- Defining and Explaining ABS Terminology
- Biodiversity Economics from Access and Benefit Sharing Perspective
- Valuation of Bio-resources for Operationalizing Access and Benefit Sharing Mechanism: Search for Methodology
- Bio-resources Valuation through Selected Literature: A Review
- Economic Valuation of Bio-Resources for Access and Benefit-Sharing
- Biodiversity Management Committees: Operational Tool Kit
- Local Biodiversity Fund Operation and Maintenance: A Community Dialogue
- Traditional Knowledge and Benefit-Sharing: A National Dialogue
- Traditional Knowledge Associated with Bioresources: A Case Document
- Communicating for Access and Benefit-Sharing: A Report
- Tradeable Bioresources Compilations (Goa, Karnataka, Telangana, West Bengal)
- National Biodiversity Authority project website (<http://nbaindia.org/unesp-gef/>)
- Previous evaluations
- UNEP Mid-term Evaluation Report and Mid-term Evaluation Inception Report (2015)
- UNEP Mid-term Evaluation of the UNEP Medium-term Strategy 2010-2013
- GEF Independent Evaluation Office Biodiversity Focal Area Study (2017)

Reference documents

- UNEP
 - Evaluation Manual (2008) and Evaluation Policy (2016)
 - Bali Strategic Plan for Technology Support and Capacity-building (2004)
 - Medium-term Strategy 2010–2013
 - Programme of Work 2010–2011
 - Programme Manual (2013)
 - Environmental, Social and Economic Sustainability Framework (2015)
- GEF
 - Focal Area Strategies and Strategic Programming for GEF-4
- Government of India
 - Biological Diversity Act, 2002
 - Biological Diversity Rules, 2004
 - Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014
 - National Environment Policy (2006)
 - National Biodiversity Action Plan (2008)
- United Nations Evaluation Group
 - Norms and Standards for Evaluation (2016)

ANNEX IV. BRIEF CV OF THE CONSULTANT

Mr. Frederic Perron-Welch

Education

- Ph.D. Candidate, International Law, Leiden University, 2018-present
- LL.B. (Environmental Law), Dalhousie University, 2007-2010
- M.A. History, University of Toronto, 2004-2005
- B.A. History, cum laude, The Catholic University of America, 2000-2004

Experience

- Advisor on law and policy on biodiversity and access and benefit-sharing for CAF, CBD Secretariat, CIFOR, IDLO, IUCN, Swiss FOEN, UEMOA, UNCTAD, UNDP, UNEP and WHO.

Selected Professional Involvement

- *International Law Association (ILA)*: Board Member, ILA-Canada and Member, ILA Committee on Role of International Law in Sustainable Natural Resource Management
- *International Union for the Conservation of Nature*: Member of Joint Specialist Group on Access and Benefit-Sharing and Related Concepts

Certifications

- Called to the Bar of Ontario, Canada in 2011

Languages

- Native Proficiency in English and French, basic working proficiency in Spanish

Selected Publications on ABS

- Jorge Cabrera Medaglia and Frederic Perron-Welch, eds, *Legal Aspects of Implementing the Convention on Biological Diversity* (Cambridge University Press, Forthcoming 2021).
- Jorge Cabrera Medaglia and Frederic Perron-Welch "Rules and Practices of International Law on Benefit-Sharing for Sustainable Development" in Volker Mauerhofer, Daniela Rupo and Lara Tarquinio, eds, *Sustainability and Law: General and Specific Aspects* (Springer, 2020).
- Frederic Perron-Welch, *Synthetic Biology and its Potential Implications for BioTrade and Access and Benefit-Sharing* (UNCTAD, 2019).
- Jorge Cabrera Medaglia, Chidi Oguamanam, Olivier Rukundo and Frederic Perron-Welch, *Comparative Study of the Nagoya Protocol, the Plant Treaty and the UPOV Convention: The Interface of Access and Benefit Sharing and Plant Variety Protection* (CISDL, 2019).
- Jorge Cabrera Medaglia and Frederic Perron-Welch, "The Benefit-Sharing Principle in International Law" (2019) 14(1) *Journal of Intellectual Property Law & Practice* 62.
- Frederic Perron-Welch, "International Law Treaty Developments Affecting the Bio-Based Economy" (2018) 12(1) *Canadian International Lawyer* 27.
- Jorge Cabrera Medaglia, Frederic Perron-Welch and Balakrishna Pisupati, *SDG 15 on Terrestrial Biodiversity and Ecosystems: Contributions of International Law, Policy and Governance* (UNEP and CISDL, 2016)
- Jorge Cabrera Medaglia, Frederic Perron-Welch and Freedom-Kai Phillips, *Overview of National and Regional Measures on Access and Benefit Sharing: Challenges and Opportunities in Implementing the Nagoya Protocol*, 3rd Ed (CISDL, 2014)
- Marie Claire Cordonier Segger, Frederic Perron-Welch, Christine Frison, eds, *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge University Press, 2013)
- Thomas Greiber, Sonia Peña Moreno, Mattias Åhrén, Jimena Nieto Carrasco, Evanson Chege Kamau, Jorge Cabrera Medaglia, Maria Julia Oliva and Frederic Perron-Welch with China Williams and Natasha Ali, *An Explanatory Guide to the Nagoya Protocol on Access and Benefit-sharing* (IUCN, 2012)

ANNEX V. TERMS OF REFERENCE

Section 1: PROJECT BACKGROUND AND OVERVIEW

Project General Information

Table 1. Project summary

| | | | |
|--|---------------------------|--|---|
| GEF Project ID: | 3801 | | |
| Implementing Agency: | UN Environment | Executing Agency: | National Biodiversity Authority (NBA) |
| Sub-programme: | Ecosystem Management | Expected Accomplishment(s): | As per the project document |
| UN Environment approval date: | 7 th June 2011 | Programme of Work Output(s): | As per the project document |
| GEF approval date: | March 2011 | Project type: | Full Size Project |
| GEF Operational Programme #: | SP8-ABS-Capacity Building | Focal Area(s): | Biodiversity |
| | | GEF Strategic Priority: | BD-4, to build capacity on the ABS |
| Expected start date: | April 2011 | Actual start date: | 23 rd June 2011 |
| Planned completion date: | March 2014 | Actual completion date: | June 2019 |
| Planned project budget at approval: | US\$ 9,839,000 | Actual total expenditures reported as of September 2018: | US\$ 4,351,927 |
| GEF grant allocation: | US\$ 3,561,000 | GEF grant expenditures reported as of September 2018: | US\$2,953,352 |
| Project Preparation Grant - GEF financing: | US\$ 50,000 | Project Preparation Grant - co-financing: | US\$ 75,000 |
| Expected Full-Size Project co-financing: | US\$ 4,743,000 | Secured Full-Size Project cash co-financing from Gol September 2018: | US\$ 1,413,686 |
| First disbursement: | US\$ 294,970 | Date of financial closure: | June, 2019 |
| No. of revisions: | 1 | Date of last revision: | December 2017 |
| No. of Steering Committee meetings: | Eight | Date of last/next Steering Committee meeting: | Last: 19 September, 2018 Next: Not Scheduled |
| Mid-term Evaluation (planned date): | February 2015 | Mid-term Evaluation (actual date): | March 2019 |
| Terminal Evaluation (planned date): | February 2019 | Terminal Evaluation (actual date): | June, 2019 |
| Coverage - Country(ies): | India | Coverage - Region(s): | Asia |
| Dates of previous project phases: | | Status of future project phases: | Needs to be planned |

Project rationale

1. India is one of the mega biodiversity rich countries of the world, home to four of the 34 global biodiversity hotspots and 45,968 species of flora and 91,364 species of fauna. This vast biodiversity is of immense economic, ecological, social and cultural value and it has tremendous value for posterity. However, similar to many other countries in the world, India is facing human pressure on the natural resources in the form of habitat destruction, monoculture and intensive agriculture, climate change, invasive alien species and poaching of wildlife.
2. As one of the earliest signatories to the CBD, the Government of India was the second country, after Brazil to enact the Biological Diversity Act in 2002 and its rules in 2004 to deal with the challenges of biodiversity conservation, sustainable use of biodiversity and equitable sharing of benefits arising out of such use. The Biodiversity Act has a three-tier structure for the implementation of the Act at national, state and local levels, establishing the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs), creating Biodiversity Management

Committees (BMCs) at local levels and Local Biodiversity Funds as well as a Nation Biodiversity Fund.

3. India has implemented several programmes focusing on the first two objectives of the Biodiversity Act over the years to support conservation and sustainable use of biodiversity by developing a stable organisational structure and strong legal and policy frameworks for the protection of environment in the country. However, at the time of the project design, the third objective relating to Access and Benefit Sharing (ABS), had not been fully addressed as the country had inadequate information on biological resources, their actual potential economic value and the potential for their use. This, coupled with lack of methods, guidelines and tools on how to deal specifically with access permits and negotiate agreements also contributed to constraints on realising the potential for sustainable use of biological resource diversity in the country.

4. The project was to be implemented from March 2011 to March 2014, but received extensions until March 2019 to build institutional, individual and systematic capacity at national, state and local levels in developing suitable mechanisms for effective implementation of ABS provisions towards achieving access and equitable sharing of benefits arising out of the utilization of bio-resources from mountain, forests, arid/semi-arid, wetland, coastal and marine and agrobiodiversity and wetland ecosystems, covering 10 states in India.

Project objectives and components

5. The aims of the project according the Project Document (Prodoc) were i) to increase the institutional, individual and systematic capacities of stakeholders to effectively implement the Biological Diversity Act to achieve conservation including through implementing Access and Benefit Sharing agreements; and ii) develop appropriate and case by case, Access and Benefit Sharing mechanisms using Prior Informed Consent (PIC), Mutually Agreed Terms (MAT) and Material Transfer Agreements (MTAs) for enhanced benefit sharing of bio-resources available in different ecosystems.

