

# ENVIRONMENTAL COOPERATION-ASIA

*Catalyzing change through regional cooperation*

## **ECO-Asia Environmental Governance Program Formative Evaluation**

**23 February-6 March 2009**

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## **Acknowledgements**

The evaluation team would like to acknowledge first and foremost John Pasch, RDM/A Environment Officer, for providing contact information and support to enable the team to conduct the evaluation. In addition the team would like to thank Paul Violette and Richard Paton of AECOM for providing information and facilitating interviews with key informants. We are grateful to all of the informants listed in this report but, most particularly, to Chief Justice Winai who so graciously agreed to be interviewed on very short notice.

## Executive Summary

At the request of RDM/A, a two-person team from Asia/SPO, Washington, DC, conducted an evaluation of the ECO-Asia environmental Governance program, as implemented by AECOM International. An evaluation team briefing took place at RDM/A and AECOM offices between February 23 -24, 2009, to discuss the scope of work and further refine the focus of the evaluation. The subsequent evaluation took place in Bangkok, Thailand, Vientiane, Laos and Manila, Philippines from February 24 to March 5, 2009. A Mission debriefing took place on March 4, 2009.

ECO-Asia's environmental governance program has consistently met or exceeded most of its targets. In FY2006, its success rate for performance indicators was 95%. In FY2007 it was 85% and in FY2008 it was 100% (Annex A). Since the program is now more than three years old, it is necessary to evaluate its progress in achieving USAID's Strategic Objectives. Beyond monitoring progress in the specific areas referenced by the indicators, this evaluation examined longer term results by responding to seven questions:

- Is the development hypothesis guiding ECO-Asia environmental governance activities a valid one and why or why not?
- Are the results reported for the ECO-Asia environmental governance activities valid and what are the prospects for achieving the indicator targets?
- Are ECO-Asia environmental governance activities responsive to the needs of partners and stakeholders in the region?
- Are ECO-Asia environmental governance activities sustainable?
- What lessons learned can be identified from the first three-years of implementation and can these lessons be translated into clear guidance for the remaining period of implementation, including the option period?
- Can the MRC be strengthened to address some of the identified issues and problems in the Mekong River Basin? Should USAID be working with other organizations (national government agencies, NGOs, etc.) to affect the desired reform?
- What priority actions for supporting biodiversity programming in the Mekong River Basin should be undertaken?

The evaluation relied upon the program's reporting documentation, interviews with USAID and AECOM personnel and site visits and interviews at the MRC Secretariat in Vientiane, the PCD and Supreme Court in Bangkok and the ADB and PHILJA in Manila for the collection of information regarding implementation, progress and results.

AECEN's achievements since its inception include: support for the adoption of seven policies, laws and regulations on improved environmental compliance; the implementation of training over 900 environmental inspectors, judges and other practitioners from over 100 agencies and organizations; establishing environmental courts in the Philippines; creating compliance assistance centers in Thailand, the Philippines and West Bengal; training over 300 environmental inspectors in Vietnam; initiation of the legislative process for a wastewater pollution measure in Sri Lanka;

developing regional guiding principles on compliance and enforcement; and facilitating a number of counterpart exchanges between member countries (twinning).

The ECO-Asia Environmental Governance Program also supports the Mekong River Commission (MRC). Its achievements with respect to the MRC include: the development of specialized training initiatives to help build human and institutional capacity at the MRC and country levels; developing a guide to conflict resolution in all of the relevant languages to enable the MRC to address trans-boundary conflicts that cut across all MRC programs; facilitating twinning between riparian countries to promote sharing of best practices in conflict management; and assisting the MRC in identifying seven trans-boundary hotspots with the potential to cause significant cross-border impact related to hydropower, fisheries, river bank erosion, oil spills and wetlands. Representatives from Cambodia, Laos, Thailand and Vietnam identified mechanisms to address problem areas.

The evaluation team made the following findings with respect to the evaluation questions as detailed in this report:

- ECO-Asia's environmental governance **development hypotheses are valid** insofar as providing technical and institutional support to strengthen regional organizations and networks; providing forums for regional engagement; and providing a context for Asian countries to demonstrate more leadership and responsibility in solving environmental problems.
- Its **reported and actual results** in addressing issues on the level of country specific support are also valid and its prospects for achieving its indicator targets are good. With respect to trans-boundary issues, engaging non-government stakeholders and strengthening sustainable financing mechanisms it has not been as successful as in other areas.
- ECO-Asia, based upon the limited number of interviews and site visits the team was able to achieve within a ten-day timeframe, was assessed by 9 out of 14 informants as **responsive to stakeholders**. Only three individuals made specific negative comments, however, and two the rest did not express any clear opinions on the matter. One out of the three negative commentators was representative of a multi-lateral organization and the other a donor organization.
- ECO-Asia's **results were considered sustainable** by half of the informants. One out of the four negative commentators was representative of a multi-lateral organization and two donor organizations. The positive responses cited specific instances where the initiative has affected on-the-ground environmental management concerns. The negative comments tended to be more general in nature.
- **Lessons learned** are detailed more specifically in the findings sections below. In general, however, it can be said that targeted investments in country level legal and policy reform has been successful, the AECEN regional platform is well regarded and considered very useful, but conflict prevention issues need to be scaled down to an operable level considering the resources for the program.
- ECO-Asia's activities with respect to **the Mekong River Basin** have, thus far, had only limited results toward achieving its goals but these results, when examined on their own merits, are promising. Since the MRC is the only multi-lateral organization dealing with this region, consideration of partnering with other donors to achieve better

management and accountability in the organization is a crucial next step in pursuing trans-boundary cooperation.

