BASEL INSTITUTE ON GOVERNANCE

Funded by LIECHTENSTEIN

Working Paper 50

Seedlings of hope

Addressing corruption linked to crimes that impact the environment in line with UNCAC Resolution 8/12

Sophie Lemaître | December 2023

Basel Institute on Governance
Steinenring 60 | 4051 Basel, Switzerland | +41 61 205 55 11
www.baselgovernance.org | info@baselgovernance.org

Associated Institute of the University of Basel

Table of contents

About the research team **3**

About this report **4**

Acknowledgements **4**

Acronyms and abbreviations **5**

Executive summary **6**

1 Introduction **9**

1.1 What are crimes that have an impact on the environment? 9

1.2 Corruption and crimes that have an impact on the environment 11

1.3 Purpose and structure of the report 12

2 Prevention **14**

2.1 Promoting ethical practices, integrity and transparency (OP 6) 15

2.2 Establishing whistleblower protection programmes (OP 12) 16

2.3 Assessing and mitigating corruption risks (OP 15) 17

3 Enforcement **20**

3.1 Prosecuting corruption cases and holding legal and natural persons accountable (OP 4, 9, 11) 21

3.2 Using anti-money laundering legislation and financial investigation techniques (OP 11) 22

3.3 Seizing and confiscating assets (OP 3 and 4) 23

3.4 Strengthening cooperation (OP 10) 24

3.5 Making use of legal instruments available (OP 5) 25

4 Civil society and the media as key actors **27**

4.1 Raising awareness through investigative journalism 27

4.2 Strengthening knowledge with practitioner-oriented research and learning 28

4.3 Building bridges between anti-corruption and environmental practitioners 30

5 Conclusion **32**

References **36**

Annex 1 – Relevant resources **39**

About the research team

The research team was composed of Sophie Lemaître (author of the report) and Nadia Fausta Azhara (research assistant).

Sophie Lemaître
Anti-corruption and natural resources expert

Dr. Sophie Lemaître is a lawyer by training with experience in anti-corruption issues, natural resources sector and illicit financial flows. She worked for various organisations and NGOs at the national and international level, including CIRAD, the Food and Agriculture Organisation of the United Nations, Sherpa and U4 Anti-Corruption Resource Centre.

Sophie holds a PhD degree in law from the University of Rennes 1 (France) on illicit financial flows within the extractive industries. She also holds a Master degree in international business law from the University of Toulouse (France) as well as a LL.M. on international and European environmental law and policy from University College London (United Kingdom).

Email: sophie.lemaitre34@gmail.com

Nadia Fausta Azhara
Research assistant

Nadia previously worked as a sustainability consultant for Aicon Global Indonesia, assisting companies in managing their environmental, social and governance (ESG) programs, reporting and social mapping. She also worked as a credit risk sustainability analyst intern in a Dutch bank company to conduct ESG risk assessments of companies. In her early career, she worked as a researcher at an NGO, Setara Institute, focusing on human rights issues. She was involved in engaging with local stakeholders and writing a report and a policy recommendation on the topic.

Nadia holds a Bachelor of Political Science (International Relations) from Gadjah Mada University, Indonesia, and a Master of Science (International Development Studies) from Wageningen University & Research, the Netherlands.

About this report

This report is part of the Green Corruption programme at the Basel Institute on Governance and was prepared in the context of the 10th Conference of the States Parties to the UN Convention against Corruption in Atlanta, Georgia, US from 11–15 December 2023. It was made possible by the generous support of the Principality of Liechtenstein.

It is part of the Basel Institute on Governance Working Paper Series, ISSN: 2624-9650. You may share or republish the Working Paper under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License (CC BY-NC-ND 4.0).

Suggested citation
Lemaître, Sophie. 2023. 'Seedlings of hope: Addressing corruption linked to crimes that impact the environment in line with UNCAC Resolution 8/12.' Working Paper 50, Basel Institute on Governance. Available at: baselgovernance.org/publications/wp-50.

Acknowledgements

This report benefited from the contributions of numerous individuals who shared their expertise, insights and views during interviews and made themselves promptly available. The research team would like to express its gratitude to: Justin Gosling from the Environmental Investigation Agency; Ann Ellefsen from TRAFFIC Madagascar; Beatrice Chikho and Jimmy Mtafya from the Anti-Corruption Bureau Malawi; Elizabeth Hart, Rachel Kramer and Preston Whitt from the Targeting Natural Resource Corruption project (World Wildlife Fund US); Paulus K. Noa from the Anti-Corruption Commission Namibia; Tom Caulfield and Sheryl Goodman from Procurement Integrity Consulting Services; Wilson Ogoke from Africa Nature Investors Foundation; Yulia Stange and Tsvetilena Bandakova from the Nature Crime Alliance; John Mugendi from Kenya Wildlife Service; Daniela Sota Valdivia, Maria Adomeit, Nestor Pedraza Sierra, Adriana Muñoz Criado and Timothy Bacwa from the United Nations Office on Drugs and Crime; and Charles Ayamdoo, independent Expert. Without their inputs, the report would not have been possible.

The research team is also grateful to colleagues of the Basel Institute on Governance and its Green Corruption team. For their insights, we thank: Lakso Anindhito, Rebecca Batts, Aldo Bautista, Karla Coronado, Walther Delgado, Suzgo Mughogo, Erika Pando and Tatiana Rocabado. For their inputs, reviews and assistance with finalising the report: Juhani Grossmann, Amanda Cabrejo le Roux and Monica Guy.

Acronyms and abbreviations

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
ESG	Environmental, Social and Governance
OP	Operative paragraph of a UN Resolution
SARs	Suspicious Activity Reports
TNRC	Targeting Natural Resource Corruption
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
USAID	US Agency for International Development
WWF	World Wildlife Fund

Executive summary

Adopted in 2019, UNCAC Resolution 8/12 – *Preventing and combating corruption as it relates to crimes that have an impact on the environment* – urges States parties to prevent, investigate and prosecute corruption offences where they may be linked to crimes that have an impact on the environment. What efforts have taken place since then?

Corruption prevention measures

States have implemented initiatives to strengthen integrity through corruption perception surveys, the revision of policies, the establishment of corruption prevention committees and the organisation of ethical and integrity workshops.

Whistleblower protection programmes are also being created and corruption risk assessments conducted in sectors such as wildlife management, forestry and fisheries.

Promising corruption prevention interventions include:

- **Conducting regular corruption perception and experience surveys among staff** can help assess both progress and the effectiveness of corruption prevention measures.
- **Involving high-level management and leadership** at each stage of the corruption prevention approach can help develop ownership and accountability.
- **Stipulating a mandatory budget for corruption prevention** across ministries, agencies and departments can help ensure a minimal investment in integrity and anti-corruption activities are effectively prioritised and implemented.
- **Platforms for government representatives from different countries to exchange** on corruption prevention actions can help identify and learn from successes and challenges.

Enforcement actions

Several countries have investigated and prosecuted corruption cases linked to crimes that have an impact on the environment. Financial investigations and money laundering legislation are also being used to address the relationship between corruption and crimes that have an impact on the environment. The systematic seizure and confiscation of assets is only just beginning, as is the creation of multi-agency and inter-disciplinary task forces, nationally and internationally.

Promising enforcement interventions include:

- **Assessing the economic, social and environmental losses** from cases of corruption linked to crimes that have an impact on the environment – and using these to calculate associated penalties and fines – can help compensate and restore some of the harm done.

- **Seizing and confiscating proceeds and instrumentalities of crime** (bank accounts, real estate, vehicles, art, jewellery, etc.) can help ensure that crime does not pay. It also removes the resources needed to continue activities that harm the environment.

- **Exploring legal avenues outside the anti-corruption field** can help strengthen enforcement. These include money laundering and tax offences as well as corporate due diligence legislation, remedies via civil proceedings and Environmental, Social and Governance (ESG) considerations to expose greenwashing.

Essential role of civil society and the media

Alongside States, civil society and the media have played an essential role in increasing our understanding of the relationship between corruption and crimes that have an impact on the environment. Their efforts span investigative reporting, publishing evidence-based research, capacity building and creating networks to bridge the gap between anti-corruption and environmental practitioners.

Environmental corruption goes beyond crimes that have an impact on the environment

Focusing solely on corruption linked to crimes that have an impact on the environment overlooks situations where corruption causes environmental harm without an associated environmental offence. For example, a bribe to obtain a land conversion permit may result in apparently legal deforestation and biodiversity loss.

A holistic approach to looking at "environmental corruption" – meaning corruption that impacts the environment in any way, not only corruption linked to crimes that have an impact on the environment – is crucial for protecting the environment and people.

The way forward

As this Working Paper highlights, a plethora of activities are taking place to tackle corruption that impacts the environment. The paper picks out those that show significant promise. This diversity of engagements is laudable. But it is far from the scale needed to make a systemic difference to both our societal corruption and environmental challenges. States parties need to test and scale up initiatives that are effective or look promising, by, among other things:

- **Making efforts to assess and understand** their country's risks of corruption as it relates to the environment.

- **Ensuring more robust staffing and prioritisation of corruption prevention systems** in government and state-owned enterprises tasked with conserving, managing or trading natural resources.

- **Developing specialised knowledge and expertise** of governmental institutions and agencies to better address corruption that impacts the environment.

- **Incorporating anti-corruption measures into environmental and natural resource policies** and strengthening environmental governance structures to include anti-corruption internal controls and mechanisms.
- **Dedicating greater resources for specialised law enforcement** to pursue complex financial flows linked to corruption and crimes that have an impact on the environment.
- **Increasing inter-agency collaboration** and conducting joint operations on environmental corruption.
- **Making use of legal frameworks and testing new legal avenues** to hold individuals and natural persons accountable, including through asset recovery and remedies to repair the damage.
- **Gathering evidence** on corruption that affects the environment.
- **Engaging in platforms** for representatives from governments, civil society and other stakeholder groups to exchange experiences and know-how in tackling corruption that impacts the environment.
- **Ensuring that this issue is integrated in all relevant United Nations processes** such as the ones related to climate and biodiversity.

Protecting civil society space, in particular journalists and human rights defenders working on the environment and corruption-related issues, is vital to tackle environmental corruption.

1 Introduction

At the 8th session of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC), in December 2019, States parties adopted, for the first time, a resolution recognising the relationship between corruption and environmental crimes.[1]

Resolution 8/12 – *Preventing and combating corruption as it relates to crimes that have an impact on the environment* – is a landmark Resolution.[2] With its 23 operative paragraphs (OPs), it underlies the importance of addressing corruption linked to crimes that have an impact on the environment. It urges States parties to prevent, investigate and prosecute corruption offences where they may be linked to crimes that have an impact on the environment.