6. A total of 10 states and 2 union territories were chosen for project implementation. At the start of the project, five states (i – v below) were chosen based on the major ecosystems identified in each. In June 2014, the third PSC meeting approved extending the project to an additional five states (vi – x below), replicated from the experiences gained from the original 5 states.

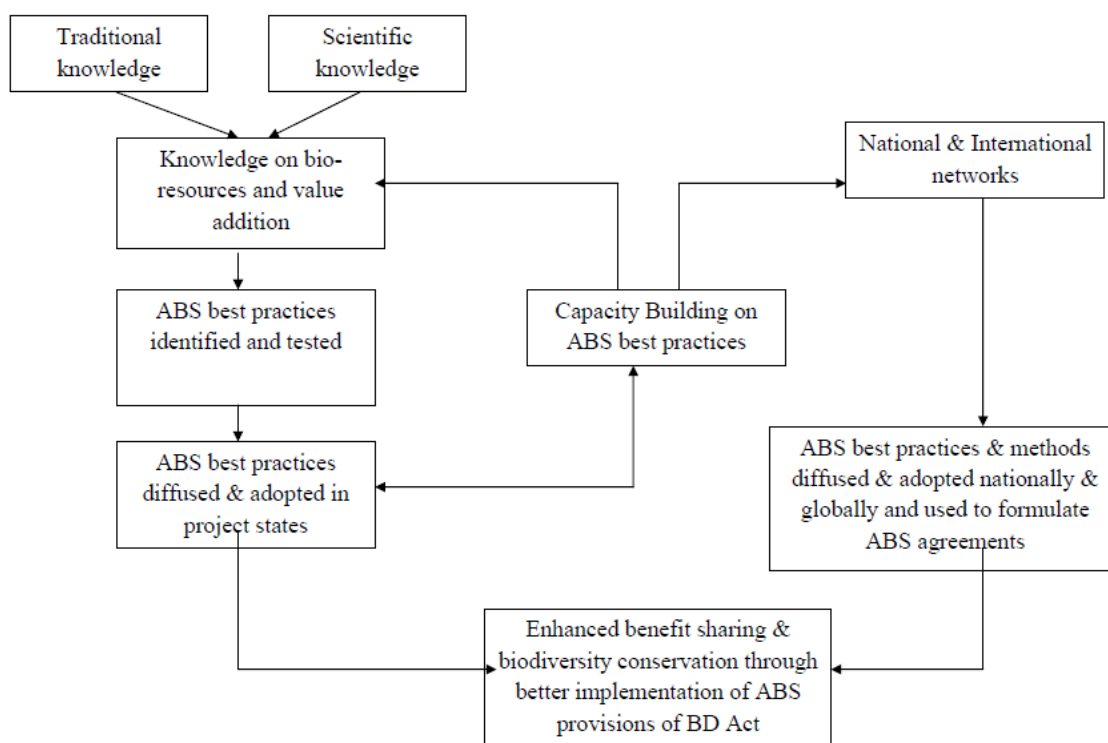
- i) Andhra Pradesh – dry and semi-arid, desert ecological zones & one of the largest states;
- ii) Gujarat – arid, desert ecological zones;
- iii) Himachal Pradesh – forest ecosystems of the western Himalayas;
- iv) Sikkim – forest ecosystems of the northeastern Himalayas;
- v) West Bengal – Indo-Gangetic plains and wetland ecosystems, including the Sunderbands;
- vi) Goa – smallest state;
- vii) Karnataka;
- viii) Odisha;
- ix) Telangana;
- x) Tripura – small state;

7. The table below summarises the project by its components, outcomes and outputs, as per the Project Document Results Framework.

| Outcome/Expected Result | Outputs |
|--|---|
| Component 1. Identification of biodiversity with potential for ABS and their valuation in select ecosystems such as forests, agriculture and wetlands. | |
| 1.1 Enhanced understanding of economic values of biological diversity for improved policy making and for the implementation of sustainable use and conservation of | <ul style="list-style-type: none"> • Standard economic valuation methods developed for forests, agriculture and wetland ecosystems in 5 project states. • Use of standard economic valuation methods to inform development of ABS agreements that capture appropriate benefit sharing principles. |

| Outcome/Expected Result | Outputs |
|--|--|
| biological diversity through ABS provisions under the BD Act. | |
| Component 2: Development of tools and methodologies, guidelines, frameworks for implementing ABS provisions for the BD Act. | |
| 2.1 Decision making on ABS issues at national, state and local levels based on use of appropriate tools, methodologies, frameworks and guidelines strengthened. | <ul style="list-style-type: none"> Guidelines on PIC, MAT and Material Transfer Agreement (MTA) and benefit sharing agreements for implementing the ABS provisions, reviewed and frameworks based on the revision are developed in 5 project states. Database on economic potential of bio-resources established. People's Biodiversity Registers (PBRs) prepared in the 10 BMCs in 5 project states. |
| Component 3: Piloting agreements on ABS | |
| 3.1 Better and informed access to bio resources under the provisions of the BD Act possible with equitable benefit sharing provisions. | <ul style="list-style-type: none"> 25 agreements on ABS prepared and implemented. Best practice guidelines on equitable benefit sharing prepared and used. At least 5 Biodiversity funds established and another 5 strengthened at local, state and national level. |
| Component 4: Implementation of Policy and Regulatory Framework(s) relating to ABS provisions at national level and thereby contribute to international ABS policy issues | |
| <p>4.1 Enhanced implementation of ABS provisions of BD Act at national, state and local levels.</p> <p>4.2 Better understanding of national implementation provisions of ABS at international level and vice versa.</p> | <ul style="list-style-type: none"> Links established / enhanced to on-going policy and regulatory frameworks on conservation and sustainable use and ABS issues at inter-ministerial and inter-sectoral levels through creation of expert and working groups. Enhanced sharing of experiences and information on implementation options for India at regional and international for a, including regional preparatory processes. |
| Component 5: Capacity building for strengthening implementation of provisions of ABS mechanisms at international level and vice versa | |
| 5.1 Improved understanding of ABS provisions under the BD Act for implementation by National Biodiversity Authority, other State Biodiversity Boards and in a few Biodiversity Management Committees in each state. | <ul style="list-style-type: none"> Enhance negotiation skills on ABS issues Innovative financing mechanism for the implementation of Act through training programmes on issues such as dealing with ABS applications, legal and policy issues, information management and IPR issues, imported at national and state levels in at least 5 states. Orientation of customs and excise and other enforcement officials on ABS issues Curriculum on ABS issues. |
| Component 6: Increasing public awareness and education programmes | |
| <p>6.1 The NBA, SBB and BMC are strengthened through awareness programmes on issues related to ABS.</p> <p>6.2 Enhanced participation of different stakeholders in the implementation of the benefit sharing provisions of the BD Act.</p> | <ul style="list-style-type: none"> State level platforms on private sector partnership established in at least 3 states to enhance ABS components of the BD Act Public Awareness and participation programmes developed in at least 5 states with focus on ABS. Local language awareness material including films, best practices and support programmes through the biodiversity fund developed and used in at least 5 states in order to facilitate better ABS implementation |

8. An impact pathway diagram for the project as presented in the ProDoc is shown below.



Executing Arrangements

9. The National Biodiversity Authority (NBA) was the main executing agency appointed by the Ministry of Environment, Forest and Climate Change (directed by the Government of India) responsible for carrying out project activities and achievement of results on the ground. As per the ProDoc, they were responsible for hosting the Project Management Unit (PMU), co-ordination and implementation of the project at national, state and local levels (through the PMU and SPU), provision of guidance on implementation to SBBs and BMCs. The Chairperson of NBA was appointed National Project Director responsible for overall management of the project with well established project review and oversight mechanisms.

10. UN Environment was the GEF implementing agency, with the Law Division responsible for project implementation. UN Environment was to provide co-ordination of partners, technical and scientific expertise and the enhancement of regional co-operation. Specifically, UN Environment was to be in charge of transfer of financial resources needed for the execution of the project, approval of the expenditures on activities, membership on the steering committee and technical committee; monitoring and evaluation of execution and output performance in consultation with NBA/MoFECC, and commissioning mid-term and final evaluations of the project. In addition, they were to be a knowledge partner in providing technical support with ABS exercises and experiences through sharing expertise/experiences from other projects.

11. A Project Management Unit (PMU) was to be established at NBA for overall day-to-day co-ordination of the implementation of the project activities, headed by a Project Manager. The Project Manager reports to the National Project Director and the Project Steering Committee. The PMU was to be supported by the Secretary of the NBA. All decisions and files were to be channeled by the PM to the NPD through the Secretary to meet the administrative and financial requirements of the Government of India.

12. A Project Steering Committee (PSC) was set up to provide overall strategic guidance of the project. It was co-chaired by the National Project Director and a Special Secretary from MoEFCC. Other members of the PSC were: Joint Secretary (CS)/CBD National Focal Point, Secretary and Member Secretary of project states and union territories, UN Environment, GEF, and

UN Environment Division of Environmental Law and Conventions. The PSC was to meet twice a year to provide required oversight and coordination of the project.

13. In addition, a Project Technical Committee (PTC) was to be set up to provide technical and method expertise to the project at national, state and local levels and advise the PMU on implementation problems that emerge and ensure technical soundness of the project. It was to be comprised of a representative of the secretariat of the CBD, International Centre for Integrated Mountain Development, ICIMOD, Academia, etc.

