



World Justice
Project

How to Measure Environmental Governance

26 February 2024

An aerial photograph of a dense plantation of young palm trees on sandy soil. A white grid is overlaid on the image, with semi-transparent circles at each grid intersection. The text "We cannot improve what we cannot measure" is centered in a bold green font.

**We cannot improve
what we cannot measure**

An aerial photograph of a palm tree plantation, likely coconut palms, growing in rows on sandy soil. The image is framed by a thin white border. Scattered across the image are several white circles, some of which contain a fine, diagonal hatching pattern. The text is centered in the middle of the image.

Background on the Study of Environmental Governance in Latin America

Background & Context

Weak Environmental Governance Systems in Latin America:

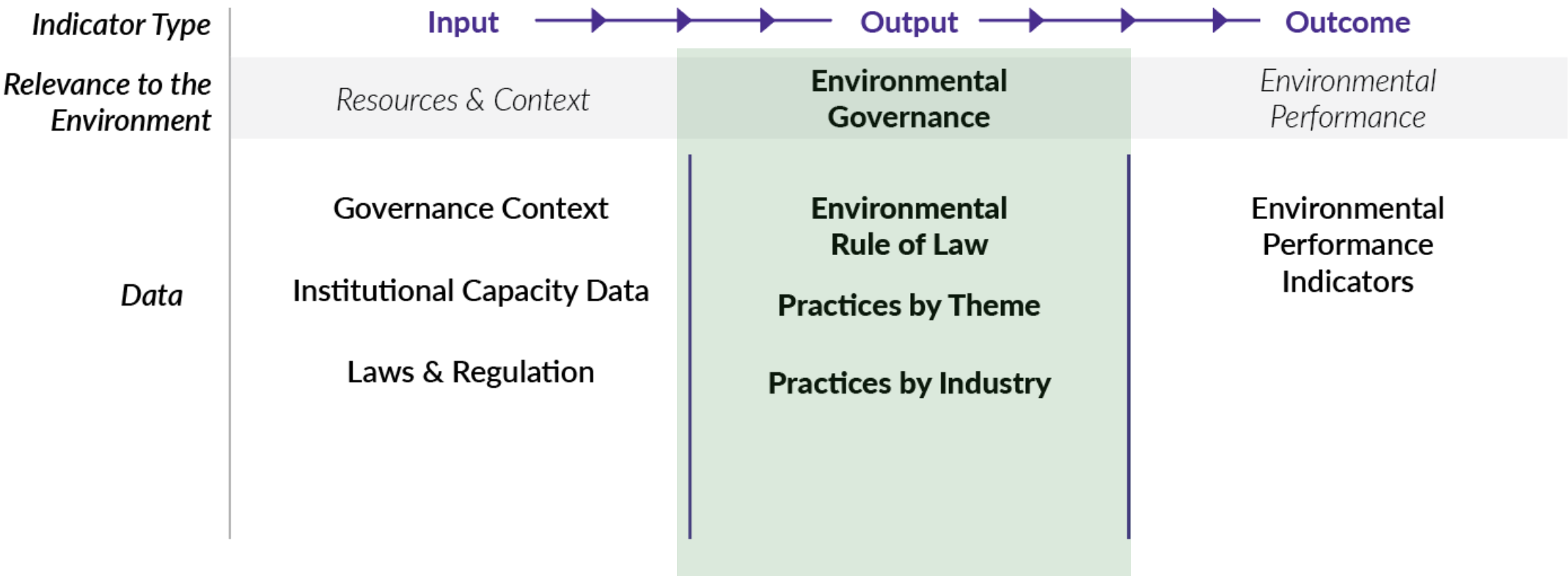
- Great body of environmental laws and regulations approved ✓
- Ministries of Environment have been created. ✓
- **BUT** environmental performance still lagging behind.

How to enhance environmental performance?

The Need for Data

Green Growth Knowledge Platform (GGKP) 2019 analysis of data availability on environmental rule of law


“The results were sobering. The review yielded no global datasets, few national datasets, and a noncomparable assortment of limited datasets published in individual reports.”



Data Need & Sources


1. Governance Context

World Justice Project Rule of Law Index

- 
- Rule of Law
 - Constraints on Government powers
 - Absence of corruption
 - Open government
 - Fundamental Rights
 - Order & Security
 - Regulatory Enforcement
 - Civil Justice
 - Criminal Justice


2. Institutional Capacity

Data from ECLAC and government sources

- 
- Environmental public spending per capita
 - Environmental public spending per capita/public spending
 - Environmental public spending/GDP
 - Number of annual inspections
 - Complaints investigated
 - Requested EIAs

3. Laws & Regulation

Data from UNEP and Regional development bank


- 
- Right to a healthy environment
 - Right to protection of vulnerable populations
 - Right to non-discrimination of indigenous peoples
 - Air protection standards
 - Air emission limits
 - Water protection standards
 - Water quality regulations

4. Environmental Rule of Law & Practices

Primary data from practitioners

5. Environmental Performance

Yale's Environmental Performance Index

- 
- Air Quality
 - Air pollution
 - Climate and Energy
 - Water Resources
 - Heavy metals
 - Water and Sanitation
 - Agriculture
 - Biodiversity
 - Fisheries

Environmental Governance Indicators for Latin America & the Caribbean

- Study aimed collecting and generating indicators on environmental governance in practice
- Quantitative assessment covering 10 countries:
Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, El Salvador, Jamaica, Peru, and Uruguay.
- Features:
 - 70+ new indicators on governance in practice
 - Comprehensive issue coverage
 - Data anchored in the experiences of practitioners



An aerial photograph of a palm tree plantation serves as the background. The image is framed by a thin white border. Overlaid on this background is a grid of white circles, some of which contain a diagonal hatching pattern. The text "Development & Methodology" is centered in a bold, dark green font.