Following the adoption of Resolution 8/12, several other United Nations processes have adopted a similar approach. For instance, Resolution 10/6 – *Preventing and combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime* – was adopted in December 2020.[3] In December 2021, the United Nations General Assembly passed Resolution 76/185 – *Preventing and combating crimes that affect the environment* – reaffirming the calls made in Resolution 8/12.[4]

1.1 What are crimes that have an impact on the environment?

"Environmental crimes", "crimes that affect the environment", "crimes related to the environment", "crimes that have an impact on the environment" and "nature crimes" are terms that refer to the same reality: criminal activities that have a detrimental effect on the environment.

These terms are nevertheless rarely defined. When they are, the definitions often revolve around lists of specific offences or categories of offence that harm the environment rather than providing a comprehensive global definition. For example, Resolution 8/12 does not explicitly specify the meaning or the scope of what constitutes a crime that has an impact on the environment, leaving room for interpretation. It does, however, mention various criminal activities, e.g. illegally obtained natural resources and illicitly trafficked waste. On the other hand, Resolution 76/185 provides an initial outline of what these crimes entail. According to the Resolution, crimes that affect the environment encompass activities such as "illicit trafficking in wildlife, including, inter alia, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, inter alia, poaching".

1 It should be noted that at the 17th meeting of the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 2016, States adopted Resolution 17.6 Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention. This Resolution is nevertheless narrower in scope than Resolution 8/12 of UNCAC in so far as the former focuses on corruption linked to violations of CITES while the latter covers a wider range of crimes that have an impact on the environment.

2 Read the full text of Resolution 8/12 at: https://www.unodc.org/documents/treaties/UNCAC/COSP/session8/V2006805e.pdf

3 See: https://www.unodc.org/documents/treaties/UNTOC/COP/SESSION_10/Resolutions/Resolution_10_6_-_English.pdf

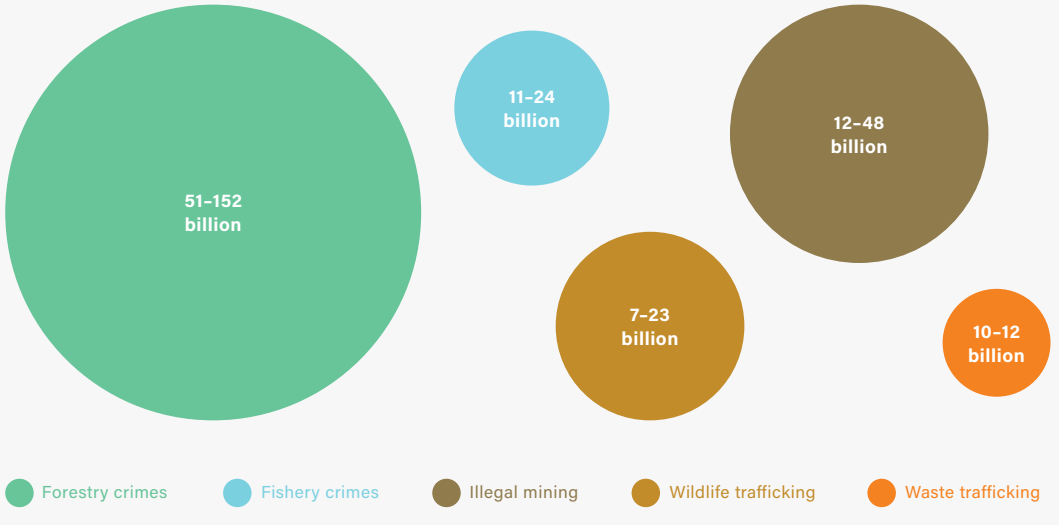
4 See: https://digitallibrary.un.org/record/3954773?ln=en

The lack of a universally agreed-upon definition reflects the fact that countries have different perspectives on the matter. They have also not yet harmonised their understanding of what the term "environment" encompasses. As there is no global consensus on a specific definition, this report will refer to crimes that have an impact on the environment as covering **any offences (e.g. a breach of legislation, an unlawful act or conduct) that result in harm or pose a risk to the environment** such as:

- Wildlife trafficking
- Crimes in the forestry sector
- Crimes in the fisheries sector
- Illegal mining and trafficking of metals and minerals
- Waste trafficking
- Air, water and soil pollution
- Illegal trade of hydrofluorocarbons or ozone-depleting substances

Crimes that have an impact on the environment are among the most lucrative criminal activities in the world. A 2018 report by Interpol, RHIPTO and the Global Initiative against Transnational Organized Crime estimated that these crimes generate between USD 110 and 281 billion annually (see Figure 1 for an estimate per crime category), making it the third largest criminal sector worldwide. However, it is important to note that finding recent and reliable statistics is challenging. Hence, the true extent of the financial gains made from these crimes is difficult to ascertain. These estimates may well, in fact, underestimate the actual criminal revenues.

Figure 1: Estimated annual profits generated from crimes that have an impact on the environment (in USD)



Sources: World Atlas of Illicit Flows, Interpol, RHIPTO, and The Global Initiative against Transnational Organized Crime (2018, 15).

Crimes that have an impact on the environment have disastrous consequences that extend far beyond the illicit profits generated by these activities. They significantly impact, and are detrimental to, the environment, public health and safety, and social and economic development. For example, the World Bank estimated that governments lose between USD 7 and 12 billion annually in potential tax revenue. Nevertheless, measuring in financial terms the true cost and loss for the environment and human beings is extremely difficult.

1.2 Corruption and crimes that have an impact on the environment

There is no universally agreed-upon definition of corruption. The UNCAC defines corruption by enumerating various categories of offence such as bribery, embezzlement, abuse of functions, trading in influence, money laundering and illicit enrichment. Transparency International's widely used definition describes corruption more broadly as the abuse of entrusted power for private gain.

Corruption plays a crucial role in facilitating crimes that have an impact on the environment. Research and reporting by the United Nations Office on Drugs and Crime (UNODC), civil society organisations, academia and journalists have highlighted the connection between corruption and crimes that have an impact on the environment (see Section 4 and Annex 1). Adjudicated cases also provide information on this issue. The analysis of this evidence shows that corruption linked to the environment takes many forms. For example:

- trading in influence to affect environmental regulations and policies;
- abuse of functions to award a forest concession, mining permit or fishing quota;
- bribery to obtain a CITES export permit for poached protected species or to be awarded a waste import permit;
- bribery to prevent inspection or control in a protected area, at border controls, etc.;
- bribery to be released from custody, to avoid prosecution and conviction or to receive minimal sanctions for crimes that have an impact on the environment.

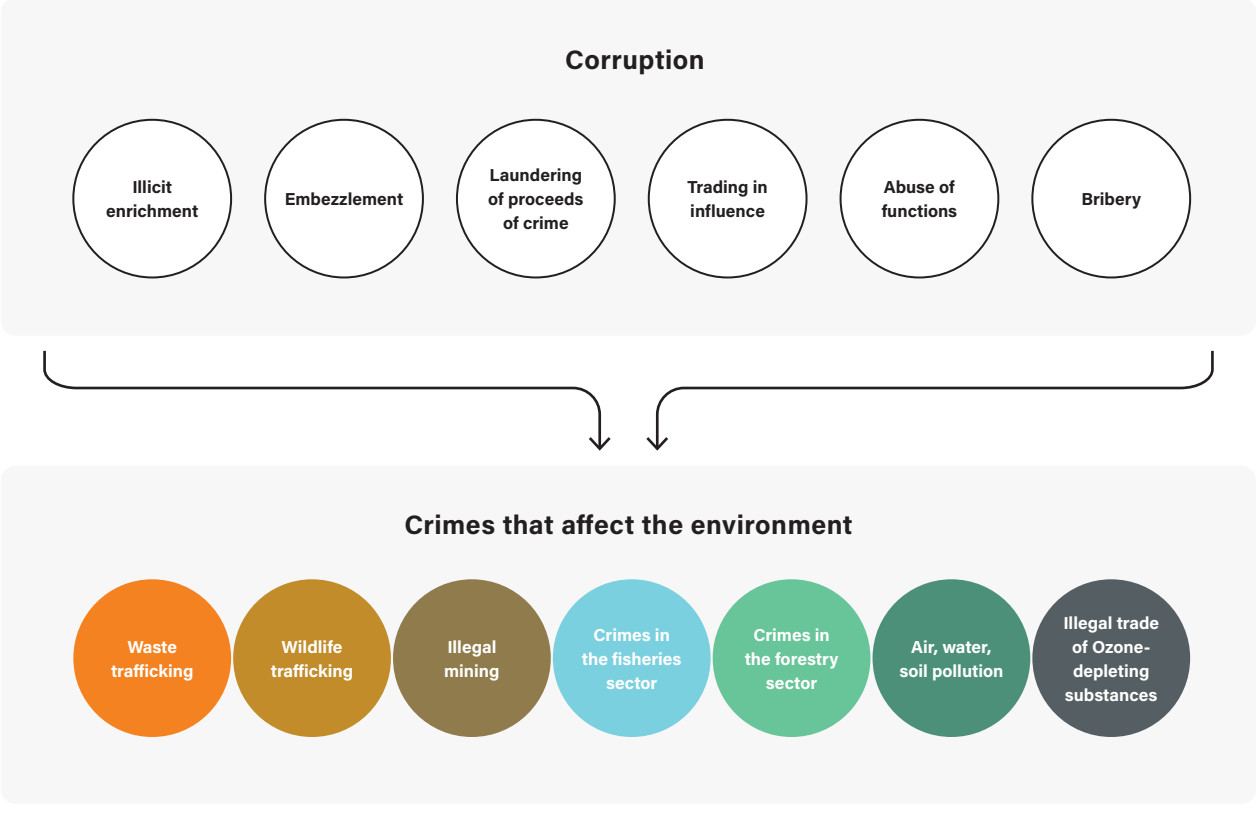
In fact, corrupt practices facilitate all aspects of crimes that have an impact on the environment (Figure 2). They involve multiple actors from public officials to companies and organised crimes.