14. State Project Units (SPUs) were to be set up in each of the states/union territories and headed by the Member Secretary of the concerned State Biodiversity Board⁸¹ to carry out state-related activities and co-ordinate with and report to the PMU based at the NBA.

15. Biodiversity Management Committees (BMCs)⁸² were established through the Biological Diversity Act to implement the act at local level. Before the start of the project, they were established in fourteen states, and at the time of the project development, 31,542 BMCs were setup. They were to be involved in the implementation of all the project activities.

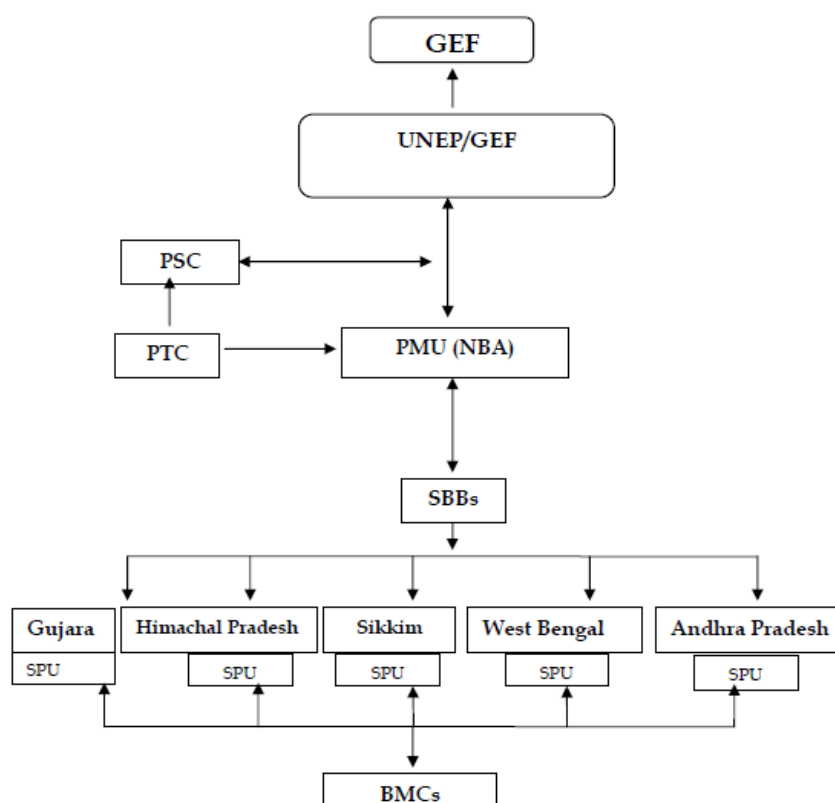
16. Ministry of Environment and Forestry (MoEFCC) was to make agreements with external agencies (eg UNDP, UN Environment, and GEF) on behalf of the Government of India, assumed overall responsibility for the achievement of project results, identified the NBA as the implementing agency. Representatives of MoEFCC were to guide, participate in planning and execution of the project through their representation in the steering committee, project management unit and other project related activities and workshops.

17. Project partners included: State Biodiversity Boards (SBBs) for Andhra Pradesh, Gujarat, Himachal Pradesh, Sikkim, West Bengal, Goa, Karnataka, Odisha, Telangana, and Tripura; Botanical Survey of India (BSI); Zoological Survey of India (ZSI); United Nations Development Programme (UNDP); and United Nations University – Institute of Advanced Studies (UNU – IAS) was a knowledge partner.

18. A diagrammatic representation, as presented in Annex 10 of the ProDoc, of the organizational structure and decision-making process the implementation of the project is shown below.

⁸¹ State Biodiversity Boards (SBBs) were established in 29 States of India with a mandate to deal with conservation, sustainable use and deal with requests for access by Indians for commercial utilization under the Biological Diversity Act 2002

⁸² BMCs are constituted of local bodies as per section 41 of the BD Act 2002 for the purposes of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals, micro-organisms and chronicling of knowledge relating to biological diversity.



Project Cost and Financing

19. The total estimated cost at project design was US\$ 9,839,000 of which US\$ 3,561,000 was to come from GEF, US\$ 1,535,000 cash co-finance from the Government of India, and the remainder US\$ 4,743,000 from in-kind co-finance from Government of India, UNDP and project partners.

20. The table below shows the budget of the project broken down by GEF, co-finance and component.

| Project Component | GEF allocation (US \$) | Co-Finance (US \$) | Total (US \$) |
|--|------------------------|--------------------|---------------|
| 1. Identification of biodiversity with potential for ABS and their valuation in selected ecosystems | 496,000 | 1,100,000 | 1,596,000 |
| 2. Development of methodologies, guidelines, frameworks for implementing ABS provisions of the Biological Diversity Act | 505,000 | 700,000 | 1,205,000 |
| 3. Piloting agreements on ABS | 488,900 | 656,000 | 1,144,900 |
| 4. Implementation of Policy and regulatory frameworks relating to ABS provisions at national level and thereby contribute to international ABS policy issues | 530,000 | 800,000 | 1,330,000 |
| 5. Capacity building for strengthening implementation of ABS provisions of the BD Act 2002 | 510,000 | 1,000,000 | 1,510,000 |
| 6. Increasing public awareness and education programmes | 460,000 | 1,000,000 | 1,460,000 |
| 7. Project Management | 356,000 | 400,000 | |
| 8. Monitoring and Evaluation | 215,000 | 0 | 215,000 |

21. As per the Financial Report and Cash Co-financing Expenditure Report (October 2018), a cumulative expenditure as of 30th September 2018 was US \$4,351,927.36 of which US \$ 2,953,352.57 was from GEF and US \$ 1,398,574.80 from the Government of India.

Implementation Issues

22. The project has had a total of 5 no cost extensions. The 5th no cost extension was signed in August 2019 so as to facilitate the evaluation field mission. In June 2014, towards the project's original completion date and one month before the 4th amendment to the PCA and 2nd amendment to the SSFA (small scale funding agreement) for a project extension to December 2018, the third PSC meeting approved the addition of 5 States to the project. The five additional states were: Goa; Karnataka; Odisha; Telangana; and Tripura. The five original implementing states were selected based on important ecosystem types in each. The minutes of the third PSC meeting indicate that Telangana was included as a new state because it was re-organized from original Andhra Pradesh, one of the original implementing states.

23. The Mid Term Evaluation (November 2015) highlighted a few shortcomings. There were serious delays in the expenditures against the project's activities; only one audit had been submitted (late); and whether the project would be completed within the extended time period.

Section 2. OBJECTIVE AND SCOPE OF THE EVALUATION

Key Evaluation principles

24. Evaluation findings and judgements should be based on sound evidence and analysis, clearly documented in the evaluation report. Information will be triangulated (i.e. verified from different sources) as far as possible, and when verification is not possible, the single source will be mentioned (whilst anonymity is still protected). Analysis leading to evaluative judgements should always be clearly spelled out.

25. The "Why?" Question. As this is a terminal evaluation and a follow-up project is likely [or similar interventions are envisaged for the future], particular attention should be given to learning from the experience. Therefore, the "Why?" question should be at the front of the consultants' minds all through the evaluation exercise and is supported by the use of a theory of change approach. This means that the consultants need to go beyond the assessment of "what" the project performance was, and make a serious effort to provide a deeper understanding of "why" the performance was as it was. This should provide the basis for the lessons that can be drawn from the project.

26. Baselines and counterfactuals. In attempting to attribute any outcomes and impacts to the project intervention, the evaluators should consider the difference between what has happened with, and what would have happened without, the project. This implies that there should be consideration of the baseline conditions, trends and counterfactuals in relation to the intended project outcomes and impacts. It also means that there should be plausible evidence to attribute such outcomes and impacts to the actions of the project. Sometimes, adequate information on baseline conditions, trends or counterfactuals is lacking. In such cases this should be clearly highlighted by the evaluators, along with any simplifying assumptions that were taken to enable the evaluator to make informed judgements about project performance.

27. Communicating evaluation results. A key aim of the evaluation is to encourage reflection and learning by UN Environment staff and key project stakeholders. The consultant should consider how reflection and learning can be promoted, both through the evaluation process and in the communication of evaluation findings and key lessons. Clear and concise writing is required on all evaluation deliverables. Draft and final versions of the main evaluation report will be shared with key stakeholders by the Evaluation Manager. There may, however, be several

intended audiences, each with different interests and needs regarding the report. The Evaluation Manager will plan with the consultant(s) which audiences to target and the easiest and clearest way to communicate the key evaluation findings and lessons to them. This may include some or all of the following; a webinar, conference calls with relevant stakeholders, the preparation of an evaluation brief or interactive presentation.

Objective of the Evaluation

28. In line with the UN Environment Evaluation Policy⁸³ and the UN Environment Programme Manual⁸⁴, the Terminal Evaluation (TE) is undertaken at completion of the project to assess project performance (in terms of relevance, effectiveness and efficiency), and determine outcomes and impacts (actual and potential) stemming from the project, including their sustainability. The evaluation has two primary purposes: (i) to provide evidence of results to meet accountability requirements, and (ii) to promote operational improvement, learning and knowledge sharing through results and lessons learned among UN Environment and National Biodiversity Authority, Ministry of Environment and Forestry, United Nations University – Institute of Advanced Studies. Therefore, the evaluation will identify lessons of operational relevance for future project formulation and implementation [especially for the second phase of the project, if applicable].