Development & Methodology

Conceptual Framework for Environmental Governance

Pillar I: Environmental Rule of Law



Regulation & Enforcement



Civic Engagement



Fundamental Environmental & Social Rights



Access to & Quality of Justice

Pillar II: Practices by Environmental Theme



Air Quality & Climate



Water Quality & Resources



Waste Management



Biodiversity



Forestry



Oceans, Seas & Marine Resources

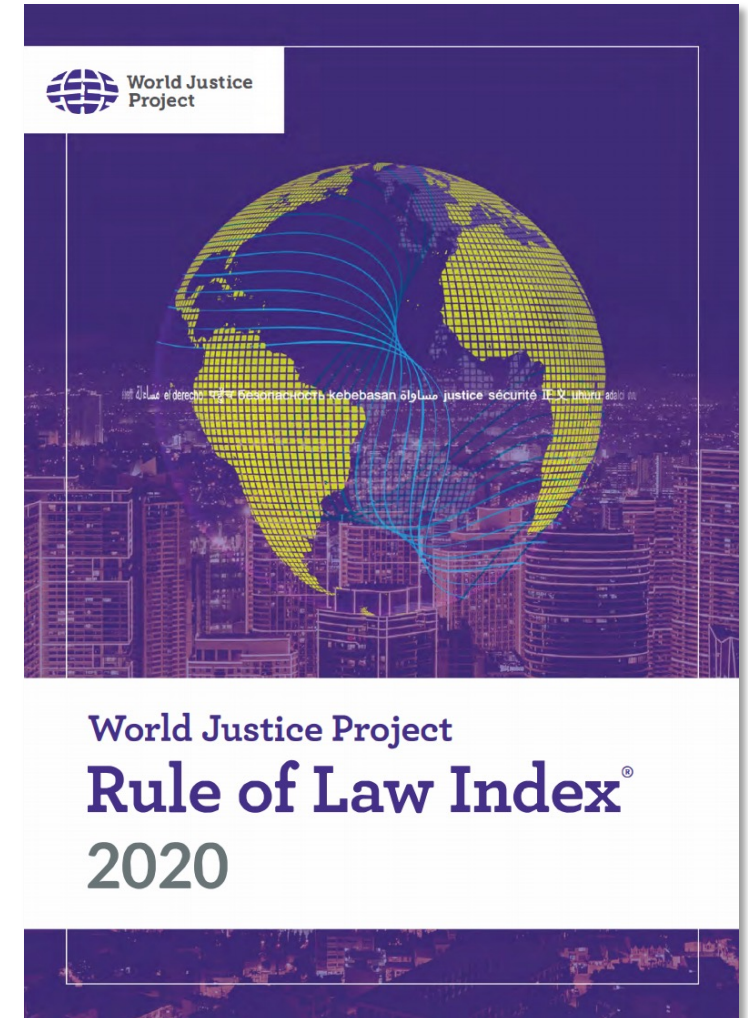
Pillar III: Practices by Sector



Extraction & Mining

The Environmental Qualified Respondents Questionnaire (EQRQ)

- Based on QRQ methodology developed by WJP for its flagship *Rule of Law Index*®
 - Developed & piloted EQRQ in 5 countries in 2017
 - Refined in 2019 based on lessons learned and UNEP framework
- 280+ close-ended questions
- Administered in-house by WJP
- Completed by lawyers, academics, management consultants, and NGOs with expertise in environmental issues
 - Objective: capture the perspective of practitioners
 - Built database and invited 3,400+ potential respondents
 - Average of 50+ respondents per country




An aerial photograph of a palm tree plantation serves as the background. The image is framed by a thin white border. Scattered across the background are numerous white circles of varying sizes, some of which contain a diagonal hatching pattern. The text 'Key Data Insights' is centered in the middle of the image in a bold, dark green font.

Key Data Insights

1. Gaps between the laws and implementation in practice.

Countries with Environmental Framework Laws



 Countries with national environmental framework laws

Gap in Practitioner Views on Laws vs. Practice:

To what extent do you agree that...

Citizens can obtain information on environmental issues

A denied request for environmental information can be challenged with an agency or judge

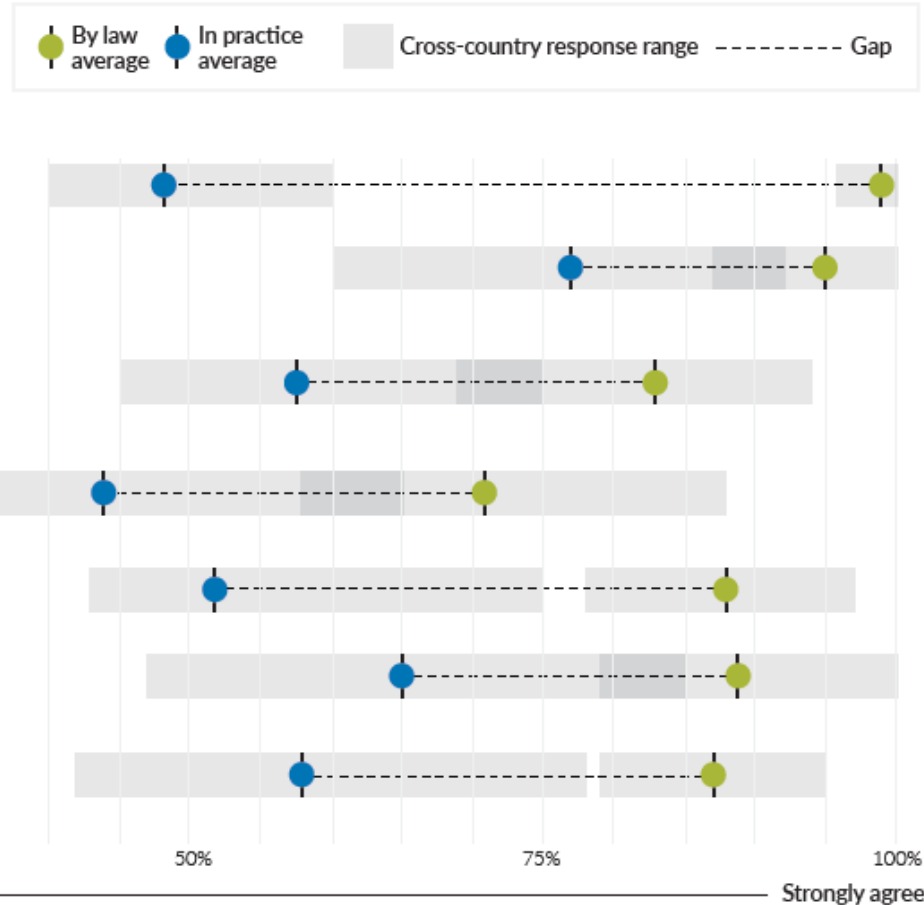
Compensation is available as a remedy in environmental disputes