### **Key Recommendations for the ECO-Asia Environmental Governance Program**

include the following actions:

- Clarifying the development hypothesis in more specific terms
- Scaling back the development goals to achievements that can be reasonably expected from the resources invested in the program
- Assuring that the development hypothesis with respect to addressing critical trans-boundary and regional environmental governance concerns more closely reflects the limitations of working on such issues
- Disseminating studies in a format that is usable by stakeholders
- Presenting more realistic training and information on performance
- Exploring possibilities for “tripling” and “quadrupling” on areas of common interest
- Making greater efforts to engage non-government actors and other donors
- Working with bi-lateral missions in an effort to engage lower level decision-makers
- Opening up the Annual Forum and other meetings to a larger constituency (private sector, NGO’s, more local government officials)
- Creating opportunities for more participatory strategizing and priority setting ECO-Asia should explore opportunities to expand membership through a tiered approach to engage private sector and NGO representatives.
- Vigorously pursuing other donors and forming closer partnerships with existing environmental governance multi-lateral organizations.
- Empowering country and local level coordinators more and use the Annual Forum to develop strategy and priorities.
- Considering the establishment of a pool of technical experts and practice leaders for member countries to draw on in directly and the development of a knowledge clearinghouse should be undertaken
- Expanding its strategies and priorities to address the major causes of pollution within the countries it serves

## *Glossary and Acronyms*

**ADB**—a regional development bank established in 1966 to promote economic and social development in Asian and Pacific countries through loans and technical assistance

**AECEN**—Asian Environmental Compliance and Enforcement Network formed in 2005, with support from the USAID, the ADB, and environmental agency leaders from 13 Asian countries to promote improved compliance with environmental legal requirements in Asia through regional exchange of innovative policies and practices

**AECEN Secretariat**—based in Bangkok, the Secretariat works with members to support the design and implementation of country and regional activities and provide information support and coordination, including assisting in organizing the AECEN Annual Forum

**AECOM**--an international development company working in economic growth, environment and regional development, industrial and commercial area development, democracy and governance, humanitarian response and stabilization, and infrastructure and facilities

**Annual Forum**—organized by the AECEN Secretariat and member countries organize to report results on pilot activities and indicators development, conduct regional trainings, share and ensure effective transfer of knowledge and experience among members and plan new activities

**ASEAN**—the Association of Southeast Asian Nations—a multi-lateral organization focused on economic growth, social progress, cultural development and regional peace and stability

**ARDCP**—the Asia Regional Biodiversity Conservation Program—a part of ECO-Asia focusing on the Greater Mekong Subregion

**Asian Justices Forum**—organized by the Philippine Supreme Court with USAID-AECEN support to share recommendations with judges from Australia, India, Indonesia, Sri Lanka, Thailand, and the U.S.

**CAC**—Compliance Assistance Centers set up by several AECEN countries to provide industry with information on policies, legal requirements, clean technologies and finance

**Conflict Resolution**—a major objective of the MRC which is required to identify potential transboundary issues for negotiation, mediation and conflict prevention; and develop mediation and conflict management capacity

**ECO-Asia**--Environmental Cooperation-Asia--a regional program that promotes improved access to clean water and sanitation; sustainable management of natural resources and biodiversity conservation; improved tsunami response and reconstruction; and investment in clean energy technologies

**Hotspot**—areas of potential serious conflict between development and environmental goals provides

**LLDA**—Lake Laguna Development Authority formed in 1966 as a quasi-government agency that leads, promotes, and accelerates sustainable development in the Laguna de Bay Region

**MRC**—Established in 1995, the Mekong River Commission (MRC) consists of representatives from the four lower Mekong countries of Cambodia, Laos, Thailand and Vietnam

**MRC Council**—has overall governance of the Mekong River Commission, consists of one member from each country at the ministerial or cabinet level and meets once a year to make policy decisions and provide other necessary guidance concerning the promotion, support, co-operation and co-ordination of joint activities and programs

**MRC Joint Committee**—consists of one member from each country at no less than Head of Department level and is responsible for the implementation of the policies and decisions of the Council and supervises the activities of the Mekong River Commission Secretariat

**MRC Secretariat**—based in Vientiane, Laos, the Secretariat provides technical and administrative services to the MRC Council and Joint Committee

**NMCs**—National Mekong Committees formed to preserve the natural resources and environmental quality of the river basin while promoting the inter-dependent and economic growth of the Mekong region

**PCD**—Thailand Pollution Control Department, a partner in ECO-Asia's environmental governance program

**PHILJA**—Philippine Judicial Academy, a partner in ECO-Asia's environmental governance program

**RDM/A**—Regional Development Mission for Asia established in 2003 to manage regional development assistance programs in Asian countries without USAID Missions, including Burma, China, Laos, and Thailand

**Twinning**—peer-to-peer arrangements between Asian counterparts designed to promote the sharing of best practices and lessons learned

**UNDP**—The United Nations Development Programme which is actively involved in working with the MRC on biodiversity issues

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## **I. Introduction**

Effective governance in Asia is central to adequately addressing its rapidly growing environmental problems. The adoption of policies, laws, and regulations is the vital first step in this process but, more often than not, compliance and enforcement in the region has been hindered by lack of funding, little public participation or interest and the enormous scale of its most critical concerns. Rivers in Asia, serving over 870 million people, are among the most endangered in the world, as dams, water extraction, pollution and climate change all take their toll.

The Ganges, Indus, Yangtze, Salween-Nu and Mekong-Lancang rivers make up half of the world's most threatened river basins. Most rivers in Nepal's urban areas have been polluted and their waters are now unfit for human use. Drinking water in Kathmandu is contaminated with coliform bacteria, iron, ammonia and other contaminants and groundwater in districts of West Bengal, India, and in some villages in Bangladesh is contaminated with arsenic at levels as much as 70 times higher than the national drinking water standard.

Many attempts to introduce strong environmental protections in Asia have run into serious obstacles. The first of these is the underlying dynamic of industrial development, technological change and economic globalization occurring simultaneously. The second is the scope and scale of environmental policy dilemmas and the transnational character of environmental problems. Water and many other natural resource concerns are not "local" matters in a world marked by massive flows of people, goods, money, ideas, images, and technology across increasingly porous borders.

Designing and developing the appropriate institutional architecture to address environmental issues has been a major challenge. In the case of water quality, scarcity, and management issues, this means asking some fundamental questions about the core functions of water environmental governance. Who are the agents (public, civil society, private, public-private partnership, and so on) best suited to address or implement water environmental governance solutions? At what levels of geographic scale, ranging from the local to the global, are the functions of water environmental governance most effectively performed?