Key Strategic Questions

29. In addition to the evaluation criteria outlined in Section 10 below, the evaluation will address the strategic questions listed below. These are questions of interest to UN Environment, Secretariat of the CBD and the Government of India, and to which the project is believed to be able to make a substantive contribution:

- a) Under the assessment of complementarity with existing interventions (Strategic Relevance) and/or project design, the following should be addressed:

To what extent was the project able to incorporate lessons learned and recommendations from the India-UNDP project “Strengthening Institutional Structures to Implement the Biological Diversity Act” into this project? And were any synergies realised?

- b) Under the assessment of monitoring and reporting, effectiveness and/or efficiency, the following should be addressed:

To what extent were recommendations from the MTE incorporated into the project and were any gains achieved in project performance as a result of the implementations of these recommendations?

To what extent was the project able to enhance legal and institutional framework of India to integrate access and benefit sharing mechanism into Biological Diversity Act?

To what extent was the project able to identify and record knowledge of biodiversity through communities?

To what extent was the project able to contribute to and/or collaborate with other initiatives on access and benefit sharing, globally?

To what extent did the project contribute to measurable improvement of the conservation and/or governance of biodiversity, in India?

Evaluation Criteria

30. All evaluation criteria will be rated on a six-point scale. Sections A-I below, outline the scope of the criteria and a link to a table for recording the ratings is provided in Annex 1). A weightings table will be provided in excel format (link provided in Annex 1) to support the determination of an overall project rating. The set of evaluation criteria are grouped in nine categories: (A) Strategic Relevance; (B) Quality of Project Design; (C) Nature of External Context;

⁸³ <http://www.unep.org/eou/StandardsPolicyandPractices/UNEPEvaluationPolicy/tabid/3050/language/en-US/Default.aspx>

⁸⁴ http://www.unep.org/QAS/Documents/UNEP_Programme_Manual_May_2013.pdf. *This manual is under revision.*

(D) Effectiveness, which comprises assessments of the delivery of outputs, achievement of outcomes and likelihood of impact; (E) Financial Management; (F) Efficiency; (G) Monitoring and Reporting; (H) Sustainability; and (I) Factors Affecting Project Performance. The evaluation consultants can propose other evaluation criteria as deemed appropriate.

A. Strategic Relevance

31. The evaluation will assess, in line with the OECD/DAC definition of relevance, 'the extent to which the activity is suited to the priorities and policies of the target group, recipient and donor'. The evaluation will include an assessment of the project's relevance in relation to UN Environment's mandate and its alignment with UN Environment's policies and strategies at the time of project approval. Under strategic relevance an assessment of the complementarity of the project with other interventions addressing the needs of the same target groups will be made. This criterion comprises four elements:

i. *Alignment to the UN Environment Medium Term Strategy⁸⁵ (MTS) and Programme of Work (POW)*

32. The evaluation should assess the project's alignment with the MTS and POW under which the project was approved and include, in its narrative, reflections on the scale and scope of any contributions made to the planned results reflected in the relevant MTS and POW.

ii. *Alignment to UN Environment / Donor/GEF Strategic Priorities*

33. Donor, including GEF, strategic priorities will vary across interventions. UN Environment strategic priorities include the Bali Strategic Plan for Technology Support and Capacity Building⁸⁶ (BSP) and South-South Cooperation (S-SC). The BSP relates to the capacity of governments to: comply with international agreements and obligations at the national level; promote, facilitate and finance environmentally sound technologies and to strengthen frameworks for developing coherent international environmental policies. S-SC is regarded as the exchange of resources, technology and knowledge between developing countries. GEF priorities are specified in published programming priorities and focal area strategies.

iii. *Relevance to Regional, Sub-regional and National Environmental Priorities*

34. The evaluation will assess the extent to which the intervention is suited, or responding to, the stated environmental concerns and needs of the countries, sub-regions or regions where it is being implemented. Examples may include: national or sub-national development plans, poverty reduction strategies or Nationally Appropriate Mitigation Action (NAMA) plans or regional agreements etc.

iv. *Complementarity with Existing Interventions*

35. An assessment will be made of how well the project, either at design stage or during the project mobilization, took account of ongoing and planned initiatives (under the same sub-programme, other UN Environment sub-programmes, or being implemented by other agencies) that address similar needs of the same target groups. The evaluation will consider if the project team, in collaboration with Regional Offices and Sub-Programme Coordinators, made efforts to ensure their own intervention was complementary to other interventions, optimized any synergies and avoided duplication of effort. Examples may include UN Development Assistance Frameworks or One UN programming. Linkages with other interventions should be described and

⁸⁵ UN Environment's Medium Term Strategy (MTS) is a document that guides UN Environment's programme planning over a four-year period. It identifies UN Environment's thematic priorities, known as Sub-programmes (SP), and sets out the desired outcomes, known as Expected Accomplishments (EAs), of the Sub-programmes.

⁸⁶ <http://www.unep.org/GC/GC23/documents/GC23-6-add-1.pdf>

instances where UN Environment's comparative advantage has been particularly well applied should be highlighted.

36. Factors affecting this criterion may include:

- Stakeholders' participation and cooperation
- Responsiveness to human rights and gender equity
- Country ownership and driven-ness

B. Quality of Project Design

37. The quality of project design is assessed using an agreed template during the evaluation inception phase, ratings are attributed to identified criteria and an overall Project Design Quality rating is established (www.unep.org/evaluation). This overall Project Design Quality rating is entered in the final evaluation ratings table as item B. In the Main Evaluation Report a summary of the project's strengths and weaknesses at design stage is included, while the complete Project Design Quality template is annexed in the Inception Report.

38. Factors affecting this criterion may include (at the design stage):

- Stakeholders participation and cooperation
- Responsiveness to human rights and gender equity

C. Nature of External Context

39. At evaluation inception stage a rating is established for the project's external operating context (considering the prevalence of conflict, natural disasters and political upheaval). This rating is entered in the final evaluation ratings table as item C. Where a project has been rated as facing either an Unfavourable or Highly Unfavourable external operating context, and/or a negative external event has occurred during project implementation, the ratings for Effectiveness, Efficiency and/or Sustainability may be increased at the discretion of the Evaluation Consultant and Evaluation Manager together. A justification for such an increase must be given.

D. Effectiveness

i. Delivery of Outputs

40. The evaluation will assess the project's success in producing the programmed outputs (products, capital goods and services resulting from the intervention) and achieving milestones as per the project design document (ProDoc). Any formal modifications/revisions made during project implementation will be considered part of the project design. Where the project outputs are inappropriately or inaccurately stated in the ProDoc, reformulations may be necessary in the reconstruction of the TOC. In such cases a table should be provided showing the original and the reformulation of the outputs for transparency. The delivery of outputs will be assessed in terms of both quantity and quality, and the assessment will consider their ownership by, and usefulness to, intended beneficiaries and the timeliness of their delivery. The evaluation will briefly explain the reasons behind the success or shortcomings of the project in delivering its programmed outputs and meeting expected quality standards.

41. Factors affecting this criterion may include:

- Preparation and readiness
- Quality of project management and supervision⁸⁷

⁸⁷ In some cases 'project management and supervision' will refer to the supervision and guidance provided by UN Environment to implementing partners and national governments while in others, specifically for GEF funded projects, it will refer to the project management performance of the executing agency and the technical backstopping provided by UN Environment.

ii. Achievement of Direct Outcomes

42. The achievement of direct outcomes (short and medium-term effects of the intervention's outputs; a change of behaviour resulting from the use/application of outputs, which is not under the direct control of the intervention's direct actors) is assessed as performance against the direct outcomes as defined in the reconstructed⁸⁸ Theory of Change. These are the first-level outcomes expected to be achieved as an immediate result of project outputs. As in 1, above, a table can be used where substantive amendments to the formulation of direct outcomes is necessary. The evaluation should report evidence of attribution between UN Environment's intervention and the direct outcomes. In cases of normative work or where several actors are collaborating to achieve common outcomes, evidence of the nature and magnitude of UN Environment's 'substantive contribution' should be included and/or 'credible association' established between project efforts and the direct outcomes realised.

43. Factors affecting this criterion may include:

- Quality of project management and supervision
- Stakeholders' participation and cooperation
- Responsiveness to human rights and gender equity
- Communication and public awareness

iii. Likelihood of Impact

44. Based on the articulation of longer term effects in the reconstructed TOC (i.e. from direct outcomes, via intermediate states, to impact), the evaluation will assess the likelihood of the intended, positive impacts becoming a reality. Project objectives or goals should be incorporated in the TOC, possibly as intermediate states or long term impacts. The Evaluation Office's approach to the use of TOC in project evaluations is outlined in a guidance note available on the Evaluation Office website, <https://www.unenvironment.org/about-un-environment/evaluation> and is supported by an excel-based flow chart, 'Likelihood of Impact Assessment Decision Tree'. Essentially the approach follows a 'likelihood tree' from direct outcomes to impacts, taking account of whether the assumptions and drivers identified in the reconstructed TOC held. Any unintended positive effects should also be identified and their causal linkages to the intended impact described.

45. The evaluation will also consider the likelihood that the intervention may lead, or contribute to, unintended negative effects. Some of these potential negative effects may have been identified in the project design as risks or as part of the analysis of Environmental, Social and Economic Safeguards.⁸⁹

46. The evaluation will consider the extent to which the project has played a catalytic role or has promoted scaling up and/or replication⁹⁰ as part of its Theory of Change and as factors that are likely to contribute to longer term impact.

⁸⁸ UN Environment staff are currently required to submit a Theory of Change with all submitted project designs. The level of 'reconstruction' needed during an evaluation will depend on the quality of this initial TOC, the time that has lapsed between project design and implementation (which may be related to securing and disbursing funds) and the level of any changes made to the project design. In the case of projects pre-dating 2013 the intervention logic is often represented in a logical framework and a TOC will need to be constructed in the inception stage of the evaluation.