Restitution is available as a remedy

Restoration of the environment is available as a remedy

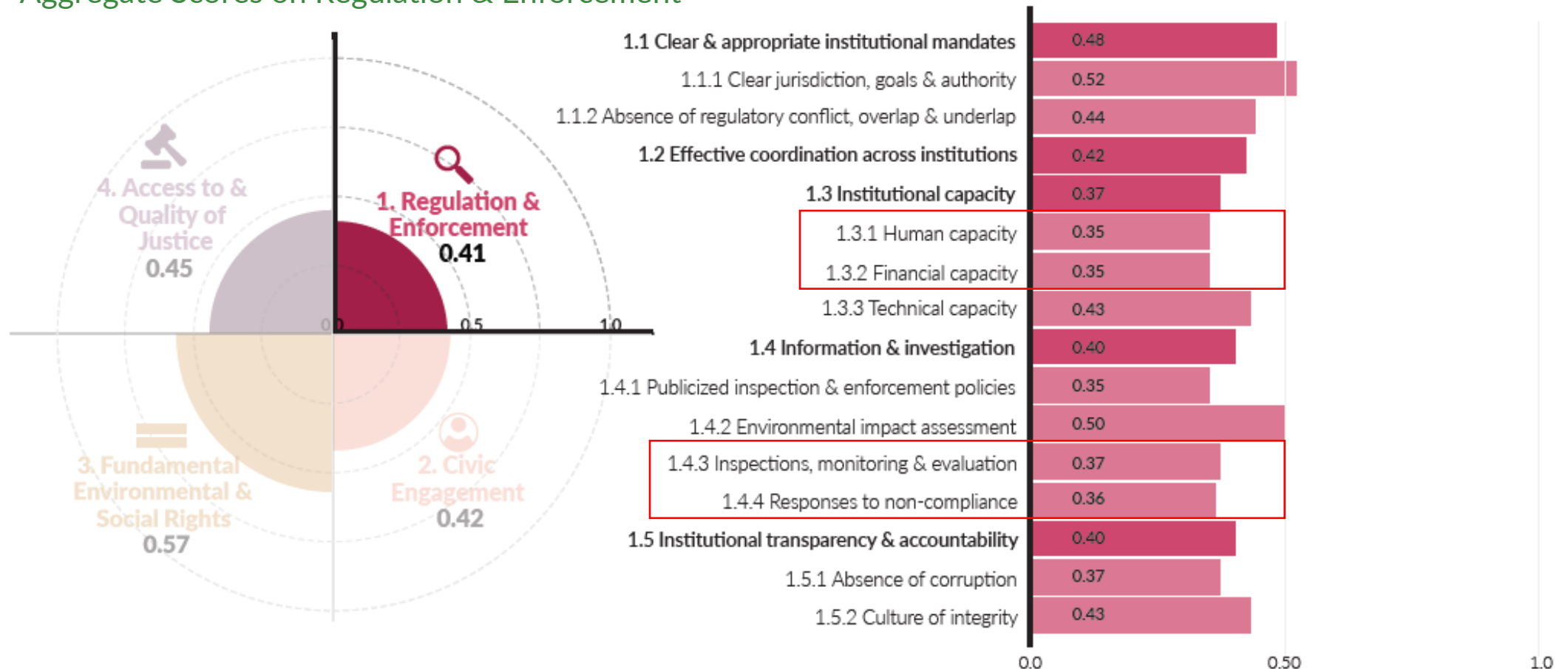
Short-term relief to temporarily stop harmful activities is available as a remedy

Final relief to permanently stop harmful activities is available as a remedy



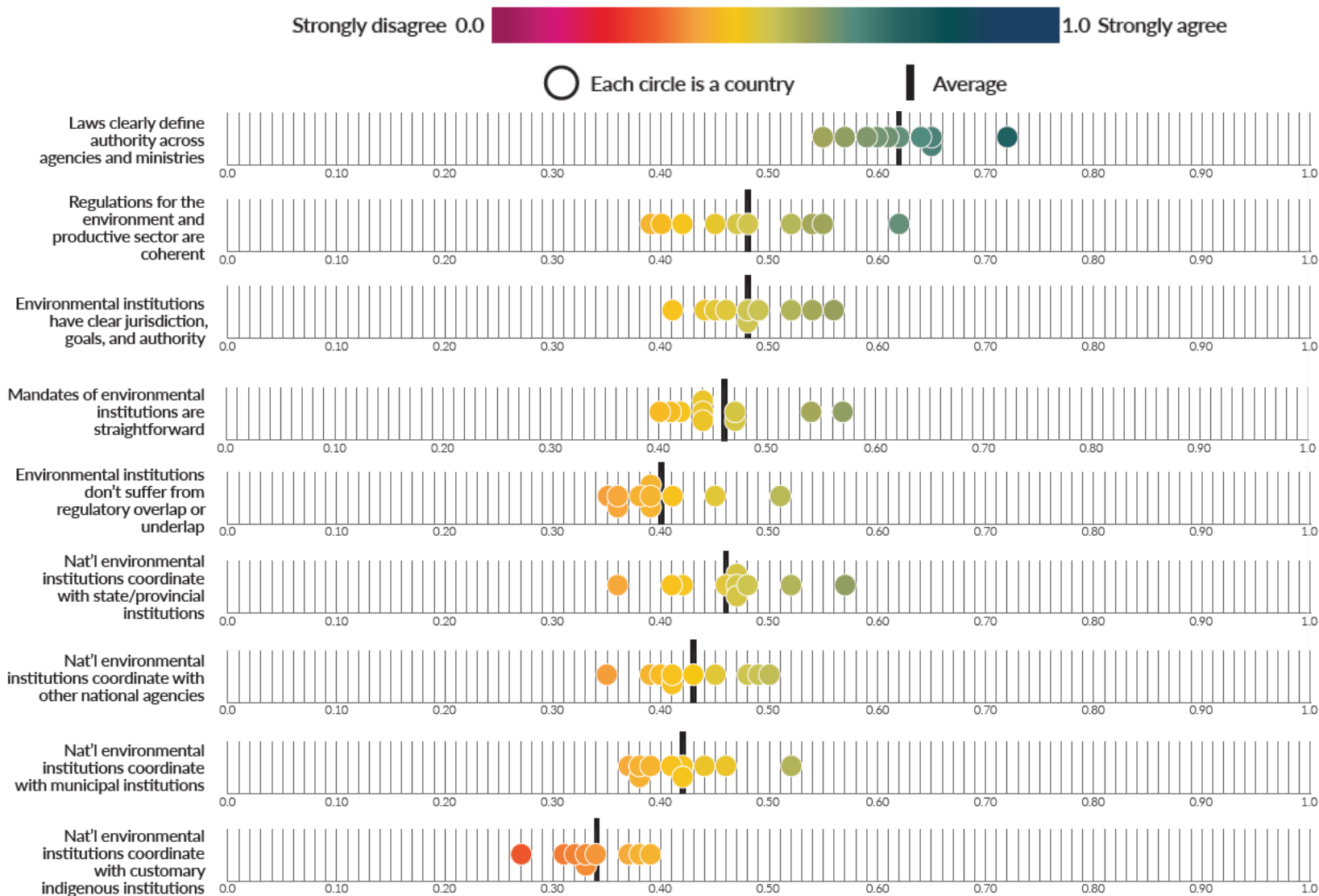
2. Enforcement challenges due in part to constraints on human and financial capacity