In the case of water governance, the scope and involvement of the private sector is also particularly problematic in Asia due to the huge investments that have to be made in many countries in this region. In addition, the role of civil society in environmental governance is still underdeveloped and more importantly, underappreciated. Nevertheless, pressure on public institutions to open their decision-making processes and adopt ecosystem management approaches has been increasing and international norms calling for trans-boundary cooperation and full integration of environmental concerns into development decision-making have entered public discourse at the highest levels.

The experience of Asian countries with legislation addressing water pollution (Table 1) has been uneven. Several countries have had laws on the books for over three decades (Thailand, the Philippines, Sri Lanka and Malaysia) but the record of enforcement is

disappointing. In many cases, the legal frameworks exist but the resources allocated within those frameworks are so limited that effective enforcement is not possible.

<b>Country</b>	<b>Legislation Addressing Water Pollution</b>
Cambodia	1996
China	1985
India	1981
Indonesia	1982
Laos	1991
Malaysia	1977
Philippines	1964
Sri Lanka	1974
Thailand	1977
Vietnam	1993

*Table 1: Dates of primary water pollution laws in Asian Countries*

## **II. Project Objectives**

To address these environmental challenges, ECO-Asia’s environmental governance program is intended to support region wide adoption of improved and harmonized policies, practices and technologies. USAID’s response to Asia’s pressing environmental governance needs is in the form of a two programs under the aegis of the ECO-Asia initiative: 1) the Asia Environmental Compliance and Enforcement Network; and 2) Conflict Management Support to the Mekong River Commission.

The Asian Environmental Compliance and Enforcement Network (AECEN) was set up in 2005 to promote the implementation of improved environmental policies, laws, regulations, and institutional arrangements; strengthen practitioner capacity; and facilitate regional sharing of best practices and information. In FY07 Japan and Nepal joined AECEN, raising the number of country members to ten.

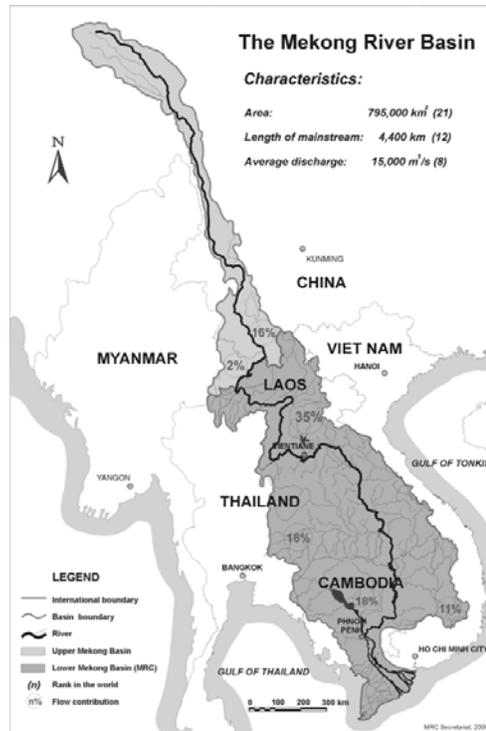
AECEN’s program priorities are: 1) Compliance monitoring and inspection; 2) enforcement response and role of the courts; 3) Compliance promotion; 4) Inter-agency coordination and decentralization; 5) Economic instruments and incentive-based and voluntary programs; 6) Public participation; and 7) Performance indicators.

AECEN’s major activities include: 1) Country Program Assessments; 2) Country Pilot Activities; 3) Regional Cooperation and Training; 4) Compliance and Enforcement Indicators; and 4) The Annual Forum.



***Figure 1: AECEN Countries***

The ECO-Asia Environmental Governance Program also supports the Mekong River Commission. The MRC fosters inter-governmental cooperation among the four lower Mekong countries of Cambodia, Laos, Thailand and Vietnam. ECO-Asia's goal with respect to the MRC is to promote the adoption of improved conflict management policies, plans and mechanisms at the regional and country levels. ECO-Asia collaborates with the MRC for the purpose of building the human and institutional capacity at the MRC and country levels, identifying existing and potential conflicts and addressing mitigation techniques related to basin development planning, water utilization, environment, fisheries, navigation, hydropower, watershed management, and flood management.



**Figure 2: The Mekong River Basin**

A challenge for Mekong River countries has been to adopt policies and practices that enable collaborative engagement and reduce conflict. To address this concern, ECO-Asia cooperates with the MRC in facilitating counterpart exchange and cooperation between riparian Mekong countries to promote sharing of best practices in conflict management and the development of specific tools and strategies for addressing actual conflicts. ECO-Asia has facilitated a series of consultation meetings to develop institutional strengthening strategies with inputs from experts and counterpart exchanges.

### III. Purpose of Evaluation

The purpose of this formative evaluation is to address the following questions:

- 1) Is the development hypothesis guiding ECO-Asia environmental governance activities a valid one and why or why not?
- 2) Are the results reported for the ECO-Asia environmental governance activities valid and what are the prospects for achieving the indicator targets?
- 3) Are ECO-Asia environmental governance activities responsive to the needs of partners and stakeholders in the region?

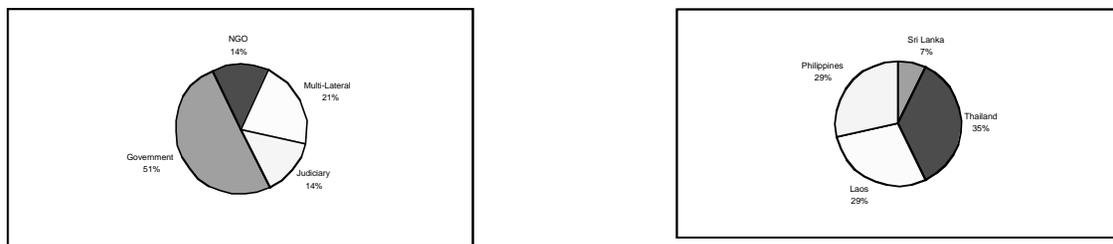
- 4) Are ECO-Asia environmental governance activities sustainable?
- 5) What lessons learned can be identified from the first three-years of implementation and can these lessons be translated into clear guidance for the remaining period of implementation, including the option period?