⁸⁹ Further information on Environmental, Social and Economic Safeguards (ESES) can be found at <http://www.unep.org/about/eses>

⁹⁰ *Scaling up* refers to approaches being adopted on a much larger scale, but in a very similar context. Scaling up is often the longer term objective of pilot initiatives. *Replication* refers to approaches being repeated or lessons being explicitly applied in new/different contexts e.g. other geographic areas, different target group etc. Effective

47. Ultimately UN Environment and all its partners aim to bring about benefits to the environment and human well-being. Few projects are likely to have impact statements that reflect such long-term or broad-based changes. However, the evaluation will assess the likelihood of the project to make a substantive contribution to the high-level changes represented by UN Environment's Expected Accomplishments, the Sustainable Development Goals⁹¹ and/or the high level results prioritised by the funding partner.

48. Factors affecting this criterion may include:

- Quality of Project Management and Supervision (including adaptive management)
- Stakeholders participation and cooperation
- Responsiveness to human rights and gender equity
- Country ownership and driven-ness
- Communication and public awareness

E. Financial Management

49. Financial management will be assessed under two themes: *completeness* of financial information and communication between financial and project management staff. The evaluation will establish the actual spend across the life of the project of funds secured from all donors. This expenditure will be reported, where possible, at output level and will be compared with the approved budget. The evaluation will assess the level of communication between the Project/Task Manager and the Fund Management Officer as it relates to the effective delivery of the planned project and the needs of a responsive, adaptive management approach. The evaluation will verify the application of proper financial management standards and adherence to UN Environment's financial management policies. Any financial management issues that have affected the timely delivery of the project or the quality of its performance will be highlighted.

50. Factors affecting this criterion may include:

- Preparation and readiness
- Quality of project management and supervision

F. Efficiency

51. In keeping with the OECD/DAC definition of efficiency the evaluation will assess the extent to which the project delivered maximum results from the given resources. This will include an assessment of the cost-effectiveness and timeliness of project execution. Focussing on the translation of inputs into outputs, cost-effectiveness is the extent to which an intervention has achieved, or is expected to achieve, its results at the lowest possible cost. Timeliness refers to whether planned activities were delivered according to expected timeframes as well as whether events were sequenced efficiently. The evaluation will also assess to what extent any project extension could have been avoided through stronger project management and identify any negative impacts caused by project delays or extensions. The evaluation will describe any cost or time-saving measures put in place to maximise results within the secured budget and agreed project timeframe and consider whether the project was implemented in the most efficient way compared to alternative interventions or approaches.

52. The evaluation will give special attention to efforts by the project teams to make use of/build upon pre-existing institutions, agreements and partnerships, data sources, synergies and complementarities with other initiatives, programmes and projects etc. to increase project

replication typically requires some form of revision or adaptation to the new context. It is possible to replicate at either the same or a different scale.

⁹¹ A list of relevant SDGs is available on the EO website www.unep.org/evaluation

efficiency. The evaluation will also consider the extent to which the management of the project minimised UN Environment's environmental footprint.

53. The factors underpinning the need for any project extensions will also be explored and discussed. As management or project support costs cannot be increased in cases of 'no cost extensions', such extensions represent an increase in unstated costs to implementing parties.

54. Factors affecting this criterion may include:

- Preparation and readiness (e.g. timeliness)
- Quality of project management and supervision
- Stakeholders participation and cooperation

G. Monitoring and Reporting

55. The evaluation will assess monitoring and reporting across three sub-categories: monitoring design and budgeting, monitoring implementation and project reporting.

i. Monitoring Design and Budgeting

56. Each project should be supported by a sound monitoring plan that is designed to track progress against SMART⁹² indicators towards the delivery of the projects outputs and achievement of direct outcomes, including at a level disaggregated by gender, vulnerability or marginalisation. The evaluation will assess the quality of the design of the monitoring plan as well as the funds allocated for its implementation. The adequacy of resources for mid-term and terminal evaluation/review should be discussed if applicable.

ii. Monitoring of Project Implementation

57. The evaluation will assess whether the monitoring system was operational and facilitated the timely tracking of results and progress towards projects objectives throughout the project implementation period. This should include monitoring the representation and participation of disaggregated groups (including gendered, vulnerable and marginalised groups) in project activities. It will also consider how information generated by the monitoring system during project implementation was used to adapt and improve project execution, achievement of outcomes and ensure sustainability. The evaluation should confirm that funds allocated for monitoring were used to support this activity.

iii. Project Reporting

58. UN Environment has a centralised Project Information Management System (PIMS) in which project managers upload six-monthly status reports against agreed project milestones. This information will be provided to the Evaluation Consultant(s) by the Evaluation Manager. Some projects have additional requirements to report regularly to funding partners, which will be supplied by the project team (e.g. the Project Implementation Reviews and Tracking Tool for GEF-funded projects). The evaluation will assess the extent to which both UN Environment and donor reporting commitments have been fulfilled. Consideration will be given as to whether reporting has been carried out with respect to the effects of the initiative on disaggregated groups.

59. Factors affecting this criterion may include:

- Quality of project management and supervision
- Responsiveness to human rights and gender equity (e.g disaggregated indicators and data)

H. Sustainability

⁹² SMART refers to indicators that are specific, measurable, assignable, realistic and time-specific.

60. Sustainability is understood as the probability of direct outcomes being maintained and developed after the close of the intervention. The evaluation will identify and assess the key conditions or factors that are likely to undermine or contribute to the persistence of achieved direct outcomes (ie. 'assumptions' and 'drivers'). Some factors of sustainability may be embedded in the project design and implementation approaches while others may be contextual circumstances or conditions that evolve over the life of the intervention. Where applicable an assessment of bio-physical factors that may affect the sustainability of direct outcomes may also be included.

i. Socio-political Sustainability

61. The evaluation will assess the extent to which social or political factors support the continuation and further development of project direct outcomes. It will consider the level of ownership, interest and commitment among government and other stakeholders to take the project achievements forwards. In particular the evaluation will consider whether individual capacity development efforts are likely to be sustained.

ii. Financial Sustainability

62. Some direct outcomes, once achieved, do not require further financial inputs, e.g. the adoption of a revised policy. However, in order to derive a benefit from this outcome further management action may still be needed e.g. to undertake actions to enforce the policy. Other direct outcomes may be dependent on a continuous flow of action that needs to be resourced for them to be maintained, e.g. continuation of a new resource management approach. The evaluation will assess the extent to which project outcomes are dependent on future funding for the benefits they bring to be sustained. Secured future funding is only relevant to financial sustainability where the direct outcomes of a project have been extended into a future project phase. Even where future funding has been secured, the question still remains as to whether the project outcomes are financially sustainable.

iii. Institutional Sustainability

63. The evaluation will assess the extent to which the sustainability of project outcomes (especially those relating to policies and laws) is dependent on issues relating to institutional frameworks and governance. It will consider whether institutional achievements such as governance structures and processes, policies, sub-regional agreements, legal and accountability frameworks etc. are robust enough to continue delivering the benefits associated with the project outcomes after project closure. In particular, the evaluation will consider whether institutional capacity development efforts are likely to be sustained.

64. Factors affecting this criterion may include:

- Stakeholders participation and cooperation
- Responsiveness to human rights and gender equity (e.g. where interventions are not inclusive, their sustainability may be undermined)
- Communication and public awareness
- Country ownership and driven-ness

I. Factors and Processes Affecting Project Performance

65. (These factors are rated in the ratings table, but are discussed within the Main Evaluation Report as cross-cutting themes as appropriate under the other evaluation criteria, above)

i. Preparation and Readiness

66. This criterion focuses on the inception or mobilisation stage of the project (ie. the time between project approval and first disbursement). The evaluation will assess whether appropriate measures were taken to either address weaknesses in the project design or respond to changes

that took place between project approval, the securing of funds and project mobilisation. In particular the evaluation will consider the nature and quality of engagement with stakeholder groups by the project team, the confirmation of partner capacity and development of partnership agreements as well as initial staffing and financing arrangements. (Project preparation is included in the template for the assessment of Project Design Quality).

ii. Quality of Project Management and Supervision

67. In some cases 'project management and supervision' will refer to the supervision and guidance provided by UN Environment to implementing partners and national governments while in others, specifically for GEF funded projects, it will refer to the project management performance of the executing agency and the technical backstopping and supervision provided by UN Environment.

68. The evaluation will assess the effectiveness of project management with regard to: providing leadership towards achieving the planned outcomes; managing team structures; maintaining productive partner relationships (including Steering Groups etc.); communication and collaboration with UN Environment colleagues; risk management; use of problem-solving; project adaptation and overall project execution. Evidence of adaptive management should be highlighted.

iii. Stakeholder Participation and Cooperation

69. Here the term 'stakeholder' should be considered in a broad sense, encompassing all project partners, duty bearers with a role in delivering project outputs and target users of project outputs and any other collaborating agents external to UN Environment. The assessment will consider the quality and effectiveness of all forms of communication and consultation with stakeholders throughout the project life and the support given to maximise collaboration and coherence between various stakeholders, including sharing plans, pooling resources and exchanging learning and expertise. The inclusion and participation of all differentiated groups, including gender groups should be considered.

iv. Responsiveness to Human Rights and Gender Equity

70. The evaluation will ascertain to what extent the project has applied the UN Common Understanding on the human rights based approach (HRBA) and the UN Declaration on the Rights of Indigenous People. Within this human rights context the evaluation will assess to what extent the intervention adheres to UN Environment's Policy and Strategy for Gender Equality and the Environment.