Aggregate Scores on Regulation & Enforcement



3. Laws define authority, responsibility, and mandates but coordination is a challenge

Practitioner Views on Institutional Mandates



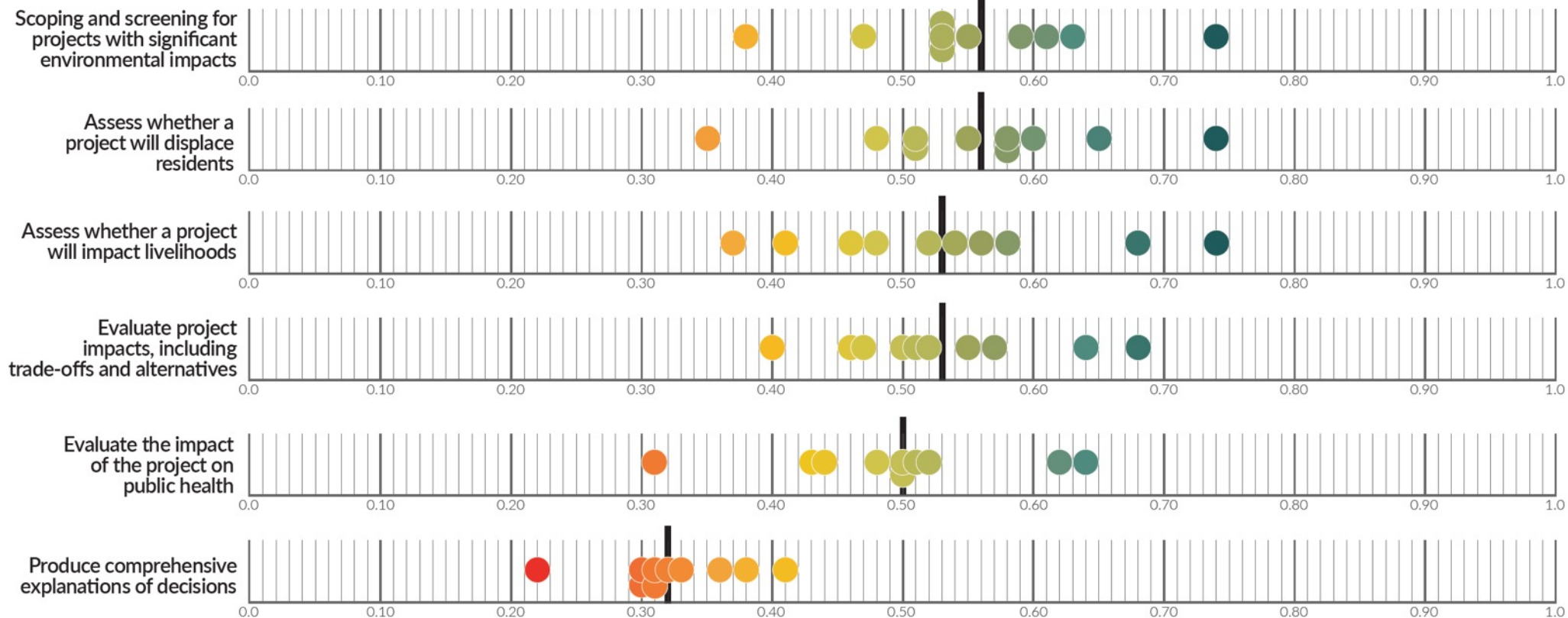
4. Progress on environmental impact assessments but lacks explanations of agency decisions

Practitioner Views on Environmental Impact Assessments

Strongly disagree 0.0  1.0 Strongly agree

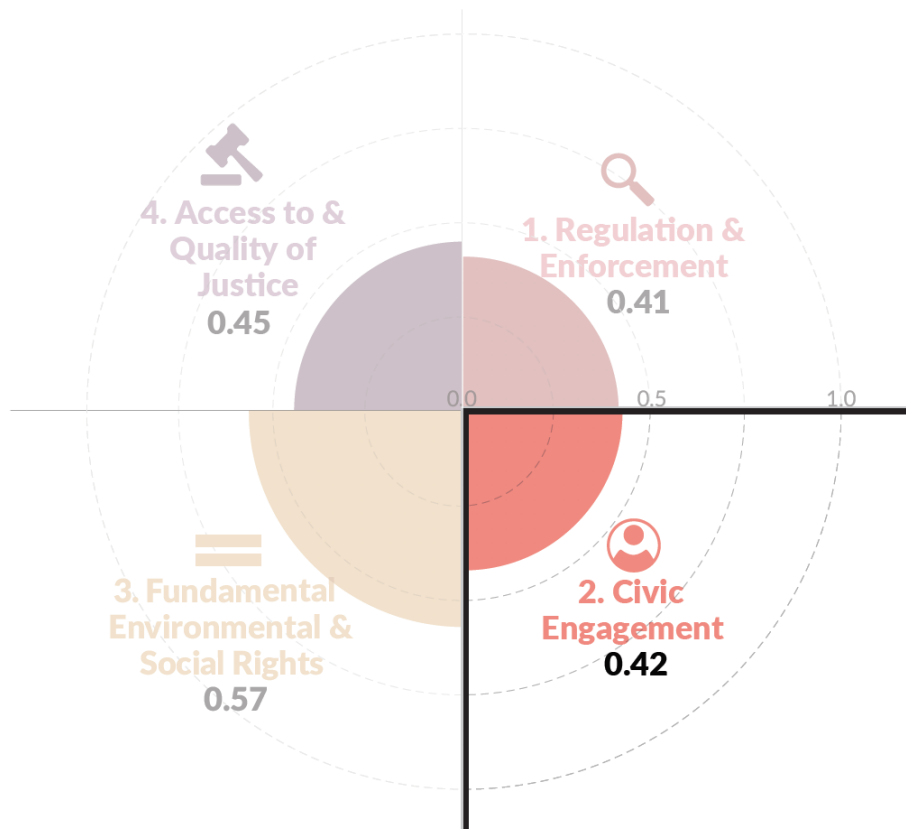
○ Each circle is a country | Average

How effectively does the national environmental authority carry out the following functions:



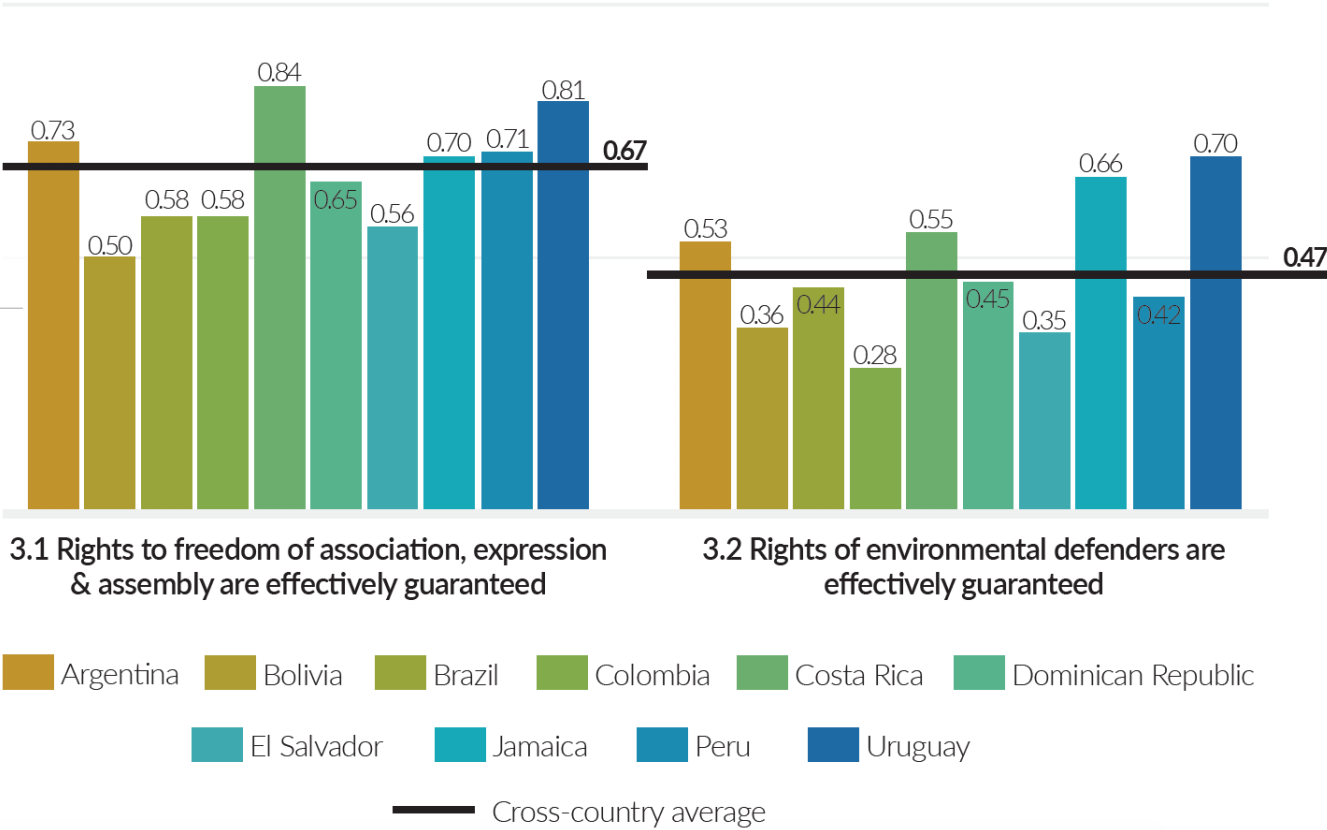
5. Civic engagement: Progress on access to information with challenge on public participation

Aggregate Scores on Civic Engagement



6. Perform well on rights to expression and association the rights of environmental defenders a concern.

Aggregate Scores on Fundamental Environmental & Social Rights



7. Most serious impact on the environment: agricultural practices and extraction and mining

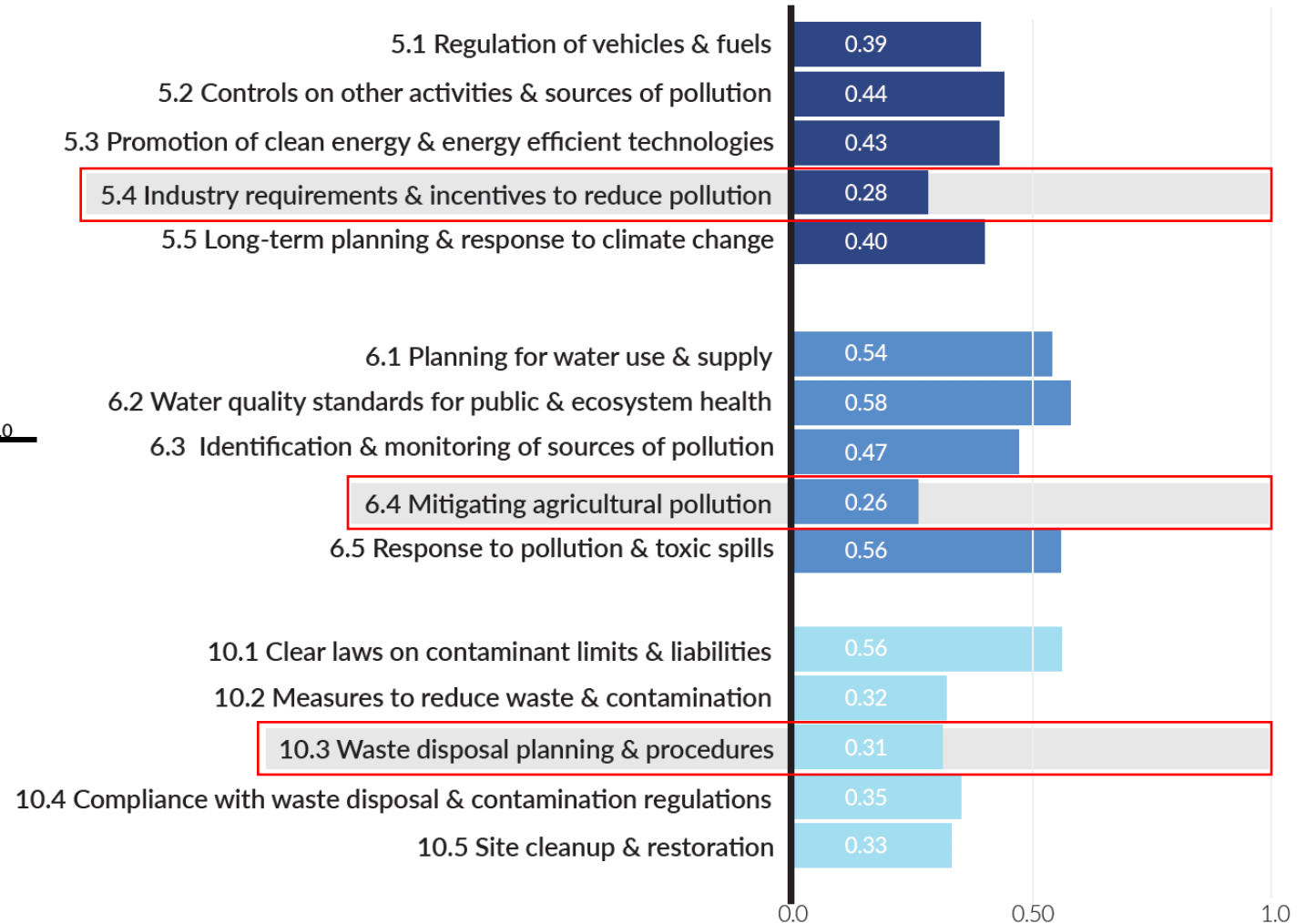
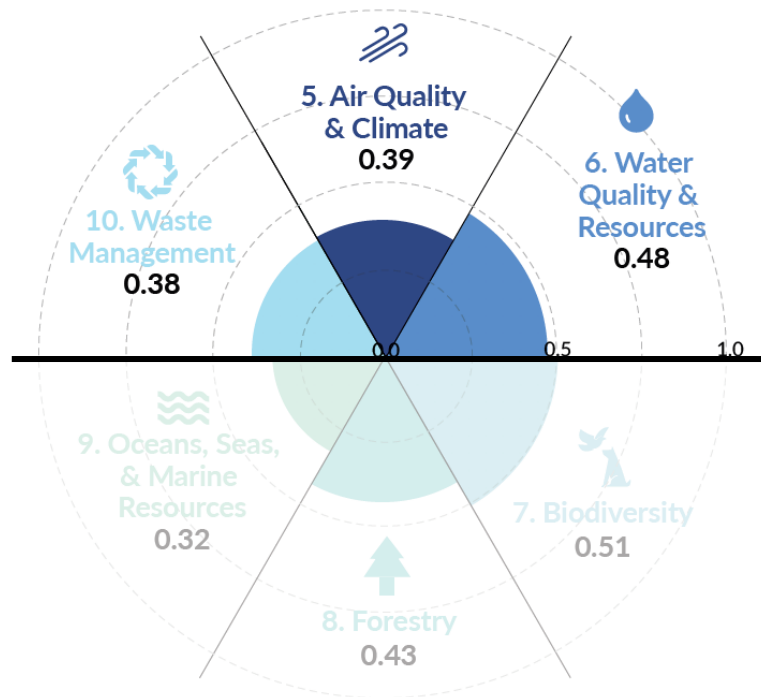
Practitioner Views on the Impact of Activities & Industries



