

Measuring the effectiveness of environmental law using legal indicators

CONSIDERING that nature conservation requires the effective application of international, regional, national and local environmental rules;

AWARE that the implementation of these rules is unsatisfactory, and that their application involves all the stakeholders, following a complex legal process: administrations, economic stakeholders, legal professions, environmental associations;

OBSERVING that, in most cases, the reports on the state of the environment only assess policies through scientific or economic indicators, omitting to appreciate their legal effectiveness;

REGRETTING that the indicators regarding Sustainable Development Goals (SDGs) are rarely aimed at the contribution of the law and often lack qualitative data allowing for the assessment of the effectiveness of rules, thereby omitting the contribution of the law to the success or failure of environmental policies;

DELIGHTED AT the emerging interest in more representative indicators of the difficulties of applying environmental law, as revealed by the European Union's 7th Environment Action Plan, demanding specific indicators to control environmental legislation or the ministerial statement on the third meeting of the United Nations Environment Assembly (UNEA-3), encouraging the development of multidisciplinary indicators;

NOTING that the Escazú Agreement in Latin America and the Caribbean provides for indicators to assess the efficacy, effectiveness and the progress of policies;

NOTING the promotion by IUCN, the United Nations Environment Programme (UNEP), the Institute for the French-speaking World for Sustainable Development (IFDD) of the International Organisation of La Francophonie (OIF) and the Economic Community of West African States (ECOWAS) of an innovative methodology regarding the creation of legal indicators during the Yaoundé Symposium in 2018; and

PERSUADED that the legal indicators will increase the visibility and legitimacy of environmental law, allowing for a greater understanding of the reasons why it is misapplied or rarely applied;

The IUCN World Conservation Congress 2020, at its session in Marseille, France:

1. CALLS ON the World Commission on Environmental Law (WCEL) and its members, supported by the Director General, to develop experiments and training in the creation of legal indicators on nature conservation, with the participation of law professors, lawyers, judges, prosecutors and the administrative services responsible for the enforcement of environmental law;
2. ASKS the Director General to invite the United Nations to add legal indicators to the existing indicators on the sustainable development goals;
3. ASKS the Parties to regional and universal conventions on the environment to introduce legal indicators also, in order to facilitate the assessment of the States' reports, notably in compliance committees; and
4. URGES all the governments and secretariats of international and regional organisations to introduce legal qualitative indicators in their regular reports on the state of the environment, in order to assess the effectiveness of legal policies and decisions.