71. In particular the evaluation will consider to what extent project design, implementation and monitoring have taken into consideration: (i) possible gender inequalities in access to, and the control over, natural resources; (ii) specific vulnerabilities of women and children to environmental degradation or disasters; and (iii) the role of women in mitigating or adapting to environmental changes and engaging in environmental protection and rehabilitation.

v. Country Ownership and Driven-ness

72. The evaluation will assess the quality and degree of engagement of government / public sector agencies in the project. While there is some overlap between Country Ownership and Institutional Sustainability, this criterion focuses primarily on the forward momentum of the intended projects results, ie. either a) moving forwards from outputs to direct outcomes or b) moving forward from direct outcomes towards intermediate states. The evaluation will consider the involvement not only of those directly involved in project execution and those participating in technical or leadership groups, but also those official representatives whose cooperation is needed for change to be embedded in their respective institutions and offices. This factor is

concerned with the level of ownership generated by the project over outputs and outcomes and that is necessary for long term impact to be realised. This ownership should adequately represent the needs of interest of all gendered and marginalised groups.

vi. Communication and Public Awareness

73. The evaluation will assess the effectiveness of: a) communication of learning and experience sharing between project partners and interested groups arising from the project during its life and b) public awareness activities that were undertaken during the implementation of the project to influence attitudes or shape behaviour among wider communities and civil society at large. The evaluation should consider whether existing communication channels and networks were used effectively, including meeting the differentiated needs of gendered or marginalised groups, and whether any feedback channels were established. Where knowledge sharing platforms have been established under a project the evaluation will comment on the sustainability of the communication channel under either socio-political, institutional or financial sustainability, as appropriate.

Section 3. EVALUATION APPROACH, METHODS AND DELIVERABLES

74. The Terminal Evaluation will be an in-depth evaluation using a participatory approach whereby key stakeholders are kept informed and consulted throughout the evaluation process. Both quantitative and qualitative evaluation methods will be used as appropriate to determine project achievements against the expected outputs, outcomes and impacts. It is highly recommended that the consultant(s) maintains close communication with the project team and promotes information exchange throughout the evaluation implementation phase in order to increase their (and other stakeholder) ownership of the evaluation findings. Where applicable, the consultant(s) should provide a geo-referenced map that demarcates the area covered by the project and, where possible, provide geo-reference photographs of key intervention sites (e.g. sites of habitat rehabilitation and protection, pollution treatment infrastructure, etc.)

75. The findings of the evaluation will be based on the following:

(a) A desk review of:

Relevant background documentation, inter alia UNEP and GEF policies, strategies and programmes;

Project design documents (including minutes of the project design review meeting at approval); Annual Work Plans and Budgets or equivalent, revisions to the project (Project Document Supplement), the logical framework and its budget;

Project reports such as six-monthly progress and financial reports, progress reports from collaborating partners, meeting minutes, relevant correspondence and including the Project Implementation Reviews and Tracking Tool etc.;

Project outputs, including but not limited to: economic valuation of ecosystems, guidelines on PIC, MAT, MTA and benefit sharing agreements, reviewed frameworks, database of economic potential of bioresources, Peoples Biodiversity Register, financial mechanisms for implementing ABS;

Mid-Term Review or Mid-Term Evaluation of the project;

Evaluations/reviews of similar projects (India-UNDP project "Strengthening Institutional Structures to Implement the Biological Diversity Act").

(b) Interviews (individual or in group) with:

UN Environment Task Manager (TM);

Project management team (National Biodiversity Authority);

UN Environment Fund Management Officer (FMO);

Sub-Programme Coordinator for Ecosystems Management and/or GEF Portfolio Manager for Biodiversity and Land Degradation;

Project partners, including Ministry of Environment, Forests and Climate Change (MoEFCC), India; Zoological Survey of India; Botanical Survey of India; State Biodiversity Boards (Andhra Pradesh, Gujarat, West Bengal, Himachal Pradesh, Sikkim, Goa, Karnataka, Odisha, Telangana and Tripura), UN Environment Division of Environmental Law and Conventions, Nairobi; United Nations University – Institute of Advanced Studies, Japan; United Nations Development Programme, New Delhi; Global Environmental Facility.

An inclusive representation (marginalized and vulnerable groups, equal representation of women and men) of community members at and around the project pilot areas

Relevant resource persons.

Surveys as deemed necessary and designed at the inception stage.

Field visits to 3 – 5 states as deemed necessary and designed at the inception stage.

Other data collection tools as deemed necessary and designed at the inception stage.

Evaluation Deliverables and Review Procedures

76. The evaluation team will prepare:

- **Inception Report:** (see Annex 1 for links to all templates, tables and guidance notes) containing an assessment of project design quality, a draft reconstructed Theory of Change of the project, project stakeholder analysis, evaluation framework and a tentative evaluation schedule.
- **Preliminary Findings Note:** typically in the form of a PowerPoint presentation, the sharing of preliminary findings is intended to support the participation of the project team, act as a means to ensure all information sources have been accessed and provide an opportunity to verify emerging findings. In the case of highly strategic project/portfolio evaluations or evaluations with an Evaluation Reference Group, the preliminary findings may be presented as a word document for review and comment.
- **Draft and Final Evaluation Report:** (see links in Annex 1) containing an executive summary that can act as a stand alone document; detailed analysis of the evaluation findings organised by evaluation criteria and supported with evidence; lessons learned and recommendations and an annotated ratings table.
- **Evaluation Brief:** a 2-page summary of key evaluation findings for wider dissemination through the EOU website.

77. Review of the draft evaluation report. The evaluation team will submit a draft report to the Evaluation Manager and revise the draft in response to their comments and suggestions. Once a draft of adequate quality has been peer-reviewed and accepted, the Evaluation Manager will share the cleared draft report with the Project Manager, who will alert the Evaluation Manager in case the report contains any blatant factual errors. The Evaluation Manager will then forward revised draft report (corrected by the evaluation team where necessary) to other project stakeholders, for their review and comments. Stakeholders may provide feedback on any errors of fact and may highlight the significance of such errors in any conclusions as well as providing feedback on the proposed recommendations and lessons. Any comments or responses to draft reports will be sent to the Evaluation Manager for consolidation. The Evaluation Manager will provide all comments to the evaluation team for consideration in preparing the final report, along with guidance on areas of contradiction or issues requiring an institutional response.

78. Based on a careful review of the evidence collated by the evaluation consultants and the internal consistency of the report, the Evaluation Manager will provide an assessment of the ratings in the final evaluation report. Where there are differences of opinion between the evaluator and the Evaluation Manager on project ratings, both viewpoints will be clearly presented in the final report. The Evaluation Office ratings will be considered the final ratings for the project.

79. The Evaluation Manager will prepare a quality assessment of the first and final drafts of the main evaluation report, which acts as a tool for providing structured feedback to the evaluation consultants. The quality of the report will be assessed and rated against the criteria specified in template listed in Annex 1 and this assessment will be appended to the Final Evaluation Report.

80. At the end of the evaluation process, the Evaluation Office will prepare a Recommendations Implementation Plan in the format of a table, to be completed and updated at regular intervals by the Task Manager. The Evaluation Office will track compliance against this plan on a six monthly basis.

The Evaluation Consultant

81. For this evaluation, the evaluation team will consist of an Evaluation Consultant who will work under the overall responsibility of the Evaluation Office represented by an Evaluation Manager, Neeral Shah, in consultation with the UN Environment Task Manager, Max Zieren, Fund Management Officer, Paul Vrontamitis and the Sub-programme Coordinators of Ecosystems Management, Marieta Sakalian, and/or GEF Portfolio Manager for Biodiversity and Land Degradation, Johan Robinson. The consultant will liaise with the Evaluation Manager on any procedural and methodological matters related to the evaluation. It is, however, the consultants' individual responsibility to arrange for their visas and immunizations as well as to plan meetings with stakeholders, organize online surveys, obtain documentary evidence and any other logistical matters related to the assignment. The UN Environment Task Manager and project team will, where possible, provide logistical support (introductions, meetings etc.) allowing the consultants to conduct the evaluation as efficiently and independently as possible.

82. The consultant will be hired for 6 months spread over the period August 2019 to February 2020 and should have: an advanced university degree in environmental sciences, international development or other relevant political or social sciences area; a minimum of 8 years of technical experience in CBD and its ABS frameworks, bioprospecting and incorporation of ABS considerations into national and local planning of; proficiency in English is required, along with excellent writing skills in English; and, where possible, knowledge of the International Organisations, specifically of the work of NGOs.

83. In close consultation with the Evaluation Manager, the Evaluation Consultant will be responsible for the overall management of the evaluation and timely delivery of its outputs, data collection and analysis and report-writing. More specifically:

- a) Inception phase of the evaluation, including:
 - preliminary desk review and introductory interviews with project staff;
 - draft the reconstructed Theory of Change of the project;
 - prepare the evaluation framework;
 - develop the desk review and interview protocols;
 - draft the survey protocols (if relevant);
 - develop and present criteria for country and/or site selection for the evaluation mission;
 - plan the evaluation schedule;
 - prepare the Inception Report, incorporating comments until approved by the Evaluation Manager
- b) Data collection and analysis phase of the evaluation, including:
 - conduct further desk review and in-depth interviews with project implementing and executing agencies, project partners and project stakeholders;
 - (where appropriate and agreed) conduct an evaluation mission(s) to selected countries, visit the project locations, interview project partners and stakeholders, including a good representation of local communities. Ensure independence of the evaluation and confidentiality of evaluation interviews.
 - regularly report back to the Evaluation Manager on progress and inform of any possible problems or issues encountered and;
 - keep the Project/Task Manager informed of the evaluation progress and engage the Project/Task Manager in discussions on emerging findings throughout the evaluation process.
- c) Reporting phase, including:
 - draft the Main Evaluation Report, ensuring that the evaluation report is complete, coherent and consistent with the Evaluation Manager guidelines both in substance and style;
 - liaise with the Evaluation Manager on comments received and finalize the Main Evaluation Report, ensuring that comments are taken into account until approved by the Evaluation Manager
 - prepare a Response to Comments annex for the main report, listing those comments not accepted by the Evaluation Consultant and indicating the reason for the rejection; and
 - prepare a 2-page summary of the key evaluation findings and lessons;
- d) Managing relations, including:
 - maintain a positive relationship with evaluation stakeholders, ensuring that the evaluation process is as participatory as possible but at the same time maintains its independence;
 - communicate in a timely manner with the Evaluation Manager on any issues requiring its attention and intervention.