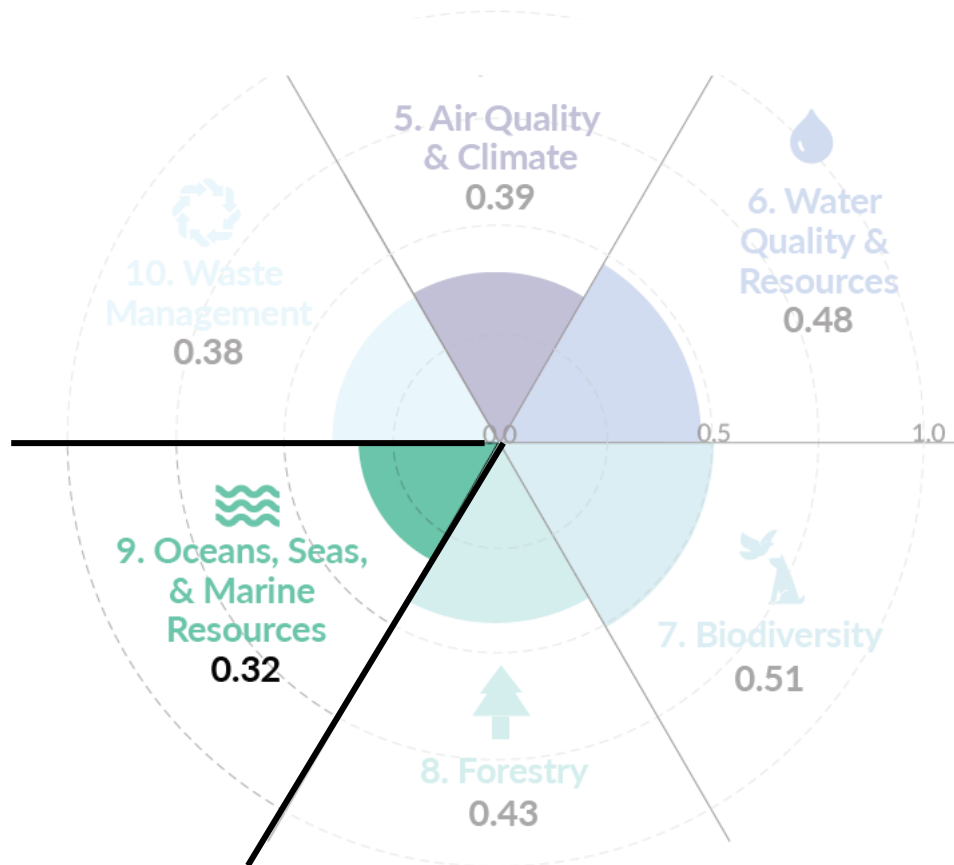
	Argentina	Bolivia	Brazil	Colombia	Costa Rica	Dominican Republic	El Salvador	Jamaica	Peru	Uruguay
Agricultural practices	8.0	7.6	8.5	8.6	8.9	8.4	9.2	7.9	7.9	8.6
Extraction and mining	7.9	9.2	7.0	9.4	5.9	8.9	6.9	8.5	7.9	5.0
Industrial activities	7.4	7.4	7.4	8.0	6.5	8.5	8.6	7.5	7.4	6.1
Overfishing or illegal fishing	7.5	6.3	7.2	7.9	7.9	7.9	7.8	8.7	8.1	5.6
Livestock farming	7.3	7.2	8.4	8.9	7.3	7.6	8.0	6.0	6.8	6.4
Urbanization	6.6	6.7	7.8	7.8	7.3	7.9	9.0	7.5	7.0	5.8
Transportation	5.3	6.2	6.2	6.8	7.0	7.3	7.7	6.7	6.5	4.8
Electricity production	6.2	6.6	6.9	7.7	4.8	8.0	7.1	6.5	5.6	3.8
Tourism	4.8	4.5	4.6	6.2	5.0	7.8	6.5	7.3	4.8	4.5

