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"Creating legal indicators to measure the effectivity of international conventions"

Explanatory memorandum

The purpose is to create a new tool: legal indicators for the environment. Allowing scientific assessment of the effective implementation of international Conventions in each Contracting Party by means of appropriate legal instruments, they will usefully complement existing scientific and economic indicators, for greater effectivity in the conservation and management of the environment

Legal indicators provide an operational response to repeated requests from States and civil society, from international organizations, conferences and conventions, such as:

- The 3rd United Nations Environment Assembly (Nairobi, 2017) encouraged the provision of more multidisciplinary indicators;
- The G 7 (Bologna, 2017) recommended new indicators;
- The Fifth Montevideo Programme, adopted in 2019 by the United Nations Environment Assembly encouraged states to adopt indicators to effectively apply environmental law;
- The first global report on *Environmental Rule of Law*, released by UNEP in 2019, put emphasis on law and institutional-based indicators;
- Motion 060 "Measuring the effectivity of environmental law using legal indicators", voted by 83 States and 474 NGOs at the IUCN World Congress in 2020, requested Parties to environmental conventions to "introduce legal indicators to facilitate the assessment of state reports";
- The Escazu Agreement on Access to Information, Public Participation and Access to Justice on Environmental Issues in Latin America and the Caribbean of 2018, in force in 2021, provided for the creation of common indicators to assess its effectiveness (sec. 6-8);
- The 21st Conference of the Parties to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its

Protocols (Naples, 2019), agreed to set up legal indicators to help the Compliance Committee to carry out its tasks.

As in all environmental conventions, especially the Biodiversity Convention with the subsidiary body on implementation (SBI), the Conference of the Parties always request to assess the effectiveness of existing legal instruments to implement, in national law, the requirements of the convention. A specific decision of the COP 15 would be a progress in the implementation tools.