Measuring the scale of corruption linked to the environment is however challenging.[5] This is due to the complexity and clandestine nature of corruption, along with the wide range of corrupt acts involved in enabling crimes that have

5 In 2023, UNODC published a statistical framework providing guidance to States to detect the presence, measure the magnitude and monitor trends of the different forms of corruption. It includes indicators to collect the needed data. This work could help build evidence on the extent of corruption. It has the potential to be adapted to target corruption as it relates to crimes that have an impact on the environment. See: https://unstats.un.org/UNSDWebsite/statcom/session_54/documents/BG-4d-Framework-E.pdf

an impact on the environment. In 2016, Interpol estimated the global cost of corruption in the forestry sector to be around USD 29 billion (Interpol 2016). To the author's knowledge, this is the only attempt at measuring corruption as it relates to crimes that have an impact on the environment.

Figure 2: Intrinsic link between corruption and crimes that have an impact on the environment



1.3 Purpose and structure of the report

With the 10th Conference of the States Parties to the UNCAC taking place in December 2023, it is essential to take stock of initiatives that align with Resolution 8/12 since its adoption in 2019.

In 2021, UNODC published an overview of the efforts made by UNCAC States parties to prevent and counter corruption related to crimes that have an impact on the environment at the national and international levels (UNODC 2021). This report complements UNODC's 2021 report by shedding light on some of the actions taken by UNCAC States parties as well as civil society, academia and the media over the last four years, since the adoption of Resolution 8/12. The aim is to encourage States to expand their efforts and share their progress.

The report presents a concise overview of prevention and enforcement actions, initiatives and measures implemented by UNCAC States parties between 2019 and 2023 to combat corruption as it pertains to crimes that have an impact on the environment. Section 2 focuses on prevention and Section 3 on enforcement actions. Section 4 underscores the valuable contributions made by non-state

actors, in particular civil society, academia and the media in this collective endeavour. The conclusion includes a list of promising initiatives for corruption prevention and enforcement.

Caveat

The report is based on publicly available information and relies on desk-based research as well as insights shared by experts interviewed between 16 October and 24 November 2023.[6] It does not aim to provide an exhaustive list of actions and measures taken by UNCAC States parties, civil society, the media and academia to prevent and combat corruption in relation to crimes that have an impact on the environment.

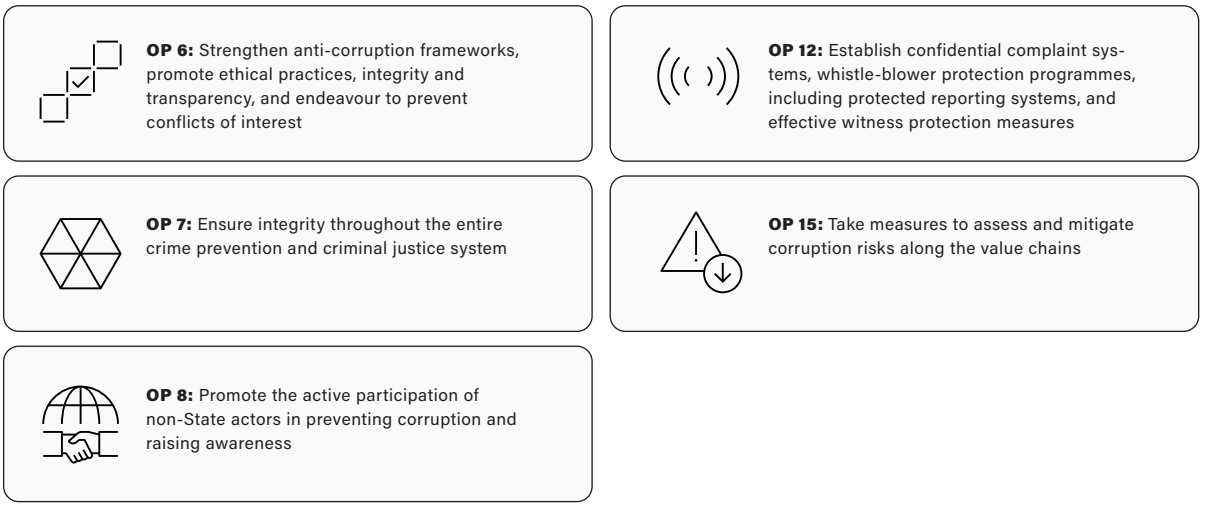
Furthermore, the report does not assess whether these actions can be considered as "good practices". Given that many of these interventions began in 2019 or are still in their early stages of implementation, it would be premature to draw final conclusions. Further research is needed to assess the impacts of these measures in addressing corruption linked to crimes that have an impact on the environment.

Nonetheless, it does present various ongoing and promising initiatives that can serve as inspiration and guidance for States and other stakeholders seeking to explore new strategies and adopt similar approaches to address this critical challenge.

6 17 semi-structured interviews were conducted with the following organisations: the Basel Institute on Governance, Environmental Investigation Agency, TRAFFIC Madagascar, Nature Crime Alliance, Kenya Wildlife Service, Africa Nature Investors Foundation, Procurement Integrity Consulting Services, WWF-US (TNRC), Anti-Corruption Bureau Malawi and UNODC.

2 Prevention

Figure 3: Operative paragraphs of Resolution 8/12 relating to prevention



Resolution 8/12 includes five operative paragraphs focusing on prevention measures to reduce corrupt practices. This report provides examples of interventions and initiatives taken by States in three areas: promoting ethical practices (OP 6), establishing whistleblowing protection programmes (OP 12) and assessing and mitigating corruption risks (OP 15).

2.1 Promoting ethical practices, integrity and transparency (OP 6)

Strengthening integrity and ethical practices within governmental institutions and agencies tasked with preventing crimes that have an impact on the environment is essential for building strong institutions that can effectively tackle corruption linked to the environment. Over the last four years, States have taken various initiatives to promote a culture of integrity, in particular by involving leadership and top-level management in the implementation of corruption prevention measures and by developing public officials' skills and adherence to shared ethical values, standards of conduct and principles.

For instance, Kenya Wildlife Service,[7] in collaboration with UNODC, conducted a corruption perception and experience survey in 2019 among its staff.[8] The objective was to assess the perceived level of corruption and experience of staff across different regions with a view to enhancing anti-corruption initiatives and upholding integrity in service delivery. Overall, employees responded that corruption is perceived as sometimes acceptable.

7 The institution is responsible for protecting national parks, national reserves, national sanctuaries, marine national parks, and marine national reserves.

8 There was around 6,000 staff at the time of the survey. The survey sought feedback from 30 percent of employees.

To address the survey findings, Kenya Wildlife Service revised its corruption prevention policy and code of conduct[9] and established in 2021 a corruption prevention committee at the headquarters and in each of the eight conservation regions. Employees also receive regular training and sensitisation programmes on integrity-related issues. Moreover, Kenya Wildlife Service has held ethical leadership workshops for its Board of Trustees and senior management. It is also organising one-on-one mentorship sessions for staff and management on integrity. Close involvement of the agency's management is seen as an essential component for ensuring ownership of the corruption prevention approach and demonstrating a clear commitment to integrity.

A new corruption perception and experience survey is expected to be conducted in the coming months to measure progress and changes since 2019. The new survey will help Kenya Wildlife Service to assess its corruption prevention initiatives.

In Peru, the Regional Government and the Regional Environmental Authority of San Martín are implementing a similar approach in the forestry sector, with support from the Basel Institute on Governance. A perception survey will be conducted at the end of 2023 to monitor behaviour change over time of employees of the Regional Government and Regional Environmental Authority of San Martín. It is implemented in combination with actions to manage corruption risks and to promote transparency and integrity. In addition, employees participate in integrity workshops to share their experiences and reflect on ways to enhance prevention, ethics and integrity in their public duties.

In Malawi, a distinct approach to promoting ethical practices, integrity and transparency has been adopted (see Box 1).

Box 1: Malawi: Promoting a holistic corruption prevention approach

In 2019, Malawi adopted a national anti-corruption strategy for the period 2019–2024, laying out the foundations to address corruption in Malawi. The country opted for a holistic approach, mainstreaming the fight against corruption across ministries. Each ministry, department and agency must allocate a minimum of 1 percent of their annual budget to tackle corruption.[10] At the end of each financial year, the Anti-Corruption Bureau assesses whether institutions have dedicated and used the appropriate budget for anti-corruption initiatives. Sanctions can be imposed when efforts are deemed insufficient. Moreover, the Legal Affairs Committee of Parliament has taken an oversight role by monitoring anti-corruption actions of ministries, departments and agencies and holding these institutions accountable. A special committee on the environment was also created within the Parliament to discuss corruption linked to the environment.

9 The code of conduct covers topics such as conflict of interests, abuse of office, gifts or benefits in kind, declaration of income, assets and liabilities.

10 Although the instruction to allocate 1 percent of funding to anti-corruption activities was provided in 2014, it was re-emphasised in 2021.

In addition, each ministry, department and agency must establish an Institutional Integrity Committee. The objective of the Institutional Integrity Committees is to promote integrity, transparency and accountability and to improve service delivery. They are an important part of the system of internal controls. Institutional Integrity Committees work closely with the Anti-Corruption Bureau, e.g. they submit quarterly reports and liaise with the Anti-Corruption Bureau when they receive a complaint that is beyond their mandate.

In 2023, the Department of Forestry under the Ministry of Natural Resources and Climate Change established an Institutional Integrity Committee. In September 2023, the members gathered for an orientation workshop led by the Anti-Corruption Bureau with the support of the Basel Institute on Governance. They received initial training on corruption prevention and enforcement (steps in assessing complaints and conducting preliminary investigations). The Institutional Integrity Committee designed an action plan which is being implemented.

2.2 Establishing whistleblower protection programmes (OP 12)

Whistleblowers have played a crucial role in exposing corruption and crimes that have an impact on the environment, but they often face retaliation for their actions. An appropriate legal framework and effective whistleblowing protection programmes are crucial not only to enable individuals to safely report wrongdoing but also to deter unethical behaviours.

While article 33 of UNCAC provides that appropriate measures shall be incorporated to grant protection to those who report corruption, many countries do not have dedicated legislation. When they do (around 60 jurisdictions have adopted some form of legal protection), the scope, the forms of protection and the effectiveness of the laws vary widely (Feinstein, Devine et al 2021). It should be noted that these laws do not specifically focus on corruption or on crimes that have an impact on the environment.

In addition to adopting a dedicated legal framework, it is essential to establish effective whistleblowing protection programmes. In Kenya, the above-mentioned 2019 corruption perception and experience survey revealed that Kenya Wildlife Service employees did not report corruption because of fear of victimisation and the lack of proper mechanisms in place to protect those who report corruption.