8. Top Pollution Control Challenge: air, water & waste management

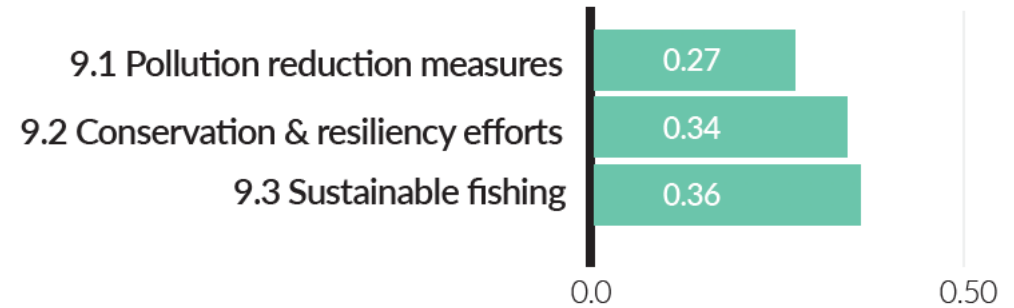
Sub-indicator Scores on Pollution



9. Weakest protection: Oceans, Seas, and Marine Resources

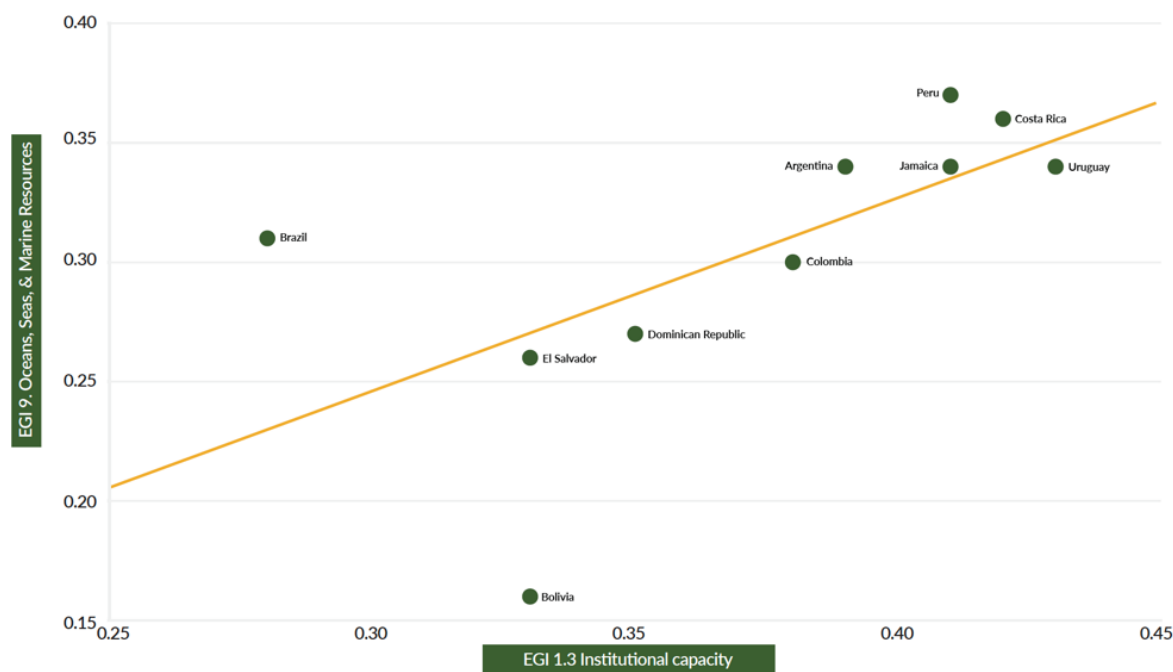


Aggregate Scores on Oceans, Seas & Marine Resources

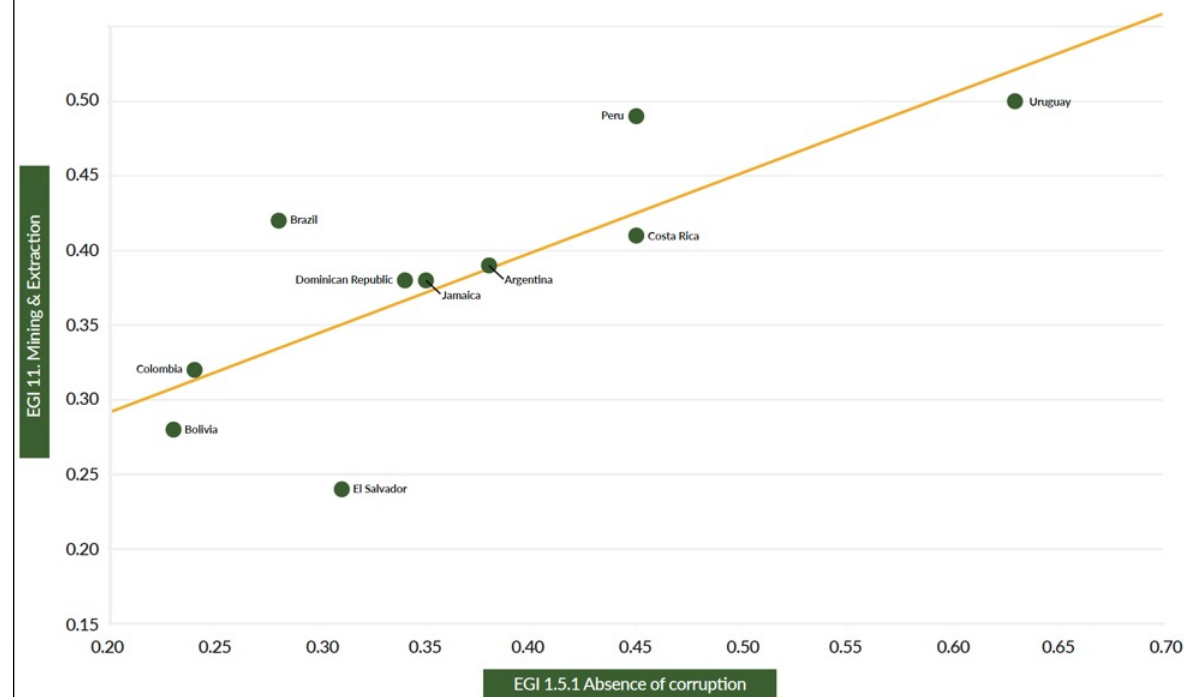


10. Enhancing institutional capacity and transparency essential for good environmental governance

Institutional Capacity and
Oceans, Seas & Marine Resources

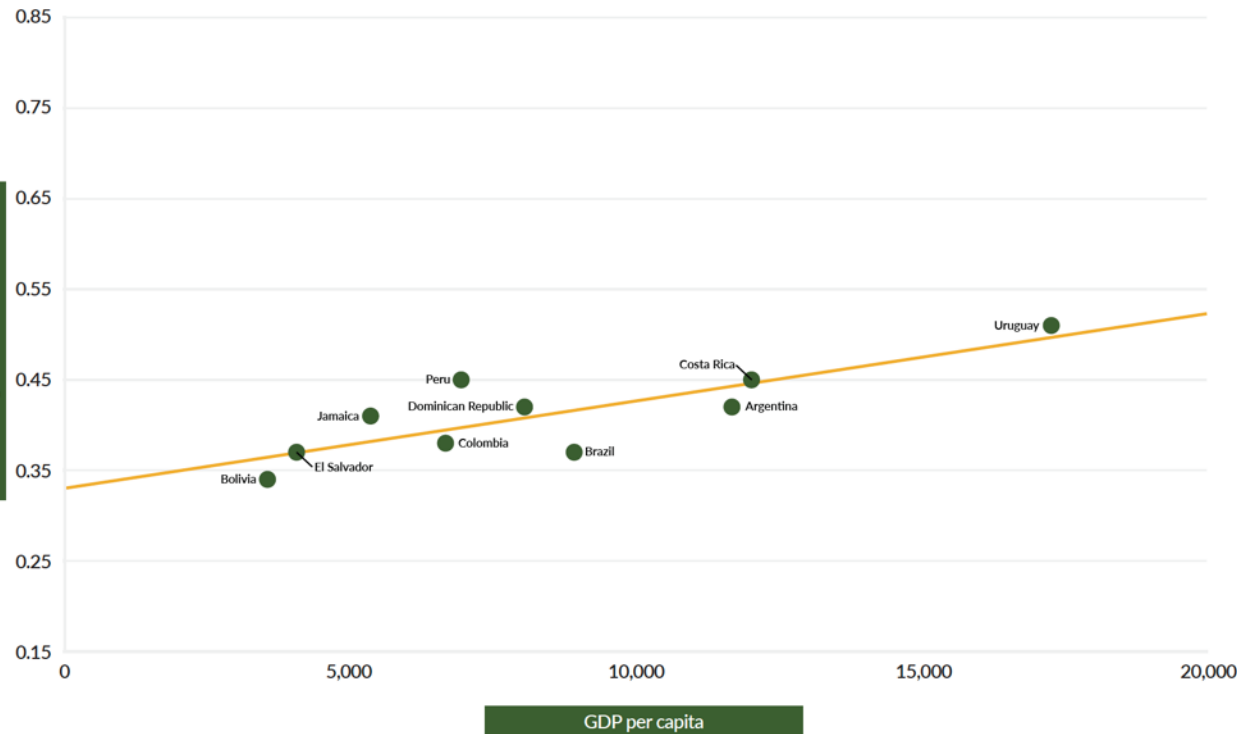


Corruption and
Extraction & Mining

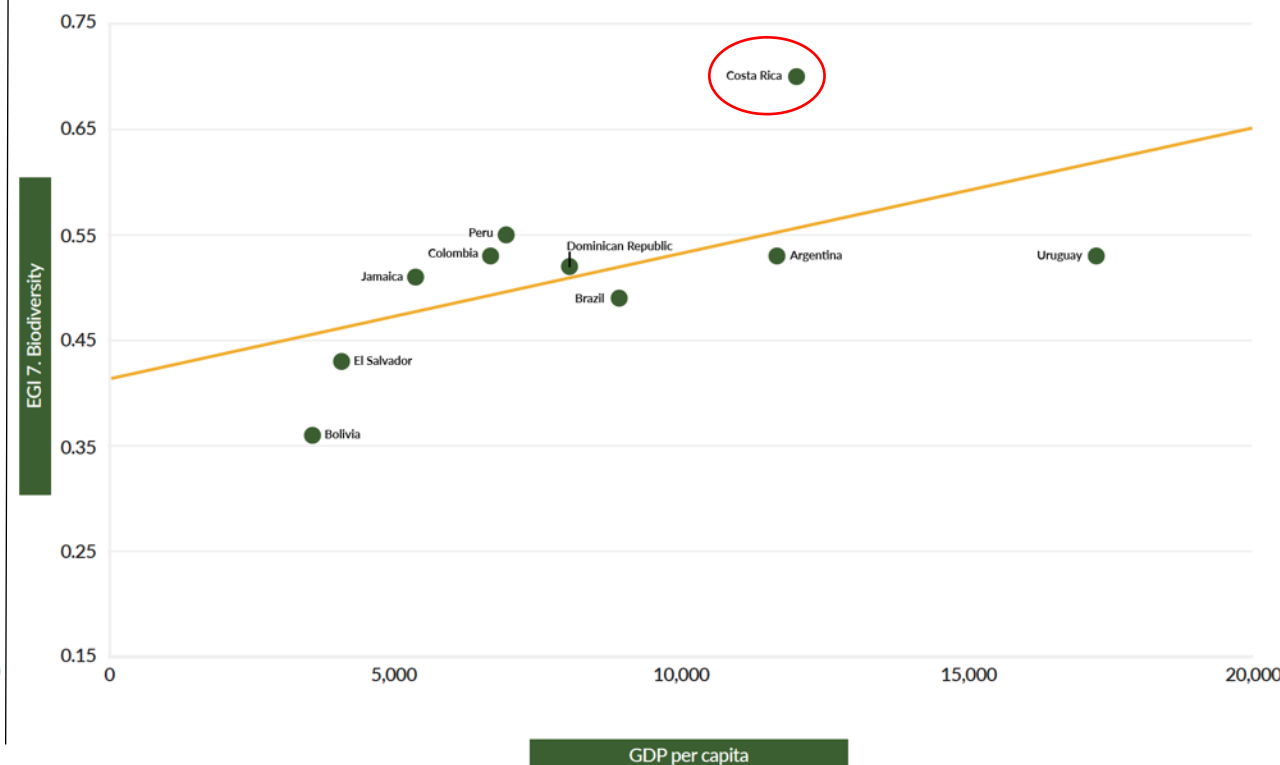


11. Environmental governance correlates with level of economic development, with exceptions for specific environmental practices

GDP per Capita and
Regulation & Enforcement



GDP per Capita and
Biodiversity



An aerial photograph of a palm tree plantation serves as the background. The image is framed by a thin white border. Overlaid on this background is a grid of 36 white circles, each containing a diagonal hatching pattern. The circles are arranged in a 6x6 grid, with some circles partially obscured by the palm trees.

Country Profiles



Argentina

Scores range from 0 to 1, where 1 signifies the highest possible score.

Part One Governance Context

Rule of Law	0.58
Constraints on Government Powers	0.61
Absence of Corruption	0.52
Open Government	0.64
Fundamental Rights	0.70
Order & Security	0.62
Regulatory Enforcement	0.53
Civil Justice	0.59
Criminal Justice	0.44

Source: WJP Rule of Law Index 2020.

Part Two Institutional Capacity Data

Environmental public spending per capita (in LCU)	183.39	LAC Avg.
