

## LEGAL INDICATORS FOR THE ENVIRONMENT

### Addressing Environmental Law Effectiveness

While environmental indicators have been developed in scientific, ecological and economic terms, they are lacking in the legal sphere. In an effort to help fill this gap, the International Center for Comparative Environmental Law (CIDCE) has begun an innovative reflection on legal indicators for the environment, an issue that has not yet been the subject of in-depth targeted studies, but is attracting growing interest from environmental lawyers. For example, despite their robust global indicator framework, the 2030 Sustainable Development Goals do not incorporate legal indicators related to environmental law, thus undermining the role of the latter as a tool to achieving the SDGs.

### Methodology for Designing Legal Indicators

The research initiated by CIDCE aims to design legal indicators to empirically measure the effective enforcement of environmental law at international, regional, national and local levels. Such indicators provide specific instruments, which are objectively verifiable, for qualitative and quantitative assessment of the existence, the substance, the procedures and the enforcement of environmental law.

The creation of legal indicators requires identifying, formulating, qualifying and prioritizing indicators on the law-making process, on the content of the rules, on procedural matters and on administrative, judicial and social controls. In this respect, various criteria of effectiveness should be taken into account, in particular: the existence or absence of a given rule; its content and relevance in terms of progress or regression; public participation in its development; its social value vis-à-vis public expectations; and its enforcement level through administrative, judicial and social mechanisms. The aggregation of several indicators then mathematically allows measuring the extent to which approved policies are effectively implemented by environmental laws and regulations.

### Usefulness of Legal Indicators

Once designed, tested and validated, the legal indicators for the environment will, in the operational phase, allow to collect concrete information on the real circumstances under which the rules are implemented, which will lead to a better measurement and appreciation of their effectiveness, both nationally and internationally. Such legal indicators will permit science-based assessment of law enforcement, which in turn will serve to better inform decision-makers about the legal process of environmental law implementation, showing gaps and regressions, guiding new reforms, and engaging the public at large, all of which will eventually promote greater respect for environmental law, ensuring its progression and avoiding its regression. In addition, the specific legal indicators would be combined with the general environmental indicators with a view to their integration into the global evaluations of the state of the environment.

In this context, CIDCE has conducted in 2017, on behalf of the *Organisation internationale de la Francophonie*, a study on legal indicators for environmental law in Francophone Africa, underpinned by four pilot case studies from Benin, Cameroon, Madagascar and Tunisia.

### About CIDCE

The International Center for Comparative Environmental Law (*Centre international de droit compare de l'environnement*) is an international NGO devoted to the promotion of environmental law. Chaired by its founder, Professor Michel Prieur, CIDCE is based in Limoges (France), where it was established in 1982. CIDCE brings together environmental lawyers from around the world to work for the advancement of environmental law. To this end, CIDCE has a network of national focal points specialized in environmental law in 63 countries across the world.

CIDCE has special consultative status with ECOSOC, as well as observer status with the United Nations Assembly for the Environment and with several environmental law conventions.

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