In addition to the performance assessment, the evaluation team was asked to examine and provide recommendations and guidance in two key areas related to broader RDM/A programming considerations:

- 6) Can the MRC be strengthened to address some of the identified issues and problems in the Mekong River Basin? Should USAID be working with other organizations (national government agencies, NGOs, etc.) to affect the desired reform?
- 7) What priority actions for supporting biodiversity programming in the Mekong River Basin should be undertaken?

#### IV. Research Design and Methodology

The evaluation primarily relies upon qualitative data. The research evaluated program goals and objectives in terms of outcomes as perceived by key informants. Specific questions were formulated to determine both short-term and long-term impacts taking into account that the participants and primary stakeholders in these programs are *environmental decision-makers* rather than the end-user beneficiaries of environmental programs in general.



**Figure 3: Distribution of respondents by institution and country.**

The interviews were with selected partners/representatives at various levels of government in Thailand, the Philippines and Sri Lanka (Table 2). On-site visits were undertaken for two purposes: 1) to gain a more complete perspective as to the operations and management of environmental governance institutions; and 2) to gain a first hand geographical, social and cultural picture of those same institutions.



***Figure 4: Vicinity of RDM/A offices in Bangkok.***

The evaluation, which took place February 23, 2009 to March 6, 2009, utilized primarily a qualitative approach, combining data with research, interviews and observations. The initial data collected included demographic and geographic data. Evaluation data collected included information from on-site visits and interviews with other key informants. Extensive interviews with key informants were coded by key word in order to assess how many respondent comments, in reference to the evaluation questions, can be classified on a scale of 1 to 3 (effective performance, no opinion and ineffective performance).

*We need go move cases quickly and effectively. The environment is like a child—it can't wait—Judge*



***Figure 5: The Thai Supreme Court building***

Before proceeding with the findings and recommendations, it is necessary to clarify that the evaluation team had limited period of time (less than two weeks) to conduct the evaluation. While every effort was made to obtain complete responses to the evaluation questions, the team was not able to contact informants in every country that participates in the ECO-Asia environmental governance program. Thus, while all possible efforts were made to obtain the necessary and relevant information, it is conceivable that some details about AECOM's environmental governance activities may have been overlooked

or misinterpreted due to the limited time available. Any mistakes or omissions are the team’s responsibility alone. It is further necessary to clarify that recommendations are based on an ideal case scenario, recognizing that it may not be possible for AECOM to incorporate all suggestions due to resource limitations. These recommendations will need to be discussed and prioritized in providing future programming. Finally, many of the recommendations may be best pursued through partnerships with other programs. These are noted, where possible.

#### IV. Evaluation Findings, Conclusions and Recommendations

**Evaluation Question 1: Is the development hypothesis guiding ECO-Asia environmental governance activities a valid one and why or why not?**

##### Findings:

AECEN Question <i>Respondent</i>	1 Development Hypothesis		
	<i>Definitely</i>	<i>Doubtful</i>	<i>Unclear</i>
1	0	0	1
2	0	0	1
3	0	0	1
4	1	0	0
5	1	0	0
6	1	0	0
7	0	0	1
8	0	0	1
9	1	0	0
10	0	0	1
11	0	1	0
12	1	0	0
13	1	0	0
14	1	0	0
<b>Total</b>	<b>7</b>	<b>1</b>	<b>6</b>

*Table 2: Responses on the validity of the Development Hypothesis.*

Almost half of the respondents were not entirely clear as to what ECO-Asia’s environmental governance development hypothesis is—which is not necessarily unexpected considering that only half of them were knowledgeable about development concepts. On further questioning, however, 12 of the 14 respondents agreed that the concept of providing a network and a regional forum on environmental issues was a sound approach to encouraging effective governance. The emphasis on achieving compliance through dialogue, technical support and information was also praised by

respondents. The lawyers and justices interviewed were especially adamant that the opportunity for continuing contacts with their counterparts in other countries was useful and operated as a catalyst for them to pursue a variety of initiatives that were successful elsewhere but which would not ordinarily have come to their attention.

Among the comments made by respondents about ECO-Asia's approach were: "The rationale is valuable—learning from each other" (from an NGO representative) and "the MRC concept is good but political factors get in the way" (from a former MRC official).

### **Conclusions:**

Although it was not articulated as such in the documents provided, the evaluators concluded that the development hypothesis can be generally characterized as: technical assistance, regional platforms and other support lead to the development of appropriate legal frameworks which, in turn, lead to a sustained legal and regulatory environment that is sufficient to meet the challenges of environmental deterioration in Asia. The development objectives, particularly with respect to trans-boundary cooperation and regional impact, as articulated in reports on the program are overly ambitious and do not account for the effects of external factors beyond the implementer's control.

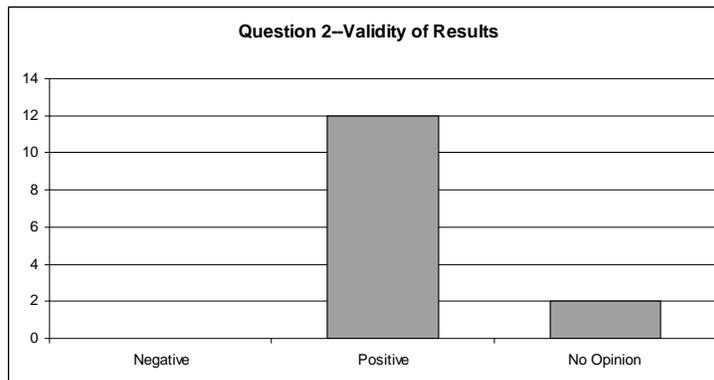
### **Recommendations:**

- The development hypothesis should be clarified in more specific terms with the steps between these rather broad concepts carefully articulated in a manner that, hopefully, is comprehensible to partners and stakeholders in the program.
- While necessarily focused on a regional perspective, the development goals should be scaled back to achievements that can be reasonably expected from the resources invested in the program.
- The development hypothesis should not state intermediate goals that are beyond the control of the implementers to effect. While the program certainly makes a contribution to the ultimate strategic objective this objective should not be articulated as a goal at the program level.
- The development hypothesis with respect to addressing critical trans-boundary and regional environmental governance concerns should more closely reflect the limitations of working on such issues within a multi-lateral context and include consideration of longer term results monitoring.