To encourage reporting of corruption, Kenya Wildlife Service, with support from UNODC, designed a new automated integrity management system that includes the creation of an integrity office in charge of receiving, analysing, processing and monitoring corruption reports via a separate server as well as ensuring that appropriate actions are taken. Complaints can be submitted through the dedicated hotline, email, integrity boxes and online with a number assigned

to each complaint to ensure anonymity. Although not yet fully operational, employees have started to report corruption incidents.[11] With the upcoming new perception and experience survey, results will inform on whether employees changed their perceptions and feel they can safely report corruption.

2.3 Assessing and mitigating corruption risks (OP 15)

Corruption risk assessments enable institutions to understand the wide range of corruption vulnerabilities linked to crimes that have an impact on the environment, map the corruption risks and associated mitigation measures as well as assign responsibility for implementing mitigation measures and outline how progress will be monitored.

Since 2019, various methods and approaches have been developed both at sectoral (e.g. forestry, fisheries or mining) and institutional levels. For instance, UNODC designed a methodology for the fisheries sector[12] and one for wildlife management authorities.[13] The Basel Institute on Governance designed the Map, Characterize, Assess and Recommend method for law enforcement and criminal justice processes.[14] The Natural Resource Governance Institute developed a diagnostic tool[15] to identify the forms of corruption and create an action plan to prevent corruption in the extractive industries. Transparency International Australia designed the Mining Awards Corruption Risk Assessment Tool to assess the underlying causes of corruption in mining sector awards.[16]

Over the last four years, multiple countries have conducted corruption risk assessments in this area. In 2022, UNODC supported eight wildlife authorities, four forest authorities and three fisheries authorities from nine countries[17] to assess their corruption risks (UNODC 2022). For example, the Ministry of Fisheries and Aquaculture Development and the Fisheries Commission of Ghana, in collaboration with UNODC and the Commission on Human Rights and Administrative Justice, started a corruption risk assessment process in June 2021. The action plan was approved in February 2022 by the top management of the two institutions. Starting in October 2022, the Ministry of Fisheries and Aquaculture Development and the Fisheries Commission are implementing the 46 points listed in the action plan with support from various donors.

The Basel Institute on Governance has been working in partnership with ministries and agencies in seven countries[18] to design and implement corruption risk assessments. In some cases, these assessments refer to widely used international standards. For instance, the Land and Forest Control and Monitoring

11 Information based on interviews with Kenya Wildlife Service and Procurement Integrity Consulting Services.

12 See: https://www.unodc.org/documents/Rotten_Fish.pdf

13 See: https://www.unodc.org/documents/Wildlife/19-08373_Scaling_Back_Corruption_ebook.pdf

14 See: https://www.worldwildlife.org/pages/tnrc-guide-to-conducting-corruption-risk-assessments-in-a-wildlife-law-enforcement-context

15 See: https://resourcegovernance.org/publications/diagnosing-corruption-extractive-sector-tool-research-and-action

16 The tool has been used in 23 countries. See: https://transparency.org.au/publications/macra-tool/

17 Bolivia, Democratic Republic of the Congo, Kenya, Malawi, Nigeria, Tanzania, Thailand and Uganda.

18 Bolivia, Ecuador, Indonesia, Malawi, Peru, Uganda, Ukraine.

Authority of Bolivia and the Ministry of Environment, Water and Ecological Transition and the Direction of Processes, Services and Change Management in Ecuador use ISO 31000 on risk management and ISO 37001 on anti-bribery management systems to identify corruptions risks in the forestry sector.[19] In Indonesia, ISO 37001 is used to assess risks as well as to strengthen internal controls within the Marine and Fisheries Ministry and the state-owned forestry company Perum Perhutani.[20]

In Colombia, the National Authority of Aquaculture and Fisheries publishes every year an institutional action plan, an anti-corruption and citizen service plan as well as a detailed map of corruption risks and mitigation measures.[21] In addition, UNODC for the Andean Region and the Southern Cone works with authorities in the forestry sector, regional authorities and the Transparency Secretariat of the President's office to prevent corruption associated with forest loss and deforestation. For example, each institution in every region undergoes a diagnostic and develops a specific strategy to overcome the gaps and weaknesses identified. Corruption typologies linked to cattle, mining, illegal logging and the forestry sector in general were also developed in 2021 and updated in 2023. These typologies will inform upcoming corruption prevention actions and contribute to identify warning signs and the modus operandi of different actors involved in corruption related to forest loss and deforestation.

Although such corruption risk assessments have usually been implemented at the country level, in some instances they are conducted at the regional level within a country in order to tailor the assessment to the context and vulnerabilities faced in the region. This is the approach taken by the Regional Government and the Regional Environmental Authority of San Martín in Peru, which resulted in the adoption of an action plan in May 2023 to reduce corruption risks in the forestry sector. The action plan includes control measures and specifies the bodies and units that are responsible for implementing these measures as well as the deadlines for their implementation (Gobierno Regional San Martín 2023).

While assessing corruption risks is essential, developing an action plan to mitigate the identified risks and following up on its implementation are even more important for effective corruption prevention. The examples of countries provided in this section are currently in the initial phases of formulating and implementing their action plans. Hence, it will be crucial to analyse lessons learned from these initiatives in the coming years.

19 Awareness raising workshops, the definition of the timber value chain, the identification of risks and mitigation measures are being developed in Bolivia and Ecuador. Action plans are expected to be implemented from 2024.

20 As part of the Anti-Corruption Action Plan, ISO 37001 is mandatory for all state-owned enterprises in Indonesia.

21 The documents are publicly available on the website: https://www.aunap.gov.co/planeacion/

Box 2: Bolivia, Ecuador and Peru: Fostering learning exchanges on corruption risk assessments

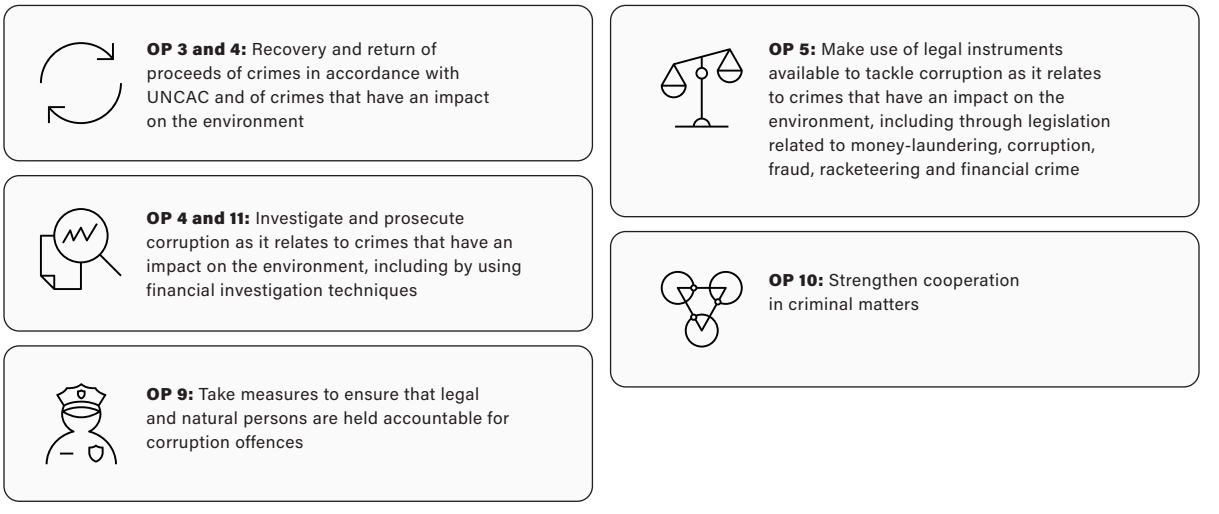
Authorities in Bolivia, Ecuador and Peru are conducting a corruption risk assessment in the supply chain of their forestry sectors with the support of the Basel Institute on Governance and the World Wildlife Fund (WWF). The steps taken are:

- a workshop where participants can build trust, discuss public integrity and ethics, identify corruption problems and risks, and map the priorities;
- expert panels to provide new insights, do a "reality check" (to avoid bias or missing information) and validate the corruption risks;
- finally a workshop to develop an action plan with specific mitigation measures and targets, indicating who will be responsible for implementation and how progress will be assessed.

Officials from the central and regional governments of these three countries will meet in 2024 to reflect, share experiences in identifying, analysing and mitigating corruption risks and learn from each other. This is a unique cross-country collaboration in the space of corruption and crimes that have an impact on the environment. The initiative could be replicated in other regions around the globe and even between different regions.

3 Enforcement

Figure 4: Operative paragraphs of Resolution 8/12 relating to enforcement



Resolution 8/12 puts a strong emphasis on enforcement actions. In particular, UNCAC States parties are urged to take actions to investigate, prosecute, hold accountable legal and natural persons for corruption offences, strengthen cooperation, and recover and return proceeds of crimes. Accessing information on case laws has been difficult (Box 3). Nevertheless, the report highlights interesting and promising enforcement approaches.

Box 3: Absence of publicly available statistics does not imply an absence of cases

The lack of publicly available statistics on investigations and convictions, coupled with the absence of systematic and specific data collection by countries on cases of corruption linked to crimes that have an impact on the environment, poses a challenge in assessing progress and determining the number of ongoing or adjudicated cases since 2019.[22] However, the absence of publicly available statistics should not be seen as an indication that corruption cases related to crimes that have an impact on the environment are non-existent.

Moreover, while law enforcement authorities around the world have taken enforcement actions against crimes that have an impact on the environment, the degree of focus on potential corrupt practices in these cases varies. In other words, the absence of corruption in reported cases of crimes that have an impact on the environment does not necessarily mean that there was no corruption. Rather, it suggests that corruption might not be explicitly addressed in the reported cases. The actual number of corruption incidents linked to crimes that have an impact on the environment could, in fact, be much higher.

22 In its 2021 report, UNODC indicates that 18 States reported cases of corruption related to crimes that have an impact on the environment with a total of 57 examples provided, but the report does not specify the dates of the cases.

Additionally, States rarely disclose information about ongoing investigations due to confidentiality reasons. Hence, there is likely a more extensive number of cases involving corruption and money laundering charges linked to crimes that have an impact on the environment than what is indicated in this report.