Environmental public spending per capita (in USD)	5.66	22.95
Environmental public spending/Public spending	0.25%	0.80%
Environmental public spending/GDP	0.06%	0.20%
Number of annual inspections	N/A	
Complaints investigated	84	
Requested environmental impact assessments	N/A	

Sources: ECLAC 2018 and government sources 2016.

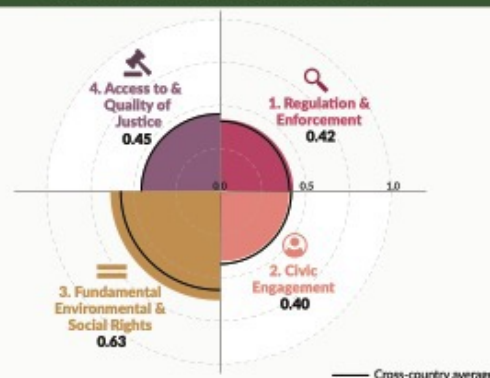
Part Three Select Laws & Regulation

Environmental Rights		
Constitutional right to or provision for a healthy environment		✓
Right to protection of vulnerable populations	1.0	✓
Right to nondiscrimination of indigenous peoples	0.50	—
Environmental Quality Standards		
Minimum air protection standards	1.0	✓
Air emission limits that comply with WHO standards	1.0	✓
National water protection norms	1.0	✓
Water quality regulations determined by use	0.25	—

Sources: UN Environment Programme
Inter-American Development Bank

Part Four: Environmental Governance

Pillar I. Environmental Rule of Law



Part Four: Environmental Governance

Pillar II. Practices by Environmental Theme



Part Four: Environmental Governance

Pillar III. Practices by Sector



Part Five Environmental Performance Indicators

		LAC Avg.
Air Quality	0.85	0.47
Air Pollution	0.20	0.56
Climate & Energy	0.47	0.39
Heavy Metals	0.60	0.51
Water & Sanitation	0.73	0.43
Water Resources	0.72	0.23
Agriculture	0.71	0.45
Biodiversity & Habitat	0.56	0.22
Forests	0.08	0.57
Fisheries	0.42	0.46

Source: Yale Environmental Performance Index 2018.



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Thank You



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