### **Evaluation Question 2: Are the results reported for the ECO-Asia environmental governance activities valid and what are the prospects for achieving the indicator targets?**

#### **Findings:**

As Figure 7 demonstrates that nearly all respondents were positive concerning the results of ECO-Asia's programming. With the understanding on the part of most of those interviewed that the goal of the program was to establish a working network and regional platform—rather than directly affect the formulation of laws, policies and regulations, respondents believed that they have been successful to that end.



**Figure 6: Respondents' views on program results.**

Respondents cited the Asian Justices Workshop, the Annual Forum, AECEN facilitated Compliance Assistance Centers for swine farmers and the Twinning Program as most successful in their view.

The reaction was more mixed with respect to assistance with the development of performance indicators which two respondents saw as impractical for their purposes since, as one of them noted, “Right now we measure input and output and that’s difficult enough.” The concept of performance indicators, similarly, has had little impact on the MRC where, in the words of one donor, the lack of monitoring is an “enormous scandal.”

Overall the assessments of 12 out of 14 respondents are that ECO-Asia, has as one judge said, “done a very good job for this region. It helps us to keep in mind that environment should be a priority issue.” Others have added that “ECO-Asia has done what we need” and that the twinning program “has been particularly valuable.”

Four of the respondents mentioned reference tools (studies, assessments, handbooks) as a significant and valuable part of ECO-Asia’s programming. Two of the four singled out the Conflict Resolution Handbook produced for MRC members, that was translated into several languages, while two others mentioned the “needs assessments” (presumably the Rapid Country Assessments) as significant. The stated objective of the assessments is “to help countries to define priorities to address challenges in environmental compliance and enforcement and lay the groundwork for potential pilot activities.” From the views expressed by the respondents, however, it appears that such studies, while useful, are less valued than person-to-person exchanges. As one judge put it “Hearing directly from other practitioners was very persuasive for Thai judges.”

ECO-Asia’s environmental governance program has consistently met or exceeded most of its targets. In FY2006, its success rate for performance indicators was 95%. In FY2007 it was 85% and in FY2008 it was 100% (Annex A). Its prospects for achieving its indicator targets are good. With respect to trans-boundary issues, engaging non-government stakeholders, environmental initiatives undertaken by NGO’s, and strengthening sustainable financing mechanisms, it has not been as successful as in other areas. The last was not included in the targets for FY2008.

**Conclusion:**

ECO-Asia's activities with respect to providing a regional platform, technical assistance and information are good and beneficial to its stakeholders. Its work with the courts and justice system is particularly useful and it does provide, in the view of most respondents, necessary and valued inputs. Encouraging the development of good performance indicators has been less successful for ECO-Asia than facilitating the exchanges of information.

Studies were not considered as particularly valuable by respondents, with the exception of the multi-lingual handbook produced for MRC countries. From our review of the materials, however, we conclude that the studies provide complete information on the status of laws, compliance and enforcement in member countries and are useful as reference tools.

**Recommendations:**

- ECO-Asia should work on disseminating more of its studies in a format that is usable by stakeholders.
- Training and information on performance indicators should present both ideal and realistic approaches that can be tailored to the specific needs, resources and level of expertise of stakeholders.
- Possibilities for “tripling” and “quadrupling” on areas of common interest should be explored.
- Efforts to engage non-government actors and other donors and establish sustainable financing mechanisms should be given priority in setting performance standards.

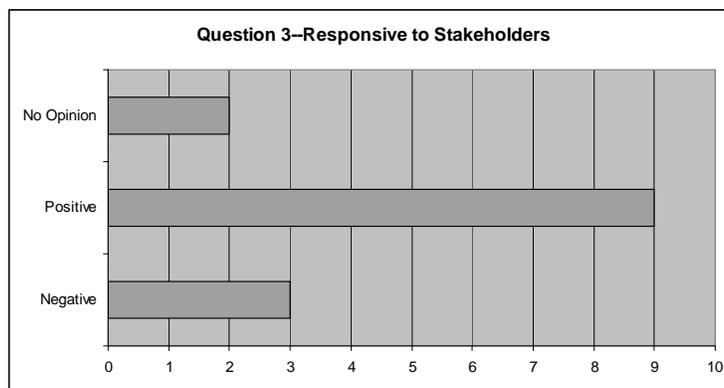
**Evaluation Question 3: Are ECO-Asia environmental governance activities responsive to the needs of partners and stakeholders in the region?****Findings:**

Nine out of fourteen stakeholders interviewed considered ECO-Asia to be responsive with respect to providing information, training and technical assistance (especially through the twinning program). The three respondents who cited the initiative as unresponsive were principally concerned with how funds for activities were provided and how stakeholders at lower levels in environmental decision-making were engaged. One of these respondents declared that “I don't really know who USAID is,” suggesting that the line between AECOM and USAID had not been made clear, and also expressed the opinion that ECO-Asia's activities were more costly to the organization than beneficial.

Positive responders, however, proposed that ECO-Asia was more flexible than other donors. In the words of one government official, “The world Bank has a tendency to micro-manage but not USAID.” Another respondent, representing a multi-lateral organization, praised ECO-Asia for dealing with “the most difficult issue” in environmental governance stating that, “without ECO-Asia there would be no donor working on conflict prevention.”

ECO-Asia training, while regarded as good by nine out of fourteen respondents was, in the view of three respondents sometimes “more theoretical than practical.” One respondent regarded the Annual Forum as useful but “too formal and structured” stating that it “should allow for more exchanges and dialogue.” The Asian Justices workshop and Annual Meeting were well regarded by twelve out of fourteen respondents.

Three respondents expressed concern that ECO-Asia set its own priorities for programming rather than soliciting the views of stakeholders but four other respondents stated that the opposite was true. In the words of two judges interviewed, ECO-Asia “gave a push to our existing interest” and “supported us in the beginning—it helped us to stand up but didn’t push.”



*Figure 7: Respondents’ views on stakeholder responsiveness.*

**Conclusions:**

Respondents praised ECO-Asia’s activities with respect providing a network for sharing information, regular meetings for practitioners, specific assistance with addressing some of their critical concerns and working with judges, lawyers and the courts to create environmentally sensitive legal systems. ECO-Asia, in the view of a minority of respondents is less responsive and flexible with respect to funding issues and the design of meetings and training programs.