Schedule of the evaluation

84. The table below presents the tentative schedule for the evaluation.

Table 3. Tentative schedule for the evaluation

| Milestone | Tentative Dates |
|---|------------------------|
| Inception Report | August 2019 |
| Evaluation Mission – 2 weeks | September 2019 |
| Telephone interviews, surveys etc. | October 2019 |
| Powerpoint/presentation on preliminary findings and recommendations | October 2019 |
| Draft report to Evaluation Manager (and Peer Reviewer) | November 2019 |
| Draft Report shared with UN Environment Project Manager and team | December 2019 |
| Draft Report shared with wider group of stakeholders | February 2020 |
| Final Report | February 2020 |
| Final Report shared with all respondents | March 2020 |

ANNEX VI. QUALITY ASSESSMENT OF THE EVALUATION REPORT

Strengthening the Implementation of the Biological Diversity Act and Rules with Focus on its Access and Benefit Sharing Provisions” GEF Project 3801

All UNEP evaluations are subject to a quality assessment by the Evaluation Office. This is an assessment of the quality of the evaluation product (i.e. evaluation report) and is dependent on more than just the consultant's efforts and skills.

| | UNEP Evaluation Office Comments | Final Report Rating |
|---|---------------------------------|---------------------|
| Substantive Report Quality Criteria | | |
| Quality of the Executive Summary: The Summary should be able to stand alone as an accurate summary of the main evaluation product. It should include a concise overview of the evaluation object; clear summary of the evaluation objectives and scope; overall evaluation rating of the project and key features of performance (strengths and weaknesses) against exceptional criteria (plus reference to where the evaluation ratings table can be found within the report); summary of the main findings of the exercise, including a synthesis of main conclusions (which include a summary response to key strategic evaluation questions), lessons learned and recommendations. | Final report: | 5 |
| I. Introduction A brief introduction should be given identifying, where possible and relevant, the following: institutional context of the project (sub-programme, Division, regions/countries where implemented) and coverage of the evaluation; date of PRC approval and project document signature); results frameworks to which it contributes (e.g. Expected Accomplishment in POW); project duration and start/end dates; number of project phases (where appropriate); implementing partners; total secured budget and whether the project has been evaluated in the past (e.g. mid-term, part of a synthesis evaluation, evaluated by another agency etc.) Consider the extent to which the introduction includes a concise statement of the purpose of the evaluation and the key intended audience for the findings? | Final report: | 5 |
| II. Evaluation Methods A data collection section should include: a description of evaluation methods and information sources used, including the number and type of respondents; justification for methods used (e.g. qualitative/ quantitative; electronic/face-to-face); any selection criteria used to identify respondents, case studies or sites/countries visited; strategies used to increase stakeholder engagement and consultation; details of how data were verified (e.g. triangulation, review by stakeholders etc.). Methods to ensure that potentially excluded groups (excluded by gender, vulnerability or marginalisation) are reached and their experiences captured effectively, should be made explicit in this section. The methods used to analyse data (e.g. scoring; coding; thematic analysis etc.) should be described. It should also address evaluation limitations such as: low or imbalanced response rates across different groups; gaps in documentation; extent to which findings can be either generalised to wider evaluation questions or | Final report: | 5 |

| | UNEP Evaluation Office Comments | Final Report Rating |
|---|---------------------------------|---------------------|
| constraints on aggregation/disaggregation; any potential or apparent biases; language barriers and ways they were overcome. Ethics and human rights issues should be highlighted including: how anonymity and confidentiality were protected and strategies used to include the views of marginalised or potentially disadvantaged groups and/or divergent views. Is there an ethics statement? | | |
| III. The Project This section should include: <ul style="list-style-type: none"> • <i>Context</i>: Overview of the main issue that the project is trying to address, its root causes and consequences on the environment and human well-being (i.e. synopsis of the problem and situational analyses). • <i>Results framework</i>: Summary of the project's results hierarchy as stated in the ProDoc (or as officially revised) • <i>Stakeholders</i>: Description of groups of targeted stakeholders organised according to relevant common characteristics • <i>Project implementation structure and partners</i>: A description of the implementation structure with diagram and a list of key project partners • <i>Changes in design during implementation</i>: Any key events that affected the project's scope or parameters should be described in brief in chronological order • <i>Project financing</i>: Completed tables of: (a) budget at design and expenditure by components (b) planned and actual sources of funding/co-financing | Final report: | 5 |
| IV. Theory of Change The <i>TOC at Evaluation</i> should be presented clearly in both diagrammatic and narrative forms. Clear articulation of each major causal pathway is expected, (starting from outputs to long term impact), including explanations of all drivers and assumptions as well as the expected roles of key actors. This section should include a description of how the <i>TOC at Evaluation</i> ⁹³ was designed (who was involved etc.) and applied to the context of the project? Where the project results as stated in the project design documents (or formal revisions of the project design) are not an accurate reflection of the project's intentions or do not follow UNEP's definitions of different results levels, project results may need to be re-phrased or reformulated. In such cases, a summary of the project's results hierarchy should be presented for: a) the results as stated in the approved/revised Prodoc logframe/TOC and b) as formulated in the <i>TOC at Evaluation</i> . <i>The two results hierarchies should be presented as a two-column table to show clearly that, although wording and placement may have changed, the results 'goal posts' have not been 'moved'.</i> | Final report: | 5 |
| V. Key Findings A. Strategic relevance: This section should include an assessment of the project's relevance in relation to UNEP's mandate and its alignment with UNEP's policies and strategies at the time of project approval. An assessment of the | Final report: | 5 |

⁹³ During the Inception Phase of the evaluation process a *TOC at Evaluation Inception* is created based on the information contained in the approved project documents (these may include either logical framework or a TOC or narrative descriptions), formal revisions and annual reports etc. During the evaluation process this TOC is revised based on changes made during project intervention and becomes the *TOC at Evaluation*.

| | UNEP Evaluation Office Comments | Final Report Rating |
|---|---------------------------------|---------------------|
| complementarity of the project at design (or during inception/mobilisation ⁹⁴), with other interventions addressing the needs of the same target groups should be included. Consider the extent to which all four elements have been addressed: <ul style="list-style-type: none"> v. Alignment to the UNEP Medium Term Strategy (MTS) and Programme of Work (POW) vi. Alignment to Donor/GEF Strategic Priorities vii. Relevance to Regional, Sub-regional and National Environmental Priorities viii. Complementarity with Existing Interventions | | |
| B. Quality of Project Design To what extent are the strength and weaknesses of the project design effectively <u>summarized</u> ? | Final report: | 5 |
| C. Nature of the External Context For projects where this is appropriate, key <u>external</u> features of the project's implementing context that limited the project's performance (e.g. conflict, natural disaster, political upheaval ⁹⁵), and how they affected performance, should be described. | Final report: | 6 |
| D. Effectiveness (i) Outputs and Project Outcomes: How well does the report present a well-reasoned, complete and evidence-based assessment of the a) availability of outputs, and b) achievement of project outcomes? How convincing is the discussion of attribution and contribution, as well as the constraints to attributing effects to the intervention. The effects of the intervention on differentiated groups, including those with specific needs due to gender, vulnerability or marginalisation, should be discussed explicitly. | Final report: | 5 |
| (ii) Likelihood of Impact: How well does the report present an integrated analysis, guided by the causal pathways represented by the TOC, of all evidence relating to likelihood of impact? How well are change processes explained and the roles of key actors, as well as drivers and assumptions, explicitly discussed? Any unintended negative effects of the project should be discussed under Effectiveness, especially negative effects on disadvantaged groups. | Final report: | 5 |
| E. Financial Management This section should contain an integrated analysis of all dimensions evaluated under financial management and include a completed 'financial management' table. Consider how well the report addresses the following: <ul style="list-style-type: none"> • <i>Adherence</i> to UNEP's financial policies and procedures | Final report: | 5 |

⁹⁴ A project's inception or mobilization period is understood as the time between project approval and first disbursement. Complementarity during project implementation is considered under Efficiency, see below.