3.1 Prosecuting corruption cases and holding legal and natural persons accountable (OP 4, 9, 11)

Since 2019, law enforcement authorities have investigated and prosecuted individuals and companies for corruption offences linked to crimes that have an impact on the environment. There is anecdotal evidence in countries such as Cameroon, Kenya, Indonesia, Malawi, Namibia and The Gambia (see Box 4 on Namibia).

Box 4: Namibia: Bringing high-level public officials to justice

December 2019, a storm hit: Media outlet Al Jazeera exposed extensive corrupt practices in Namibia's fishing industry following documents shared by whistleblower Johánnes Stefánsson and published by WikiLeaks (Al Jazeera 2019). This scandal became known as the Fishrot case or Fishrot scandal.

The Fishrot case is unique in many regards. It is the first transnational corruption case in the fisheries sector. It involves public officials in Namibia (including the former Attorney General who at the time of his arrest was the Minister of Justice and the former Minister of Fisheries and Marine Resources), a fishing company headquartered in Iceland, a bank located in Norway, and a total of 27 jurisdictions involved at various levels.

The investigation, prosecution and trials are taking place in Namibia, where the corruption offence took place. International cooperation through mutual legal assistance contributed to the successful conclusion of the investigation. Law enforcement authorities did not face political interference despite the fact that high-level public officials were charged with corruption. Witnesses are also determined to testify notwithstanding the high visibility and stakes of the case. Paulus K Noa, Director-General of the Namibian Anti-Corruption Commission, refers to the case as "a true testimony of the Government of Namibia's commitment to fighting corruption and organised crimes".

Four years on from the revelation, a short time frame for a transnational corruption case, the trial is set to open in 2024. Though the final outcome is uncertain, the case is an illustration of a successful enforcement action in a grand corruption case.

When convicted, individuals and companies face prison time, fines and confiscation of assets (see 3.3 below). We are also starting to see specific financial penalties included in the sentencing to compensate for the environmental harm done and conduct restoration actions (see Box 5 on Indonesia).

Box 5: Indonesia: Combining anti-corruption and anti-money laundering legislation for nature restoration

PT Duta Palma, a major palm oil conglomerate in Indonesia, and its subsidiaries have been under investigation for bribing public officials in Riau Province, illegal land clearing and conversion and land conflicts with local communities, among many allegations. In September 2023, Surya Darmadi, the CEO of PT Duta Palma, saw his initial conviction in February 2023 for corruption and money laundering upheld by the Supreme Court of Indonesia (Jong Hans Nicholas 2023).

The case has many distinctive features. The conviction is exemplary: Surya Darmadi was sentenced to 16 years in prison. The Attorney General took an innovative approach. Instead of relying on environmental crime legislation, it based its case on the Indonesian anti-corruption law that includes a special provision on unlawful enrichment that has an impact on finance and economic state loss. The Supreme Court followed the Attorney General's approach, using the provisions related to economic loss for the State and the removal of the illegal gains for its verdict. While the imposed fine of IDR 2.23 trillion (equivalent to USD 144 million) represents a significant reduction from the initial conviction in February 2023,[23] the case underscores the possibility of assessing economic and social losses resulting from corrupt practices linked to crimes that have an impact on the environment.

With several corruption cases currently under prosecution that have similar characteristics, one can only hope that the ensuing fines will reflect the gravity of the offences, ensuring that effective restoration actions are taken and sending a clear message that crime does not pay.

3.2 Using anti-money laundering legislation and financial investigation techniques (OP 11)

There has been a growing recognition of the importance of conducting a "follow-the-money" approach in connection to crimes that have an impact on the environment (FATF 2021). Financial investigations are instrumental to get an understanding of the locations, the networks of actors and assets involved,

23 Surya Darmadi was originally convicted in February 2023 to repay IDR 2.2 trillion (equivalent to USD 144 million) that he owned to the government and a further IDR 39 trillion (equivalent to USD 2.5 billion) to the State to compensate for the loss. If he was unable to pay, his assets would have been confiscated and if it was not sufficient, it would have been replaced with an additional five years of prison time (Llewellyn Aisyah 2023). The motives for the turn of judgment in September 2023 were not available at the time of writing the report.

the movement of funds and how the criminal activities were financed (Reid Alexandria, Parry-Jones Rob, Keatinge Tom 2020). They are necessary not only to combat crimes that have an impact on the environment, but also for corruption cases linked to these crimes.[24]

While statistics are not publicly available, anecdotal evidence shows that several countries, including Kenya, Malawi, South Africa, Thailand and the US, have had cases of money laundering linked to crimes that have an impact on the environment. For instance, in at least eight cases since 2019, the US indicted multiple individuals for money laundering charges in connection with wildlife crimes. Once such example was disclosed in October 2023 when the Department of Justice unsealed an indictment charging two individuals for money laundering connected to the smuggling of hundreds of birds and eggs from Germany, Hungary, Iceland, Italy, Lithuania, Malta, Russia, South Africa, the UK and Uruguay (U.S. Department of Justice 2023).

Financial investigations conducted so far have mainly focused on money laundering related to crimes that have an impact on the environment, in particular wildlife crimes. There are very limited examples of financial investigations deriving from corruption linked to crimes that have an impact on the environment.[25]

One example can be found in the US, where two individuals from the Democratic Republic of the Congo (DRC) were arrested in 2021 as part of "Operation Kuluna"[26] and indicted by a federal grand jury for conspiracy, money laundering, and smuggling of ivory and pangolin scales worth approximately USD 3.5 million (U.S. Department of Justice 2021). The investigation highlights the method used to conceal ivory and the bribes paid to authorities in DRC to ship the goods.

Another example is found in South Africa. Two park rangers were arrested in April 2022 on charges of fraud, money laundering and corruption. They allegedly "provided tactical information to rhino-poaching syndicates in exchange for large sums of money" (McCain Nicole 2022). In December of the same year, nine of their relatives were arrested for money laundering charges following a financial investigation conducted by the South African Police Service together with consulting firm KPMG. The funds from the corruption are suspected to have been transferred into the park rangers' relatives' bank accounts (McCain Nicole 2022). The trial is expected to open at the end of 2023 (South African Police Service 2023).

24 It should be noted that few countries have conducted money laundering risk assessments dedicated to corruption and crimes that have an impact on the environment while there is a need to better understand what the risks are to adopt appropriate measures and responses. In addition, crimes that have an impact on the environment are often not designated as a predicate offence for money laundering (FATF 2021).

25 In the US, the Financial Crimes Enforcement Network analysed Suspicious Activity Reports (SARs) reporting wildlife trafficking, filed between January 2018 and October 2021. It found that out of 212 SARs, 21 SARs (10 percent of the cases) identified a possible link between corruption and wildlife trafficking while in 80 percent of the SARs, a money laundering activity was reported.

26 An international operation conducted between the Office of Homeland Security Investigations in Seattle, the government of DRC, and the US Embassy in DRC.

3.3 Seizing and confiscating assets (OP 3 and 4)

Recovering assets (such as vehicles, houses or bank accounts) in a corruption or money laundering case linked to crimes that have an impact on the environment is crucial (Box 6). Asset recovery is widely accepted to act as a powerful deterrent, as well as disrupt the financial networks of actors engaged in corruption and crimes that have an impact on the environment.

Once confiscated, assets could be used to compensate, restore and/or repair the harm done. However, tracing, seizing and definitive confiscation of illicit assets related to corruption and crimes that have an impact on the environment are not yet systematic.

Box 6: Thailand: Using anti-money laundering legislation to confiscate illicit acquired assets

In Thailand, after a first criminal investigation into the operations of Boonchai Bach, a Vietnamese and Thai citizen suspected of wildlife trafficking, the Anti-Money Laundering Office opened a new case in 2019. It collaborated with the NGO Freeland Foundation to map the entire criminal network. Using the Anti-Money Laundering Act, the Anti-Money Laundering Office seized and froze more than THB 300 million (USD 11 million) worth of assets (including hotels, land, vehicles and bank accounts) of Boonchai Bach for laundering profits of wildlife trafficking (Freeland 2021).

The case was a success thanks in part to the collaboration with the Freeland Foundation and government agencies from Australia, Malaysia, South Africa, Thailand and the US (Cabrejo le Roux Amanda, Romero Isabella 2023). Thailand, Vietnam and Malaysia are examining how they can work together to make it a multi-country case to seize his assets in every jurisdiction (Nuwer Rachel 2023).

3.4 Strengthening cooperation (OP 10)

Enforcement actions to address corruption as it relates to crimes that have an impact on the environment require significant time and resources (for timely detection and adequate investigation), specialised knowledge and the involvement of multiple agencies or authorities.[27] Cooperation between the anti-corruption agency, the financial intelligence unit, customs and the agency in charge of the environment is often ad hoc, even though the assistance and dedicated expertise of the respective agencies is generally needed.

Multi-agency cooperation is therefore a crucial step to tackle corruption linked to crimes that have an impact on the environment. Over the last four years, countries have worked to develop and improve inter-agency coordination at the country level and international level.

27 For a comprehensive list of challenges, see Table 4 of UNODC 2021 report.

National multi-agency and inter-disciplinary collaboration

States are more and more establishing multi-agency and inter-disciplinary task forces within their own countries to tackle corruption linked to crimes that have an impact on the environment. For instance, in Kenya, an inter-agency arrangement was established in 2021 comprised of Kenya Wildlife Service, the Assets Recovery Agency and the Kenya Revenue Authority.

In Malawi, an inter-agency committee composed of 10 agencies was created to combat wildlife crime, including forest crimes and the associated corruption. The committee conducts joint operations, investigations and prosecutions. According to Malawi's Anti-Corruption Bureau, since the inter-agency's creation in 2012–2014, the cooperation has led to results and wildlife trafficking has decreased. In addition, the Anti-Corruption Bureau conducts joint operations with the Department of Forestry and the Police to address corruption and the illegal charcoal trade.

In Nigeria, between 2021 and 2023, the Africa Nature Investors Foundation and Environmental Investigation Agency worked with different government agencies (environmental agencies, the Economic and Financial Crimes Commission and the Financial Intelligence Unit) to establish connections between these agencies, raise awareness of the applicable legal framework, and strengthen their expertise to address corruption associated with wildlife trafficking. A wildlife enforcement network was also established.[28]

International cooperation

Cross-border collaboration among law enforcement authorities is instrumental, as seen in the Fishrot case (Box 5). International cooperation takes many forms, from formal mutual legal assistance requests to information sharing between financial intelligence units through the Egmont Group, informal exchanges facilitated by dedicated networks, and coordination and support from organisations like UNODC and Interpol.