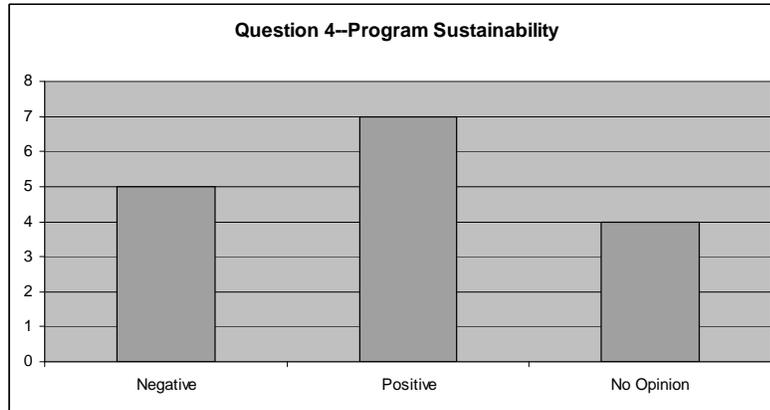
**Recommendations:**

- Work with bi-lateral missions in an effort to engage lower level decision-makers in AECEN and the MRC in the network and dialogue aspects of the program.
- Consider opening up the Annual Forum and other meetings to a larger constituency (private sector, NGO’s, more local government officials).
- Create opportunities for more participatory strategizing and priority setting either at meetings or in discussions with individual country representatives.

**Evaluation Question 4: Are ECO-Asia environmental governance activities sustainable?**

**Findings:**

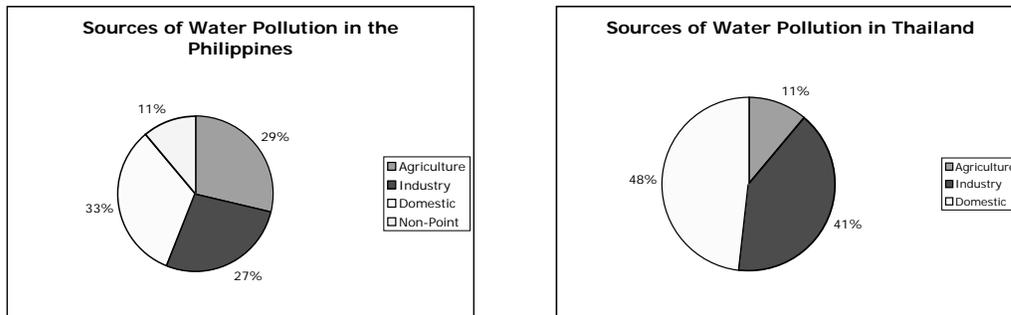
Half of the respondents had a positive view of ECO-Asia’s sustainability (Figure 8). Suggestions were made by those who were less optimistic that “AECEN needs to grow its membership” and that the organization should become a “knowledge clearinghouse” for its members.



*Figure 8: Respondents’ views on sustainability.*

A number of respondents suggested options for sustainability of ECO-Asia’s activities which include expanding participation through a “tiered” system of membership to assure that government officials will not be inhibited by the participation of private sector and NGO actors, devolving more responsibilities and authority on local government officials and holding more meetings and more participatory meetings. Suggestions regarding suitable funding mechanisms and the possibility of a permanent multi-lateral organization “home” for ECO-Asia’s activities were made by two respondents.

Four respondents were quick to point out that, while the results of the establishment of CAC’s for swine farmers and the encouragement of judicial reforms have been significant, the program has not yet addressed the most serious causes of water



*Figure 9: Sources of water pollution.*

pollution as shown in Figure 9. While judicial reforms have been of value in addressing all forms of pollution, voluntary compliance programs have not been targeted toward reducing either domestic or industrial pollution. In Thailand, a significant obstacle is the fact that the Pollution Control Department has no jurisdiction over industries and must work through the Department of Industrial Works to address these issues. In the Philippines, domestic pollution is a major issue. While the evaluators were in Manila the Supreme Court of the Philippines came out with a major decision mandating the cleanup of Manila Bay but there are no mechanisms in place to force domestic polluters to comply with the law and, in the words of one respondent, this is very “politically sensitive.”

**Conclusions:**

The sustainability of ECO-Asia’s activities depend upon whether it can expand its membership to include more non-government and local government actors, expand its activities to take on industrial and domestic pollution sources, engage other donors and organizations in its activities and find a long term multi-lateral organizational structure for its activities.

**Recommendations:**

- ECO-Asia should explore opportunities to expand membership through a tiered approach to engage private sector and NGO representatives.
- ECO-Asia should vigorously pursue engaging other donors and form closer partnerships with existing environmental governance multi-lateral organizations.
- ECO-Asia should empower country and local level coordinators more and use the Annual Forum to develop strategy and priorities.
- ECO-Asia should consider the establishment of a pool of technical experts and practice leaders for member countries to draw on in directly and the development of a knowledge clearinghouse should be undertaken.
- ECO-Asia should expand its strategies and priorities to address the major causes of pollution within the countries it serves.



*Figure 10: LLDA officials, Manila.*

**Evaluation Question 5: What lessons learned can be identified from the first three years of implementation and can these lessons be translated into clear guidance for the remaining period of implementation, including the option period?**



*Figure 11: LLDA headquarters in Manila.*

**Findings:**

- All respondents expressed their belief that providing compliance assistance is effective in supplementing enforcement.
- Traditional M&E systems do not capture the complexity of developing conflict prevention frameworks which require a more long term investment at a higher level of programming.
- The fact that “Our king is the father of environmental issues,” (in the words of one judge) has been most instrumental in establishing an environmentally active bench. As another respondent said “Sometimes you never know if the subject captures the interest of top management” indicating that, where this happens, the way is paved to more effective governance.
- Respondents addressing assistance to swine farmers emphasized that making information pertaining to best practices readily available on the internet is a good auxiliary, but not stand alone, practice for dissemination. Unfortunately, although it is slowly changing as the technology gets cheaper and more available, people in developing countries are still at a disadvantage in this respect.
- Local level investment in environmental issues not only provides a model for other localities but also a standard for national governments to consider adopting.