⁹⁵ Note that 'political upheaval' does not include regular national election cycles, but unanticipated unrest or prolonged disruption. The potential delays or changes in political support that are often associated with the regular national election cycle should be part of the project's design and addressed through adaptive management of the project team.

| | UNEP Evaluation Office Comments | Final Report Rating |
|--|---------------------------------|---------------------|
| <ul style="list-style-type: none"> • <i>completeness</i> of financial information, including the actual project costs (total and per activity) and actual co-financing used • <i>communication</i> between financial and project management staff | | |
| <p>F. Efficiency</p> <p>To what extent, and how well, does the report present a well-reasoned, complete and evidence-based assessment of efficiency under the primary categories of cost-effectiveness and timeliness including:</p> <ul style="list-style-type: none"> • Implications of delays and no cost extensions • Time-saving measures put in place to maximise results within the secured budget and agreed project timeframe • Discussion of making use during project implementation of/building on pre-existing institutions, agreements and partnerships, data sources, synergies and complementarities with other initiatives, programmes and projects etc. • The extent to which the management of the project minimised UNEP's environmental footprint. | Final report: | 5 |
| <p>G. Monitoring and Reporting</p> <p>How well does the report assess:</p> <ul style="list-style-type: none"> • Monitoring design and budgeting (<i>including SMART results with measurable indicators, resources for MTE/R etc.</i>) • Monitoring of project implementation (<i>including use of monitoring data for adaptive management</i>) • Project reporting (<i>e.g. PIMS and donor reports</i>) | Final report: | 5 |
| <p>H. Sustainability</p> <p>How well does the evaluation identify and assess the key conditions or factors that are likely to undermine or contribute to the persistence of achieved project outcomes including:</p> <ul style="list-style-type: none"> • Socio-political Sustainability • Financial Sustainability • Institutional Sustainability | Final report: | 5 |
| <p>I. Factors Affecting Performance</p> <p>These factors are <u>not</u> discussed in stand-alone sections but are integrated in criteria A-H as appropriate. Note that these are described in the Evaluation Criteria Ratings Matrix. To what extent, and how well, does the evaluation report cover the following cross-cutting themes:</p> <ul style="list-style-type: none"> • Preparation and readiness • Quality of project management and supervision⁹⁶ • Stakeholder participation and co-operation • Responsiveness to human rights and gender equity • Environmental and social safeguards • Country ownership and driven-ness • Communication and public awareness | Final report: | 5 |
| <p>VI. Conclusions and Recommendations</p> | Final report: | 5 |

⁹⁶ In some cases 'project management and supervision' will refer to the supervision and guidance provided by UNEP to implementing partners and national governments while in others, specifically for GEF funded projects, it will refer to the project management performance of the executing agency and the technical backstopping provided by UNEP.

| | UNEP Evaluation Office Comments | Final Report Rating |
|---|---------------------------------|---------------------|
| <p>i. Quality of the conclusions: The key strategic questions should be clearly and succinctly addressed within the conclusions section. It is expected that the conclusions will highlight the main strengths and weaknesses of the project and connect them in a compelling story line. Human rights and gender dimensions of the intervention (e.g. how these dimensions were considered, addressed or impacted on) should be discussed explicitly. Conclusions, as well as lessons and recommendations, should be consistent with the evidence presented in the main body of the report.</p> | | |
| <p>ii) Quality and utility of the lessons: Both positive and negative lessons are expected and duplication with recommendations should be avoided. Based on explicit evaluation findings, lessons should be rooted in real project experiences or derived from problems encountered and mistakes made that should be avoided in the future. Lessons are intended to be adopted any time they are deemed to be relevant in the future and must have the potential for wider application (replication and generalization) and use and should briefly describe the context from which they are derived and those contexts in which they may be useful.</p> | Final report: | 5 |
| <p>iii) Quality and utility of the recommendations:</p> <p>To what extent are the recommendations proposals for specific action to be taken by identified people/position-holders to resolve concrete problems affecting the project or the sustainability of its results? (i.e. points of corrective action). They should be feasible to implement within the timeframe and resources available (including local capacities) and specific in terms of who would do what and when.</p> <p>At least one recommendation relating to strengthening the human rights and gender dimensions of UNEP interventions, should be given.</p> <p>Recommendations should represent a measurable performance target in order that the Evaluation Office can monitor and assess compliance with the recommendations.</p> <p>In cases where the recommendation is addressed to a third party, compliance can only be monitored and assessed where a contractual/legal agreement remains in place. Without such an agreement, the recommendation should be formulated to say that UNEP project staff should pass on the recommendation to the relevant third party in an effective or substantive manner. The effective transmission by UNEP of the recommendation will then be monitored for compliance.</p> <p>Where a new project phase is already under discussion or in preparation with the same third party, a recommendation can be made to address the issue in the next phase.</p> | Final report: | 5 |
| VII. Report Structure and Presentation Quality | | |
| <p>i) Structure and completeness of the report: To what extent does the report follow the Evaluation Office guidelines? Are all requested Annexes included and complete?</p> | Final report: | 5 |
| <p>ii) Quality of writing and formatting: Consider whether the report is well written (clear English language and grammar) with language that is adequate in quality and tone for an official document? Do visual aids, such as maps and graphs convey key information? Does the report follow Evaluation Office formatting guidelines?</p> | Final report: | 6 |

| | | |
|--------------------------------------|---------------------------------------|------------------------|
| | UNEP Evaluation Office Comments | Final Report Rating |
| OVERALL REPORT QUALITY RATING | | 5 Satisfactory |

A number rating 1-6 is used for each criterion: Highly Satisfactory = 6, Satisfactory = 5, Moderately Satisfactory = 4, Moderately Unsatisfactory = 3, Unsatisfactory = 2, Highly Unsatisfactory = 1. The overall quality of the evaluation report is calculated by taking the mean score of all rated quality criteria.

At the end of the evaluation, compliance of the evaluation process against the agreed standard procedures is assessed, based on the table below. *All questions with negative compliance must be explained further in the table below.*

| Evaluation Process Quality Criteria | Compliance | |
|---|------------|----|
| | Yes | No |
| Independence: | | |
| 1. Were the Terms of Reference drafted and finalised by the Evaluation Office? | ✓ | |
| 2. Were possible conflicts of interest of proposed Evaluation Consultant(s) appraised and addressed in the final selection? | ✓ | |
| 3. Was the final selection of the Evaluation Consultant(s) made by the Evaluation Office? | ✓ | |
| 4. Was the evaluator contracted directly by the Evaluation Office? | ✓ | |
| 5. Was the Evaluation Consultant given direct access to identified external stakeholders in order to adequately present and discuss the findings, as appropriate? | ✓ | |
| 6. Did the Evaluation Consultant raise any concerns about being unable to work freely and without interference or undue pressure from project staff or the Evaluation Office? | | ✓ |
| 7. If Yes to Q6: Were these concerns resolved to the mutual satisfaction of both the Evaluation Consultant and the Evaluation Manager? | | |
| Financial Management: | | |
| 8. Was the evaluation budget approved at project design available for the evaluation? | ✓ | |
| 9. Was the final evaluation budget agreed and approved by the Evaluation Office? | ✓ | |
| 10. Were the agreed evaluation funds readily available to support the payment of the evaluation contract throughout the payment process? | ✓ | |
| Timeliness: | | |
| 11. If a Terminal Evaluation: Was the evaluation initiated within the period of six months before or after project operational completion? Or, if a Mid Term Evaluation: Was the evaluation initiated within a six-month period prior to the project's mid-point? | ✓ | |
| 12. Were all deadlines set in the Terms of Reference respected, as far as unforeseen circumstances allowed? | | ✓ |
| 13. Was the inception report delivered and reviewed/approved prior to commencing any travel? | ✓ | |
| Project's engagement and support: | | |
| 14. Did the project team, Sub-Programme Coordinator and identified project stakeholders provide comments on the evaluation Terms of Reference? | ✓ | |
| 15. Did the project make available all required/requested documents? | ✓ | |
| 16. Did the project make all financial information (and audit reports if applicable) available in a timely manner and to an acceptable level of completeness? | ✓ | |
| 17. Was adequate support provided by the project to the evaluator(s) in planning and conducting evaluation missions? | ✓ | |
| 18. Was close communication between the Evaluation Consultant, Evaluation Office and project team maintained throughout the evaluation? | ✓ | |
| 19. Were evaluation findings, lessons and recommendations adequately discussed with the project team for ownership to be established? | ✓ | |

| Evaluation Process Quality Criteria | | Compliance | |
|---|--|------------|---|
| 20. Did the project team, Sub-Programme Coordinator and any identified project stakeholders provide comments on the draft evaluation report? | | | ✓ |
| Quality assurance: | | | |
| 21. Were the evaluation Terms of Reference, including the key evaluation questions, peer-reviewed? | | ✓ | |
| 22. Was the TOC in the inception report peer-reviewed? | | ✓ | |
| 23. Was the quality of the draft/cleared report checked by the Evaluation Manager and Peer Reviewer prior to dissemination to stakeholders for comments? | | ✓ | |
| 24. Did the Evaluation Office complete an assessment of the quality of both the draft and final reports? | | ✓ | |
| Transparency: | | | |
| 25. Was the draft evaluation report sent directly by the Evaluation Consultant to the Evaluation Office? | | ✓ | |
| 26. Did the Evaluation Manager disseminate (or authorize dissemination) of the cleared draft report to the project team, Sub-Programme Coordinator and other key internal personnel (including the Reference Group where appropriate) to solicit formal comments? | | ✓ | |
| 27. Did the Evaluation Manager disseminate (or authorize dissemination) appropriate drafts of the report to identified external stakeholders, including key partners and funders, to solicit formal comments? | | ✓ | |
| 28. Were all stakeholder comments to the draft evaluation report sent directly to the Evaluation Office | | ✓ | |
| 29. Did the Evaluation Consultant(s) respond adequately to all factual corrections and comments? | | ✓ | |
| 30. Did the Evaluation Office share substantive comments and Evaluation Consultant responses with those who commented, as appropriate? | | ✓ | |

Provide comments / explanations / mitigating circumstances below for any non-compliant process issues.

| <u>Process Criterion Number</u> | <u>Evaluation Office Comments</u> |
|--|---|
| 12. & 20. | The Executing Agency did not provide (i) a full list of stakeholders involved in project implementation, nor (ii) feedback or comments on the draft report, despite repeated requests and extensions to the deadline, resulting in delays in completion of the evaluation report. These limitations have been described in the evaluation report, under 'Evaluation Methods'. |