Despite many challenges, States have taken initiatives to enhance international cooperation. For example, the US and South Africa announced, in January 2023, the establishment of a joint task force on combating the financing of wildlife trafficking. Comprised of the South African Anti-Money Laundering Integrated Task Force and the US Financial Crimes Enforcement Network, the joint task force aims to share information to recover illicit proceeds associated with wildlife crime.

In November 2023, during the United for Wildlife summit, financial intelligence units of Australia, Canada, New Zealand, South Africa, Singapore, the UK and the US endorsed a Statement of Principles for a Multilateral Approach to Combating Illegal Wildlife Trade to detect and prevent financial activities that sustain wildlife crime.

28 This is part of the 2022-2026 national strategy to combat wildlife and forest crime, including fishery crime. A new endangered species conservation and protection bill was also proposed to meet the requirements set under UNCAC and the United Nations Convention against Transnational Organized Crime.

Multi-agency and inter-disciplinary collaborations on corruption linked to crimes that have an impact on the environment at the national and international level are still in an early stage. Looking back in a couple of years from now, we will be able to assess how effective these collaborations were.

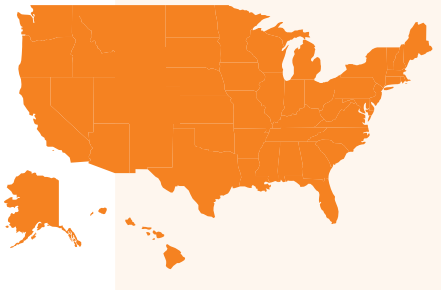
3.5 Making use of legal instruments available (OP 5)

Resolution 8/12 encourages States to make use of legal instruments available to tackle corruption as it relates to crimes that have an impact on the environment, "including through legislation related to money-laundering, corruption, fraud, racketeering and financial crime". In the previous sections, we have seen that law enforcement authorities have been using anti-money laundering legislation to tackle this issue. Other approaches are possible.

For example, the US imposes visa bans on individuals involved in corruption linked to crimes that have an impact on the environment. In August 2023, three Congolese nationals were designated as ineligible for entry into the US for abusing their public positions and enabling wildlife trafficking in DRC (U.S. Department of State 2023). States could follow this path, but also impose in a more systematic way sanctions on individuals and companies involved in corruption connected to the environment.

Non-conviction based confiscation, i.e. the possibility to confiscate assets derived from criminal activity without the need for a criminal conviction, has also been used in cases related to crimes that have an impact on the environment (Spicer Jonathan, Grossmann Juhani 2022).

Other avenues to explore include tax-related laws, corporate due diligence legislation, misconduct and misstatements in relation to Environmental, Social, and Governance (ESG) considerations to expose greenwashing, and remedies via civil proceedings.



Box 7: United States: Using ESG considerations to hold companies accountable

In 2021, the US Securities and Exchange Commission created a Climate and ESG task force to identify violations, e.g. misstatements in companies' disclosure of ESG related-issues. In 2022, Vale S.A., a Brazilian multinational mining company, was charged with making false and misleading claims about the safety of its dam prior to its collapse in 2019 that killed 270 people and caused severe environmental harm (U.S. Securities and Exchange Commission 2022). While the Office of the Comptroller General in Brazil did not find signs of corruption, it alleges that Vale failed to submit reliable information on the conditions of the dam (Mining.com 2023). Although not directly linked to corrupt practices, using ESG considerations has the potential to tackle activities harming the environment.

4 Civil society and the media as key actors

In its preamble, Resolution 8/12 highlights "the important role of the media, civil society, academia and private sector entities in the prevention of and the fight against corruption as it pertains to crimes that have an impact on the environment". In the last four years, the media and civil society have played an essential role. The following section looks at three areas where they have been a driving force.

4.1 Raising awareness through investigative journalism

Journalists and the media have played a crucial role in shedding light on the relationship between corruption and crimes that have an impact on the environment. Media organisations such as Mongabay, Cenozo, InSight Crime, The Gecko Project, Organized Crime and Corruption Reporting Project (OCCRP) and many others have documented how corruption enables environmental crimes across the globe.

For example, in September 2023, a consortium of Senegalese journalists working in collaboration with the Platform to Protect Whistleblowers in Africa revealed how rosewood trafficking along the borders of Mali and Senegal is facilitated by bribes paid to various actors (PPLAF 2023). The Rafael project, led by Forbidden Stories with support from 32 media organisations, continued the investigative work of journalist Rafael Moreno after his murder in October 2022. They document wide scale corruption associated with illegal exploitation of minerals and sand in Colombia.

Despite the challenges they face (Box 8), journalists and media organisations have raised public awareness and succeeded in highlighting why it is essential to address corruption linked to crimes that have an impact on the environment. Without their work and efforts, we would not have the same understanding of how these two issues are interconnected.

Box 8: Anti-corruption and environmental defenders at risk

Civil society space is shrinking around the globe while indigenous defenders, activists, whistleblowers, journalists and civil society organisations are at the front lines. They face significant threats for exposing corruption[29] and crimes that have an impact on the environment. Attacks and reprisals include harassment, intimidation, arrests and detention, and digital attacks, among many others. Laws are also being abused to silence them. Human rights defenders working on anti-corruption and/or the environment are sued or prosecuted for defamation, tax or money laundering offences, or offences under cybersecurity and anti-terrorism laws (Lemaître Sophie 2022).

29 The 2022 report of the Special Rapporteur on the situation of human rights defenders entitled At the heart of the struggle: human rights defenders working against corruption is the first report analysing specifically the situation of human rights defenders working against corruption. See: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/396/47/PDF/G2139647.pdf?OpenElement

Furthermore, anti-corruption and environmental human rights defenders are targeted for killings. According to Global Witness, 177 people were murdered in 2022 for protecting the environment and reporting crimes related to the environment, including corrupt practices (Global Witness 2023). Latin America was the region accounting for the vast majority of killings in 2022. Since 2012, 1,733 land and environmental defenders around the world have been killed (Global Witness 2023).

4.2 Strengthening knowledge with practitioner-oriented research and learning

Civil society has played a fundamental role in closing the knowledge gap by looking at the relationship between corruption and crimes that have an impact on the environment. Annex 1 provides a list of knowledge and learning hubs.

For example, Targeting Natural Resource Corruption (TNRC), a USAID-funded project implemented since 2019 by a consortium composed of WWF, U4 Anti-Corruption Resource Centre, TRAFFIC and the Terrorism, Transnational Crime and Corruption Center at George Mason University with the Basel Institute on Governance, has been conducting research in countries such as Colombia, Ecuador, Honduras, Madagascar, Malawi, Peru, Uganda and Vietnam. It has developed a rich body of resources and tools for practitioners to address the threats posed by corruption to wildlife, fisheries and forests.

The Wildlife Justice Commission, Environmental Investigation Agency and the Igarapé Institute, among others, have also been gathering evidence documenting how corruption (including illicit financial flows) affects the environment, in particular in relation to wildlife and forest crimes. The Global Initiative against Transnational Organized Crime has started a new project, ECO-SOLVE,[30] to monitor and analyse data on corruption and illicit activities that harm biodiversity.

Overall, research has predominantly focused on the relationship between corruption and wildlife or forest crimes. There are only a limited number of publications where corruption serves as the central focus in other areas, such as waste trafficking, illegal mining or fisheries crimes. For example, the NGO Stop Illegal Fishing published in 2021 an analysis of corrupt practices found in industrial illegal, unreported and unregulated fishing in East Africa (Stop Illegal Fishing 2021). In Madagascar, a research team analysed corruption and other forms of illicit financial flows driving illicit practices in the gold sector (Rabenandrasana, Harris, and Rabemazava 2022).

In addition to providing evidence and research, organisations have designed self-paced elearning courses available in different languages that are free and open to everyone with the objective of sharing knowledge and increasing

30 ECO-SOLVE is a partnership programme between the Global Initiative against Transnational Organized Crime and the Global Illicit Financial Flows Programme of the European Union for the period 2023-2026.

awareness on the relationship between corruption and crimes that have an impact on the environment. For example, U4 Anti-Corruption Resource Centre launched self-paced courses on corruption linked to the forestry sector and wildlife trafficking in 2022, while ACAMS offers a self-paced course on illicit financial flows associated with illegal wildlife trade.

Box 9: Connecting the dots: corruption and climate change

When Resolution 8/12 was adopted in 2019, the connection between corruption and climate change was not at the forefront of international debates and negotiations. This is despite the fact that the United Nations Development Programme and Transparency International had published reports on corruption risks in climate change in 2010 and 2011 respectively.

In the last four years, however, research conducted by civil society and academia has highlighted how corruption fuels climate change and hampers efforts to adapt to and mitigate climate change (e.g. Nest, Mullard, and Wathne 2020; Transparency International 2022; Khan et al 2020; Chan Tiffanie et al. 2023). Research has also focused on the various forms of corruption involved, such as conflicts of interest, undue influence and disproportionate lobbying that can hinder the adoption and implementation of ambitious climate policies (e.g. Resimić 2022; Nest and Mullard 2021).

Anti-corruption agencies are starting to include climate-related projects in the scope of their work. For example, since 2023, the Anti-Corruption Bureau of Malawi has been monitoring the use of funds provided by donors and the Government of Malawi to ensure that the funds are not diverted but are instead effectively allocated for climate-related projects (report forthcoming).

Civil society organisations are also taking action in this field. For instance, with its 50 cases at the time of writing, the climate and corruption atlas[31] of Transparency International provides a database with insightful information on corrupt practices in climate finance and projects. The National Whistleblower Center launched a Climate Corruption Campaign in 2020 supporting whistleblowers who would want to come forward with corruption allegations related to the fossil fuel and timber industries as well as their professional enablers, including the banking industry.

With billions of dollars mobilised and invested for climate mitigation and adaptation interventions[32], including the intersection of climate change and corruption at the international, regional and national level is essential to effectively address corruption and protect the environment.

31 See: https://www.transparency.org/en/projects/climate-governance-integrity-programme/climate-corruption-atlas

32 According to OECD, a total of USD 83.3 billion in climate finance were provided in 2020.

4.3 Building bridges between anti-corruption and environmental practitioners

Since 2019, various networks, coalitions and fora have emerged. For example, the UNCAC Coalition established an environmental crime and corruption working group[33] for civil society organisations working on corruption and/or environmental matters. This working group offers a space for civil society to coordinate advocacy efforts, provide updates on policy developments and share knowledge and findings. More than 180 individuals from civil society organisations and academia are members of the working group.