**Conclusions:**

- “Enforcement and assistance can occur at the same time as long as it’s clear that receiving assistance doesn’t mean that you won’t be held accountable,” (Government Official).
- Local governments are important partners but, apart from negotiating the rules of international engagement, central governments pass legislation that ultimately determines

who controls local assets and they are watchdogs that ensure that environmental standards are met and ecosystems are protected.

- Effective governance is becoming increasingly dependent upon the participation of civil society in the decision-making and implementation process. This is essential to the sustainability of effective public policy.
- Measuring governance requires the monitoring of the impact of environmental governance-related initiatives, the comparison of different situations in term of environmental governance and the development of a decision-making model against which to compare those activities.
- The primary challenges of environmental governance—multiple stakeholders; interdependence of resources and actions; blurred boundaries between public and private spheres; coordination of goals; negotiation and interactive decision-making processes; and building of consensus and trust are best met through creating opportunities for personal exchanges between practitioners.
- Despite the universal move to decentralize national government leadership remains central to establishing environmental governance.
- Formal government processes must interact with informal networks, and the central government must devolve power to local governments while ensuring their responsibility, viability and accountability.
- Targeted investments in country level legal and policy reform are successful because they address specific national needs and priorities.
- Regional meetings are successful because they provide a platform for countries to determine where their common concerns lie and to form regional information sharing partnerships to address those concerns.
- Interest as the highest levels is at the core of effective governance.

### **Recommendations:**

- Conflict prevention issues need to be scaled down to an operable level considering the resources for the program.
- Dissemination of information via the internet and in publications should be subordinated to facilitating more personal exchanges.
- Civil society actors must become fully engaged in future programming for environmental governance.
- Measurement of environmental governance assistance must be more specifically tailored to capture data on long-term and intangible impacts.

**Evaluation Question 6: Can the MRC be strengthened to address some of the identified issues and problems in the Mekong River Basin? Should USAID be working with other organizations (national government agencies, NGOs, etc.) to affect the desired reform?**

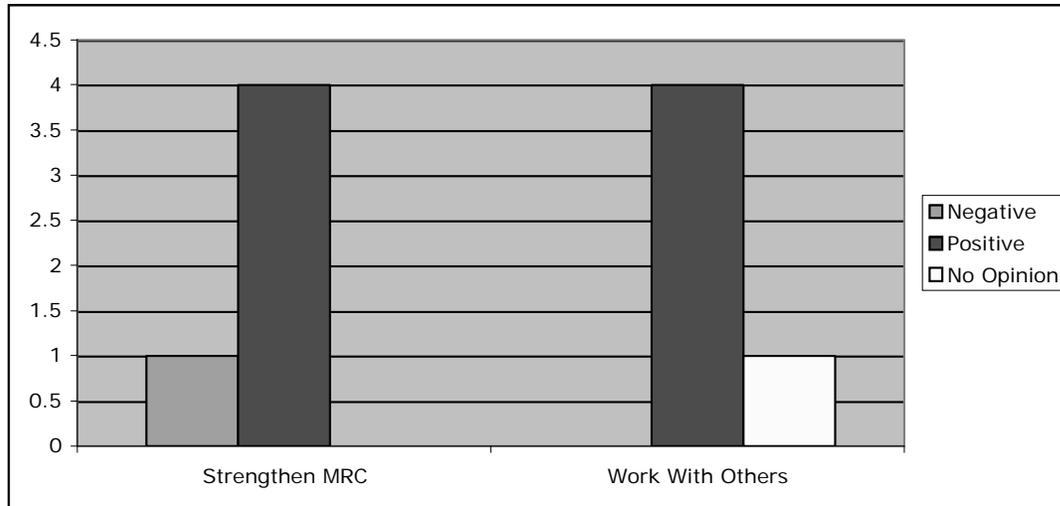
### **Findings:**

The development theory behind ECO-Asia support to help the Mekong River Commission (MRC) to move towards serving a greater conflict management role in the Mekong River basin (MRB) is sound. The MRC is a weak, donor-driven institution, and

building its capacity to manage conflicts has been extremely challenging. Trans-boundary cooperation has been identified as the MRC's "most difficult issue", and USAID is recognized as the only donor working on it. One of the most Notable ECO-Asia successes was its important role in enabling MRC member countries, over time, to recognize the existence of conflict in the MRB. Acceptance of conflict and conflict potential was the first stem leading to a number of important technical assistance inputs particularly the glossaries of conflict management terminology produced in the language of each MRC member.

The MRC is the only institution positioned to address regional issues in the Mekong River Basin. Historically, most conflicts in MRB have been resolved bi-laterally without MRC intervention. Goal 2 of the MRC Work Programme 2008 is *To enhance effective regional cooperation*. Objective 2.3 under this goal is *To identify potential transboundary issue for negotiation, mediation and conflict prevention; and develop mediation and conflict management capacity*.

Planned ECO-Asia support for development of a conflict resolution model focused on a "hot spot" on the Cambodia—Laos border, is a logical, sound next step toward developing the MRC's capacity for conflict management. The planned pilot is necessary though not sufficient for achieving sustainable impact on the MRC's capacity for managing conflict. (ECO-Asia is well aware of this.) The institutional capacity of the MRC – particularly its structure, staffing policies and operations – represents a significant part of the challenge to achieving solid, sustainable success in trans-boundary cooperation and conflict management. USAID's approach to working with the MRC, by providing experts and technical assistance rather than channeling funds through the MRC for specified programs, is unique among the donors that support the MRC. While it is understandable and consistent with USAID approach to providing development assistance in general, it has generated less than good will among the MRC staff.



**Figure 12—Respondents views of ECO-Asia’s MRC work.**

Respondents’ remarks were generally positive (four out of five) about the continuance of ECO-Asia’s work to strengthen the MRC and, further about the suggestion that ECO-Asia work with other donors. Additionally, ECO-Asia training programs and seminars have been generally effective and well received. Technical assistance is considered timely and appropriate. MRC staff spoke well of the technical experts ECO-Asia has been able to provide. AUSAID is now positioned to become the MRC’s largest donor, primarily in the area of climate change. AUSAID is evolving in its mode of engaging the MRC, preparing to shift from a payment-for-deliverable approach to channeling funds through the MRC as do most other donors. In the process, AUSAID is also investing in the MRC’s capacity for effective monitoring, transparent procurement and sound financial management.



**Figure 13: Headquarters of the MRC Secretariat in Vientiane**

**Conclusions:**

Positioning the MRC as a strong partner will require investment in institutional capacity and reforms, particularly related to stewardship of resources, as well as implementation of some of the most difficult reforms recommended by a 2007 Financial and Institutional Review. It is unclear whether the MRC Secretariat, ECO-Asia's point of contact, actually has a mandate to play a conflict management role.

**Recommendations:**

- ECO-Asia should insure that the pilot conflict management activity is taken a step beyond resolution of the specific issue of the hotspot and developed into a model for MRC dispute resolution which can be adapted and applied across MRC programs.
- ECO-Asia should seriously explore opportunities to ensure that future events are country/culture/language-specific, perhaps holding duplicate events, one in each country involved, in local language and where broad participation is not defeated by limited travel funds of member participants.
- ECO-Asia should carefully review US foreign policy interests in the Mekong region – Diplomacy, Development or both – and continued engagement with the MRC.
- Should this review place value on continued engagement with the MRC: ECO-Asia should calibrate USG modes of collaboration with expected results, ensuring that expectations are realistic and appropriate to the driving US foreign policy interest.
- To the extent that Development interests drive continued assistance to the MRC: ECO-Asia should develop and document the development hypothesis and realistic results framework on which programming will be based.
- ECO-Asia should explore opportunities consistent with the new Presidential Initiative on climate change, which places greater emphasis on adaptation.
- ECO-Asia should explore close coordination with AUSAID, on climate change as well as institutional capacity building.
- In the event that Diplomacy interests drive continued assistance to the MRC: ECO-Asia should explore engagement of US Embassies (and other USAID Missions) in the MRB to engage MRC members bilaterally and bring greater USG resources to bear on the challenges.

**Evaluation Question 7: What priority actions for supporting biodiversity programming in the Mekong River Basin have been successful?**

ECO-Asia's biodiversity programming in the Mekong River Basin is separate from its environmental governance initiative and its implementers are Winrock International, ASEAN Center for Biodiversity, UNESCAP, and the Asian Development Bank's Biodiversity Conservation Corridors Initiative. Nevertheless, RDM/A requested that the evaluation team reflect upon the possibilities for future programming in this area and, further, make some recommendations.

ECO-Asia's biodiversity programming in the Mekong implements activities through the ARBCP to support four key objectives: 1) Restore and maintain ecosystem connectivity in biodiversity corridors and across landscapes; 2) Promote sustainable financing for biodiversity and natural resource conservation; 3) Strengthen environmental governance

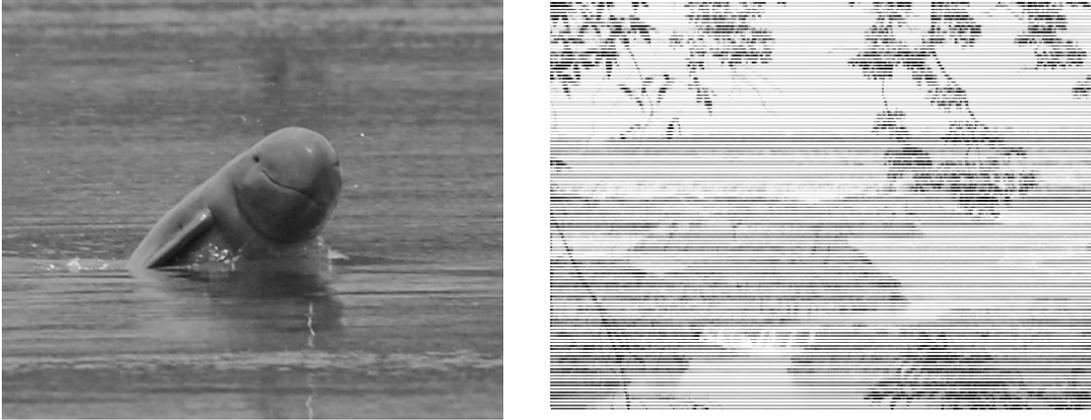
and institution building (principally through the MRC); and 4) Improve the livelihoods of the rural poor.

The UNDP is currently concluding its five-year Mekong Wetlands Biodiversity and Sustainable Use Programme. Their biodiversity programming in the Mekong River Basin includes the World Conservation Union and the Mekong River Commission as well as agencies in the participating countries including the Ministry of Environment in Cambodia, the Living Aquatic Resources Research Centre, (LARReC) in Lao PDR, the Office of Natural Resources and Environment Policy and Planning (ONEP) in Thailand; and the Vietnam Environment Protection Agency, (VEPA). In addition the World Wildlife Fund has several major projects in the Mekong River Basin focused on biodiversity.

**Findings:**

Using the Biodiversity Earmark for this programming would represent a new direction and commitment. For the earmark requirements to be met, such programming must have an explicit, primary purpose of biodiversity conservation, threats assessment, and the development of appropriate indicators. Food security, specifically related to the very significant fisheries aspect of the Mekong ecosystem is also an option for such programming.

UNDP programming has had the following results: 1) the development of the Water Utilization Project, a hydrological modeling system that predicts the hydrological consequences of proposed developments; 2) a system of biodiversity overlays to provide a comprehensive planning and development tool; 3) a Species Conservation Plan; 4) a partnership with the Cambodian Department of Fisheries to create the world's first freshwater conservation concession; 5) training programs and workshops held in Mekong countries; and 6) eco-tourism guide training programs.



*Figure 14: Stung Treng Dolphin Pool*

**Recommendations:**

- ECO-Asia should consider building upon UNDP and WWF programming to develop, under the aegis of the MRC, a multi-country charter for the preservation of the Mekong River Basin's biodiversity.
- ECO-Asia should consider forming a biodiversity information and partnering network with members from NGO's, the private sector and representatives from development organizations.
- The Stung Treng Dolphin pool pilot project on environmental governance (related to MRC support) could be expanded to include the development of an eco-tourism hands-on information program to engage both visitors and residents in activities to support conservation of the pool.
- The Stung Treng Dolphin Pool pilot project could also be expanded to provide programming to engage local people as a constituency to support conservation of the pool.