The Countering Environmental Corruption Practitioners Forum[34] was launched in December 2022 at the International Anti-Corruption Conference by WWF, the Basel Institute on Governance, Transparency International and TRAFFIC. It brings together anti-corruption and conservation practitioners working in the different regions of the world to discuss, exchange and foster peer-to-peer learning on issues related to corruption that impacts the environment. Membership is open to all interested individuals and organisations. A wide range of actors are represented with more than 500 members from government institutions (including anti-corruption agencies and financial intelligence units), United Nations agencies, academia, the private sector and banks. Four working groups were also established to cover land corruption; follow-the-money and financial investigations; climate finance; and open data.

The Nature Crime Alliance,[35] hosted by the World Resources Institute, is a newly established global multi-stakeholder network comprised of States (currently Gabon, Norway and the US), United Nations agencies and international organisations, civil society, indigenous peoples and local communities. It was launched in August 2023 during the Global Environment Facility Assembly. The Alliance focuses on "nature crimes", understood as covering illegal logging, mining, fishing, wildlife trade, land conversion and land grabbing. Corruption is not the primary focus of the Alliance, although it is seen as a cross-cutting issue. Working groups are being established on various topics such as financial flows, beneficial ownership and accountability; tools and technology; law enforcement coordination; and support to civil society.

33 See: https://uncaccoalition.org/get-involved/working-groups/environmental-crime-and-corruption

34 See: www.environmental-corruption.org

35 See: https://naturecrimealliance.org

Box 10: Litigation by civil society: using financial crime legislation to protect the environment

Civil society organisations around the world have used litigation to defend human rights, raise awareness on a specific issue or open new legal avenues (Lemaître Sophie 2023). In anti-corruption, litigation has been underutilised although some NGOs have a longstanding tradition in using it. Thanks to their work, many corruption-related investigations have been opened.

Recently, NGOs have made use of financial crime legislation to specifically protect the environment. For example, Sherpa, the Center for Climate Crime Analysis, Repórter Brasil and Transparency International filed a complaint in November 2023 with the French Financial Prosecutor's Office against four French banks (BNP Paribas, Crédit Agricole, BPCE and Axa) for money laundering and concealment. The case revolves around their alleged financial support for Brazil's leading beef companies, which are suspected of contributing to illegal deforestation in the Amazon (Sherpa 2023).

Box 11: Actions taken by the private sector

The private sector takes part in several global initiatives. For example, with United for Wildlife, financial institutions and the transport industries (airline and shipping companies, logistics firms, freight organisations) are committed to addressing the issue of wildlife trafficking. The private sector is also involved in initiatives such as the Global Platform for Sustainable Natural Rubber, the Forest Stewardship Council, the Extractive Industries Transparency Initiative, the Fisheries Transparency Initiative and the Maritime Anti-Corruption Network. Private sector awareness of the role, importance and impact of corruption and money laundering associated with crimes that have an impact on the environment remains nevertheless limited. Additional efforts are needed so that the private sector does not facilitate corruption and money laundering linked to the environment.

5 Conclusion

Since the adoption of Resolution 8/12 in December 2019, a plethora of activities are taking place to tackle corruption as it relates to crimes that have an impact on the environment.

In terms of prevention, it is clear that the journey to customising compliance and corruption prevention tools to the environmental sector has only just begun. As awareness of the environmental impact of corruption grows, environmental governance mechanisms need to be strengthened. Considerably more efforts will have to be invested into producing robust systems that are able to repel the temptation of corruption. This is especially relevant in a context of energy transition which relies on the extraction of minerals.

Looking at enforcement, as the first generation of corruption and money laundering cases against environmental criminals conclude, it is vital to ensure that lessons learned are shared to be replicated or adapted by related entities in the same jurisdiction and relevant foreign jurisdictions.

Among the contributions of non-State actors discussed in this report is the emergence of various fora to exchange experiences among officials and professionals engaged in fighting corruption and/or crimes that have an impact on the environment. These fora are likely to increasingly provide the necessary specialised networks to accelerate peer learning, expertise and thus impact.

Even though it is still early to draw definitive conclusions on the results and impacts of these activities, they are promising in many aspects.

What make initiatives promising?

The research team and the Green Corruption programme of the Basel Institute on Governance looked at a combination of the following factors to determine the promising initiatives identified in this report:

- Tried and tested approaches in other spaces that appear to have the right preconditions to function well in the environmental space.
- New approaches that are low cost and low risk.
- Spaces where very limited work is done to date, meaning that investments might make an outsized difference.
- Engagements where environmental and integrity considerations align and thus make adoption more likely.
- Activities that align with broader national, regional or global trends, where efforts are likely to bear fruit over time.

Promising initiatives relating to corruption prevention include:

- **Conducting regular corruption perception and experience surveys among staff** can help assess both progress and the effectiveness of corruption prevention measures. It can also create baselines against which to measure progress.

- **Involving high-level management and leadership** at each stage of the corruption prevention approach can help develop ownership and accountability. Explaining how integrity efforts support the strategic and political priorities of the leadership is crucial to achieve this.

- **Stipulating a mandatory budget for corruption prevention** across ministries, agencies and department can help ensure a minimal investment in integrity and anti-corruption activities are effectively prioritised and implemented. Sanctions for not respecting the mandatory budget should be imposed.

- **Platforms for government representatives from different countries to exchange** on corruption prevention actions can help identify and learn from successes and challenges.

Promising initiatives relating to enforcement include:

- **Assessing the economic, social and environmental losses** from cases of corruption linked to crimes that have an impact on the environment – and using these to calculate associated penalties and fines – can help compensate and restore some of the harm done. Combining calculations of losses due to corruption with those of losses due to the environmental crimes can result in stiffer sentences and penalties.

- **Seizing and confiscating proceeds and instrumentalities of crime** (bank accounts, real estate, vehicles, art, jewellery, etc.) through the diverse legal instruments available in jurisdictions can help ensure that crime does not pay. It also removes the resources needed to continue activities that harm the environment, thereby halting ongoing destruction.

- **Exploring legal avenues outside the anti-corruption field** can help strengthen enforcement. These include money laundering and tax offences as well as corporate due diligence legislation, remedies via civil proceedings and ESG considerations to expose greenwashing.

Further promising initiatives

UNCAC States parties, civil society, academia, the media and the private sector have also engaged in initiatives in areas that were not laid out in Resolution 8/12 which show promising signals and should be highlighted:

- **The increase of transparency and accountability** through initiatives such as the Extractive Industries Transparency Initiative,[36] the Fisheries Transparency Initiative,[37] and the Open Government Partnership.[38]

36 See: https://eiti.org/

37 See: https://fiti.global/

38 See: https://www.opengovpartnership.org/

- **The adoption of beneficial ownership legislation,** the disclosure of beneficial ownership information and the creation of beneficial ownership registers.[39]

- **The establishment of traceability systems, electronic information systems** and electronic permitting systems in the forestry, wildlife and fisheries sector.[40]

- **The monitoring and reviewing of court proceedings and decisions.[41]**

A paradigm shift for corruption and the environment

A paradigm shift is necessary, moving from the concept of "corruption as it relates to crimes that have an impact on the environment" to "corruption that impacts the environment", or simply "environmental corruption".

Corruption can harm the environment without being linked to a crime that has an impact on the environment. For example, a bribe to obtain a land conversion permit may result in apparently legal deforestation and biodiversity loss. Similarly, embezzlement of funds allocated for afforestation projects impedes efforts to address climate change, without a forest crime being committed.

Focusing solely on corruption linked to crimes that have an impact on the environment overlooks situations where corruption causes environmental harm without an associated environmental offence. As our understanding of the connection between corruption and the environment expands, so should our definition to encompass corruption linked to activities damaging the environment. A holistic approach is crucial for protecting the environment and people.

Looking ahead

Overall, the diversity of engagements is laudable. But it is far from the scale needed to make a systemic difference to both our societal corruption and environmental challenges. Sustaining efforts and maintaining momentum over time are necessary for long-lasting change. States parties need to test and scale up initiatives that are effective or look promising, by:

- Making efforts to assess and understand their country's risks of corruption as it relates to the environment.

- Ensuring more robust staffing and prioritisation of corruption prevention systems in government and state-owned enterprises tasked with conserving, managing or trading natural resources.

39 For an overview of actions worldwide on beneficial ownership transparency, see the work by Open Ownership: https://www.openownership.org/en/map/

40 For example, in 2021-2022, WWF Peru piloted an electronic permitting app to reduce opportunities for corruption in the fisheries. See: https://www.worldwildlife.org/pages/tnrc-peru-pilot-summary. In addition, around 30 countries are developing or planning electronic CITES permit system.

41 For more information, see the TNRC publication reviewing the monitoring of wildlife crime cases in Africa, Asia, and South America: https://www.worldwildlife.org/pages/tnrc-practice-note-monitoring-wildlife-crime-cases-a-possible-approach-to-reduce-corruption-in-the-justice-system

- Developing specialised knowledge and expertise of governmental institutions and agencies to better address corruption that impacts the environment.
- Incorporating anti-corruption measures into environmental and natural resource policies and strengthening environmental governance structures to include anti-corruption internal controls and mechanisms.
- Dedicating greater resources for specialised law enforcement to pursue complex financial flows linked to corruption and crimes that have an impact on the environment.
- Increasing inter-agency collaboration and conducting joint operations on environmental corruption.
- Making use of legal frameworks and testing new legal avenues to hold individuals and natural persons accountable, including through asset recovery and remedies to repair the damage.
- Gathering evidence on corruption that affects the environment.
- Engaging in platforms for representatives from governments, civil society and other stakeholder groups to exchange experiences and know-how in tackling corruption that impacts the environment.
- Sharing knowledge, case law, "success stories", etc.
- Ensuring that this issue is integrated in all relevant United Nations processes such as the ones related to climate and biodiversity.

Protecting civil society space, in particular journalists and human rights defenders working on the environment and corruption-related issues, is also vital to tackle efficiently environmental corruption.

The 11th Conference of the States Parties to the UNCAC in 2025 will be a good opportunity to take stock of progress and analyse lessons learned from the interventions presented in the report and others that are hopefully launched in the coming year.

References

Cabrejo le Roux, Amanda, Romero, Isabella. 2023. "Following-the-money" in environmental crime cases: Lessons from experience. TNRC. September 2023. www.worldwildlife.org/pages/tnrc-blog-following-the-money-in-environmental-crime-cases-lessons-from-experience

Chan, Tiffanie, et al. 2023. *Corruption and integrity risks in climate solutions: an emerging global challenge*. The London School of Economics and Politicial Science.

FATF. 2021. *Money Laundering from Environmental Crimes FATF.*

Feinstein, Samantha, Devind, Tom et al. 2021. *Are whistleblowing laws working? A global study of whistleblower protection litigation.* International Bar Association.

Freeland. 2021. Thailand says $11m seized in wildlife trafficking sting. Freeland. March 17, 2021. www.freeland.org/newsroom/thailand-says-11m-seized-in-wildlife-trafficking-sting

Financial Crimes Enforcement Network. 2021. *Illicit finance threat involving wildlife trafficking and related trends in bank secrecy act data.* Financial Crimes Enforcement Network

Global Witness. 2023. *Standing firm: The Land and Environmental Defenders on the frontlines of the climate crisis.* Global Witness.

Gobierno Regional San Martín. 2023. Firman Plan de Acción para reducir riesgos de corrupción en la cadena de valor de la madera. *Gobierno Regional San Martín.* June 19, 2023. www.gob.pe/institucion/regionsanmartin/noticias/779415-firman-plan-de-accion-para-reducir-riesgos-de-corrupcion-en-la-cadena-de-valor-de-la-madera

Interpol. 2016. *Uncovering the risks of corruption in the forestry sector.* Interpol.

Interpol, RHIPTO, Global Initiative against Transnational Organized Crime. 2018. *World Atlas of Illicit Flows.* Global Initiative against Transnational Organized Crime.

Jong Hans Nicholas. 2023. Experts slam massive 'discount' in fines for Indonesian palm oil billionaire. *Mongabay.* September 27, 2023. news.mongabay.com/2023/09/experts-slam-massive-discount-in-fines-for-indonesian-palm-oil-billionaire/

Khan, Mushtaq, et al. 2020. *Climate change investments in Bangladesh: leveraging dual-use characteristics as an anti-corruption tool.* Working Paper 33. ACE SOAS Consortium.

Kleinfeld, James. 2019. Anatomy of a Bribe: A deep dive into an underworld of corruption. Al Jazeera. December 1, 2019. www.aljazeera.com/features/2019/12/1/anatomy-of-a-bribe-a-deep-dive-into-an-underworld-of-corruption

Lemaître, Sophie. 2022. How to (legally) silence an anti-corruption activist. *U4 Anti-Corruption Resource Centre.* October 18, 2022. www.u4.no/blog/how-to-legally-silence-an-anti-corruption-activist

Lemaître, Sophie. 2023. Strategic litigation and its untapped potential for anti-corruption. *U4 Anti-Corruption Resource Centre.* July 12, 2023. www.u4.no/blog/strategic-litigation-untapped-potential-for-anti-corruption

Llewellyn Aisyah. 2023. Indonesia's palm oil tycoon Darmadi gets 15 years for corruption. *Al Jazeera.* February 24, 2023. www.aljazeera.com/economy/2023/2/24/indonesias-palm-oil-tycoon-darmadi-gets-15-years-for-corruption

McCain, Nicole, 2022. Relatives of former field rangers 'linked to wildlife trafficking' arrested for money laundering. *News24.* December 7, 2022. www.news24.com/news24/southafrica/news/relatives-of-former-field-rangers-linked-to-wildlife-trafficking-arrested-for-money-laundering-20221207

Mining.com. 2023. Brazil's comptroller general alleges Vale corrupted inspection in Brumadinho case. *Mining.com.* September 21, 2023. www.mining.com/brazils-comptroller-general-alleges-vale-corrupted-inspection-in-brumadinho-case/

Nest, Michael, Mullard, Saul, Wathne, Cecilie. 2020. *Corruption and climate finance.* U4 Anti-Corruption Resource Centre.

Nest, Michael, Mullard, Saul. 2021. *Lobbying, corruption and climate finance: The stakes for international development.* U4 Anti-Corruption Resource Centre.

Nuwer, Rachel. 2023. Thai poaching kingpin is on the run after prison sentence. *National Geographic.* February 15, 2023. www.nationalgeographic.com/animals/article/manhunt-thai-poaching-kingpin-southeast-asia-traffickingivory

PPLAF. 2023. "Senegal: new investigations on rosewood trafficking between Mali and Senegal". *PPLAF.* September 11, 2023. www.pplaaf.org/2023/09/11/new-investigations-on-rosewood-trafficking-between-mali-and-senegal.html

Rabenandrasana, Clément, Harris, Ignace, and Rabemazava, Daniel. 2022. *Le secteur de l'or à Madagascar : au cœur des pratiques illicites - Le cas de Dabolava et Betsiaka.* U4 Anti-Corruption Resource Centre.

Reid, Alexandria, Parry-Jones, Rob, Keatinge, Tom. 2020. Targeting corruption and its proceeds: *Why we should mainstream an anti-corruption perspective into "follow the money" approaches to natural resource crime.* TNRC.

Resimić, Miloš. 2022. *Grand corruption and climate change policies.* U4 Anti-Corruption Resource Centre.

Romo, Vanessa. 2021. "Chinese triads target Bolivia's jaguars in search of 'American tiger' parts". *Mongabay.* March 2, 2021. news.mongabay.com/2021/03/chinese-triads-target-bolivias-jaguars-in-search-of-american-tiger-parts/

Sherpa. 2023. Complaint filed against French banks for money laundering and concealment of proceeds from illegal deforestation in the Amazon. *Sherpa.* November 8, 2023. www.asso-sherpa.org/complaint-filed-against-french-banks-for-money-laundering-and-concealment-of-proceeds-from-illegal-deforestation-in-the-amazon

Spicer, Jonathan, Grossmann, Juhani. 2022. *Targeting profit: non-conviction based forfeiture in environmental crime.* TNRC.

South African Police Service. 2023. The Directorate for Priority Crime Investigation, Lieutenant General (DR/Adv.) Godfrey Lebeya outlines and take stock of milestones achieved during the 1st quarter of financial year 2023/2024. *South African Police Service.* September 4, 2023. www.saps.gov.za/newsroom/msspeechdetail.php?nid=48206

Stop Illegal Fishing. 2021. *Corruption as a facilitator of illegal fishing - Insights from East Africa.* U4 Anti-Corruption Resource Centre.

Transparency International. 2022. *Corruption-free climate finance: Strengthening multilateral funds.* Transparency International.

UNODC. 2022. *Annual Report 2022.* UNODC.

U.S. Department of Justice. 2021. Two foreign nationals arrested for trafficking ivory and rhinoceros horn as part of international operation with the Democratic Republic of the Congo. *U.S. Department of Justice.* November 8, 2021. www.justice.gov/opa/pr/two-foreign-nationals-arrested-trafficking-ivory-and-rhinoceros-horn

U.S. Department of Justice. 2023. Justice Department announces indictment against two men for trafficking protected birds. *U.S. Department of Justice.* October 11, 2023. www.justice.gov/opa/pr/justice-department-announces-indictment-against-two-men-trafficking-protected-birds

U.S. Department of State. Designation of Democratic Republic of the Congo (DRC) public officials for significant corruption. *U.S. Department of State.* August 16, 2023. www.state.gov/designation-of-democratic-republic-of-the-congo-drc-public-officials-for-significant-corruption/

U.S. Securities and Exchange Commission. 2022. SEC charges Bazilian mining company with misleading investors about safety prior to deadly dam collapse. *U.S. Securities and Exchange Commission.* April 28, 2022. www.sec.gov/news/press-release/2022-86

World Bank. 2019. *Illegal logging, fishing, and wildlife trade: the costs and how to combat it.* World Bank.

Annex 1 – Relevant resources

Resource hubs and learning platforms

Basel Institute on Governance's publications and resources on Green Corruption: baselgovernance.org/publications?topic=6&type=All&country=All&language=All&title=

Basel LEARN, including a self-paced course on open-source intelligence based around an illegal fishing case: learn.baselgovernance.org

ACAMS self-paced course: www.acams.org/en/training/certificates/ending-illegal-wildlife-trade

Targeting Natural Resource Corruption knowledge hub: www.worldwildlife.org/pages/tnrc-knowledge-hub

U4 Anti-Corruption Resource Centre self-paced courses: www.u4.no/U4-natural-resources-short-online-courses

UNODC's publications and resources: www.unodc.org/unodc/en/environment-climate/resources.html

UNODC's teaching modules on wildlife crime: sherloc.unodc.org/cld/en/education/tertiary/wildlife-crime.html

Publications since 2019 providing a global overview of corruption linked to crimes that have an impact on the environment

Amerhauser, Kristina, Cartwright, Robin. 2023. *Hidden in plain sight – counting the cost of environmental crime.* Global Initiative against Transnational Organized Crime.

Environmental Investigation Agency. 2021. *Rotten to the Core: How to tackle the corrupt networks facilitating wildlife and forest crime.* Environmental Investigation Agency.

Europol. 2022. *Environmental Crime in the Age of Climate Change.* Threat assessment, Europol.

FATF. 2021. *Money Laundering from Environmental Crimes.* FATF.

Kassa, Saba, Costa, Jacopo, Baez Camargo, Claudia 2019. *Corruption and wildlife trafficking: exploring drivers, facilitators, and networks behind illegal wildlife trade in East Africa.* Working Paper 30. Basel Institute on Governance.

Isarin, Nancy, Baez Camargo, Claudia, and Cabrejo le Roux, Amanda. 2023. *Dirty deals: Case studies on corruption in waste management and trade.* Working Paper 49 (Environmental Corruption Deep Dive Series). Basel Institute on Governance.

TRAFFIC. 2020. *Case Digest: Initial Analysis of the Financial Flows and Payment Mechanisms behind Wildlife and Forest Crime.* TRAFFIC.

United Nations Office on Drugs and Crime. 2020. *World Wildlife Crime Report.* UNODC.

United Nations Office on Drugs and Crime. 2021. *Preventing and Combating Corruption as it Relates to Crimes that Have an Impact on the Environment: An Overview.* UNODC.

Wildlife Justice Commission. 2022. *Role of corruption in illegal trade.* Wildlife Justice Corruption.

Wildlife Justice Commission. 2023. *Dirty Money: The Role of Corruption in Enabling Wildlife Crime.* Wildlife Justice Commission.